



Llywodraeth Cymru  
Welsh Government

GUIDANCE, DOCUMENT

# Local government elections 2022: guidance for Welsh Government staff

General guidance on the impact the election campaign will have on officials working for the Welsh Government

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## Annex C

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# 1. Introduction

There will be elections to all wards in all Welsh county and county borough councils and town and community councils on 5th May 2022. Please note that early voting will be taking place in advance of polling day on 5th May in 4 authorities: Blaenau Gwent, Bridgend, Caerphilly and Torfaen. This does not change the nature of this guidance, but officials should be aware that voting will be taking place on Saturday 30 April, Sunday 1 May, Tuesday 3 May and Wednesday 4 May (depending on the authority).

There will also be local elections in England and Scotland and elections to the Northern Ireland Assembly on 5th May. This will be preceded by a formal pre-election period for the Welsh Government, commencing on 14th April 2022, although it should be noted that the notices of elections are likely to be issued by returning officers across Wales between March 18th and March 28th.

As Welsh Government staff, our role is to continue to support ministers in their work as usual, while being aware of the need to avoid action which is, or could be construed as being, party-political or likely to have a direct bearing on the local government elections.

The purpose of this note is to provide general guidance on the impact the election campaign will have on officials working for the Welsh Government. The principles of this guidance will be conveyed to the NHS, Welsh Government Sponsored Bodies (WGSBs) and other public bodies in Wales. The guidance applies from the formal start of the campaign on 14th April 2022 until and including polling day on 5th May 2022.

What follows does not and cannot cover all the cases which might arise

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during the campaign. A list of matters directly affecting county and county borough councils and town and community councils is included at Annex A. Annex A also provides a definition and explanation of the term 'local authorities' used throughout this document.

If you are in any doubt at all about what to do, you should approach your Director General / Departmental Director or the appropriate contact point, as listed at paragraph 14 of this note.

The Civil Service Code continues to apply during the campaign and civil servants must adhere to 2 basic principles at all times:

1. to be, and to be seen to be, politically impartial
2. to ensure that public resources are not used for party-political purposes.

Under the code, Welsh Government civil servants owe their loyalty to the Welsh Government. Officials should therefore continue to work towards delivering the commitments in the programme for government and other Welsh Government business.

## **2. Supporting ministers: briefings, submissions and routine business**

During the pre-election period, ministers should not be routinely asked to take decisions on matters which directly affect one or more local authorities in Wales, or Welsh local authorities generally (see Annex A), if those could be interpreted as an attempt to influence the elections. Such decisions should either be taken before the pre-election period begins or be deferred until after the elections have

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taken place.

More generally, officials should continue to submit advice and briefings to ministers, and otherwise carry out their work as normal, taking account of the usual requirements for impartiality. This means making sure that nothing in our work (including briefing and answers to correspondence) suggests support for, or opposition to, one or more political parties, or could be taken to do so. If in doubt, please seek advice from your director general/departmental director.

### **3. Handling correspondence, Senedd questions (SQs), freedom of information (FOI) Requests, and enquiries**

Except for those matters which directly affect one or more local authorities in Wales, or Welsh local authorities generally (see Annex A), officials should continue to answer correspondence and SQs in accordance with existing procedures throughout the campaign period.

Ministerial correspondence from councillors and election candidates on matters which do not directly affect local authorities will continue to be answered during the pre-election period. In accordance with the general principle of ensuring that all candidates are treated equally, and due to the practical difficulties of ensuring that all candidates would receive a ministerial reply, the normal correspondence rules will change slightly. Correspondence to councillors or prospective councillors during the pre-election period will be handled as official replies (TOs) rather than the normal ministerial replies.

Correspondence, SQs or requests for information directly affecting local authorities should be dealt with as outlined in Annex A.

All requests for information fall under the Freedom of Information Act and must

normally be responded to within 20 working days. Requests which seek disclosure of recorded information which is not in the public domain should continue to be dealt with according to the [Guidance for Staff Handling Requests for Recorded Information](#).

All such requests should be treated equally, regardless of the political affiliation of the person making them. Further guidance is set out at Annex A.

