



Police and Crime Commissioner Election Guidance

March 2021

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1. Introduction and Purpose of the Guidance

- 1.1. This guidance is intended to support Chief Executives in Police & Crime Commissioners' Offices (OPCCs) during the 2021 election. The date of the PCC election is **Thursday, 6th May 2021**. It is worthy of note that due to the postponement of the election in May 2020, the next term of office is for three years rather than the usual four year term.
- 1.2. Unless otherwise stated, reference to the Police and Crime Commissioners (PCC) in this guidance will include the Police Fire and Crime Commissioner (PFCC), MOPAC and Mayors of Combined Authorities. This guidance accompanies guidance for PCCs issued by the Association of Police & Crime Commissioners (APCC). In addition, separate guidance relating to this election will be issued by the Electoral Commission and the National Police Chiefs' Council (NPCC).
- 1.3. The guidance intends to provide a narrative on pre-election and post-election issues. It will not provide answers to all scenarios that occur. The guidance bring together other useful guidance documents as referenced in the Appendix A which, in turn, will sit alongside template good practice documents at Appendix B which Chief Executives may find useful.
- 1.4. Although this guidance still stands, it is important to approach it with Covid regulations in mind. Some of the proposed actions and guidance may need to be adapted to fit with current legislative requirements. Due to the ongoing changes which are dependent on fluctuating Covid figures and can differ across England and Wales, Chief Executives will need to understand the restrictions in place in their force area prior to making any arrangements. As such, specific restrictions have not been included in this guidance.

2. Standards of Behaviour Guidance

- 2.1 This section of the guidance is primarily set out to remind Chief Executives of the behavioural framework that is in place for their staff and other groups and it is worth remembering that these standards are in place all the time, not just at election time.

Staff in the Commissioner's Office

- 2.2 Some PCC staff roles may be politically restricted¹. In practice being in a 'politically restricted' post prevents that post holder from having any active political role, either in or outside the workplace². For the avoidance of doubt, the role of a Deputy PCC is not politically restricted even though they are a staff member.
- 2.3 Where a post is politically restricted, the post holder will automatically be disqualified from standing for or holding elected office. These restrictions will be incorporated as terms in the employee's contract of employment. In practice, this means that politically restricted post holders are barred from standing as:
- Local Councillors
 - MPs
 - MEPs
 - Members of the Welsh Parliament/ Senedd Cymru
 - Members of the Scottish Parliament
- 2.4 In addition restricted post holder are also barred from:
- Canvassing on behalf of a political party or a person who is or seeks to be a candidate. This is not only limited to the area of the Police & Crime Commissioner, employing the politically restricted post-holder.
 - Speaking to the public at large or publishing any written or artistic work that could give the impression they are advocating support for a political party. This includes writing or 'speaking' on social media for example, on blogs, online fora, Facebook, Twitter, Instagram (not exhaustive) where the work appears to be intended to affect public support for a political party.
- 2.5 The cumulative effect of these restrictions is to limit the holders of politically restricted posts to have membership of political parties only, with no active participation with the party permitted.
- 2.6 In addition, the 7 principles of public life, the Nolan Principles, also apply. They apply not only to public office holders, (i.e. the PCC) but also, those individuals who are appointed to work in bodies that deliver public services.³
- 2.7 If a staff member in the OPCC seeks to support a candidate in the election, the Chief Executive may provide suitable guidance and work related advice, assessing each case on its merits and documenting the rationale.
- 2.8 There is no conflict of interest for a staff member by continuing in their role, in serving an incumbent candidate in their role as PCC.

¹ Police Reform and Social Responsibility Act 2011 (as amended) Schedule 16 Part 3)

² The Local Government Officers (Political Restrictions) Regulations 1990

³ The 7 Principles of Public Life (May 1995) by Committee on Standards in Public Life/Striking the Balance Report 2016, Committee on Standards for Public Life.

- 2.9 A template email to staff reminding them of the applicable standards of conduct, is attached at Appendix B, document B2, which Chief Executives may find useful.

Police Staff

- 2.10 The Police Staff Joint Circular 54, 2008 Standards of Professional Behaviour⁴ for police staff, highlights the need to adhere to relevant behavioural standards, such as acting with impartiality and only disclosing information in the proper course of work. However, police staff have no restriction on their involvement in political activity whilst off duty unless, they are employed in a politically restricted post.
- 2.11 Further guidance is available from the NPCC in their Pre-Election Guidance⁵.

