

WELSH HEALTH CIRCULAR



Llywodraeth Cymru
Welsh Government

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Local Health Boards and NHS Trusts

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Llywodraeth Cymru
Welsh Government

Chief Executives
Chairs
Board Secretaries

Our Ref:

11 March 2021

Dear Colleague

Senedd Election 2021 – Guidance for NHS Wales

Further to Welsh Health Circular 2021 003 issued yesterday enclosing guidance that had been issued to Welsh Government staff, this letter and the accompanying guidance explains the impact that the pre-election period will have on Local Health Boards and Trust activities from the start of the pre-election period which starts on 25 March up to and including polling day on 6 May.

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. Therefore, you may wish to pay particular attention to paragraph 7 of the guidance.

Should you require clarification on any aspect of this note please do not hesitate to contact myself (Steve.Probert@gov.wales).

Yours sincerely

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GUIDANCE FOR NHS WALES DURING THE SENEDD ELECTION PERIOD (25 March – 6 May 2021)

1. Summary

The next election to the Senedd will take place on 6 May 2021. The current Senedd will be dissolved at one minute past midnight on 29 April and Assembly Members will cease to hold office. The pre-election period will begin on 25th March 2021. Ministers will continue to hold Ministerial office until after the election and until a new First Minister is appointed by Her Majesty the Queen, following nomination by the Senedd, and a new Cabinet is appointed.

During the pre-election period, Ministers will not take high profile or sensitive decisions; however urgent matters will continue to be dealt with. Advice and briefings should continue to be submitted to Ministers ensuring the content does not suggest support for, or opposition to, one or more political parties, or could be taken to do so. This note contains guidance to NHS employees on their role and conduct during the forthcoming election campaign.

The general principles that should be observed during the period of the election are that, as at other times, NHS staff should not be asked to engage in activities which could give rise to the criticism that people paid from public funds are being used for party political purposes, or which distract attention unduly to the election campaigns.

The principles set out in this guidance apply to the NHS at all times, but particular note should be taken in the period between the start of the formal campaign on 25 March and up to and including polling day 6 May.

2. Background

Local Health Boards and Trusts are asked to take special care during this period to ensure that they conduct themselves appropriately. NHS Chief Executives will wish to follow consistent principles when responding to requests for information and access to NHS Wales premises in connection with election campaigns.

Chairs and Chief Executives are legally responsible for the uses made of NHS premises. It is therefore entirely for them to decide what facilities to grant or information to release to

candidates or party spokespeople. They should, however, take the following principles into account:-

- The NHS and its constituent bodies have no party political affiliation. Nothing should be said or done by any member or employee in his or her official capacity that suggests otherwise;
- NHS staff should not be asked to engage in activities which could give rise to the criticism that people paid from public funds are being used for party political purposes;
- Queries from political parties and candidates should be treated even-handedly;
- Should visits by candidates and party spokespeople be permitted to NHS premises, there should be no disruption to services or patient care particularly where they involve media coverage and the same facilities should be offered to other candidates if requested.
- Party political meetings should not be held on NHS premises during the pre-election period.

3. Freedom of Information Requests

All requests for information that fall under the Freedom of Information Act must continue to be responded to within 20 days; however you should be mindful with any requests for information of the political implications of the response.

4. Media enquiries

Media enquiries about the operation of the NHS services should be answered in accordance with the Code of Practice on Openness in the NHS. However, you need to be mindful with any requests of the political implications of the response. Therefore, all media comments, as should be the case routinely, need to be cleared at Executive Director or Chief Executive level.

It is important that all Chief Executives establish clear procedures locally so that a consistent approach is taken on questions from media interests. Those answering questions should limit their comments to their own areas of responsibility. Questions on national healthcare policy should be referred to the Welsh Government Press Office.

5. Internet, Social Media and other electronic channels

Social and electronic media has become more important to news organisations and political parties during the pre-election period and therefore must be handled with great care.

Official websites, blogs, tweets and telephone messaging are a form of broadcasting. Therefore you must ensure that material posted on these comply with the same guidance as that for press releases, articles and broadcasts. Material that has already been published may remain on line and may also be updated purely for factual accuracy but should not involve publicising new campaigns.

6. Dealings with enquiries from political parties and candidates

Factual information may be made available in accordance with the Code of Practice on Openness in the NHS. All candidates should have access to the same information, but it is not necessary to circulate information every time a query is answered.

7. Campaigning and canvassing on NHS Wales property

Chairs and Chief Executives should consider carefully whether to allow:

- visits by candidates and/or spokespeople;
- personal canvassing

If you agree to such a request in support of one candidate or party, you must be prepared to offer comparable facilities to all others. The overriding concern must be to organise or limit such events as to avoid disruption to patients treatments and to ensure the continued smooth running of the service. If Chief Executives are not confident that it can allow equal access to all candidates, then it should refuse all such requests.

Political posters should not be displayed in public areas on NHS premises. Other posters and advertising material purporting to be apolitical and published by other groups should be carefully scrutinised to ensure that they cannot be regarded as favouring or opposing a particular candidate or party.

8. Continuing Conduct of NHS Business

The normal business of Local Health Boards and Trusts requires many public contacts and much of this can proceed in the normal way. For example, existing health promotion campaigns do not need to be interrupted but it would be sensible to assess the effectiveness of large scale mail-drops, etc, in the period up to the elections, as the messages may be lost in the election publicity. New campaigns should be deferred until after the election.

High-profile publicity (posters and advertising) launched during the election campaign risks losing any impact as the media focus will be on the campaign. You should consider postponing such initiatives until after the election.

9. Candidacy of NHS employees at the elections

NHS Wales staff standing as candidates may be granted special leave (with or without pay) at the discretion of their employer. NHS organisations may set their own conditions with regard to candidacy of employees engaged on NHS contracts, while respecting the requirements of employment legislation.

10. Other Political Activity

NHS members of staff are free, in their private capacity, to engage in public debate or comment during the election period. However, they should not use NHS premises or

equipment and should not make comments based on information not generally available to the public. It must be clearly stated that the views expressed are those of the individual and not of any NHS organisation.

11. Local Health Board / Trust Meetings

Routine Local Health Board or Trust meetings which would normally be held in public, as well as annual public meetings, may be held in the pre-election periods.

12. Lectures

Public lectures given for educational purposes by Local Health Board or Trust employees on health matters need not be cancelled or postponed, but should avoid debate or speculation on the outcome of the election and any impact that might have on the Welsh Government's health and social care policy.

13 Action

Chief Executives of NHS organisations should ensure that the principles in this guidance are followed. If you have any queries please contact Steve Probert, Deputy Director of Operations, Health and Social Services Group (Steve.Probert@gov.wales).