## 4. Communications

Having regard to the current pandemic situation and separate advice at Annex B, the general rule is that no announcements should be made during the pre-election period on matters which directly affect one or more local authority in Wales, or Welsh local authorities generally. If announcements need to be made in these areas, then these must either be made before the pre-election period begins, or deferred until after the elections have taken place. Communications staff should work with officials in each department to identify these well in advance.

More generally, particular care should be taken when making announcements, organising public events, publishing material on the Welsh Government's website and undertaking paid-for marketing and publicity. Whilst maintaining business as usual outside the criteria set out above a sensitivity test should still be applied in all cases by senior officials and Communications staff. The general rule is that none of these activities should be, or be capable of being construed as being, party political in nature.

If in doubt, advice should be sought from the Director of Communications, Head of News, or the relevant departmental Head of Communications.

Colleagues in Communications Directorate and Departmental Web Managers

have been issued with specific guidance (Annex B). This includes a reiteration of the clearance procedures for news releases.

Colleagues in the analytical professions will also be issued with their own detailed guidance (Annex C).

## **5. Working with Whitehall UK and devolved governments' departments**

UK and devolved government officials will also receive equivalent election guidance during the campaign period. Welsh Government officials who routinely work with UK government departments should continue to maintain dialogue with their counterparts. If, in the context of this guidance, staff have any concerns regarding potential announcements or consultations (see section below) by UK government departments during this period please discuss with your Deputy Director, and if necessary raise with the Constitution Division and the Director of Governance.

## **6. Consultations**

Where the Welsh Government is preparing new policy, programme or legislative proposals and is required to consult, consultations should not ordinarily commence during the campaign period.

High-profile or sensitive consultations relating to local authorities should not coincide with the pre-election period at all. However, consultations that have begun before the beginning of the pre-election period may continue, with appropriate constraints regarding publicity, provided that the consultation is neither high-profile nor sensitive.

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Where a joint consultation between a UK government department and the Welsh Government is proposed, every attempt should be made to avoid any consultation commencing during the pre-election period (or indeed running into it, if it will be contentious or high-profile). Where this is unavoidable due to a legislative timetable at Westminster, or where there is a particular danger that Wales could be excluded from legislation, which could be detrimental to the public interest, the consultation should proceed but with sensitivity to the election campaigns.

## 7. Political activity by officials

Officials should all familiarise ourselves with the rules on political activity, as the majority of employees are required to apply for permission before taking part in political activity.

These rules can be found in the [Welsh Government's Terms and Conditions of Service Code](#) (Participation in Political Activities, paragraphs 2.36-2.42) and the [People Policies and Procedures on Political Activities](#).

Any Welsh Government employee wishing to undertake any political or campaigning activity in relation to the election, including standing as a candidate, should first seek permission in writing, via their line manager, from their Human Resources Business Partner.

The test that is applied in deciding whether to give permission is whether the applicant is working in a "sensitive area". The term "sensitive area" is explained in full in the policy on political activities. The Welsh Government may attach conditions or restrictions to any permission that is granted. For example, anonymous telephone canvassing may be permitted but not door-to-door canvassing or speaking at meetings. The Senior Civil Service, Grades 6 and 7 and Fast Streamers are precluded from national political activity.

Industrial and non-office grades have blanket permission to take part in political activity. For a definition of these grades see para 5.2 of the [People Policies and Procedures on Political Activities](#).

## 8. Social media and security

Staff should be mindful of guidance on the use of personal social media during the pre-election period, and further information can be found at the link here:

### [Personal use of social media](#)

Staff should also acquaint themselves with the Security Notice issued in January 2020 available here:

### [Senior Information Risk Owner notice](#)

## 9. Use of Welsh Government premises

Welsh Government premises and resources, including ICT, should never be used for campaigning purposes. We should not use Welsh Government premises for such purposes, or display election posters. Similar guidance will be issued to NHS bodies, WGSBs, etc. on the use of their estate.

## 10. Welsh Government grants (applies to all WG grants including Covid-related)

Every effort should be made to issue grant award letters ahead of the pre-

election period, if this is not possible an assessment should be made to see whether the grant would be considered high-profile or sensitive official during the pre-election period, if considered high-profile, advice should be sought (Director General/Departmental Director/Grants Centre of Excellence) before any grant award letters are issued. In cases of emergency or if it is absolutely critical, it may be possible to issue on an exception basis but again advice would need to be sought before any award letters are issued.

