

Election purdah rules block embarrassing reports

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Michel Barnier, the chief Brexit negotiator, is said to be furious about the UK's refusal to sign off on revisions to the latest EU budget plan because of the purdahEric Vidal/Reuters

Election purdah is being used to block Whitehall from publishing a series of reports on issues unrelated to the business of government, the former independent reviewer of terrorism laws warns.

Reports on topics that “have no foreseeable electoral significance”, such as the Predatory Bird Monitoring Scheme, have fallen victim to purdah, David Anderson, QC, says. His own report on “deportation with assurances” — the policy under which the radical cleric Abu Qatada was eventually deported — was not published in February as planned and purdah has delayed publication still further.

For more than a century, civil servants have been banned from talking to the press in the six weeks before polling day, a practice known as purdah that is meant to stop new policies from influencing the outcome. It has prevented reports by independent inspectors being released on subjects such as prisons, probation, policing and borders.

Publication of a critical report by the chief inspector of borders and immigration was delayed and then purdah meant it was put back again until after election day. The report looks at Border Force operations at six ports on the east coast and is likely to embarrass the Home Office.

Private companies with government contracts have also complained about purdah rules, with Whitehall officials refusing to comment even on innocuous issues. In addition, senior figures in Brussels including Michel Barnier, the chief Brexit negotiator, are said to be “enraged” by the UK’s “purdah-based refusal” to sign off on revisions to the latest EU budget plan. Several scientific bodies have also complained to Sir Jeremy Heywood, the cabinet secretary, about purdah being applied to scientists on arms-length advisory councils. Another area of concern is publication of NHS financial data for trusts, which has been delayed.

Mr Anderson, in an article published today on *The Brief Premium*, *The Times*’s new legal website, dismisses the notion that the wide scope of purdah is a “sinister and self-serving government plot”. However, he says: “The likelier cause is a jumpy civil service, stung by allegations of excessive interference in recent referendum campaigns, and bounced into caution by an election for which there was little time to plan.”

The QC calls for “explicit recognition” that purdah does not extend to non-governmental experts. Some statistical releases should be published in the normal course and not, as now, delayed until after the election, he adds.

There is “good sense” in the convention of purdah, which protects civil servants from being drawn into an election, Mr Anderson writes. But in this campaign it has had the opposite effect in several instances.

Catherine Haddon, a historian at the Institute for Government, has also highlighted concerns that purdah is stifling debate. In a blog last week she wrote: “Lack of clarity around purdah rules continues to breed confusion among government bodies, frustration for scientists and the normal flow of statistical information and, most significantly, has brought the whole purpose of purdah into disrepute.”