

Election Guidance Notes for Public Officers in the Montserrat Public Service

1.0 INTRODUCTION

The Montserrat Constitution (Cap. 1.01) requires that a General Election be held within 5 years of the day of the first sitting of the Legislative Assembly, after a General Election. The first sitting of this Assembly was on 17 December 2019.

In accordance with section 69 of the Montserrat Constitution (Cap. 1.01), a General Election shall be held within three months, but not less than 21 days after every dissolution of the Assembly.

General Elections have a number of implications for the work of Ministries/Departments and public officers. These arise from the special character of Government business during an Election campaign, and from the special need to maintain, and be seen to maintain, the impartiality of the Public Service.

The basic principle for Public Officers, particularly those in mid to senior levels of the public service, and politically sensitive positions, is not to undertake any activity which could call into question their political impartiality or give rise to criticism that public resources are being used for party political purposes. It is important to remember that this applies to online

communication, for example using social media in the same way as off-line activity.

This basic principle becomes even more important during any period of Election Sensitivity when a change of Government may be contemplated. Such periods may arise following the dissolution of the Legislative Assembly in advance of a General Election, or following a Parliamentary vote of no confidence in the Government and continues until such time as a new Government is sworn in.

This Guidance is intended to provide clarification on the scope of General Order 316, and some aspects of General Order 311, 313, and 314, as well as clauses 3 (d), (e), and (f) of the Code of Conduct for Public Officers. Public officers are reminded that these provisions form part of every public officers' terms of employment and remain applicable at all times.

These notes provide guidance to Public Officers on their role and conduct during this particularly sensitive period. Maintaining neutrality and the highest standard of performance and professionalism throughout the period leading up to the General Elections must remain a core value of the Montserrat Public Service.

This Guidance applies to all public officers. Public officers on secondment to private organizations/Government Agencies and or Statutory bodies are also expected to adhere to these guidelines. This guidance also applies to persons seconded from the private sector to the public service and paid out of the Consolidated Fund.

Adherence to these Guidelines will enable public officers to maintain their ability to serve the Government of the day,

whatever its political position, to the best of their abilities. It should also assist public officers to act in a manner which deserves and retains the confidence of Ministers, whilst ensuring that they will be able to establish good relationships with those whom they may be required to serve in some future government.

If appropriate, public officers could seek clarifications from their Head of Department.

The Office of the Deputy Governor is grateful for the assistance and contributions of the relevant government departments and the Core Management Team in the preparation of this document.

2.0 GENERAL GUIDELINES

NOTE: Nothing presented in these Guidance Notes should be interpreted as meaning that Public Officers may not hold their own political views, or that they must refrain from activities designed to explain a Political Party's platform/manifesto. Public Officers as citizens enjoy certain fundamental rights and freedoms, including the protection of freedom of assembly and association. It is expected that during the run-up to the General Elections that all citizens will use the opportunities provided to directly inform themselves of the issues of the day and the positions of various political parties and candidates on such issues. However, in doing so public officers must be mindful at all times of the need to safeguard the integrity and impartiality of the Public Service given their role within the Public Service.

It is useful for public officers to take account of the fact that the dissolution of the Legislative Assembly, does not affect the day-to-day operation of Government business. The Premier and Ministers retain responsibility for the administration of their Ministries, departments and the Government until such time as the results of a General Election are published declaring the nine successful candidates. It is expected however, that during periods of elections sensitivity, Ministers would not undertake any new initiative which have a continuing or long-term effect.

For the purposes of these Guidelines, the official period of Election Sensitivity takes effect once the General Election Proclamation is published in the Gazette to announce the dissolution of the Legislative Assembly and until the announcement of the winning Party/Candidates. However, public officers are reminded that special care must be taken to maintain their ability to serve a future Government from the commencement of Public Political Meetings and Public Consultations.

All Public Officers must note the following:

- a) Party political stickers are not to be posted in any Ministry or departmental office of the Government of Montserrat or on any vehicle or any other resource owned by the Government.
- b) Public Officers must govern themselves in accordance with the guidelines contained in this document and the appropriate sections of the General Orders.
- c) Breaches of conduct will be handled in accordance with the provisions of the General Orders and the Public

Service Act, or any other law which shall come into force which may supersede these.

2.1 The following general principles must be observed by all Public Officers including special advisers to the Government of Montserrat depending on their level of restrictions as outlined in these guidelines.

2.1.1 Politically Restricted.

- a) This part applies to Public Officers who hold the following posts or who are within the following salary points:
- R17 and above
 - Members of the Royal Montserrat Police Service (All Ranks)
 - Reporters –Broadcasting - ZJB
- b) Public officers within this category must:
- I. maintain political impartiality at all times.
 - II. exercise at all times the proper restraint in matters of political controversy and should not conduct themselves in such a way that could erode the political impartiality and threaten the confidence of the public in the Montserrat Public Service.
 - III. not express opinions about any Party or Candidates or on matters of political controversy to the press or in letters to the editor nor in books and articles nor by any other printed or electronic means, including social media.