If the grant award letters are not deemed high-profile and are considered more business as usual grants then every effort should still be made to issue the award letters ahead of the pre-election period, rather than during. If on an exceptional basis award letters need to be issued during the pre-election period, careful consideration should be taken to ensure that the issuing of funding is in line with the rest of this guidance.

Officials should avoid opening or advertising any grant schemes during the pre-election period. For any grant schemes that are open for applications ahead of the pre-election period, every effort should be made to ensure decisions are made and organisations notified of the outcomes ahead of the pre-election period. If this is not possible, consideration should be given to whether the opening of the grant scheme should be delayed until after the election. Any internal planning of developing grant scheme proposals, including attending the Grants Assurance Panel, can of course take place as normal.

## **11. Staff in ministers' private offices**

It is unlikely that ministers will be engaged in campaign activity to the same extent as during Senedd or UK Parliamentary elections: however Private Office officials may wish to discuss the principles of this guidance with ministers prior to the start of the formal pre-election period or when appropriate.

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Ministers will, as usual, be subject to the terms of the Ministerial Code, which requires them to maintain a separation of their ministerial and political roles. Private Office officials should continue to support ministers in their official duties at all times. This includes ensuring that Private Office officials, and not a member of a minister's personal or constituency staff, attends each official engagement, and if one candidate is invited to attend an official Ministerial engagement, all other candidates must also be afforded the same opportunity. Officials in Private Offices should familiarise themselves with the guidance on handling correspondence and Freedom of Information outlined in this document.

Private Office officials should not attend engagements which are explicitly for party-political or campaigning purposes.

Private Office officials should not allow Welsh Government resources to be used for local election purposes. In particular, they should not book official cars or rooms in Welsh Government premises or elsewhere, commission speeches or briefing, or arrange other support, for party and campaigning engagements.

## 12. Special advisers

Special advisers will continue to provide advice and support to Ministers, including political advice, in line with the Code of Conduct for Special Advisers. They may also participate in a private capacity in local political activities as set out in the Code.

## 13. Contact points

You should discuss any doubts you have with your line manager in the first instance. But you can get more help and advice, particularly on specific cases,

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from the following. Please submit your query by e-mail.

For queries on:

- Whether an issue directly affects local authorities: Reg Kilpatrick or Lisa James, Local Government Department.
- Ministerial briefing and similar: the relevant Private Secretary.
- Ministerial correspondence: Huw Llewellyn Davies
- Public access to information: Freedom of Information Officer mailbox.
- Personal conduct of officials (including special advisers) wishing to engage in campaigning activity, etc: Your HR Business Partner Team.
- Announcements, events, marketing and publicity: Toby Mason, Director of Communications or Simon Jenkins, Head of News.
- Statistics: Stephanie Howarth, Chief Statistician
- Specific queries from staff on the conduct of research: Steve Marshall, Jo Corke or Chris Roberts, SRID.
- Specific queries from staff on procurement: CPS/CPICT or contact [CPSprocurementadvice@gov.wales](mailto:CPSprocurementadvice@gov.wales)
- Officials in private offices: Damian Roche or Huw Llewellyn Davies, Cabinet Division.
- Any other query on this guidance: Damian Roche or Huw Llewellyn Davies, Cabinet Division.

Cabinet Secretariat

February 2022

## **Annex A: Matters directly affecting local authorities**

1. As a general principle, Welsh Government business should continue as normal during the campaign for local government elections. However, decisions

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and announcements which directly affect one or more local authorities, or local authorities generally, and which could be interpreted as a means of influencing the outcome of the elections, should not take place.

2. For the purposes of this guidance, 'local authority' means a county, county borough or community council, and their constituent parts. While Police and Crime Commissioners are also treated as local authorities and are directly elected, their elections follow a different cycle to other local elections in Wales and our interactions with them are not caught by this guidance. Although national park authorities, and fire and rescue authorities are, for some legal purposes, local authorities, they are not directly elected and there is thus no need to alter the way we deal with them during the election campaign. If, however, officials feel that any proposed Welsh Government action in relation to one of these authorities might be construed as political favour/disfavour, advice should be sought before proceeding.

