



Northern Ireland
Assembly

GUIDANCE FOR MEMBERS DURING A GENERAL ELECTION CAMPAIGN

December 2019

1. Introduction

- 1.1. The general election to Westminster has been called for *12 December 2019*. It is recognised that current Members of the Legislative Assembly (Members) may stand for election as Members of Parliament (MPs) at Westminster. It is also recognised that individuals currently employed as support staff to Members or parties may also be standing as candidates. Alternatively support staff may want to be involved, either directly or indirectly in campaigning on behalf of a party.
- 1.2. The purpose of this document is to provide Members and support staff with guidance on the arrangements that apply to the use of Assembly resources (including the use of constituency offices) during this general election period.
- 1.3. Members are reminded that **all** Assembly resources, including financial resources, are **only** available to Members in their capacity as Members of the Assembly. There is an overarching requirement that resources and allowances, which are funded from public money, **must only** be used for the purpose of carrying out Assembly functions. Party political activities, including those connected with the general election are explicitly excluded from these arrangements. This applies to **all** resources including, but not limited to, the use of Parliament Buildings, Research and Library Services, information technology and communication systems, Assembly stationery and any other resources purchased with funding provided by the Assembly Members' (Salaries and Expenses) Determination (Northern Ireland) 2016 (the Determination).
- 1.4. Any misuse of resources, funded from public money, will have an impact on Members and importantly, there may be a significant financial impact for Members as a consequence. Therefore, it is imperative that Members note the distinction of any potential impacts. Any inadmissible activities undertaken using the resources provided by the Assembly Commission, may amount to a breach of the Assembly's Code of Conduct. However any inadmissible activity or misuse of resources provided under the Determination, will be assessed using the appropriate criteria and sanctions of the Determination.
- 1.5. It is recognised that Members will also make use of resources that are not provided by the Assembly Commission or funded under the provisions of the Determination. This guidance also sets out recommendations that Members may wish to consider in regard to such resources; in order to ensure that electoral campaigning is separate and distinct from ongoing Assembly business.

2. Use of Parliament Buildings' Facilities

- 2.1. During this period of election campaigning Members and their staff may continue to use Parliament Buildings as normal for all activities **relating to their Assembly functions**. For the purposes of this guidance "Assembly functions" will be taken to have the same meaning as those quoted in the Determination (Paragraph 47 (3) refers). The Determination notes that Assembly functions do **not** include activities which are related to a Member's role in a political party.
- 2.2. During this period Members may continue to sponsor events and to book meetings for Assembly related business. However, facilities in Parliament Buildings **must not** be used by Parties, Members, their staff or guests for election campaigning or any party activity relating to the election.
- 2.3. No film footage may be recorded in Parliament Buildings or its precincts in relation to election campaigning by Parties, Members, their staff or guests.
- 2.4. No film footage taken from either the Assembly Chamber or Committee meetings may be used in relation to election campaigning by Parties, Members, their staff or guests.
- 2.5. No press conferences are to be held in Parliament Buildings relating to the election campaign by Parties, Members, their staff or guests.
- 2.6. Rule 10 of the Assembly's Code of Conduct provides that "*You shall observe and comply with the Rules on All-Party Groups and any policy, guidance or instructions of any kind approved by the Assembly, or issued by the Assembly Commission or Assembly secretariat staff on its behalf or with its authority.*" Any breach of this guidance could therefore amount to a breach of the Assembly's Code of Conduct.
- 2.7. Any breaches of the rules regarding the use of Parliament Buildings and associated facilities will be referred to the Assembly Commission for consideration.

3. Financial Resources

- 3.1. As already noted above, **all** Assembly resources, including financial resources, are **only** available to Members in their capacity as Members of the Assembly. There is an absolute requirement that financial support can **only** be paid to Members when they are carrying out Assembly functions. Paragraph 6 (2) (b & c) of the Determination very clearly states that the purpose of the payment of expenses is not to “*allow political parties to benefit from expenses incurred by members or, to allow resources made available to members for the exercise of functions as members to be used for other political activities*”. This is taken to include all election campaigning.
- 3.2. For the avoidance of doubt, the purpose of financial support is to reimburse Members for expenditure wholly, exclusively and necessarily incurred in carrying out Assembly functions. Party political activities relating to a general election campaign, particularly the use of constituency offices or input from Members’ support staff, are totally excluded from these arrangements. It is imperative that all Members and their support staff are familiar with this guidance; failure to comply may have a significant financial impact on Members, if inadmissible activities are undertaken.
- 3.3. There are a number of references throughout this document to the recoupment of payments. Paragraph 43 of the Determination provides for the recoupment of overpaid salary, expenses, allowances or support staff costs. During an election period overpayments may arise for a number of reasons, either through the incorrect processing of a claim or through identified misuse of resources.
- 3.4. Where an issue is identified and recovery is sought Members will be notified, in writing, stating the reason for the recoupment and the amount that has to be repaid. Repayment of the amount must be made within three months of receiving the notification. This paragraph includes the provision for the deduction of overpaid amounts from **any** future amounts to be paid to Members, if there is a default of repayment.
- 3.5. Failure to comply with the criteria of the Determination regarding the use of resources, particularly with regard to the use of resources for party political activity, will be deemed to be in breach of the Determination. This is taken to include the use of constituency offices for election campaigning purposes, the use of constituency office contact details (e.g telephone number or address) on election campaigning material, or the use of publically funded websites for election campaigning purposes. Where an issue of non-compliance is identified, recovery of **all** costs claimed during the entire period of non-compliance will be sought, including payments already made for rent and rates.

