

## Elections to the National Assembly for Wales – May 2016

### Guidance for Welsh Government Staff

#### 1. Introduction

The next election to the National Assembly for Wales will take place on Thursday 5th May 2016. The National Assembly for Wales will dissolve at one minute past midnight Wednesday 6<sup>th</sup> April 2016 and Assembly Members will cease to hold office. Ministers, however, will continue to hold Ministerial office until a new First Minister is appointed by Her Majesty the Queen and a new Cabinet is appointed.

The pre-election period will, therefore, begin on 6th April 2016 and this guidance applies from then until and including polling day. During the pre-election period, our activities and those of Ministers will be under very close scrutiny.

In line with the [Ministerial Code](#), Ministers\* will not undertake any engagements, make any announcements or take decisions, which are or could be construed as conferring party-political or electoral advantage. That basically means that Ministers will not ordinarily conduct any high-profile or sensitive official business during the pre-election period.

The day to day business of civil servants will continue, in most cases, as usual. However, there may be some areas in which our activities are restricted.

The purpose of this note is to provide general guidance on the impact the election campaign will have on us as civil servants. Staff working in the Assembly Commission will receive separate guidance, prepared in the light of their particular circumstances. Additional guidance will also be issued to colleagues in Communications Directorate and those involved in statistical as well as survey and broader research activity. The principles of this guidance will be conveyed to the NHS, Welsh Government Sponsored Bodies (WGSBs) and other devolved public bodies in Wales.

Please note that Police and Crime Commissioner elections in England and Wales will be taking place on the same day.

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

***If you are in any doubt about what to do, then you should approach your Deputy Permanent Secretary / Director General / Departmental Director in the first instance, or the appropriate contact point at paragraph 12.***

The Civil Service Code continues to apply during the campaign. Under that, we must adhere to two basic principles at all times:

\* references to Ministers within this document encompasses: the First Minister, Welsh Ministers, the Counsel General and Deputy Ministers.

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

## **2. Supporting Ministers – Briefings, Submissions and Routine Business**

During the pre-election period, Ministers should not be asked to take high profile or sensitive decisions. Such decisions should either be taken before the pre-election period begins or be deferred until after polling day. Routine or very urgent matters should continue to be dealt with.

More generally, we 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, advice should be sought from the relevant Deputy Permanent Secretary/Director General/Departmental Director.

We should bear in mind, however, that Ministerial availability to clear work may be limited during the pre-election period. Therefore, if you intend to submit work to a Minister, which requires urgent attention then you should contact the relevant private office in good time to discuss timings.

We should not undertake any work (including announcements, meetings or publicity campaigns), which is likely to attract media attention, and/or is politically sensitive or high-profile. When planning such activities, the pre-election period should be avoided altogether. Further guidance on the kinds of activity that should not take place during the campaign period is set out in annex A to this notice. Separate guidance on consultation exercises is set out below.

We should not provide costings of parties' policies (whether on devolved or non-devolved matters) without first consulting Strategic Budgeting Division.

Neither should we agree to make joint announcements with Whitehall Departments. You need to be aware that this guidance applies to Welsh Government officials and officials in Whitehall may not be as constrained during the pre-election period, but making an announcement jointly does not make it any more acceptable in Wales. Therefore, any joint announcement should be postponed until after the election.

## **3. Consultations**

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

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. Such high profile or sensitive consultations should not coincide with the pre-election period at all.

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 either at Westminster or the European Commission, 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.

Where a UK Government Department is consulting on a UK or England and Wales basis, on a matter which is reserved, we should draw their attention to the pre-election period and ask them to be sensitive to the election campaigns – as was the case here when the UK Parliamentary elections were undertaken in 2015.

#### **4. Access to Information Requests, and Enquiries**

We should continue to provide recorded information in response to enquiries from parties, candidates and others, in line with the [Guidance for Staff Handling Requests for Recorded Information](#)

All requests for recorded 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](#). However, during the pre-election period, it is particularly important for staff to be mindful of the political implications of responses to requests. The handling of requests which are likely to have political implications should be discussed with an appropriate Deputy Permanent Secretary / Director General/Departmental Director.

All requests for recorded information should be treated equally, regardless of any known political affiliation of the person making them.

#### **5. Correspondence**

Where possible, we should make every attempt to draft and clear replies to correspondence before the commencement of the pre-election period.

Election candidates, whether they be former AMs or not should be treated equally. This means that letters from election candidates received during the pre-election period should be responded to by Ministers.

Holding replies will only be necessary if the proposed response is likely to attract local or national media attention other than in a trivial or cursory reference or deals with politically contentious issues. Holding replies will be issued by private secretaries on advice from officials.