Police Officers

- 2.12 The Code of Ethics⁶, and the principles and Standards of Professional Behaviour for the Policing Profession in England and Wales and associated force values are all relevant. Police Regulations 2003 set out the conditions of service of officers including, the need to abstain from activity likely to interfere with the impartial discharge of duties or give rise to the impression of taking part in politics, promoting an election or encouraging someone to vote. Furthermore, the 2004 Police Conduct Regulations⁷, also highlight explicitly the standards of required behaviour such as, honesty and integrity; fairness and impartiality; politeness and tolerance.
- 2.13 Further guidance is available from the NPCC Pre-Election Guidance.⁵

Fire Officers and Staff

- 2.14 Fire Officers and staff are covered by the 7 Principles of Public Life (the Nolan Principles) and the Fire Fighters Code of Conduct⁸ and Code of Ethics. Staff are additionally subject to their own Code of Conduct. Some staff and officers could also be subject to politically restricted posts, like the Commissioner's staff.⁹

⁴ Circular 54, 2008, Police Staff Joint Circular

⁵ NPCC December 2017, Pre-Election Guidance for interaction with Police and Crime Commissioner Candidates – Conduct During Pre-Election Period

⁶ Code of Ethics – College of Policing – July 2014. A Code of Practice for the Principles and Standards of Professional Behaviour for the Policing Profession of England & Wales

⁷ The Police Conduct Regulations 2003

⁸ Fire Fighters Code of Conduct – Chief Fire Officers Association

⁹ Code of Ethics – Chief Fire Officers Association.

The PCC

- 2.15 Section 6 (a) of the Local Policing Bodies Specified Information Order 2011 highlights the need to publish:

"a statement of the policy of the elected local policing body in relation to the conduct of relevant office holders, including procedures for the handling of qualifying complaints and conduct matters (within the meaning of section 31 of the 2011 Act)"

As holders of office, PCCs they have signed their Oath of Office¹⁰. In addition, they are subject to the local OPCC Code of Conduct and the Nolan Principles as referred in the Policing Protocol.¹¹

- 2.16 In terms of elections, it is useful to remind PCCs of their ongoing obligations as holders of office. Perhaps one area to particularly draw out, by way of reminder is the section in their local Code of Conduct which likely reads as follows:

"I agree....."

... Not to use the resources of the Commissioner improperly or for political purposes (including party political purposes)"

- 2.17 This will mean PCCs cannot print political material for example at their offices, use the premises for any political meetings or filming for political purposes. The Local Government Code of Publicity also refers to not using public resources for political purposes.
- 2.18 PCCs however, can in a personal capacity act for political gain. Chief Executives therefore must be very clear with their PCCs about their obligations and ensure all are aware when, the PCC is acting as the holder of the office as opposed to the PCC as an individual.
- 2.19 In the event that the PCC's behaviour falls outside the ethical framework then the PCC could be subject to public criticism and criticism from other bodies such as the Electoral Commission. It is possible that a complaint for a breach of the Code of Conduct could be made to the Police and Crime Panel. In very extreme cases PCCs could end up the subject of an investigation for Misconduct in Public Office.

Summary

Consider reminding staff and the PCC/DPCC about their ongoing obligations in terms of standards and as holders of office

¹⁰ Oath of Office for PCC – www.gov.uk July 2012

¹¹ Policing Protocol Order 2011 (SI 2011 No 2744).

3. Pre-Election Issues

Police Area Returning Officer (PARO)

- 3.1. Each policing area will have a dedicated PARO¹² who has overall responsibility for the election of the PCC in that area. The PARO will generally be a Chief Executive or senior officer of one of the councils within the policing area.
- 3.2. The PARO is responsible for giving notice of the election, managing the nominations process, overseeing the conduct of the poll, as well as the calculation and declaration of the result. Any election queries, including complaints, must be directed at the PARO, or the local returning officer for advice. Returning Officers are responsible for briefing candidates on qualification and disqualification regarding their eligibility to stand for election. Further information on this can be found on the Electoral Commission website.¹³
- 3.3. At the earliest opportunity the PCC and Chief Executive should establish the contact details of the PARO in their area to help inform OPCC planning and to direct any election specific queries to them. It is also suggested that it is useful to post the PARO's contact details on the OPCC website. If building a relationship with the PARO proves difficult, it is helpful to liaise with their Deputy PARO or Elections Manager.
- 3.4. Detailed Guidance from the "Electoral Commission for Police Area Returning Officers on the delivery of key processes" (October 2019) is available on the Electoral Commission website¹³. The PARO will need to ensure that candidates and election agents are offered a briefing session on the election arrangements. All potential candidates should be invited to a briefing session ahead of, or at the start of, the nomination period, and an additional briefing session may be held after the list of candidates standing for election has been confirmed after the close of nominations. As the OPCC Chief Executive, it is suggested that you attend these briefings so you are aware of the process. It also helps cement the relationship between the PARO and the OPCC. In some areas, the PARO and Chief Executive hold joint briefings so that the candidates can be further informed about the role and work of their office.

