



## JOINT PROTOCOL ON INTERACTION WITH POLICE AND CRIME COMMISSIONER CANDIDATES

### INTRODUCTION

1. Elections for the role of Police & Crime Commissioner (Commissioner) will be held on 7 May 2020.
2. The correct principles must be in place to effectively manage the Office of the Police and Crime Commissioner (OPCC) and Constabulary's interactions with candidates and the provision of information to candidates.
3. It is intended that this protocol will ensure that:
  - All candidates are afforded the same opportunities and access to information which may be helpful in their election campaign.
  - The necessary safeguards are in place to avoid allegations of bias by OPCC and Constabulary officers and staff.
4. Given that the focus of these elections will be on policing issues, this protocol will apply throughout the entire lead in period from the date of this Joint Protocol until the elections, not just the formal pre-election period (also known as purdah) itself. Officers and staff will be required to have regard to any guidance for interaction with candidates published by the National Police Chief's Council, in particular sections on specific guidelines for police officers and staff.
5. Current guidance in respect of election law, and the Policing of Elections can be found on the College of Policing Website under [Approved Professional Practice](#).
6. Not every circumstance or eventuality that could potentially impact on the election, approach to candidates or the reputation of the OPCC, the Constabulary and staff can be captured in one document. Therefore, the aim of this document is to provide some overarching principles and guidance in order to maintain transparency and equality throughout.

### FORMAL DECLARATION

7. This protocol will apply to all individuals who have been adopted as a candidate by a political party and/or have publically declared or expressed an intention to run as a candidate. Potential candidates need to formally declare their candidature 19 working days before the election. This means that the 8 April 2020 will be the date on which formal declaration/nomination is needed.

## GENERAL PRINCIPLES

8. The following general principles will be applied in all interactions which the OPCC and Constabulary have with candidates:-
- All candidates will be afforded the same rights to access information. The OPCC and Constabulary will not show any favour towards any particular candidate and all will be treated with the same level of respect, fairness and equality;
  - Officers and staff must avoid any action which is or might reasonably be perceived as being supportive of any political party, candidate or opinion.
  - Officers and staff must avoid putting themselves in a position or situation which could be used by a political party or candidate in support of their campaign;
  - The OPCC and Constabulary must not publish material that refers to or could, reasonably, be construed as being designed to affect support for a political party or a candidate. If in doubt Constabulary officers and staff must seek advice from a senior officer or Head of Department and OPCC staff must seek advice from the Chief of Staff;
  - Information provided to candidates will be published so that it is available to everyone;
  - The OPCC and Constabulary will continue to conduct their normal business insofar as it is permitted under the restrictions imposed during the formal pre-election period (see below).

## PROCEDURE FOR INTERACTION WITH CANDIDATES

9. In managing interactions with candidates, the following procedure should be followed:
- All candidates will be provided with a briefing pack produced jointly by the OPCC and Constabulary. This will also be published on the OPCC's website.
  - The OPCC and the Constabulary will seek to ensure that their imagery and livery is not used in any campaigning or publicity material and this restriction will be included in the candidate briefing material on the OPCC website. Where it is so used, the Chief Constable or Chief of Staff will consider the need to request the candidate to remove or withdraw the material. Each case will be judged on its merits but include consideration of the profile of the image, the message given, the degree of publication already achieved and the likely reputational damage and confidence in policing. The only exception will be a small library of policing related images approved by the Chief Constable and Chief of Staff which will be provided to all candidates to utilise within campaign publicity material.
  - To ensure that the process is managed effectively, contact by candidates with the OPCC and/or Constabulary should in the first instance be channelled through the OPCC Head of Policy & Partnerships. This will ensure that requests can be recorded, handled and resourced appropriately and will provide the necessary transparency to the process.

