



Llywodraeth Cymru
Welsh Government

GUIDANCE

Conduct during the UK general election 2019

Guidance for ministers and officials on the approach to be taken during the UK government's pre-election period.

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Contents

Issues

Ministers

Officials

Special advisers

Issues

1. The UK general election will take place on 12th December 2019. The UK government's pre-election period commenced at one minute past midnight on 6th November.
2. The Cabinet's position on conduct during a UK general election is, as a matter of principle, there should be no change in the range of official activities undertaken by Welsh Ministers during the pre-election period, and that officials should continue to provide support accordingly. The Welsh Government's normal planned business should therefore not be unduly affected by an election for the UK Parliament. The exception to this rule is that joint Welsh Government/UK government announcements, consultations and publications will not be undertaken during the pre-election period.
3. Clearly, ministers will not be under the same degree of constraint as experienced during the National Assembly elections. However, we must be sensitive to the increased political activity associated with the election campaigns. The Ministerial Code requires us to keep our official and party political/constituency roles separate, and this will be particularly important if any Cabinet colleague decides to undertake work in support of any candidate at the UK general election. Insufficiently clear separation of these roles could lead to

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allegations that public resources had been misused for party purposes, or that unlawful expenditure had been incurred on behalf of a candidate.

4. The UK's departure from the European Union will be a significant issue in the election and Welsh Ministers will want to advance the Welsh Government's public position during the pre-election period. Welsh Ministers are not constrained from speaking about this issue, or any other, such as the record of the UK government, whether positively or negatively during the pre-election period.

5. While ministers will be free to act in their political capacities, officials will need to stick closely to the Welsh Government position in relation to Brexit, in order to avoid being drawn into an inevitably political arena.

Ministerial conduct

Role of officials

6. While officials will continue to support ministers in the normal way during the pre-election period, we need to be sure that such support cannot be interpreted as involvement in campaigning events and activities, and that the political neutrality of the civil service is maintained. Accordingly, we need to take special care that:

- officials (including private office officials) do not accompany us on engagements of a campaigning or party-political nature
- by the same token, party staff do not accompany us on official engagements
- we do not ask officials to brief us for campaigning or party-political engagements, beyond providing factual information which they would make available to any party or candidate
- official cars must not be used to transport ministers to or from campaigning engagements; and in this regard ministers should avoid having campaigning engagements interspersed with official engagements
- Welsh Government premises should not be used for campaigning purposes.

The only exception to these principles should be that diary secretaries can continue to record party-political commitments in our official calendars. In line with previous guidance, all parliamentary candidates will receive replies from ministers to correspondence.

Press and publicity

7. We will need to continue to announce and present our policies to the public during the campaign. But, again, we should not allow this activity to be construed as being party-political. Observance of the normal rules governing publicity activity is therefore especially important.

Amongst these rules are requirements that all publicity should be:

- relevant to our official responsibilities
- objective and explanatory
- not be liable to misrepresentation as being party political.

8. We adhere to these rules as a matter of course, but should take special care that any press notices or other publicity material neither breach these rules nor are capable of being construed as doing so, intentionally or otherwise.

9. We do not necessarily need to postpone valid publicity activity. However, care should be taken if announcements are likely to impact on, or draw attention to, a particular constituency, especially if it is marginal.

Speeches and statements

10. In line with the Ministerial Code, officials should not be asked to prepare “political” speeches or statements, whether for use internally or elsewhere. We should avoid being open to the accusation of use of official engagements as campaign occasions. Having said that, there is nothing to prevent us from making party political remarks as usual in our speeches and public statements.

Conduct of officials

11. Welsh Government officials will be provided with guidance (Annex 1) on how to conduct themselves during the pre-election period within the general principle of business as usual. This will be published to the intranet in due course. It has been based upon guidance produced for the UK general election 2017 and has taken into account previous guidance issued by the Cabinet Office to the Civil Service. We are awaiting the draft UK guidance and will update our guidance if necessary. Supplementary guidance has been produced for officials in the Communications Directorate and Knowledge and Analytical Services, which is set out in separate Appendices.

Conduct of special advisers

12. The guidance also provides advice to Special Advisers on how to conduct themselves during the pre-election period.

Finance requirements and governance implications

13. There are no new financial or governance implications arising from this Cabinet paper. Any costs associated with the preparation of this guidance can be accommodated within existing and planned administration costs budgets. CSOT clearance number: CSOT(19/20)-MA156. Strategic Budgeting clearance number: SB0728/5.

14. As there are no issues of regularity or propriety, and the proposals are not considered novel or contentious, this submission does not need prior approval by the Corporate Governance Unit (CGU).

Communications

15. The guidance attached to this Cabinet paper will be published to the internet accompanied by a News Page item on the Welsh Government intranet homepage.

Recommendations

16. Members of the Cabinet are asked to note and comply with the approach to be taken during the UK Government's pre-election period and the guidance for Welsh Government officials, which is attached at Annex 1.

Joined up working

17. In preparing this paper the following organisations and Welsh Government departments have been consulted:

- The Permanent Secretary
- Chief Statistician and Chief Social Research Officer
- Human Resources
- Communications Directorate
- Strategic Budgeting
- Legal Services

Rt Hon. Mark Drakeford AM
First Minister
November 2019

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