Nomination Process

- 3.5. The PARO is responsible for the nomination process. The PARO will publish a timetable¹⁴ which sets out the time for the nomination period. During this time those who wish to put themselves forward as a candidates will need to complete the nomination forms.
- 3.6. An outline of the process is set out in the guidance referenced above at 3.4. All candidates must sign a nomination paper to confirm that they are not disqualified from standing in the election. Guidance for Candidates and Agents Part 1 (2016)¹³, produced by the Electoral Commission, sets out the information in respect of qualification and disqualification.

¹² Police Reform and Social Responsibility Act 2011 Section 54

¹³ www.electoralcommission.org.uk

During this nomination period, candidates must complete the nomination forms. Each nomination paper must be signed by the required number of electors. The Cabinet Office has published a table¹⁵ outlining how many subscribers are required for each police area. They must pay a £5,000 deposit to their local PARO by 16.00hrs on the nineteenth working day before the poll.

- 3.7. At the end of the nomination period the PARO must publish a Statement of Persons Nominated and a Notice of Poll. Chief Executives should liaise with their PARO to receive a copy or a link to the published Statement of Persons Nominated.
- 3.8. OPCCs should not publish a candidate's election addresses on their own website. An election address is material sent out by a candidate during their political campaign. It is for the Government to provide such information but, no other body (which is not a candidate/party) shall publish candidate information. Any such publication by the OPCC could be seen as an impermissible donation. It is however, acceptable to list candidates on the PARO or OPCC website and indeed this is very much encouraged. Also, Chief Executives may want to have a link from their own website to <https://choosemypcc.org.uk/> so that people can read the election addresses of the candidates.

Voting at PCC/PFCC Elections

- 3.9 For the purpose of completeness, the Police Reform and Social Responsibility Act 2011¹⁶ states that for a Commissioner to be returned they only need a simple majority, unless there are three or more candidates. If there are three or more candidates then the Commissioner will be elected under a supplementary vote system. A supplementary vote, is one that indicates first and second preferences. If the Commissioner is not elected outright through a simple majority, then the second votes will be counted.

Summary

Establish contact with Police Area Returning Officer

Consider attending candidate briefings given by the PARO

Direct all queries, questions about the electoral process to the PARO

Liaise with the PARO to secure the formal list of Statement of Nominated Persons, consider putting a link from your website

Create a link to <https://choosemypcc.org.uk> to direct people to the candidate's address

¹⁴ [PCC Election Timetable](#)

¹⁵ [Cabinet Office table](#)

¹⁶ Section 57, Police Reform & Social Responsibility Act 2011

4. Deputy Police & Crime Commissioners

- 4.1 Commissioner's Office staff are politically restricted (except for the Deputy Police and Crime Commissioner – see below) and cannot actively support PCC candidates. Commissioner's Office staff are disqualified from being elected as PCC and therefore, must resign a minimum of 19 days prior to their declaration of candidacy if they intend to stand. Any such resignation should be submitted to the Chief Executive at the point their intention to stand is declared.
- 4.2 Deputy PCCs are considered staff members¹⁷ but are not politically restricted and amendments made to the Police Reform and Social Responsibility Act 2011 s.65 by the Policing and Crime Act 2017 s.122 allows for a Deputy PCC to stand as a candidate at an ordinary election without having to resign. Combined Authorities will follow local processes for the appointment of Deputy Mayors for Policing (and Fire).

Summary

Chief Executives should discuss with any Deputy PCC their intentions at the earliest opportunity

¹⁷ S18(10) Police Reform & Social Responsibility Act 2011

5. Interaction with Candidates

Candidate Briefing Packs and Familiarisation Events

- 5.1. Individuals may declare themselves a candidate, but they are not properly recognised as a candidate until the PARO issues the Statement of Nominated Persons. However, even with candidate status, they are not awarded any enhanced status. Essentially, when engaging with candidates and potential candidates, it should be remembered they should be treated as a member of the public and Chief Executives must ensure the Office does so even-handedly.
- 5.2. Chief Executives will need to consider when/if they want to locally host familiarisation events. This may be done before the Statement of Nominated Persons or after; or you may do both, if you have a large field of candidates or, if you have more confirmed candidates than was envisaged. It should be noted that all putative or actual candidates should be invited to these events.
- 5.3. Chief Executives should approach their force in order to arrange a joint familiarisation event. Organising jointly an event, will not only avoid duplication, it will allow Chief Executives to be fully aware of what requests candidates are placing on the police and could help inform future planning when the PCC is elected.
- 5.4. Briefing packs and familiarisation events can provide those standing for election with the opportunity to access useful information and ask questions of the OPCC. The APCC has prepared a high level candidate briefing pack, which it would be useful to signpost on your own websites¹⁸. In addition, OPCCs will want to produce local briefing packs. The contents of such packs are entirely up to local discretion, however, you may include the following (this is not exhaustive):-
 - Police and Crime Commissioner landscape – national, regional and local focus.
 - The role of the PCC – summary of key functions; Police & Crime Plan, budget and commissioning
 - The role of the Chief Executive and OPCC – including the role of the Monitoring Officer and Chief Finance role.
 - The role of the Chief Constable.
 - The role of the Police & Crime Panel.
 - Partnership working – statutory partners and their responsibilities, PCC's responsibility to ensure an efficient and effective criminal justice system.
 - Governance Framework

