

European Parliamentary Elections - 23 May 2019

Guidance for Welsh Government Staff

1. Introduction

There will be elections to the European Parliament on 23 May 2019. This will be preceded by a formal pre-election period, commencing on 2 May 2019.

The majority of our work will be unaffected, it will be business as usual. However, constraints will inevitably be placed on some of our activities.

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

The purpose of this note is to provide general guidance on the impact the pre-election period could have on staff 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 2 May until and including polling day on 23 May.

Please note that local government elections are taking place in 249 local authority areas in England and for all 11 local councils in Northern Ireland on Thursday 2 May 2019.

What follows does not and cannot cover all the cases which might arise during the pre-election period. A list of matters directly affecting the European Union is included at Annex A.

If you are in any doubt at all about what to do, you should approach your Director General/Departmental Director or the appropriate contact point, as listed at paragraph 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. Staff should therefore continue to work towards delivering the commitments in the programme for government and other Welsh Government business.

2. Supporting Ministers – Briefings, Submissions and routine business

During the pre-election period, Ministers should not be routinely asked to take decisions on matters which directly relate to the European Union or affect the Welsh Government's relationship with it, (see Annex A), if those could be interpreted as an attempt to influence the election. Such decisions should either be taken before the pre-election period begins or be deferred until after the election has taken place.

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

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

Except for those matters which directly affect our relationship with the European Union (see Annex A), officials should continue to answer correspondence and AQs in accordance with existing procedures throughout the pre-election period.

Ministerial correspondence from MEPs and election candidates on matters which do not directly affect the European Union will continue to be answered during the pre-election period.

Correspondence, AQs or requests for information directly affecting our relationship with the European Union should be dealt with as outlined in Annex A.

All requests for information fall under the Freedom of Information Act and must normally be responded to within 20 working days. Requests which seek disclosure of recorded information which is not in the public domain should continue to be dealt with according to the usual process set out in the [Guidance for Staff Handling Requests for Recorded Information](#).

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

4. Communications

No announcements should be made during the pre-election period on matters which directly affect our relationship with the European Union. Such announcements should either be made before the pre-election period begins or be deferred until after the elections have taken place.

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. Colleagues in Communications Directorate and Departmental Web Managers have been issued with specific guidance (Annex B). This includes a reiteration of the clearance procedures for news releases.

Colleagues in Knowledge and Analytical Services or others producing official statistics will also be issued with their own detailed guidance (Annex C).

Colleagues in WEFO will also be issued their own guidance (Annex D).

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 European issues. Any consultation exercises, which might impact on our relationship with the European Union specifically during the pre-election period should be discussed with Cabinet Division and subjected to a sensitivity test by Directors General to identify any potentially politically contentious issues.

7. Political Activity by Officials

We should 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 guidance on Political Activities](#).

Any Welsh Government employee* wishing to undertake any political or campaigning activity in relation to the European Parliamentary Elections, including standing as a candidate, should first seek permission in writing, via their line manager, from their HR 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 Ministers' private offices

It is unlikely that Ministers will be engaged in campaign activity to the same extent as during Assembly or UK Parliamentary elections; however private office officials may wish to discuss the principles of this guidance with Ministers prior to the start of the formal pre-election period or when appropriate. 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, Freedom of Information requests, and requests for information outlined at paragraph 3 of this guidance and at Annex A.

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

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

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. They may also participate in a private capacity in political activities as set out in the Code.

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:

- **Whether an issue directly affects the European Union:** Peter Ryland, Chief Executive WEFO or [the European Transition Team mailbox](#)
- **Ministerial briefing and similar:** the relevant Private Secretary.
- **Public access to information:** Steven Marshall, Chief Social Research Officer or Andrew Dobbs, DPA and FOI Senior Case Adviser..
- **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, Director of Strategic Communications or Simon Jenkins, Head of News.
- **Officials in private offices:** Damian Roche, Cabinet Division.
- **Any other query on this guidance:** Damian Roche, Cabinet Division.

