

WELSH HEALTH CIRCULAR



Llywodraeth Cymru
Welsh Government

Issue Date: 06 November 2019

STATUS: ACTION

CATEGORY: GOVERNANCE / WORKFORCE

Title: UK General Election 2019

Date of Expiry / 13/12/2019

For Action by:
Local Health Boards and NHS Trusts

Action required by: 8/11/2019

Sender:
Dr Andrew Goodall, Director General and Chief Executive, NHS Wales

HSS Welsh Government Contact
Peter Jones, Deputy Director of Operations, Health and Social Services Group
(Peter.Lloyd.Jones@gov.wales).

Enclosures: Letter and guidance documents on above issue

Cyfarwyddwr Cyffredinol Iechyd a Gwasanaethau Cymdeithasol/
Prif Weithredwr GIG Cymru
Grŵp Iechyd a Gwasanaethau Cymdeithasol

Director General Health and Social Services/
NHS Wales Chief Executive
Health and Social Services Group



Llywodraeth Cymru
Welsh Government

Chief Executives
Chairs
Board Secretaries

Our Ref: AG/DW/SB

6 November 2019

Dear Colleague

UK General Election 2019

You will be aware that there will be a UK General Election on 12th December 2019 and that the UK Government has entered a pre-election period.

It will be business as usual for the Welsh Government during this time, although there will be a need for staff to be sensitive to any activities which may impact on election campaigning.

Attached is the guidance that has been issued to Welsh Government staff, which you will wish to note.

The conduct of your staff naturally remains a matter for local management, but it is clearly essential to avoid any suggestion that public resources have been used to support any particular candidate or for party political purposes.

Should you require clarification on any aspect of this note please do not hesitate to contact Peter Jones (Peter.Lloyd.Jones@gov.wales).

Yours sincerely

A handwritten signature in blue ink that reads "Andrew Goodall".

Dr Andrew Goodall

UK General Election 2019

Guidance for Welsh Government Officials

1. Introduction and Background

As you are aware, there will be a UK Parliamentary Election on 12th December 2019. The UK Government entered a formal pre-election period at one minute past midnight on 6th November.

Since some of our colleagues may be relatively new to the Welsh Government and unfamiliar with what happens at election times, it might be helpful to set out the background.

It is important that the public has confidence during any pre-election period that Welsh Government funds, which includes the time and attention of the civil service, are not used to help any particular political party or to support any political activity during an election campaign.

The civil service is required to be strictly neutral and impartial in respect of elections. To help ensure this, the First Minister invites the Cabinet of the Welsh Government to commit to observing guidance to prevent any actual, or perceived, use of public resources for campaigning purposes or for any actions designed primarily to influence the outcome of the election; and the Permanent Secretary, with the support of the First Minister, agrees complementary guidance for the civil service on conduct during a pre-election period.

These actions are underpinned by the respective codes of conduct for Ministers and for Civil Servants, which are referred to below. Please see links to the [Ministerial Code](#) and the [Civil Service Code](#).

The majority of our work is unaffected - **it will be business as usual during the UK General Election campaign**. However, constraints will inevitably be placed on some of our activities.

As Welsh Government officials, 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 UK Parliamentary Election.

The purpose of this note is to provide general guidance on the impact the UK Government pre-election period could have on officials working for the Welsh Government - staff working in the Assembly Commission will receive separate guidance prepared in the light of their particular circumstances. 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 up until polling day.

Please note that no other elections are due to take place in Wales on 12th December 2019.

What follows does not and cannot cover all the cases which might arise during the pre-election period.

If you are in any doubt at all about what to do, then you should approach your Director General / Departmental Director or the appropriate contact point, as listed at paragraph 11 of this note.

The Civil Service Code continues to apply during the pre-election period. Under that, civil servants must adhere to two basic principles at all times:

- (i) to be, and to be seen to be, politically impartial;
- (ii) to ensure that public resources are not used for party-political purposes.

Under that Code, Welsh Government civil servants owe their loyalty to the Welsh Government. So the further guidance which applies in UK Government Departments – which effectively suspends much government activity for the duration of the campaign – does not apply in Wales. Officials should therefore continue to work towards supporting Ministers and delivering the commitments in the Programme for Government and other Welsh Government business.

Brexit

The following sections of this guidance set out the general rules for Welsh Government officials in relation to supporting Ministers, including communications, during a pre-election period. However, 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. 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. If in doubt, advice should be sought from your Director General / Departmental Director.

2. Supporting Ministers – Briefings, Submissions and Routine Business

During the pre-election period, Ministers should not be routinely asked to take high profile or sensitive decisions on matters **which directly impact upon the UK Government** or affects the Welsh Government's relationship with it, if those could be interpreted as an attempt to influence the election. Such decisions should be deferred until after the election has taken place. Routine matters should continue to be dealt with.