¹⁸ www.apccs.police.uk

- Financial position
- Commissioning landscape
- Constabulary partners
- Constabulary, key challenges and useful information.
- Legacy issues.
- National bodies ¹⁹(e.g., APCC, NPCC, APACE, IOPC, PaCCTS, HMICFRS)
- Regional bodies

- 5.5. In the lead up to an election Chief Executives should be creating information for potential candidates and the public. This information may be posted on the OPCC's election web page. This may be done as pages with the existing site, but it must have neutral branding. A better proposition is to have a link from the current Commissioner's site, to a separate site, which can also be found independently. Again, this site must be neutrally branded, without referencing the current incumbent PCC.
- 5.6. The list of documents and different types of information that could be posted on the web pages is entirely for local discretion, but it is suggested that the contents of the briefing pack, as set out at 5.4 above is a good starting point.
- 5.7 Where candidates wish to visit OPCC/police/fire premises, this should be done on the basis that there is no disruption to service and the same facilities are available to all candidates. Care should be taken to ensure users of any of these services or premises are not disrupted. Again, Chief Executives need to remember that candidates and potential candidates have no more status than a member of the public.

Summary

Agree with the force when familiarisation event(s) will take place and jointly plan them

Prepare Candidate briefing packs

Ensure election material is available for the public and candidates - ensure its neutrality from the incumbent PCC

Ensure any visits to premises are done with least disruption to the service and are open to all candidates

¹⁹ APCC – Association of Police & Crime Commissioners, APACE – Association of Police & Crime Commissioners Chief Executives, NPCC – National Police Chief's Council, IOPC – Independent Office for Police Complaints, PaCCTS – Police & Crime Commissioners Treasury Society, HMICFRS – Her Majesty's Inspectorate of Constabulary and Fire & rescue Services

6. Candidates that Currently Hold Office

- 6.1. Chief Executives should be mindful to ensure that all candidates, including incumbent PCCs standing for re-election, Deputies and others, are treated equally.
- 6.2. Chief Executives should ensure the OPCC is not involved in supporting incumbent PCCs in their election campaign.
- 6.3. There is a risk, where an incumbent PCC is planning to stand for re-election and the Deputy (who is one of the OPCC staff) is proposing to help the PCC. The Deputy is not politically restricted and so can help the PCC but, this does not permit them to work on their PCCs campaign in paid work time. As Chief Executive, it is suggested that Chief Executives keep a careful record of the Deputy's paid hours and what they were engaged in.

Summary

If a Deputy DPCC is helping the PCC with their campaign, ensure careful time recording is in place when carrying out duties as the Deputy PCC

7. Constabulary/Force Interaction with Candidates

- 7.1. Candidates and potential candidates may directly approach both OPCC and police forces with requests for meetings, information and to request media opportunities.
- 7.2. At the earliest opportunity to help manage such requests and to ensure transparency and equal access for all candidates, Chief Executives should agree a local protocol on candidate interaction with the police force.
- 7.3. This protocol could include:
 - Establishing a single point of contact (SPOC) for interaction with candidates, for example, the OPCC Chief Executive.
 - Ensuring all candidate requests for information be directed to the SPOC.
 - The joint development of the candidate briefing pack and the delivery of the familiarisation event.
 - Regular communication between the OPCC and the police force.
 - Information for OPCC staff and police officers/staff and/or fire staff/officers on restrictions relating to publicity and communications and how to respond to an individual request from a candidate.