- The Chief of Staff will organise a detailed factual police briefing session, in conjunction with the Constabulary. This will take place following the deadline for formal declaration by candidates. It will be open to all candidates to promote full awareness and understanding of the OPCC's and Constabulary's position and of the situation the incoming Commissioner will inherit. This briefing will not cover the running of the elections which will be subject of a separate briefing organised by the Police Area Returning Officer.
  - The OPCC will maintain a central log of all requests for information which are received from candidates.
  - Requests for information will be treated in the same manner as the OPCC and Constabulary would deal with Freedom of Information requests and responded to as soon as is practicable. This will ensure that the appropriate safeguards are put around sensitive information which the organisation would not consider it appropriate to release (in line with the exemptions which apply under the Freedom of Information Act). The response will also be anonymised and published on a specific part of the Constabulary or OPCC's website which has been created for this purpose. Publishing responses on the website will be consistent with openness and fairness and will minimise work as individuals can be directed to the website when a question has already been answered.
  - All candidates may contact the OPCC to check the accuracy of facts they intend to publish. The OPCC and Constabulary can, where necessary, correct factual inaccuracies in material that a candidate has released which could impact on public confidence in policing. However, in such instances care should be taken to issue the correction in a neutral manner and not to openly criticise the policies of a political party or candidate. All corrections must be agreed by a Chief Officer and the Chief of Staff prior to publication.
10. The Police Area Returning Officer (PARO) will be the Chief Executive of Halton Borough Council, David Parr. The PARO is accountable for the conduct of the election. The Chief Constable and/or Chief of Staff of the OPCC will seek guidance from the PARO regarding any activity, which they believe may interfere with the election.

## PROFESSIONAL ADVICE AND ENGAGEMENT WITH CANDIDATES

11. The Chief of Staff and the Chief Constable will provide an opportunity for formal candidates individually to have a meeting with the two chief officers, on a confidential basis, to offer professional advice on the role, governance and policing to help inform candidate choices. The discussions at such a meeting will be kept confidential between the parties and not communicated further. These should be joint meetings wherever possible. If this is not practicable, the Chief of Staff and the Chief Constable should avoid meeting candidates on their own and a third party should be present to avoid any allegations of bias. Any additional information provided to candidates at such meetings will be published on the OPCC's website.
12. The Chief of Staff and the Chief Constable will consider whether candidates should have access to other senior officers and staff. It is anticipated that the briefing arrangements with the Chief of Staff and Chief Constable will obviate the need for separate meetings between candidates and other senior officers as this would direct resources away from policing activity.

13. All staff within the OPCC and a number of police staff roles within the Constabulary are politically restricted and are therefore limited in their participation in any political activity. In relation to police officers, the Police Regulations 2003 set out the conditions of service for Officers including the need to abstain from any activity likely to interfere with the impartial discharge of duties or give rise to impressions of taking part in politics. Any police officer or member of police staff / OPCC must resign from their role with a minimum of 19 days prior to the submission of any nomination to stand as a candidate.

#### EXISTING POLICE & CRIME COMMISSIONER

14. The current Commissioner will be standing as a candidate. The Commissioner will continue to fulfil the role of Police & Crime Commissioner prior to the elections and will continue to receive the support of the OPCC and Constabulary in undertaking his statutory responsibilities.
15. The Commissioner must make it clear if any information request is made in connection with his campaign for re-election rather than in his capacity as the incumbent Commissioner. Any request for information to support his election campaign will be dealt with in accordance with the procedure set out above.
16. All requests made by the existing Commissioner should be made in accordance with the code of conduct which the Commissioner signed upon taking up office. In particular, it should be noted that paragraph 9 of the Code of Conduct states that:-

*I agree:-*

- (a) *Not to use the resources of the Commissioner for my personal benefit or for the benefit of myself, my friends, or any other person in relation to any business interest of mine.*
- (b) *Not to use the resources of the Commissioner improperly or for political purposes (including party political purposes).*
17. Local government legislation (particularly section 2 of the Local Government Act 1986) and supporting documents, such as the [Code of Practice on Local Authority Publicity](#), specifically prohibit public resources from being used for political or personal purposes. This means that the Commissioner cannot use OPCC or Constabulary resources in support of their campaign. This includes using police officers or staff to research matters which are intended to be used as part of a political campaign. One area where this may cause concern is in the use of email addresses, websites and social media. The Commissioner's police email address, the official website for the Police & Crime Commissioner for Cheshire and OPCC social media accounts, should not be used for campaigning purposes.

#### FORMAL PRE-ELECTION PERIOD (ALSO KNOWN AS PURDAH)

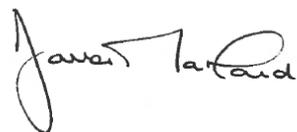
18. Once the formal election period commences (which is likely to be 28 days prior to the election, 27 March 2020), the following provisions will operate:-
- Police officers and staff must not agree to be photographed or filmed with candidates, or individuals who are displaying campaign rosettes, posters or using any other promotional material.