3. The key criterion is whether a decision or announcement would directly affect one or more local authorities and which could be interpreted as a means of influencing the outcome of the elections. Examples of matters which do directly affect one or more authorities include:

- Policy announcements about individual local authority services, where these announcements directly affect the nature, range, scale or quality of the services that local authorities are expected to provide
- funding of local authorities or the services they provide, including special grant schemes
- the policy framework with respect to local government, e.g. relating to corporate governance, improvement or political structures
- other formal directions or decisions affecting local authorities or their services (eg planning call-ins or adjudications on school closures)
- matters relating to the Local Government Partnership Council
- matters relating to councillors' conduct and allowances
- matters relating to statutory inspections or audits of local authorities or the

services they provide.

4. Examples of matters which could be interpreted as influencing the election outcome include anything which is or could be seen as meeting any of the following criteria. These hold even for actions which would be perfectly reasonable and justified in the normal course of business:

- praise for or criticism of a named authority and/or its leadership
- praise for or criticism of a particular approach to the delivery of any local authority service, or of the standards of such services
- any decision which favours or disadvantages one or more authorities over others.

5. It is for the relevant Director General to consider the implications of each individual case.

6. In emergencies and similar situations (for instance, if ministers need to exercise default or intervention powers as regards a local authority) it will be possible to depart from these rules. You will need specific ministerial approval to do this.

7. Most routine non-public activity can continue. So, for instance, private meetings with councillors or local authority officers should continue to take place.

## **Correspondence, Senedd questions, freedom of information requests, and enquiries**

8. The same principles apply to answers to correspondence and Senedd Questions. As these effectively enter the public domain, ministers will not wish to provide detailed substantive answers to correspondence or SQs that touch on the above matters and which could be interpreted as seeking to influence the

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outcome of the elections. They will be seeking to limit their answers to the purely factual, e.g. without providing an explanation of or justification for Welsh Government policy.

9. If it is not appropriate to respond to a particular item of correspondence or a question because of the nature of the reply that will be given they will send a holding reply which reads something like this:

“ I regret I am currently unable to answer your [letter/question] substantively. This is because of the local government elections on 5th May 2022, and the need to ensure that Ministers’ statements contained in correspondence or otherwise are not misconstrued as seeking to influence the outcome of the elections.

“ I will send you a full reply after the elections.” ”

10. If responding to a request for information involves considering disclosure of recorded information not already in the public domain, advice should be sought from the Information Rights Unit.

As a general principle, if a request for information is received before 14th April which seeks information regarding local authority matters, the Information Rights Unit and Legal Services will consider how it should be handled and advise accordingly. Any requests for information received on or after 6th April, which are considered to be likely to influence the outcome of the elections, should not be substantively responded to until 6th May.

However, during the campaign period officials should continue to consider the appropriateness of releasing any information considered to affect the outcome of the elections so that substantive replies can be issued as soon as possible after the elections have taken place.



# Annex B: Guidance on Communications for all staff in the Local Government pre-election period

This guidance is for all staff involved in communications and marketing and supplements the general Guidance for Welsh Government Staff. It comes into effect on 14th April 2022, three weeks before polling day on 5th May 2022.

Guidance relates to the following activity:

- broadcast, print and electronic media
- internal, social media or other electronic channels
- paid for media
- stakeholder, and other direct communications, events, visits.
- any other communications activity which could be perceived to influence election outcomes

Welsh Government ministers will continue to carry out their functions in the usual way during this pre-election period. But it must be remembered that some activities of the Welsh Government could have a bearing on local election campaigns.

Particular care should be taken to avoid matters which could have a bearing on the outcome of local elections. These are specifically defined as:

1. policy announcements about local authority services
2. funding of local authorities or the services they provide
3. policy framework with respect to local government
4. formal directions or decisions affecting local authorities of their services
5. matters relating to Local government Partnership Council
6. matters relating to councillors' conduct and allowances
7. matters relating to statutory inspections or audits of local authorities or the services they provide

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## Communications activity

Considerable care must be taken when using all Welsh Government communications channels during the pre-election period. The list above sets out clearly where external communications activities must not be undertaken under any circumstances.