- 3.6. If a Member is elected as an MP the Finance Office will liaise with the Independent Parliamentary Standards Authority (IPSA) to ensure that there is no duplication of payments during the transitional period of membership from one legislature to the other.

Constituency Office Expenses (COE)

- 3.7. Constituency Office Expenses (COE) are those expenses which may be claimed for running a constituency office service. These include rent and rates and Constituency Office Operating Expenses (COOE) (as defined in Paragraph 16 of the Determination). Members are again reminded that the overarching purpose of this stream of funding is to assist Members in meeting expenses that have actually been incurred in connection with the exercise of a Member's functions. Costs incurred as a consequence of activities which may be deemed as being associated with an election campaign, or being party political in nature, are not admissible.
- 3.8. It is essential that neither Members nor the Assembly Commission are vulnerable to criticism on the use of public funds. Rule 9 of the Assembly's Code of Conduct states that "*You shall not misuse any payment, allowance or resources available to you for public purposes. You shall strictly observe the requirements of any determination made by the Independent Financial Review Panel and any rules made by the Assembly Commission applying to these or any other payments, allowances and resources.*"
- 3.9. All categories of Members' COE may continue to be claimed as normal during this period. However, such claims are only admissible on the basis that constituency offices are not being used to co-ordinate a general election campaign or promote a general election candidate. In this regard, Members are particularly reminded of the specific requirements of Paragraph 14 (7) of Determination relating to rent and rates which states that "*no expense may be recovered if any party political posters are displayed so as to be visible from the outside of the constituency office*". Where a Member is found to have displayed any election posters, so as to be visible from the outside of the constituency office, recovery will be sought for **all** office related costs incurred during the period of non-compliance.
- 3.10. In order to ensure complete transparency on this matter, **all** Members must complete and sign the declaration attached at Annex A to this document. This is to indicate that the guidance has been received and that Members will comply with it during this time. This will ensure there is complete transparency on how COE is being utilised at this time.

- 3.11. This document does not contain any information on allowable election expenses as the responsibility for such matters lies outside the Finance Office. Details can be obtained from:

The Electoral Commission
Ground Floor,
4 Cromac Place
The Gasworks
Belfast BT7 2JB
Tel: 0333 103 1928
Fax: 028 9031 4827
infonorthernireland@electoralcommission.org.uk

Political Campaigning Costs

- 3.12. Any expenses claimed in connection with political campaigning, fund raising, party membership appeals or any other political or partisan activity are not a proper charge under the Determination and will not be processed for payment. This includes any costs that Members may seek to have reimbursed under the “sundry expenditure” category of expenditure.

Assembly Stationery

- 3.13. Assembly stationery and consumables purchased from the Office Resources team **must not** be used for any purpose other than Assembly business. Stationery and consumable costs may be claimed from COOE if they are for the purpose of constituency business, for example, relating to ongoing casework. Assembly stationery and pre-paid envelopes **must not** be used for any purpose associated with the election.

Members’ Staff Salaries

- 3.14. Payments for support staff salaries can only be made to staff working on Assembly and constituency business. Payments cannot be made to staff who are carrying out activities which may be deemed to be related to the general election campaign or are party political in nature.
- 3.15. Members’ support staff are funded from the Support Staff Costs provisions of the Determination and as such may only participate in the election campaign (either as candidates, through canvassing, acting as an election agent or other election-related activities) if they do so outside contracted working hours or, during approved periods of annual or unpaid leave. Members’ support staff **must not** engage in any election related activity during contracted hours when they are paid solely to support a Member in carrying out his or her Assembly functions.