Other than as described above, guidance on who should receive Ministerial/TO correspondence remains unchanged and will be determined by the correspondence

unit or private office in the usual way. Examples of standard wording for replies to invitations can be found below.

### **Standard wording for replying to routine invitations**

*The Minister has asked me to thank you for your letter/e-mail of [date] inviting him/her to [event] on/in [date] 2016.*

*Elections to the National Assembly for Wales are due to take place on 5 May and, as such, it is not possible to confirm the Minister's availability at this time. Please feel free to write again after 5 May once the new Government is in place.*

### **Standard wording for replying to invitations to high profile events**

*The Minister has asked me to thank you for your letter/e-mail of [date] inviting him/her to [event] on/in [date] 2016.*

*The Minister would be pleased to accept but is only able to agree this in principle at this time. Elections to the National Assembly for Wales are due to take place on 5 May and it will not be possible to confirm the Minister's attendance until after that day and the new Government is in place.*

*We'll contact you again as soon as possible after 5 May but if, in the meantime, you would prefer to make other arrangements then please let us know.*

## **6. Public Appointments**

The public appointment process should be completed (i.e. relevant Welsh Minister takes a decision on appointment in line with the usual submission process & appointment publicised) before the pre-election period begins. If the appointment process runs into the pre-election period then it will have to be stopped and re-started once a new government is formed.

## **7. Political Activity by Staff**

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 Adviser.

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, Executive Bands and Fast Streamers are precluded from national political activity. The elections taking place in May are considered to be 'national'.

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. Use of Welsh Government Premises and Resources**

Welsh Government premises and resources should never be used for campaigning purposes. We should not seek to 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.

## **9. Staff 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 will be undertaking campaign activity and as such private office staff may wish to discuss the principles of this guidance with their 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 expectation relating to Ministerial conduct during the pre-election period.

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. 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 any other support, for party and campaigning engagements.

Ministers' party and campaigning engagements should continue to be recorded in their official diaries.

## **10. 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 – in particular paragraphs 19 and 20.

However, Special Advisers should not undertake any public campaigning activity or agree to be adopted as a candidate. They must resign their post if they wish to do either of these things, and should consult Human Resources Division on the implications of this.

## **11. Staff in Communications Directorate or those involved in statistical, survey and broader research activity**

Please refer to the specific guidance, which is attached to this guidance note. Guidance for staff in communications directorate is attached at Annex b and guidance for staff involved in statistical, survey and broader research activity is at Annex c.

## **12. 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, from the following. Please submit your query by e-mail.

### **For queries on:**

- **Ministerial briefing and similar** - the relevant private secretary;
- **Ministerial correspondence** – the Correspondence Unit;
- **public access to information** – Freedom of Information Officer mailbox;
- **costing party policies etc.** - your division's normal contact in Strategic Budgeting or NHS Resource Directorate;
- **personal conduct of staff (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;
- **specific queries from staff involved in statistical or survey work** -Rebecca Gillard or Glyn Jones;
- **specific queries from staff on the conduct of research** – Steven Marshall, Richard Thurston or Chris Roberts, SRID;
- **specific queries relating to Legislative Consent Motions (LCMs)** - Constitutional Affairs and Parliamentary Legislation Team; and

- **officials in private offices** - Christopher W Morgan, Head of Cabinet, Plenary and Committee Secretariat.

Any other queries concerning this guidance please contact Christopher W Morgan, Head of Cabinet, Plenary and Committee Secretariat.

**CABINET, PLENARY & COMMITTEE SECRETARIAT**  
December 2015

### **Activity which should not take place during the campaign period**

The following list sets out criteria for determining whether a proposed initiative or activity should not take place during the campaign period. It is not exhaustive and, if in doubt, you should err on the side of caution and defer action until after the election.

Any activity should not take place if it meets either of the following criteria:

- it is likely to attract any local or national media attention other than trivial or cursory references; or
- it deals with a politically-contentious issue, i.e. one on which the main political parties in Wales have contrasting views on which they are likely to campaign.

These tests should also be applied to activity which deals with individual cases rather than broad policy-making, such as answering correspondence. The test here is whether the correspondence would infringe any of the above criteria if made public. If, as a result, it is necessary to send a holding reply, this should read as follows:

“I regret [I am / the Minister is] unable to reply substantively to your letter of – about -- . Our rules on conduct restrict the extent to which we can promote Welsh Government policy during an election campaign. This is to avoid any suggestion of seeking unduly to influence the outcome of the forthcoming election.

I will send you a full reply as soon as possible after the election.”

**Assembly Elections 5<sup>th</sup> May 2016**  
**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 Staff. It comes into effect on 6th April 2016.

The Ministerial Code requires Cabinet members to keep their official (i.e. Ministerial) and party political and constituency roles separate during the campaign period. Cabinet members will not therefore undertake any high profile engagements; make major announcements as Ministers during the pre election period.

