

WELSH HEALTH CIRCULAR



Llywodraeth Cymru
Welsh Government

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For Action by:
Chief Executives
Chairs

Action required by:
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Enclosure(s): Covering letter, NHS Guidance, Welsh Government staff guidance

Chief Executives
Chairs
Board Secretaries

Our Ref: WHC/2015/009

23 February 2015

Dear Colleague

UK General Election 2015

You will be aware that there will be a UK General Election on 7th May 2015, and UK Government will enter into a pre-election period following dissolution of the of the UK Parliament on 30th March.

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 specifically for NHS Officials as well as guidance which has been issued to Welsh Government staff.

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 8 of the guidance.

Should you require clarification on any aspect of this note please do not hesitate to contact David Cullis (David.Cullis@wales.gsi.gov.uk).

Yours sincerely



Dr Andrew Goodall

GUIDANCE FOR NHS WALES DURING THE UK PARLIAMENTARY ELECTION PERIOD (30 March – 7 MAY 2015)

1. Summary

This note contains guidance to NHS employees on their role and conduct during the forthcoming election campaign.

For the NHS in Wales it should be business as usual, however, staff should be sensitive to activities that could be viewed as political campaigning. Staff should also be mindful of the heightened media interest in the NHS in Wales at a UK level at this time and any decisions that could be viewed as having a direct impact on UK Government policy should not take place.

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 (30 March) and polling day (7 May).

2. Background

Health Boards and Trusts are asked to take special care during this period to ensure that they conduct themselves appropriately. Chief Executives will wish to follow consistent principles when responding to requests for information and access to NHS 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;
- Parties and candidates should be treated even-handedly;
- 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, as above, 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. 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.

6. 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 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.

7. Continuing Conduct of NHS Business

The normal business of 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 elections.

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.

8. Candidacy of NHS employees at the elections

NHS 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.

9. 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.

10. Local Health Board / Trust Meetings

Routine 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.

11. Lectures

Public lectures given for educational purposes by 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 UK Government's health policy.

12. Action

Chief Executives of NHS organisations should ensure that the principles in this guidance are followed. If you have any queries please contact David Cullis david.cullis@wales.gsi.gov.uk Department for Health and Social Services, Welsh Government.

March 2015

UK General Election 2015

Guidance for Welsh Government Officials

1. Introduction

Following introduction of the Fixed-term Parliaments Act 2011, the date of the next UK General Election has been set as 7th May 2015. This will be preceded by a formal UK Government pre-election period, which will commence when the UK Parliament is dissolved, on 30th March 2015.

The majority of our work will be 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 General 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 from the formal start of the pre-election period on 30th March 2015, following the dissolution of Parliament on this date and includes polling day on 7th May 2015.

Please note that no other elections are due to take place in Wales on 7th May 2015.

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 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 the 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.

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 either be taken before the pre-election period or 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, or could be taken to do so. If in doubt, advice should be sought from your Director General.

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.

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

4. Communications

No announcements should be made during the pre-election period on matters which directly affect the election. Such announcements should either be made before the pre-election period or be deferred until after the election has taken place.

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 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 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.

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 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 Directors General 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 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.

*"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, 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. 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.
- **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 Adviser Team.
- **Announcements, events, marketing and publicity:** Toby Mason, Head of Strategic Communications or Simon Jenkins, Head of News.
- **Officials in private offices:** Christopher Morgan or Richard Thomas, Cabinet Division.
- **Any other query on this guidance:** Christopher Morgan or Richard Thomas, Cabinet Division.

Cabinet Division
February 2015

UK General Election 7 May 2015 **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 comes into effect on 30th March 2015, before polling day on 7th May 2015.

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.

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

- praise for or criticism of the UK Government and/or its leadership, members or officers;
- praise for or criticism of the UK Government's approach to the delivery of any service, or of the standards of such services;
- any decision which favours or disadvantages the UK Government over others, however reasonable and justified.

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 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 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. Ideally, these should be restricted to factual information – and not draw comparisons with the performance by the UK Government. 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 2015 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 Wales e.g. NHS Wales Informatics Service, Student Loans Company. This guidance supplements the General Guidance for Welsh Government Officials. The guidance is effective from 30th March 2015 until, and including polling day on 7th May 2015.

The guidance may not be exhaustive and any other issues that arise during the pre-election period should be raised in the first instance with the KAS Policy and Standards team who will either provide guidance or consult with the Chief Statistician.

In summary:

As always observe the guidance on the conduct of official statistics in the *Code of Practice for Official Statistics* and the associated *The Pre-Release Access to Official Statistics (Wales) Order 2009*. Avoid the ad hoc release of statistics, the conduct of surveys that might give rise to controversy, and the bulk distribution of material that might be used for campaigning purposes. If in doubt consult the KAS Policy and Standards team (contacts given below).

Principles

1. As always observe the *Code of Practice for Official Statistics* and the associated *The Pre-Release Access to Official Statistics (Wales) Order 2009*.
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, 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. Always take great care to be impartial and objective in the way you present and describe statistics, and in face-to-face briefing.

Requests for information or advice

6. Handle requests for factual information in line with the Guidance for Welsh Government Officials. If the information requested is not factual, refer the person to the appropriate Minister's private office.
7. Be even-handed in meeting factual information requests from candidates - for example in the level of detail you provide, and how promptly.
8. Continue to meet requests for factual guidance on methodology.
9. 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 Division.

Requests for published material

10. 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

11. Regular, continuous and ongoing censuses and surveys may continue. So may ad hoc surveys that support a continuing statistical series.
12. 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.

Advice

- 13. *If in doubt consult the contacts below.***

Knowledge and Analytical Services Contacts

KAS Standards and Policy – Rebecca Gillard Tel: 029 2082 3124
Chief Statistician – Glyn Jones Tel: 029 2082 6691