

Code of Conduct for Electoral Commissioners

	Page
1 Introduction	2
2 Conflicts of interest	3-4
3 Gifts and hospitality	5
4 Confidentiality and personal liability	6
5 Other – resources, information handling, bribery	7-9
6 Declaration	10

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1 Introduction

The Electoral Commission is an independent body set up by the UK Parliament, and its main functions are set out in the Political Parties, Elections and Referendums Act 2000 (PPERA) as amended.

Its aim is integrity and public confidence in the democratic process.

Commissioners, and the Commission as a body, are accountable to Parliament. Within the Commission, Commissioners are accountable to the Chair. Commissioners are expected to act at all times to further the Commission's aims and objectives, and uphold its impartiality.

The purpose of this code is to provide clear guidance on the standard of behaviour expected of you as an Electoral Commissioner, on the importance of collective responsibility, and on maintaining the highest standards of integrity, honesty, impartiality and objectivity which are integral to your role as Commissioner. These are the standards set out in the Nolan Principles ([Appendix 6](#)). The onus is on Commissioners to declare any of the matters referred to in the Code, or report any change in their circumstances which might affect their position.

Electoral Commissioners should read the code, sign and date the declaration at the end of the document and return it to the Secretary to the Commission Board. Please keep a copy of the code for your information.

2 Conflicts of interest

The work of the Commission must be carried out free from any suggestion of improper influence, whether financial, personal, or political. This is crucial to maintaining public confidence in the Commission generally, and especially in its role as a regulator. We must be able to assure people that conflicts of interest are identified and managed promptly, transparently and securely; and that the information we hold is properly handled.

At all times the key question to ask when assessing whether to record an interest, gift, form of hospitality or meeting is: does it impact on the work of the Electoral Commission or reasonable public perception of my role as an Electoral Commissioner?

Every Commissioner is expected to act by drawing on their experience and knowledge for the benefit of the Commission's work. However, it is important that actual and potential conflicts of interest (real or that could be reasonably perceived) are disclosed to ensure that they can be recorded and that any potential reputational damage to either yourself or the Commission can be managed.

The failure to declare an interest and then act appropriately can affect the validity of a decision. The test in all matters is - would a fair-minded and informed observer conclude that there is a real possibility of bias? The issue is not just whether there **is** bias, but instead could there be a reasonable suspicion of bias? Decisions must be made in an impartial way without any opinions being formed beforehand (or the perception that they have been) if views and evidence have not been heard yet.

You are required to declare all interests which may represent a conflict with your role at the Commission, for example paid and unpaid external appointments, consultancy, trusteeships, directorships, advisory and voluntary roles. You may wish to consult Commission colleagues, and in particular the Chair, before accepting other appointments which might affect your role either directly or indirectly, or in any way conflict with the interests of the Commission.

If you have been asked to provide advice or to decide on issues relating to the work of the Commission, and which could be perceived as affecting the Commission's impartiality, you should consider carefully whether to accept the request. You are asked particularly to bear this in mind in relation to requests by:

- members of political parties, their officers or members
- a group or individual campaigning at an election or referendum (or where they could be perceived to have an association with the above).

In other cases, if you are meeting someone who could be viewed as influential or significant (e.g. a minister or MP) in the Electoral Commission's sphere of activity, or if something comes up in conversation which relates to the Commission's activities, you should, within reason, consider reporting such meetings to the Chair.

There are certain political activities that you are prohibited from undertaking according to PPERA. See [Appendix 1](#) for further details. A Commissioner ceases to hold office under PPERA on the occurrence of certain events. Removal from office may occur if the Speaker's Committee is satisfied that one or more grounds have been breached.

It is your responsibility to bring actual or potential conflicts of interest, real or that could be reasonably perceived, to the attention of the Chair, the Chief Executive or the Secretary to the Commission Board as soon as you become aware of them.

If you disclose an interest during a Board meeting, it will be recorded in the minutes, and you may be required to withdraw from the discussion or the decision in question. If you are aware in advance of the meeting of a conflict of interests, you may be excluded from distribution of related documents. If the conflict of interest does require you to withdraw from consideration of the matter, you should not seek to discuss the matter with or influence the decision-makers.

You must complete a 'Declaration of interests' form on appointment, and update it as your circumstances change. You will be sent reminders periodically asking you to update it. A register of interests is maintained by the Secretariat and published on the Commission's website. It may be found on [this page](#).