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 in a UK election context, or could be taken to do so. As set out in the section above, the Welsh Ministers will want to continue to advance the Welsh

Government's public position on Brexit during the pre-election period, but care will be needed in considering the appropriateness of official activities in this area. If in doubt, advice should be sought from your Director General / Departmental Director.

3. Handling Correspondence, Assembly Questions (AQs), Freedom of Information (FOI) Requests, and Enquiries

Officials should continue to draft responses to Ministerial correspondence and draft answers to Assembly Questions in accordance with existing procedures throughout the pre-election period.

If officials are concerned that it might not be appropriate to respond to a particular item of correspondence because of the nature of the reply that would be given, then advice should be prepared for Ministers to determine how such correspondence should be handled.

All requests for recorded information fall under the Freedom of Information Act and must 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](#). However, during the pre-election period, it is particularly important for officials to be mindful of the political implications of responses to requests and the handling of requests which are likely to have political implications should be discussed with the relevant Director General / Departmental Director.

All such requests should be treated equally, regardless of the political affiliation of the person making them.

4. Communications

The Welsh Government will need to continue to announce and present its policies to the public during the campaign. However, no announcements should be made during the pre-election period on matters which directly affect the election. Such announcements should be deferred until after the election has taken place. However, as set out in the section above, this does not prevent Welsh Ministers from advancing the Welsh Government's public position on Brexit during the pre-election period.

Welsh Government officials should not seek to make joint announcements and the like with Whitehall departments. The UK Government is subject to much tighter rules during the campaign. If it is necessary to make an announcement jointly, it should be postponed until after the election.

More generally, particular care should be taken when making announcements, organising public events, covering stories on the Welsh Government's website, social media activity, and undertaking paid-for marketing and publicity. Whilst maintaining business as usual, a sensitivity test should be applied in all cases by the relevant Director General / Departmental Director and Communications officials. The general rule is that none of these activities should be, or be capable of being construed as being, party political in nature. Particular care should be taken around new and

significant spending or policy announcements which relate directly to one, or a very small number of individual constituencies during the election period, in order to limit the perception that these could influence the outcome of the election. Regional and national spending announcements can still be made if required, as per the business as usual approach.

If in doubt, advice should be sought from Communications Directorate. Officials in Communications Directorate and Departmental Web Managers have been issued with specific guidance (Appendix A). This includes a reiteration of the clearance procedures for news releases.

Officials in Knowledge and Analytical Services or others producing official statistics will also be issued with their own detailed guidance (Appendix B).

5. Working with Whitehall Departments

Whitehall officials will also receive election guidance from Cabinet Office during the pre-election period. Welsh Government officials who routinely work with UK Government departments should continue to maintain dialogue with their Whitehall counterparts.

6. Consultations

Where the Welsh Government is preparing new policy, programme or legislative proposals and is required to consult, consultations will usually commence and continue during the pre-election period unless there is a particular emphasis on issues relating to the UK Government. Any consultation exercises, which might impact on our relationship with the UK Government specifically during the pre-election period should be subjected to a sensitivity test by Director General / Departmental Director to identify any potentially politically contentious issues, and then, if necessary, discussed with Cabinet Division.

UK-wide consultations or joint consultations between a Whitehall Government Department and the Welsh Government already underway at the beginning of the pre-election period will continue. However, no new consultations will be launched by UK Government Departments during this period.

7. Political Activity by Officials

Officials should familiarise themselves 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 guidance on Political Activities](#).

Any Welsh Government employee* wishing to undertake any political or campaigning activity in relation to the UK General Election, including standing as a candidate, should first seek permission in writing, via their line manager, from their Human Resources Business Partner. This includes employees on secondment to bodies outside the Welsh Government and, for the duration of their appointment, individuals

seconded to the Welsh Government.

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.

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

8. Use of Welsh Government Premises

Welsh Government premises should not be used for campaigning purposes. Do not seek to use Welsh Government premises for such purposes yourself, or display election posters etc. on Welsh Government premises. Similar guidance will be issued to NHS Trusts, WGSBs etc. on the use of their estate.

9. Officials in Ministerial Private Offices

Officials in Ministerial Private Offices should continue to provide support to Ministers in their official duties at all times during the pre-election period.

Ministers may wish to take part in campaign activity and as such 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. Separately, there will be a Cabinet paper setting out the First Minister's expectations relating to Ministerial conduct during the pre-election period.

Ministers will, as usual, be subject to 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, but should familiarise themselves with the guidance on handling correspondence, Assembly Questions and Freedom of Information requests outlined at paragraph 3 of this guidance.

Private Office officials should not attend engagements which are explicitly for party-political or campaigning purposes. Nor should they allow Welsh Government resources to be used for campaigning 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.