However, there will be a subset of routine government communications which may indirectly touch on issues in these areas, or carry a risk of being perceived as influencing the election outcome. This does not constrain the Welsh Government from making announcements or other communications activity during this period, but they should be carefully scrutinised and each case treated on its merits. Communications around policies with specifically local or community impacts should be subject to particular consideration.

In some cases it may be better to defer a campaign, visit or press release until after the election, but this is a matter of judgement in each individual case.

## Public health

It is legitimate and desirable for Welsh Government communications to continue to co-ordinate with colleagues in local authority communications on matters strictly relating to public health messaging during the election period if required. However, additional scrutiny should be applied to any content to ensure that it does not inadvertently touch on issues being discussed as part of the election campaign.

Local authorities also deliver schemes as part of the broader response to the pandemic, such as grants for businesses. Communications around these during the election campaign, if required, should be factual and practical, for example signposting to available funding.

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Other considerations in relation to communications activities include paid publicity campaigns which should not be open to criticism that they are being undertaken for party political purposes. Existing campaigns can continue provided they do not fall into the categories above. Campaigns to encourage voter registration can continue during the pre-election period.

- Care should be taken in relation to proposed Ministerial visits. Clearly, official support must not be given to visits and events with a party political or campaigning purpose.
- In relation to consultations, it is advisable not to take action which will compete with candidates for the attention of the public. This effectively means not undertaking publicity or events for those consultations that are still in process.
- Official websites and online channels (such as the Welsh Government news section and our twitter feeds) should not carry any content that could be perceived as electioneering.
- There should be no joint press releases issued by the Welsh Government and any local authorities during the pre-election period. It should be noted that local authorities themselves will be observing strict pre-election rules during this period as well.
- Particular care must be taken when contributing quotes from Ministers for inclusion in other organisations' press releases. The Head of News should always see press releases sent to us by other organisations, ministerial quotes for use in third party press releases must never be cleared without seeing the final draft of the entire release. We need to see who else is being quoted and what they are saying, and we need to be clear on the context in which the Minister is being quoted.

Use of Welsh Government premises and materials, or premises or materials belonging to Welsh Government sponsored bodies

- Government establishments should not be used for any electioneering purposes.

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- Material produced by the government should not be used in any way to support campaigning e.g. on websites and in leaflets.
- In the case of NHS property, decisions are for the relevant NHS Trust but should visits be permitted to, for example, hospitals, there should be no disruption to services and the same facilities should be offered to other candidates. In any case, it is advised that Election meetings should not be permitted on NHS premises.
- Decisions on the use of other public sector and related property must be taken by those legally responsible for the premises concerned - for example, for schools, the Governors or the Local Education Authority or Trust Board, and so on. If those concerned consult Departments, they should be told that the decision is left to them but that they will be expected normally to treat the candidates of all Parties in an even handed way.

## Conclusion

If in doubt, always err on the side of caution and check with the Head of News or Director of Communications before undertaking any communications activity which may breach our Civil Service Code or lead to accusations of Welsh Government resources being used in a way that could affect the election process or outcome.

## Annex C: Guidance for statistical and survey activity in the pre-election period

This guidance is aimed at all staff involved in statistical and survey activity, this includes staff in Knowledge and Analytical Services, but also relevant staff in other parts of the Welsh Government. The Guidance should also be taken into account by our partner organisations and other official statistics producers in

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Wales e.g. Digital Health and Care Wales, Student Loans Company. This guidance supplements the general Local Government Election Guidance. The guidance is effective from 14th April 2022 until, and including, polling day on 5th May 2022.

The guidance is not exhaustive and any other issues that arise during the campaign should be raised in the first instance with the Chief Statistician or the Chief Social Research Officer who will provide guidance.

## **In summary:**

For official statistics – as always, ensure compliance with the Code of Practice for Statistics and the associated Pre-release Access to Official Statistics (Wales) Order 2009.

For research – the Government Social Research (GSR) code and publication protocol continue to apply in the pre-election period.

Avoid, in relation to material concerning one or more Welsh local authorities or local authorities in general:

- The ad hoc release of statistical or research publications
- The conduct of surveys or other research than might give rise to controversy
- The bulk distribution of material that might be used for campaigning purposes.