- IV. not allow the expression of their personal political views to constitute so strong and so comprehensive a commitment to one political party as to inhibit or appear to inhibit loyal and effective service to Ministers or Members of the Legislative Assembly who are part of another party.
- V. take particular care to express comment(s) with moderation, particularly about matters for which their own Ministers are responsible; to avoid comment(s) altogether about matters of controversy affecting the responsibility of their own Ministers, and to avoid personal attacks.
- VI. not attend in their official capacity conferences or functions convened by or under the sponsorship of a political party. (NB. This does not apply to police officers or other essential workers detailed to work at such events)
- VII. not engage in, or be seen to engage in Party politics, while carrying out their duties
- VIII. not hold office in any political party or make political speeches.
- IX. not act as Party Agents, sub-agents or canvassers.
- X. must not wear Political Party/Parliamentary Candidate t-shirts, caps, buttons, pins or any other similar items to work.
- XI. must not take part in any political activity when on duty, or in uniform, or on official premises,
- XII. must, as a matter of principle, maintain a low profile during General Elections so as to avoid the risk of appearing to be in conflict or in agreement with any Political Party.

2.1.2 Partially Politically Restricted

This part applies to Public Officers who hold the following posts or who are within the following salary points:

- R39 – R18

- a) Public Officers within the category must comply with the guidelines outlined at 2.1.1 (b) above.
- b) With the written approval of the Deputy Governor Public officers within the category may:
 - I. hold office in any political party or make political speeches.
 - II. act as Party Agents, sub-agents or canvassers.

2.1.3 Politically Free

This part applies to Public Officers who hold the following post or who are within the following salary points:

- R44-R40

- a) Subject to b) below, Public Officers within this category are not subject to any restrictions on involvement in political activity.
- b) Notwithstanding a), persons within this category must not:

- i. wear Political Party/Election Candidate t-shirts, caps, buttons, pins or any other similar items to work.
- ii. take part in any political activity when on duty, or in uniform, or on official premises.

2.2.1 Public Officers Standing in General Elections

- (a) A Public Officer within the Politically Restricted and Partially Politically Restricted categories who is intending to run for political office must resign from his/her post before being publicly named or declared as a prospective candidate for any political party or as an independent candidate.
- (b) A Public Officer within the Politically Free Category must resign from his/her post before being nominated on nomination day.
- (c) Candidates who are not elected are not entitled to reinstatement to their former Public Service positions. Candidates who wish to re-join the Public Service have to do so through the established procedures of application for any advertised posts.

2.2.2 Public Officers acting as Elections Officials

A public officer in the scale R44 to R13 may, with written approval of the Deputy Governor act as a “election official” during an election. “Election official” includes a returning officer, assistant returning officer, revising officer, presiding officer, registering officer, and a poll clerk.

Note: *Nothing presented in this Section or elsewhere in these Guidance Notes should be interpreted as meaning that Public Officers may not hold their own political views, or that they must refrain from activities designed to explain a Political Party's platform/manifesto. However, in doing so they must be mindful at all times of the need to safeguard the integrity and impartiality of the Public Service given the role within the public Service.*

3 GUIDELINES TO ASSIST WITH THE HANDLING OF INFORMATION

Montserrat does not have an Act governing freedom of information. At all times, government departments and their staff must not engage in, or appear to engage in party politics or be used for party purposes.

Information requests from political parties and independent candidates should be handled by the Permanent Secretary/Head of Department.

Requests for information may range from enquiries about existing Government policy, which are essentially factual in nature, to requests for justification and comment on existing Government policy. Public Officers including professionals, employed by the Public Service may provide factual information publicly (including in television or radio interviews) or electronically (including social media) but should

in all instances avoid becoming involved, or appearing to become involved, in a partisan way in election issues.

Enquiries from the media should be handled through the Director of Information with the support of the relevant Permanent Secretary/Head of Department.

The circumstances of a General Election demand the greatest speed in dealing with enquiries. In particular, the aim should be to answer inquiries from Parliamentary candidates or from any of the political parties' headquarters within twenty-four to forty-eight hours.

When addressing request for information from different political parties and groups, Public Officers must ensure that there is even handedness when providing information.

Note that:

- a) Permanent Secretaries and Heads of Departments must ensure that all responses to candidates' information requests are factual, relevant to the business and consistent with Government policy. These officers should not allow their personal opinions and biases to influence information delivered on behalf of the Government.
- b) Permanent Secretaries and Heads of Departments must ensure that consistent factual information is provided to requests from candidates of all parties, as well as to organisations and all members of the public. In all instances, they must avoid becoming involved or appearing to become involved, in a partisan way, in election issues.