There are some grounds on which a Commissioner may cease or be removed from office. The grounds are set out in full in Schedule 1, paragraphs 3(3)-(5) of PPERA. These include being convicted of a criminal offence; being an undischarged bankrupt (or the Commissioner's estate having been sequestrated in Scotland and the Commissioner has not been discharged); there being a moratorium period under a debt relief order applying in relation to the Commissioner (under Part 7A of the Insolvency Act 1986); or having made an arrangement or composition contract with, or having granted a trust deed for, the Commissioner's creditors. . The grounds also include a Commissioner being listed by a registered non-party campaigner in its financial return to the Commission as a donor of £7,500 or more. A separate note on this exists at [Appendix 1A](#)

By signing the Code of Conduct declaration, you are stating that none of these grounds apply to you. If there is a change in your circumstances which involves any of these grounds, you must report them to the Secretary to the Commission Board, or the Chair or the Chief Executive.

Guidance on declaring interests is in [Appendix 2](#) to the code.

3 Gifts and hospitality

In the course of your role as an Electoral Commissioner you may be offered gifts and hospitality, and indeed it can form an aspect of networking. However, Commissioners are expected to observe exceptionally high standards of personal honesty and integrity, and to avoid any accusations of having been unduly influenced. There is always a risk that accepting gifts or hospitality may attract criticism and leave you and the Commission open to a suspicion of undue influence.

The principles underlying declarations to bear in mind include the following:

- Consideration of situations where an interest may be interpreted as a conflict
- The responsibility to declare interests rests with individual Electoral Commissioners
- Decisions of the Commission Board are taken under the principle of collective responsibility and Commissioners should ensure this is upheld

The registration of both gifts and hospitality, and interests, helps ensure public confidence in the Commission, and maintains accountability and transparency of decision-making. This helps to avoid any actual or perceived bias or influence.

You are required to record all gifts and hospitality offered or received in your capacity as an Electoral Commissioner, including any which are refused. You are urged to decline where practicable any gifts you are offered, but sometimes to do so would cause offence, including when a gift is of nominal value.

Completed declarations of gifts and hospitality are to be sent to the Secretary to the Commission Board, countersigned by the Chair, and reported periodically to the Audit Committee. The register of gifts and hospitality is published after each Audit Committee, [to this page of the Commission's website](#).

You are also asked to disclose gifts and hospitality received in any non-Commission roles (as opposed to those of a private or family nature), for the sake of transparency and consistency, particularly if from a person or organisation which could be linked to the work of the Commission (such as a politician, campaign organisation, or lobbyist), or contacts with firms supplying goods or services the Commission is likely to use (IT, research, audit, consultancy), and these are recorded but not published.

The detailed guidance on gifts and hospitality is attached in [Appendix 3](#) to the code.

4 Confidentiality and personal liability

You have a general duty of confidentiality in common law to the Commission, requiring you to protect Commission information held in confidence (see also Section 5 below on information handling). You should not without authority disclose official information which has been communicated in confidence within the Commission or received in confidence from others. This applies both during and after your appointment as a Commissioner, and to information both oral and written.

After your period as a Commissioner, you should avoid making any public statements which refer to your having been a Commissioner in such a way that would lead people to think that what you say represents current Commission policy or carries the implicit approval of the Commission. (If necessary, you should make an explicit disclaimer to ensure that no-one could be in any doubt on this point.) If you are minded to make a public statement about the Commission when you are no longer a Commissioner, you may conclude, depending on the context, that it is appropriate first to alert the current Chair of the Commission.

In addition, there is specific legislation which applies to information held by the Commission. This includes:

The Representation of the People (Amendment) Regulations 2002 relating to England and Wales, Scotland and Northern Ireland respectively, which make it an offence to disclose to an unauthorised person details contained in the registers of electors to which Commissioners and Commission staff have access. The penalty for doing so is currently a fine of up to £5,000.

The Northern Ireland (Miscellaneous Provisions) Act 2006 and the Electoral Administration Act 2006 (Regulation of Loans etc: Northern Ireland) Order 2008 (which amend PPERA by inserting sections 71E and 71Z4). This places a requirement on Commissioners and staff not to disclose the contents of donation or transaction (e.g. loan) reports from regulated recipients and participants in Northern Ireland. If you unlawfully disclose this information and are found to be guilty of an offence you may be fined up to £5,000 or imprisoned for up to 51 weeks.

You may be asked to comment on matters to the press or to answer questions. **If you are approached, please direct your comments to the Media Relations Team who are responsible for helping to manage and co-ordinate the Commission's responses** (the media team is on 020 7271 0704 during office hours, or out of hours on 07789 920414. The Director of Communication is on 020 7271 0568 at the office, or 07971 784224). Meanwhile it is advisable neither to comment nor to answer questions unless

you have been authorised to do so. (See also paragraph 1.5, on collective responsibility).