If in doubt, consult the Head of Statistical Policy and Standards, Chief Statistician or Chief Social Research Officer (contact details below).

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## Principles

1. As always, observe the Code of Practice for Statistics, the associated Pre Release Access to Official Statistics (Wales) Order 2009 and the GSR code of practice and publication protocol.
2. Do not compete with parties and candidates for the attention of the public.
3. Do not, and do not appear to, engage in party politics or be used for party political purposes.

## Release of statistics

4. Issue statistical outputs that have already been pre-announced before the start of the election period. Do not issue any unannounced ad hoc statistical outputs, and avoid postponing any regular or pre-announced outputs, as the motive for doing so may be questioned.
5. If a postponement cannot be avoided, be transparent on the reasons for postponement in any public communication and, if possible, state when the postponed statistics are likely to be published. Avoid postponements that would move publication of statistics from before polling day until after.
6. Given how the COVID-19 pandemic has evolved, and the need to provide relevant and timely statistics relating to it, there may be an exceptional need to publish new statistics during the pre-election period that have not been pre-announced. In this circumstance, the Chief Statistician will decide whether to release the statistics. This is strictly limited to statistics related to the COVID-19 pandemic and its consequences.
7. Continue to publish tweets relating to the publication of statistical outputs

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through the @statisticswales and @ystadegaucymru accounts. However, during the pre election period avoid generating new infographics or charts for social media that have not previously been produced and issued.

8. Always take great care to be impartial and objective in the way you present and describe statistics, and in face-to-face briefing.

9. New statistics blogs should be avoided during the pre-election period where the subject matter concerns one or more local authority.

## **Publication of research reports**

10. Any reports published during the pre-election period should be pre-announced before the start of the pre-election period. However, given the short pre-announcement for research (2 weeks) it is generally expected that research will not be published during the period but if there are reasons for publishing in the pre-election period a longer pre-announcement should be given but should be cleared with the Chief Social Research Officer. Advice on particular cases can also be sought from the Chief Social Research Officer.

## **Procurement of research**

11. Procurement activity for a new piece of research should not be undertaken during the pre-election period and advice should be sought from the Chief Social Research Officer if there are exceptional circumstances that mean it would not be possible to wait until after the election to begin the procurement.

## **Requests for information or advice**

12. Handle requests for factual information in line with Guidance for Welsh

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Government staff. If the information requested is not factual, refer the person to the appropriate minister's private office.

13. Be even-handed in meeting factual information requests from candidates - for example in the level of detail you provide, and how promptly.

14. Continue to meet requests for factual guidance on methodology.

15. Handle with great care any requests for advice on interpreting or analysing statistics, especially requests related to parties' policies or manifesto pledges. Costings of policies or pledges should not be undertaken without first consulting Budget and Government Business Division.

16. The routine publication of material issued in response to requests for statistical information on a fortnightly basis will continue throughout the pre-election period. You should ensure the statistical publications team (Stats.web) are informed of such requests as it is important that this is done on a systematic basis which avoids the perception of being selective.

## **Requests for published material**

17. Meet requests for small numbers of leaflets, background papers or free publications which were available before the election period. Do not meet bulk orders without the Chief Statistician's approval, as they might be intended for campaigning purposes.

## **Surveys**

18. Regular, continuous and ongoing censuses and surveys may continue. So may ad hoc surveys that support a continuing statistical series.



19. Other ad hoc surveys may give rise to controversy or be related to an election issue. Where this is likely consider postponing or cancelling them. If this would be difficult or costly seek advice from KAS Survey Advice Team.

## Research fieldwork

20. Fieldwork associated with a research project should not in general be conducted during the pre-election period, although for ongoing survey work or time critical research it may be impossible to avoid the pre-election period: advice in specific cases should be sought from the Chief Social Research Officer.

## Advice

21. If in doubt consult the contacts below or the contacts given in the general Election Guidance.

## Knowledge and Analytical Service contacts

- Heads of Statistical Policy and Standards – Rebecca Gillard – 03000 258124 & Rachel Lloyd – 03000 253357
- Chief Statistician – Stephanie Howarth – 03000 251154
- Chief Social Research Officer – Steven Marshall – 03000 255868

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