- Police officers and staff who have personal websites, blogs or use social media networking sites should be careful not to post any comments that could be seen to be, or give the impression of being made, in their professional capacity.
- Requests by candidates or other politicians to visit Force or OPCC premises or to observe officers and staff at work must be referred to a Chief Officer and the Chief of Staff for a decision. Such requests may be agreed to only if they appear to be mainly fact-finding. Officers and staff must not play an active part in any media coverage of a visit.
- The OPCC and Constabulary will not supply candidates or political parties with photographs or publicity involving officers or staff for use in their campaign.

The formal pre-election period will end at the start of the 2020-2024 term of office for the Police & Crime Commissioner on 14 May 2020.



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Office of the Police and Crime Commissioner



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Chief Constable  
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February 2020

## Appendix One

### **Regulatory framework**

Police Officers: - Schedule 1 of The Police Regulations 2003 (as amended) provides that "A member of the police force shall at all times abstain from any activity which is likely to interfere with the impartial discharge of their duties or which is likely to give rise to the impression amongst members of the public that it may so interfere; and in particular a member of a police force shall **not take any active part in politics.**"

The Standards of Professional Behaviour in The Police (Conduct) Regulations 2020 affirms the position of political restrictions placed on police officers and highlights other expected behaviours; the most relevant to election matters being honesty and integrity, fairness and impartiality, and politeness and tolerance in maintaining the confidence of all communities in the discharge of their duties.

Police staff: - The majority of police staff are not subject to any restrictions in law in participating in politics. Some staff are employed in 'politically restricted' posts and if this is the case, they must adhere to those principles.

### **Specific Guidance for Police Officers**

The Representation of the People Act 1983 puts some restrictions on Police Officers during an election.

#### Illegal Canvassing by Police Officers

- (1) No member of a police force for any police area may by word, message, writing or in any other manner, endeavour to persuade any person to give, or dissuade any person from giving, his or her vote, whether as an elector or as proxy at an Election.
- (2) A person acting in contravention of paragraph (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale
- (3) Nothing in this article applies to subject a person who is member of a police force to any penalty for anything done in the discharge of that person's duty as such.

At its most literal, this section could mean that any well-meaning officer who encourages the electorate to become involved in the elections would be acting contrary to this law and liable to prosecution, regardless of the fact they are not endorsing any political position.

Officers should therefore refrain from encouraging the electorate to vote, through any form of interactions, whether this be through the use of social media, neighbourhood meetings or any contact through our day to day business.

#### Nomination by Police Officers

Police Officers may be asked to sign nomination papers. Although the returning officer is unlikely to reject those papers where a Police Officer has nominated the candidate (assuming the officer is a valid elector), the officer has nonetheless publically supported a

candidate. The appropriateness of their actions will need to be considered by the Chief Constable.

Whilst there may be nothing in electoral law to prevent officers from signing nomination papers, it is recommended that officers should carefully consider the consequences and implications of doing so.

### **Guidance for Police Staff**

Some police staff will hold politically restricted posts within the organisation and will therefore be limited on their participation in any political activity.

Although the Standards of Professional Behaviour do not cover every eventuality, a core element is ensuring that a staff member behaves in a manner which does not discredit the police service, or undermine public confidence in the service.

Any act which could bring the impartiality of the police into question will no doubt undermine public confidence in the service.

It is not expected that all members of police staff will wish to take an active role in the campaign, and therefore each case should be discussed on an individual basis, ensuring the rights of the individual are conducive to public confidence in the service.

It is worth noting that the Election Registration and Administration Act 2012 allows PCSOs to be present in polling stations. It is therefore important to ensure that any police staff who could be directed to patrol a polling station have not taken an active part in campaigning in the run up to the election, certainly not in that area.

This will be a matter to be managed locally with their line manager.

It is important to note, that we do not wish to suppress the individual rights of police staff to participate in political action, we seek simply to maintain the impartiality of the Constabulary.

If a member of staff has been active in the campaign, their posting on the day of the election should be altered to ensure that no member of the public could perceive their presence in uniform to be continued support for a candidate.

### **Politically restricted roles**

Full details on the roles included in this can be found in the [Politically Restricted Roles guidance document](#).