- 7.4. To manage the local protocol, Chief Executives may seek to hold meetings between relevant officers in the force and the fire service to ensure compliance.
- 7.5. Chief Executives may find useful the template Joint Protocols attached at Appendix B. The first (B4) deals with a Joint Protocol between the Chief Executive and the Chief Constable. The second at Appendix B3, deals with a Joint Protocol between the Chief Executive and the Chief Fire Officer.
- 7.6. In any joint protocol it will be important to ensure that it is clear on how requests for information from potential and actual candidates will be dealt with. It is therefore useful to document the process, some key points however may assist:
- All requests for information should be directed to a Single Point of Contact (SPOC) email account within the Commissioner's Office.
 - A single electronic register will be maintained by the OPCC and published on the website.
 - All requests that are directed to the police shall be redirected to the SPOC to ensure transparency and equality.
 - All responses will be via email.
- 7.7. Chief Executives should apply a transparent approach and ensure that if information is to be disclosed, it is shared with all candidates. Chief Executives should be clear with candidates, press and public that sharing information equally will take place to ensure confidence in the fairness and transparency of the election.
- 7.8. If a Freedom of Information request is made, as opposed to a question in the course of business, then standard operating practices will apply. Each organisation will be responsible under the Freedom of Information Act 2000 for their own disclosure, but when disclosing the police/fire service shall forward the disclosure to the OPCC election SPOC, who then will be post in the electronic register and/or on the OPCC Freedom of Information log (if applicable)
- 7.9. A sample contact register is included in each of the draft Joint Protocols available at Appendix B as referred to above.

Summary

Agree a Joint Protocol with the force/fire service

Publish a record of all contacts from candidates through a log

8. Pre-election Period

- 8.1. The pre-election period runs from the time a public election is called to when the election takes place. The PARO will decide when the pre-election period is to commence, but it is usually 6 weeks before the scheduled election and it starts when the Notice of Poll is published.
- 8.2. The pre-election period is, therefore, a period of sensitivity before the actual vote takes place. During this period, Chief Executives must make themselves aware of and abide by the publicity restrictions that need to be observed.
- 8.3. OPCCs are required to have due regard at all times to the Code of Recommended Practice²⁰ (The Code) issued under sections 52 and 54 of the Local Government Act 1986.
- 8.4. The Code is based around seven principles to ensure that all communications activity:
 - Is lawful
 - Is cost effective
 - Is objective
 - Is even-handed
 - Is appropriate
 - Has regard to equality and diversity
 - Is issued with care during period of heightened sensitivity (i.e., particularly during pre-election period)
- 8.5. At all times, the OPCC should ensure that publicity complies with all applicable statutory provisions and guidance and have regard to the Code.
- 8.6. For the avoidance of doubt, the Code defines 'publicity'²¹ as "any communication in material terms, addressed to the public at large or a section of the public" It applies therefore to all paid advertising, leaflets, free newspapers/news sheets, websites and importantly, it includes the hosting of material that is created by third parties.
- 8.7. The general thrust of the Code therefore is that the OPCC ***'should not publish any material, which in whole or in part, appears to be designed to affect public support for a political party'***

What does this mean in practice?

- 8.8. The 'A short guide to publicity during the pre-election period' says²²:

"The first question to ask is 'Could a reasonable person conclude that you are spending public money to influence the outcome of the election?' In other words it must pass the 'is it reasonable' test when making your decision, you should consider the following:

²⁰ Code of Recommended Practice on Local Authority Publicity March 2011 – DCLG Circular 01/201120

²¹ S6, Local Government Act 1986

²² LGA Jan2021 <https://www.local.gov.uk/short-guide-publicity-during-pre-election-period>

You should NOT

- *Produce publicity on matters which are politically controversial*
- *Make references to individual candidates or parties in press releases*
- *Arrange proactive media or events involving candidates*
- *Issue photographs which include candidates*
- *Supply (office) photographs or other materials to the (candidates) ...unless you have verified that they will not be used for campaigning purposes.*
- *Continue hosting third party blogs or e-communications.*
- *Help with national political visits (as this would involve using public money to support a particular candidate or party). These should be organised by political parties with no cost or resource implications for the (office)"*

*"You should also **think carefully** about:*

- *Continuing to run campaign material to support your own local campaigns...*
- *Launch any new consultations. Unless it is a statutory duty or considered normal businessor publish report findings from consultation exercises which could be politically sensitive"*

*"You **are allowed** to:*

- *Continue to discharge normal business*
- *Publish factual information to counteract, misleading, controversial extreme (for example, racist/sexist) information*

8.9. In addition, Chief Executives need to remember that Part 3 of the Communications Act 2003 prohibits political advertising on television or radio and so Chief Executives need to ensure that their publicity does not breach these restrictions.

8.10. Social Media

The majority of PCCs will have, through their Office, a variety of official social media platforms including Twitter, Facebook, Instagram etc. which relate to the office they hold. During the pre-election period, serious consideration needs to be given whether to continue to use these platforms during this period. Care needs to be taken, particularly, when PCCs are able to post things themselves on their official channels. It is possible that a mistake could be made and inadvertently items could be posted on an official channel instead of on a personal/political channel. The overall advice is to limit usage of these channels during the pre-election period and perhaps consider removing access by the PCC to these channels (save as to read only) until after the election.