- c) Public Officers must not engage in, or be seen to engage in Party politics, while carrying out their duties.
- d) With reference to a) above, in all cases where there is any doubt, the matter should be referred to the Deputy Governor who will determine whether or not the information should be disseminated.
- e) If a Public Officer is asked by a member of the media to comment on a policy or issue that might bring about comparisons between Parties or parliamentary candidates, the Officer should politely decline.
- f) Issues relating to any Minister should be referred to the Minister in question. If policy guidance is already available on an issue addressed to a Minister, the issue may be responded to at the level of the Public Service.
- g) Routine factual press notices may continue to be issued – for example statistics that are issued on a regular basis or reports of publicly-owned bodies, independent committees, etc. which a department is required to publish.
- h) Statements that refer to new initiatives and future initiatives of the Government should not be handled by a department and should be treated as party political statements.
- i) Official websites and social media channels and accounts, which are managed by Ministries and Departments should not be updated during the official period of Election

Sensitivity, except for the addition of minor changes to factual information such as changes to addresses.

- j) Updating the public with essential factual information may continue but social media and blogs that comment on government policies and proposals should not be updated once the Assembly has been dissolved.
- k) Once the Assembly has been dissolved, arrangements for newspaper articles, interviews and broadcasts by Ministers, including online, should be arranged through the party-political structure, except in the following circumstances:
 - i. In the case of a significant event, where failure to publicly address the event may be damaging to the national interest; or
 - ii. Announcements relating to the health, safety, and well-being of the public; or
 - iii. Public notices issued for legal purposes.
- l) Films, videos and photographs from departmental libraries or sources should not be made available for use by political parties.

4 BRIEFING TO MINISTERS

Ministers continue to be in charge of departments. It is reasonable for Departments to continue to provide the following:

- support for any official functions the Minister performs;
- policy advice and factual briefings necessary to resolve issues which cannot be deferred until after the election.

It is in order for Departments to check statements for factual accuracy and consistency with established Government policy.

Officials should not, however, be asked to devise new arguments for use in election campaign debates and departments should not undertake new costings of opposition policies during a campaign.

5 CORRESPONDENCE WITH CONSTITUENTS

During the election period, replies to letters from members of the electorate received from Members of the Legislative Assembly before the dissolution, or to similar letters from candidates should consider the fact that if they become public knowledge they will do so in the charged atmosphere of an election and are more likely to become the subject of political comment. Outstanding correspondence should be cleared quickly. While it is impossible to cover every contingency or lay down hard and fast rules, the following observations may help:

- a) After dissolution, a Member of the Legislative Assembly's constitutional right to represent his or her constituents' grievances to Government disappears, and all candidates for an election are strictly speaking on an equal footing; but this doctrine should be applied in a reasonable way.

In general, replies should be sent by Ministers to constituency letters written by Members of the Assembly before dissolution. In many cases it will be courteous for Ministers to reply to letters on constituency matters written after the dissolution by former Members. This should be handled in a way which avoids discrimination, or the appearance of discrimination, on constituency correspondence between letters of /from government and other candidates.

- b) Clearly the main consideration must be to ensure that the citizen's interests are not prejudiced. But it is quite possible that a personal case may become politically controversial during the election campaign. Departments should therefore make particular efforts to ensure, so far as possible, that letters are simple, straightforward and give no room for misrepresentation.

6 USE OF GOVERNMENT RESOURCES

In accordance with the Public Service Code of Conduct, official resources should only be used for authorised purposes and purposes connected to official duties.

Official resources include but are not limited to: buildings, material, information technology equipment and systems (e.g. computers, email systems and servers), telecommunications

systems, (e.g. telephones, cell phones, radios), photocopiers, vehicles and officers' work time.

Decisions on the use of other public sector and related property must be taken by those legally responsible for the premises concerned.

The use of other Government resources, such as schools, comes under the authority of the Minister of Education but those with such responsibility are reminded of the need to treat all candidates fairly and equitably.

7 GOVERNMENT DECISIONS AND APPOINTMENTS

During an election campaign, the Government retains its responsibility to govern and Ministers remain in charge of their Ministries/Department. Essential business must be carried on. However, it is customary for Ministers to observe discretion in initiating any action of a continuing or long-term character.

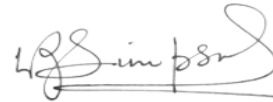
Decisions on matters of policy, and other issues such as large and/or contentious procurement contracts, on which a new Government might be expected to want the opportunity to take a different view from the present Government should be postponed until after the election, provided that such postponement would not be detrimental to the national interest nor wasteful of public money.

Additionally, appointments to positions which would require consultation with any members of the Legislature should be

deferred until after the General Election, provided that such postponement would not be detrimental to the national interest or result in the wasteful use of public money.

Further Advice

In cases of doubt, in the first instance, you should consult your Permanent Secretary who may consult the Deputy Governor or the Attorney General.



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Lyndell Simpson
Deputy Governor

Office of the Deputy Governor
Issued ...24th.....June 2024

***SOURCES and
ACKNOWLEDGEMENTS***

The Montserrat Constitution (Cap. 1.01)
The General Orders of Montserrat (as amended –
Establishment Circular #2 of 2017)
The Public Service Act (Cap. 1.06)
Election Guidelines for the Cayman Islands Public Service 2022
UK Election Guidance Notes for Civil Servants – Bermuda
Government, June 2003
UK Civil Service Management Code – November 2016
UK Cabinet Office General Elections Guidance 2024
UK Cabinet Office – Local Elections Guidance – April 2019