**Cabinet Division
April 2019**

Matters directly affecting the European Union

1. As a general principle, Welsh Government business should continue as normal during the pre-election period for the European Parliamentary elections. However, new policy decisions and announcements which directly affect the European Union and which could be interpreted as a means of influencing the outcome of the elections, should **not** normally take place.
2. The key criterion is whether a decision or announcement would **directly and specifically** affect the European Union **and** which could be interpreted as a means of influencing the outcome of the election. Examples of matters which directly and specifically affect the European Union normally include:
 - Announcements relating to the award of European funding for projects;
 - Announcements about policy matters relating to the EU programmes in Wales;
 - Announcements or decisions in relation to the inspection or audit reports on European funded projects;
 - Policy announcements or decisions which are concerned only with the European Union.
 - Decisions about funding of projects or programmes relating to the European Union, where this funding would be directed to or through the European Union, or which would require its involvement.
 - Other formal directions or decisions affecting the European Union.
3. However, Brexit and the continuing consideration of the terms of the UK's future relationship with the EU, provides an unprecedented context for these elections. As such it would be inappropriate for Ministers to be constrained in promoting and presenting Brexit-related Government policy positions whilst participating in Assembly business or engaging publicly on Brexit elsewhere in their capacity as Ministers. Staff should continue to support Ministers as normal on these matters.
4. Examples of matters which could be interpreted as influencing the election outcome include anything which is or could be seen as meeting any of the following criteria. These hold even for actions which would be perfectly reasonable and justified in the normal course of business:
 - praise for or criticism of the European Union and/or its leadership, members or officers;
 - praise for or criticism of the European Union's approach to the delivery of any service, or of the standards of such services.
5. It is for the relevant Director General to consider the implications of each individual case.
6. In exceptional situations (for instance, if Ministers need to comply with a statutory deadline) it will be possible to depart from these rules. You will need specific Ministerial approval to do this.

7. Most routine non-public activity can continue. So, for instance, private meetings with Members of the European Parliament (MEPs) or officers should continue to take place.

Correspondence, Assembly Questions, Freedom of Information Requests, and Enquiries

8. The same principles apply to answers to correspondence and Assembly Questions. As these effectively enter the public domain, Ministers will not wish to provide detailed substantive answers to correspondence or AQs that touch on the above matters and which could be interpreted as seeking to influence the outcome of the elections. They will be seeking to limit their answers to the purely factual. i.e. without providing an explanation of or justification for Welsh Government policy.
9. If it is not appropriate to respond to a particular item of correspondence or a question because of the nature of the reply that will be given they will send a holding reply which reads something like this:

“I regret I am currently unable to answer your [letter/question] substantively. This is because of the European Parliamentary elections on 23 May 2019, and the need to ensure that Ministers’ statements contained in correspondence or otherwise are not misconstrued as seeking to influence the outcome of the elections.

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

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

As a general principle, if a request for information is received before the pre-election period which seeks information regarding the European Union or its Programmes, the Information Rights Unit and Legal Services will consider how it should be handled and advise accordingly. Any requests for information received on or after the first day of the pre-election period, which are considered to be likely to influence the outcome of the election, should not be substantively responded to until 24 May;

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

European Parliamentary Elections 23 May 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 comes into effect on 2 May 2019, three weeks before polling day on 23 May 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 European Parliamentary Election campaigns.

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

- praise for or criticism of the European Union and/or its leadership, members or officers;
- praise for or criticism of the European Union's approach to the delivery of any service, or of the standards of such services;
- any decision which favours or disadvantages the European Union 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 undertaking publicity or events for those consultations that are still in process.
- official websites and online channels (such as the Welsh Government news section and our twitter feeds) 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 European Union 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 European Union.
- 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.

As usual, you should follow the agreed protocol for clearing press releases, lines and quotes to the letter by sending them to Special Advisers as well as relevant Private Offices for Ministers and Deputy Ministers.

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 your the Head of News or Director of Communications before undertaking any communications activity which may breach our Civil Service Code.

EUROPEAN PARLIAMENTARY ELECTIONS 2019 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 2 May 2019 until, and including polling day on 23 May 2019.

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 Head of Statistical Policy and Standards or the Chief Social Research Officer.

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 Chief Statistician or Chief Social Research Officer (contact details below).

Principles

1. As always observe the *Code of Practice for Statistics*, the associated *The 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, 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. Follow the [Government Statistical Service policy relating to the publication official statistics on polling day](#).

6. 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.