- 8.11. Care also needs to be taken, if these platforms remain active, to avoid inappropriate use, such as retweeting and liking/favouring political material. If in doubt refrain from using accounts for anything other than truly official PCC activity.

Use of Public Resources

- 8.12. The PCC cannot ask any member of staff (even where not politically restricted) to support the PCC in any party political business.
- 8.13. Staff cannot be requested to accompany the PCC when they are canvassing.
- 8.14. Staff cannot be asked to prepare election material for the PCC (they can however be asked to review material for factual accuracy).
- 8.15. In terms of resources, the PCC cannot use the Office or force/fire premises (where PCC owns the premises) for party political gain including holding party political meetings or meetings with constituents for the purposes of establishing political support.
- 8.16. PCCs must not canvass for votes on behalf of the party in the course of normal business.
- 8.17. PCCs must not use the OPCC's systems to distribute material supporting a candidate or party – including via social media platforms.
- 8.18. PCCs cannot claim expenses to travel for party political business.
- 8.19. Chief Executives should ensure that the PCC's and Deputy's declaration of interests are up to date before the pre-election period commences.
- 8.20. Chief Executives should familiarise themselves with any pre – election guidance issued by the National Police Chiefs' Council and the Association of Police and Crime Commissioners.
- 8.21. Chief Executives should ensure that they remind PCCs to be careful about what they say on policy matters concerning the force when speaking in an official capacity. PCCs should not seek to use for party political gain, views on policy or public funding that may have been expressed to them by officers of their force as this may call into question the political impartiality of the force and/or its officers.

- 8.22. Chief Executives should ensure that the pre-election period does not frustrate the routine business of the Office. The PCC should continue to represent the public; hold the Chief Constable to account; publicise activity and take routine decisions. However, similar to the way that the Government will avoid major public announcements during pre-election periods, so should the PCC, unless there is a real and pressing need. Equally, however, decisions should not be deliberately delayed if doing so could also be construed as potentially influencing the outcome of the election.
- 8.23. New policies should not be announced by the Office during the pre-election period. PCCs should ensure all policy positions are announced as business as usual before the pre-election period.
- 8.24. Ideally, PCCs should defer the issuance of the Annual Report until after the election. However, if a decision is taken to issue it then, Chief Executives will need to ensure that it is not presented in a way that could be seen to influence the election, either inadvertently or deliberately.
- 8.25. Police and Crime Panel meetings may be scheduled during the pre-election period. If that is the case, Chief Executives should try and ensure that the agenda is limited to non-controversial items. Where at all possible, Chief Executives should try and use their influence in the scheduling of these meetings in the first instance.
- 8.26. If a PCC is also standing for a local councillor position, then they are free to campaign for the seat and refer to the fact that they are the PCC. However, as described above they must not use the resources of the Office to support the campaign in any way.
- 8.27. The PCC's diary should be kept accurate and up to date with a clear distinction between meetings/events which are attended in the capacity as the PCC and those in a private capacity.
- 8.28. The pre-election period does not over rule any statutory duties and requirements. Enquiries such as freedom of information requests and data subject access requests will continue in the usual way.
- 8.29. It is likely that the PCC will have, wholly or partly, commissioned services. The Chief Executive must ensure that the commissioned services are aware of the need to limit any publicity that they may be planning during the pre-election period. A template letter is referenced at appendix B at document B5.
- 8.30. As an incumbent PCC, many photographs will have been taken during their term. These images will invariably include pictures of the PCC with community projects, at events etc. Once these images have been published (through any means) they can be used by others in a campaigning capacity. This is not using the resources of the Office as they are already out in the public domain. However, the caveat to that is, if campaign material which uses existing police images or livery, would to the electorate appear to show police support for a candidate then this is not allowed. The stance of the NPCC will be set out in their guidance but as it stands currently the NPCC's view is that there is no permission to use pre-existing photographs livery or publicity involving staff or officers in publicity campaigns.

- 8.31. If images are used by the candidate then it is for the Chief Constable/Chief Executive to raise it with the candidate directly verbally and then by letter. In the event that the candidate refuses to remove the imagery then, depending on its seriousness legal advice may need to be taken to decide what if any next steps can be taken. It would also be useful to advise the PARO.

Summary

Chief Executives should ensure that the PCC does not use the resources of the Office, in the widest sense to give the impression that there is support for a party or candidate

Chief Executives should advise PCCs that they must not give the impression that the police force/fire service supports a party or a candidate

Chief Executives should ensure that the OPCC do not undertake any activity which could call into questions their political impartiality or that could give rise to criticism that public resources are being used for party political purposes.