10. Special Advisers

Special Advisers will continue to provide advice and support to Ministers, including political advice. Special Advisers will have received separate guidance on how to conduct themselves during the pre-election period.

11. Further Information and Contact points

You should always exercise caution and if you are in any doubt, discuss with your line manager in the first instance, referring upwards to your Director or DG if necessary. You can get more help and advice, particularly on specific cases, from the following contacts. Please submit your query by e-mail.

For queries on:

- **Ministerial briefing and similar:** the relevant Private Secretary.
- **Ministerial correspondence:** Correspondence Clerks in each Private Office.
- **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, Head of Strategic Communications or Simon Jenkins, Head of News.
- **Officials in private offices:** Damian Roche or Tom Roberts, Cabinet Secretariat.
- **Any other query on this guidance:** Damian Roche or Tom Roberts, Cabinet Secretariat.

**Cabinet Secretariat
November 2019**

UK General Election 12 December 2019
Guidance on Communications for all staff in the pre-election period.

This guidance is for all staff involved in communications and marketing and supplements the General Guidance for Welsh Government Officials. It came into effect on 6th November 2019 and will remain in place until polling day on 12th December 2019.

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 likely 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 the UK General Election campaign.

Welsh Ministers are not constrained from speaking about the record of the UK Government, whether positively or negatively, during the election period. For example, the issue of the UK's departure from the European Union will be a significant issue in the election, but Ministers will want to continue communications activity in relation to the Welsh Government's position on this. However, care must be taken that civil service communications activity and support is undertaken to promote the Welsh Government's position, and conducted fully in line with normal party political impartiality.

Communications Activity

These issues are seldom clear cut. It is often a matter of judgement whether communications activity is appropriate or could be perceived as likely to influence the outcome of the elections. Each case should therefore be considered on its merits.

In some cases it may be better to defer a campaign, visit or press release until after the election. But this would need to be balanced carefully against any implication that deferral could itself influence the political outcome:-

- paid publicity campaigns which should not be open to criticism that they are being undertaken for party political purposes.
- care should be taken in relation to proposed Ministerial visits. Clearly, official support and government publicity 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 considering carefully the nature of 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) will be scrutinised closely by the news media and the political parties during the election periods, looking for any signs of political bias.
- there should be no joint press releases issued by the Welsh Government and the UK Government during the pre-election period.
- particular care must be taken when contributing quotes from Ministers and Deputy Ministers for inclusion in other organisations' press releases. The Head of News should always see press releases sent to us by other organisations, particularly those specifically relating to the UK Government.
- 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.
- Care should be taken when issuing reactive lines to the media during the pre-election period, and as in normal business, should not be capable of being interpreted as a party political position. Again, seek advice from Toby Mason or Simon Jenkins if unsure.

All press releases, lines and quotes must be cleared in line with the usual protocol.

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.
- 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 Head of Strategic Communications before undertaking any communications activity which may breach our Civil Service Code.

UK GENERAL ELECTION 2019

GUIDANCE FOR STATISTICAL, SURVEY AND RESEARCH ACTIVITY IN THE PRE-ELECTION PERIOD

This guidance is aimed at **all staff** involved in statistical, survey and research activity, this includes staff in Knowledge and Analytical Services (KAS), 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 Wales e.g. NHS Wales Informatics Service, Student Loans Company etc. This guidance supplements the Guidance for Welsh Government Staff. The guidance is effective until and including polling day on 12 December 2019.

The guidance may not be exhaustive and any other issues that arise during the campaign should be raised in the first instance with the Head of Statistical Policy and Standards 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:

- The ad hoc release of statistical or research publications
- The publication of statistics on the date of the election
- 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).

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 (First Releases, Bulletins, Articles, Headlines, and Publications) 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.

Avoid publishing official statistics on the date of the election. If an output has been pre-announced for that date, consult with the Head of Statistical Policy and Standards and adhere to the [GSS policy on publishing official statistics on polling days](#).

5. Continue to publish tweets relating to the publication of statistical outputs 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.

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

Publication of Research Reports

7. 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

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

Requests for information or advice

9. Handle requests for factual information in line with the Guidance for Welsh Government Staff. If the information requested is not factual, refer the person to the appropriate Minister's Private Office.

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

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

12. 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 Strategic Budgeting.

13. The routine publication of material issued in response to requests for statistical information on a fortnightly basis will continue throughout the pre-election period and you should ensure the Statistical publications team 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

14. 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. This is also in line with our commitment to reduce production of hard copy publications.

Surveys

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

16. 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 the KAS Survey Advice Team.

Research fieldwork

17. 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

18. If in doubt consult the people below:

Knowledge and Analytical Services Contacts

Head of Statistical Policy and Standards – Rachel Lloyd – 03000 253357

Chief Statistician – Glyn Jones - 03000 256691

Chief Social Research Officer - Steven Marshall 03000 255868