7. 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

8. 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

9. 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

10. Handle requests for factual information in line with the general Election Guidance and the usual process set out in the [Guidance for Staff Handling Requests for Recorded Information](#). If the information requested is not factual, refer the person to the appropriate Minister's private office.

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

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

13. 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.

14. 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

15. 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

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

17. 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

18. 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

19. If in doubt consult the contacts below.

Knowledge and Analytical Services Contacts

KAS Standards and Policy – Rachel Lloyd Tel: 03000 253357

Chief Statistician – Glyn Jones Tel: 03000 256691

European Parliamentary Elections – 23 May 2019

Guidance for staff working on delivery of European Programmes

This annex is directed mainly at staff working on European Programmes across WEFO and RPW, although it should be taken into account by others working on similar programmes across the Welsh Government.

You may be aware that there will be elections to the European Parliament on **23 May 2019**.

This will be preceded by a formal pre-election period, commencing on **2 May** and running until and including Election Day on **23 May 2019**.

During the election and pre-election campaigns, the overriding message is that for the Welsh Government it is '**business as usual**'. This means that civil servants must adhere:

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

Under the Civil Service Code, Welsh Government civil servants owe their loyalty to the Welsh Government. As the National Assembly for Wales is not being elected, our role is to support Ministers in their work as normal.

However, decisions and announcements which **directly** affect the European Union generally and affect the Welsh Government's relationship with it, should not take place. This includes matters relating to, for example, the European Structural Funds, with the most obvious examples being publicity announcements relating to the award of European funding for projects and the progress of the programmes and the issue of inspection or audit reports. Such decisions should either be taken before the pre-election period begins or be deferred until after the elections have taken place. This is to avoid any suggestion that the Welsh Government is seeking to influence the outcome of the election. However, there is no need to stop non-public activity and routine matters should continue to be dealt with. So, for example, private meetings with sponsors and organisations can and should continue.

A summary of guidance for **WEFO staff**, in the form of what you should and should not do during the campaign is as follows. Staff should also play close attention to the General Guidance for all Welsh Government Officials above.

If you are still in any doubt about what you should or should not do, please approach either your Head of Division or the WEFO's Communications and Briefing Unit for further advice.

DO

- **Do** continue to approve projects as normal.

- **Do** continue to make payments to sponsors as normal.
- **Do** continue with non-public activity. So, for example, private meetings with sponsors and other organisations on the Structural Funds can and should continue.
- **Do** continue to work with UK Government departments and/or the Commission and their counterparts as usual.
- **Do** be careful when arranging Ministerial visits or meetings to projects and ensure to clarify that it is an official engagement and not a party-political or campaigning one.
- **Do** continue to brief Ministers as normal.
- **Do** answer correspondence as normal. However, as these effectively enter the public domain, if it isn't possible to provide a substantive answer on the European Structural Funds, please notify the WEFO Communications and Briefing Unit and they will arrange for a holding reply to be issued.
- **Do** provide factual information in response to enquiries from parties, candidates and others, in line with the [Welsh Government's Code of Practice on Public Access to Information](#).
- **Do** treat all such requests equally, regardless of the political party making them.
- **Do** familiarise yourself with the [People Policies and Procedures guidance on Political Activities](#).

DON'T

- **Don't** plan announcements or decisions on matters relating to the European Structural Funds during the election campaign. You should make these before this guidance comes into effect or defer them until after the election.
- **Don't** issue any correspondence, bulletins etc. regarding any policy or implementation arrangements affecting the delivery of the European Structural Funds during the election campaign. You should make these before this guidance comes into effect or defer them until after the election.
- **Don't** issue any financial control / audit reports that have an impact on the European Structural Funds generally during the election campaign. You should make these before this guidance comes into effect or defer them until after the election.
- **Don't** organise any Programme Monitoring Committee meetings during this period, but do continue to provide secretariat support to PMC Members as appropriate.
- **Don't** plan announcements or decisions which could be construed as an endorsement or criticism of the European Structural Funds during the election period. You should make these before this guidance comes into effect or defer them until after the election period.
- **Don't** allow Assembly premises to be used for campaigning purposes, seek to use Welsh Government premises for such purposes yourself, or display election posters etc. on Welsh Government premises.

**WEFO / RPW / European Programme staff
April 2019**