9. Post -Election Guidance

- 9.1. Re-Elected PCCs
Re-elected PCCs will be familiar with the process and demands that immediately follow PCC elections. However, it may prove beneficial for Chief Executives to have a plan in place for what can be a busy period. This will ensure the transition from the pre-election to post election period is as smooth as possible.
- 9.2. Plans should feature arrangements for the swearing of the oath, media interviews, upcoming key decisions, opportunities to reform governance arrangements, revisions to the Police and Crime Plan, publishing the Annual Report and diary commitments such as attendance at upcoming public events.
- 9.3. A re-elected PCC may seek to re-appoint a Deputy. It should be noted the serving Deputy PCC's term of office must end no later than the day when the current PCCs term of office finishes. Therefore, if re-elected, the PCC must follow an appointment process for a Deputy PCC.
- 9.4. The appointment process for a Chief Executive and Chief Finance Officer does not apply unless there is a change in personnel (i.e. a new Chief Executive /Chief Finance Officer)

Summary

Plan for the post-election period to include the oath, media interviews and upcoming key decisions and events

Appoint a Deputy PCC (if required)

10. Newly Elected Police & Crime Commissioners

Handover of Power

- 10.1 The term of a person elected as a PCC at an ordinary election begins on the seventh (calendar) day after the day of the poll and ends with the sixth (calendar) day following the subsequent poll. The term for incumbent PCCs should cease on 12th May 2021 and the newly or re-elected PCC should commence in office on 13th May 2021. Newly elected PCCs must swear the oath within 2 months of the day after the election (Part 1, Section 70 (2) of the Police Reform and Social Responsibility Act 2011), however it is suggested that the oath is signed as soon as possible, to ensure business can be transacted.
- 10.2 The Institute for Government has issued guidance on government transitions “Transitions: Lessons Learned: Reflection’s on the 2010 UK General Election – and looking ahead to 2015”, 2011. The report recommends that the formal handover of power from one leader to another, in this case a PCC, should be phased over several days. It is down to the local area returning officer to decide whether or not counting staff will work on a weekend but there are some areas where this is unlikely to be the case. In these circumstances, and where other election counts are taking place, the handover period will be considerably squeezed, perhaps to a few days, which Chief Executives will want to bear in mind in their planning.
- 10.3. In line with the above recommendation, Chief Executives may wish to seek the outgoing PCC’s views on offering the newly elected PCC support and make the proposition to incoming PCCs.
- 10.4. Alternatively, Chief Executives can act as the main source of advice, information and guidance for newly elected PCCs.
- 10.5. **The Oath**
The Police and Crime Commissioner Elections (Declaration of Acceptance of Office) Order prescribes the form of words that the newly elected Police and Crime Commissioners will be required to declare before they take office. It must be done within 2 months of the election. They cannot receive any remuneration until they have done this. See the explanatory note:

<http://www.legislation.gov.uk/ukxi/2012/2553/memorandum/contents>

The oath should be witnessed as specified in s.70(3) of Police Reform Social Responsibility Act 2011

<http://www.legislation.gov.uk/ukpga/2011/13/section/70>

“(3) Any declaration made under this section must be made before—

(a) the appropriate officer;

(b) a justice of the peace or magistrate in the United Kingdom, the Channel Islands or the Isle of Man, or (c) a commissioner appointed to administer oaths in the Senior Courts.”

The “appropriate officer”, means the head of paid service of the local authority designated for that police area by the Home Secretary, a JP or a senior commissioned appointed to administer oaths.

Chief Executives in Wales are reminded of the requirement to have a Welsh language version of the Oath available in case the PCC chooses to use it.

Some PCCs may wish to have the event video recorded.

10.6. Induction Pack

PCCs will want to start work as soon as possible. Prior to the arrival of the newly elected PCC, Chief Executives should consider creating induction packs and ‘day one’ briefings. Information from the PCC’s manifestos can be used to help inform this work. Chief Executives should be mindful of civil service best practice which suggests advice shared with an outgoing elected official should not be shared with an incoming elected official.²³

The following areas should be considered for inclusion in PCC induction packs:

- PCC statutory responsibilities including SPR
- Chief Executive / monitoring officer responsibilities / appointment process
- Chief Finance Officer / responsibilities / appointment process
- Chief Constable / responsibilities / appointment process (including end of contract/retirement date)
- Police and Crime Panel (PCP) role and responsibilities
- Information on the PCP and members (please note many areas will have local government elections at the same time. Consequently PCPs may also be in a state of transition)
- 100 days forward look (including swearing the oath and upcoming key meetings)
- The existing Police and Crime Plan, suggestions for an initial Police and Crime Plan for the new PCC and requirements for publishing a new plan
- Guidance and requirements on Annual Reports
- OPCC structure and staff introductions
- Police force structure and officer and staff introductions
- Police force strategy(ies), performance and assessment of policing demand