Our communications activities will inevitably come under great scrutiny pre-election since any Government communication could be interpreted as electioneering. We must therefore avoid any possible accusations of Government communications resources being used to help the current governing party to be re-elected.

Although Ministers continue in office in the run-up to the election they will be engaged on party political matters during this period, undertaking political engagements and canvassing. Their routine communications as Ministers will continue to be arranged by Welsh Government officials, whereas party political communications will be handled by their own party staff. Care must be taken to ensure that there is no overlap.

During the pre-election period, communications staff may continue to carry out their duties only to the extent of providing factual explanation of current Welsh Government policy, statements and decisions. They must be careful not to become involved in a partisan way in Election issues and should not lay themselves open to accusations of electioneering.

**Media ( broadcast, print and electronic)**

- In response to questions from the media only factual information from material already published, including material on websites and other electronic channels may be provided. Specific requests for unpublished material should be handled in accordance with the requirements of the Freedom of Information Act.
- We should not handle statements referring to the future intentions of the Government. Such proposals should be made by Ministers, in their capacity as Assembly candidates, in political speeches handled by the Party organisation.
- It is important to avoid any repetition of the Welsh Government's past achievements in communications.
- During the pre-election period, newspaper articles, interviews, social media and web content and broadcasts by Ministers, in their capacity as Assembly candidates, will normally be facilitated through political networks. Interviews will come under very close scrutiny during this period especially by Opposition parties. We should not arrange broadcasts, filming or social media content

for electronic channels or print interviews during this period unless we are confident that the subject is non-controversial and that the Minister is speaking in a Government, not party, capacity.

- Interview bids must be discussed with the Head of News or Head of Strategic Communications before being sent to the Minister so that consideration can be given to any possible political implications and appropriate advice may be given to the Minister.

### **Internet, Social Media and other electronic channels**

- Official websites, blogs, tweets and telephone messaging are a form of broadcasting. They will be scrutinised closely by the news media and political parties during the pre-election period and must be handled with great care.
- Material posted on these must comply with the same guidance as that for press releases, articles and broadcasts. Webcasts and tweets by Ministers must be avoided by Welsh Government staff.
- Material that has already been published may remain on line and may also be updated purely for factual accuracy i.e. change of address. However, while material may be referred to in handling media enquiries, nothing should be done to draw further attention to it.
- Ministers' biographies and details of their responsibilities can remain on sites but no additions should be made.
- Development work on support systems of existing sites can continue but this should not involve new campaigns or extend existing campaigns. Interactive functions such as discussion groups, which allow public posting or comment should be suspended,

### **Paid media**

- Exhibitions which form part of exhibitions sponsored by others should not be withdrawn but self-contained exhibitions or participation in exhibitions which may be advocating a politically contentious policy or Government achievements should be avoided during the pre-election period.
- Displays of factual information on official premises may continue but promotional displays should be withdrawn or withheld.
- The same applies to factual information which supports the delivery of a service.
- Films, videos, DVDs, advertising collateral, web material and photographs should not be made available for use by political parties.
- Printed material, including the Programme for Government Annual Report, should not be given any fresh distribution during the pre-election period. The normal display of existing posters on official premises may continue but efforts should not be made to seek display elsewhere. Small numbers of leaflets may be issued on request to members of the public but bulk supplies should not be issued to any individuals or organisations without appropriate approval.
- New advertising campaigns will, in general, be postponed and running campaigns closed. However, some advertising such as recruitment or health and safety might be specifically approved to continue by the relevant Deputy Permanent Secretary / Director General.

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

- Neither Ministers, nor any other Assembly candidates, should involve Government establishments in the National Assembly Election campaign by visiting them for electioneering purposes.
- They should not use any material produced by the Government in any way to support campaigning eg 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.
- Bodies which are private companies but take civil servants on secondment and have close associations with Departments, should be reminded of the need for the civil servants in their employ to avoid compromising their political impartiality. Departments may also wish to warn such bodies that the period of the campaign will be very sensitive and they may wish to take this into account when making press announcements or devising programmes.

### **Conclusion**

The message is to exercise great caution and always check if there is any doubt in your mind about what may be permitted in the pre-election period.

Simon Jenkins, Head of News.

Toby Mason, Head of Strategic Communications.

**Annex C**

**NATIONAL ASSEMBLY FOR WALES ELECTION 2016  
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 from 6<sup>th</sup> April 2016 until, and including polling day on 5th May 2016.

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 Official 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 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 Official 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.
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 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**

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 inline 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 Service contacts***

Head of Statistical Policy and Standards – Rebecca Gillard - 029 2082 3124

Chief Statistician – Glyn Jones - 029 2082 6691

Chief Social Research Officer - Steven Marshall 029 20825868