- 3.16. If a member of support staff is elected and is actively performing his or her role as a MP, the member of support staff will be unable to fulfil the terms of the contract of employment with the employing Member. As the terms of the contract cannot be fulfilled, it will be deemed to have been terminated from the date that the former member of support staff is eligible to receive remuneration for the role of MP. Under these circumstances, Members should not be required to make payments in lieu of notice to end the contract of employment or make a redundancy payment. If a member of support staff is standing as a candidate in the general election, it is imperative that Members notify the Finance Office as soon as possible so that the necessary arrangements can be made for payroll payments, should that individual be elected.
- 3.17. Members should also be aware that if one of their support staff team is paid for a job associated with the general election, for example, as an election agent, he or she should be required to take leave during this period.
- 3.18. Members should contact Terence Wells, Payroll Manager on 028 90 520362 immediately to discuss any individual circumstances.

Travel Allowances

- 3.19. Members are asked to note that the travel allowances will remain payable at this time under the two headings:
- Constituency Travel allowance; and
 - Assembly Travel Allowance.
- 3.20. Members are entitled to the Constituency Travel allowance for travel within a Member's constituency. This will remain payable during this period.

- 3.21. The Assembly Travel allowance is payable for travel from the Member's constituency office to the Assembly (Parliament Buildings). It is payable monthly through the payroll system. Entitlement to the full annual allowance is dependent on a Member attending the Assembly for 100 or more days a year. For each day less than this that the Member attends the allowance is reduced by 1%. While this allowance will continue to be paid during this period, Members are reminded under Paragraph 26 (4) of the Determination they are required to keep records of attendance at the Assembly. At the end of the financial year or on leaving the Assembly each Member will be asked to confirm that they have attended the Assembly for the minimum number of days. Attendance at the Assembly must be to carry out Assembly functions only, it does not include attendance at talks associated with restoring the Assembly, for party political purposes or for activities associated with an election campaign.
- 3.22. If at the end the financial year or on leaving the Assembly a Member fails to attend for the minimum number of days, recoupment will be sought for any overpayment of this allowance.

4. Information Technology and Communications

Information Technology

- 4.1. Assembly e-mail accounts or IT equipment **must not** be used in any way for election purposes. This includes canvassing, campaigning or as a contact point for candidates or prospective candidates. These facilities may only be used in connection with Assembly functions including constituency work.
- 4.2. During this election period Members and their staff will continue to have use of IT facilities in Parliament Buildings and in their offices for Assembly or constituency work only.

Assembly Logo

- 4.3. The Assembly logo and Assembly headed stationery must only be used in relation to Assembly functions.

Social Media

- 4.4. It is recognised that the account name and content of a Member's social media account is a matter for each individual Member. However, it is recommended that social media accounts which identify a candidate as a Member of the Assembly should not be used for election purposes. Members standing for election as an MP may wish to consider renaming their social media accounts or setting up a separate account during this time. This may help to ensure that election campaigning is separate and distinct from the ongoing work of the Assembly.

5. Research and Information

- 5.1. Members requiring access to the services provided by the Research and Library Service during this election period should continue to contact the service in the normal manner. However, requests for research or library services for electioneering purposes are not permitted.

6. Key Contacts

- 6.1. All of the Assembly Commission's facilities and services remain available to Members in relation to their Assembly functions. If Members have specific queries relating to any of topics covered by this guidance, a list of useful contact numbers can be found below:

Head of Finance	Paula McClintock	028 905 21258
Members Services (Finance)	Suzanne Murphy	028 905 21901
	Lynne McBride	028 905 21694
	Terence Wells	028 905 20362
Communications & Media	Debra Savage	028 905 21405
IS Service Helpdesk		028 905 21000

Form EC 1
2019 GENERAL ELECTION DECLARATION

Members must not use any Assembly resources (including constituency offices) for the purpose of conducting an election campaign and must not use staff, currently employed and paid out of Support Staff Costs to assist them or others in an election campaign:

I,, Member of the Assembly for
..... (Constituency), declare that:

I will not be using my constituency office* for the purpose of conducting an election campaign, including the display of any party political posters;

I will not be employing staff, whose salaries are paid out of Support Staff Costs, to assist me in conducting an election campaign or to provide assistance to another candidate or a political party; and

I have read the document entitled "Guidance for Members During a General Election Campaign, December 2019" and confirm that I am aware of the rules and will comply with them during this period; and

I understand that any resources provided through the Determination must only be used in connection with the exercise of my functions as a Member, and if I am found to be in breach of any of the rules regarding financial support, I will have to reimburse **all** related costs claimed during a period of non-compliance.

Signed: Date:

* **Note:** "constituency office" means accommodation for which any costs are claimed from a Member's COE.

Once completed, please return the form to:

Members' Financial Services Team
Room 401
Parliament Buildings
Stormont Estate
Ballymiscaw
Belfast
BT4 3XX.