Please see [note](#) on considerations to be taken into account should legal action be taken by a third party against a Commissioner in a personal capacity (as distinct from action against the Commission).

5 Other – information handling and security whistle-blowing, bribery, resources,

Information handling, security and IT use

The Commission's Standing Orders state, at paragraph 4.2, that: 'no Commissioner shall use information gained in the course of their duty for personal gain nor seek to use the opportunity of such public service to promote their own or other parties' private interests. Commissioners should at all times avoid behaving in a manner which might bring the Commission into disrepute.'

The Electoral Commission has a number of policies governing the use of IT equipment and appropriate handling of information, which are available on the Commission's intranet. These include the Acceptable Use Policy, Social Media Policy and the Information Security Policy. Summarised guidance on information management and security is attached at [Appendix 5](#) to this Code.

Some key points are summarised below:

- The increasing use of e-communications for both business and personal use demands a heightened awareness of issues of security, confidentiality and what information may be placed in the public domain.
- You should be aware that anything posted to external social media sites could reflect on the Commission and its work and you should carefully consider what is posted in a personal capacity on, for example:
 - Twitter
 - YouTube
 - Facebook
 - LinkedIn
 - Google plus
 - Pinterest

This list is not exhaustive and you can always contact the Commission's press team if you have any questions about this using the contact details above.

Please ensure that any use of social media does not:

- Call into question the political impartiality of the Commission
- Present a conflict of interest with the activities of the Commission
- Breach the confidentiality of the people and information connected to the Commission

You should log into your virtual PC using the Commission's home working solution to access Commission information. The IT Help Desk staff will help you set this up. Access from Windows PCs and Apple Macs is currently supported. Using the home working solution means that all data remains within the Commission's network and is therefore secure. It also means that you have access to all the software systems that are available.

Commissioners may, from time to time, be asked to search their email accounts for information that may be relevant to requests under the Data Protection and Freedom of Information Acts. This may include searching your personal email accounts if the account has been used to generate emails as part of your Commission role in the past. The Commission's FOI internal procedure gives further details.

If the scope of a request includes communications that could be held in Commissioner personal accounts, you will be asked to conduct a search within your personal email accounts using appropriate keywords.

Personal email accounts should not be used for Commission business and any difficulties encountered by Commissioners in using Commission email accounts or Commission IT facilities should be referred to the IT Helpdesk.

Whistle-blowing

If you believe that you are being required to act in a way which:

- is illegal, discriminatory, improper or unethical
- is in breach of this Code
- may involve possible maladministration, fraud or misuse of public funds;
- is otherwise inconsistent with the Code

or if:

- you believe there is evidence of irregular or improper behaviour in the organisation but where you have not been personally involved
- there is evidence of criminal or unlawful activity by others
- you are required to act in a way which, for you, raises a fundamental issue of conscience

then you should immediately refer your concerns to the Chief Executive, the Chair of the Commission, or the independent Chair of the Audit Committee.

Bribery

Bribery (a criminal offence) will occur in circumstances involving:

- The offering, giving, solicitation or the acceptance of any inducement or reward (whether financial or otherwise);
- To or from a person or company, wherever they are situated and whether they are a public official or body or private person or company;
- By any individual employee, Board Member / Commissioner, acting on the Commission's behalf;

where such action is intended to amount to or bring about improper performance of a relevant function or activity of the Commission, person or company.

If you discover or suspect bribery involving any Commissioner, member of staff, person or company, you should immediately report your concerns to the Chief Executive, the Chair of the Commission, or the independent Chair of the Audit Committee. The anti-bribery policy is at [Appendix 7](#). The Commission also has an anti-fraud policy for staff.

Safeguarding public resources

You have a duty to safeguard public resources and to use responsibly any public resources at your disposal as an Electoral Commissioner. The Commission's [travel and subsistence policy](#) (which applies both to Commissioners and to staff) can be found on the intranet.

The guidance for claiming fees and travel and subsistence, which sets out how to complete claims, is in [Appendix 4](#).

The Code of Conduct was reviewed and approved by the Board on 22 March 2017

6 Declaration

I have read and agree to the principles and procedures in the Electoral Commission's code of conduct for Commissioners.

I understand that it is my responsibility to make declarations of interests and gifts and hospitality as required and that a breach of the code will be taken seriously.

I agree to be bound by the provisions in this code, including as amended from time to time.

.....
Signed

.....
Full name (block capitals)

.....
Date

Please sign and return to the Secretary to the Commission Board, Electoral Commission, 3 Bunhill Row, London EC1Y 8YZ