²³ Directory of Civil Service Guidance Volume 2 (page 8)

- Recent significant HMICFRS reports and recommendations
- Governance arrangements
- Financial regulations and standing orders relating to contracts
- A snapshot of PCC and police force finances
- Existing procurement programmes, significant tenders, contract expiry and renewal dates
- A snapshot of PCC and police force estates
- A snapshot of the current political landscape in the local elected policing area, Information on key partners, Collaboration arrangements, Information on inherited PCC victims' and restorative justice commissioned services, Meeting with Union representatives, Inherited / on-going complaints and role of IOPC, Other significant information not shared in the Candidate Briefing Packs

10.7. Again, after consulting the PCC's election manifesto materials Chief Executives may also consider seeking the PCC's views on the following areas:

- Introduction meeting with the Police & Crime Panel
- Deputy PCCs (possible recruitment exercises and the statutory requirements linked to this appointment).
- Recruitment/ OPCC office restructuring and location
- Branding (website and social media)
- Training Needs (media/social media training)
- Diary arrangements for 'meet and greets' (media, key partners)
- Commissioning and de-commissioning
- Community engagement
- Governance options (see below)
- Funding and budgets
- Engaging with public, partners and partnerships (Voluntary, Independent Custody Visitors and Criminal Justice Boards)
- Administrative preferences (briefing format, personal organisation, etc)

Governance Structure

10.8. Chief Executives may seek the PCC's views on the following governance areas:

- Governance frameworks
- Code of practice between PCC and police force
- Policing Protocol
- Decision making
- Performance Scrutiny Monitoring
- Audit Committee/Ethics Committee
- Association of Police and Crime Commissioners and sub groups
- Representation on local partnerships

Budget Planning & Commissioning for 2022/23

10.9. Chief Executives and Chief Finances Officers may once again find it beneficial to consult the PCC's original manifesto and provide guidance on funding sources, Police Grant, the Police Property Act Fund and funding for commissioning of victims' services, restorative justice and other initiatives.

10.10. This guidance should consider any legacy issues related to funding, the policing precept, commissioning, decommissioning, conditions that apply to the various funding streams and options for commissioning.

Lessons Learnt

10.11. The 2021 PCC election will provide Chief Executives with a valuable opportunity to record learning and best practice.

10.12. As such, Chief Executives may wish to document their experiences of both the pre and post-election periods to provide learning and inform guidance ahead of future PCC elections.

Summary

The term for incumbent PCCs should cease on 12th May 2021 and the newly or re-elected PCC should commence in office on 13th 2021

Chief Executives will be the main source and coordinator of advice, information and guidance for newly elected PCCs

Chief Executives should consider creating induction packs and seeking PCC's views on key issues as soon as possible

Establish a lessons learnt log

Acknowledgements

This guidance was produced and updated with contributions from the staff of many Police and Crime Commissioner's Offices and the Association of Police and Crime Chief Executives, in consultation with all Police and Crime Commissioner Chief Executives.

This guidance was first published in January 2016, updated in April 2016, December 2019, and revised in March 2021. It will be updated and republished as necessary in the future.

Useful Guidance Documents

1. [Police, Crime and Social Responsibility Act 2011](#)
2. [Policing and Crime Act 2017](#) (DPCCs term of Office)
3. [Election Timetable](#) (Electoral Commission)
4. [Local Government Act 1986](#)
5. [Policing Protocol 2011](#)
6. [About the APCC](#)
7. [The Role of the PCC](#)
8. [Key Functions of the PCC](#)
9. Election guidance issued by the APCC – to be issued end 2019
10. The role of the Chief Executive
11. The role of the Chief Finance Officer
12. [A short guide to publicity during the pre-election period](#)
13. [The 7 Principles of Public Life \(May 1995\) by Committee on Standards in Public Life/Striking the Balance Report 2016, Committee on Standards for Public Life.](#)
14. www.electoralcommission.org.uk
15. [\(NPCC December 2017, Pre-Election Guidance for interaction with Police and Crime Commissioner Candidates – Conduct During Pre-Election Period](#)
16. [Code of Ethics – College of Policing – July 2014. A Code of Practice for the Principles and Standards of Professional Behaviour for the Policing Profession of England & Wales](#)
17. Oath of Office for PCCs – www.gov.uk July 2012
18. APACE PCC Functions Summary - below

PCC Functions within the Police Reform & Social Responsibility Act 2011

Function	Reference
Secure the maintenance of an efficient and effective police force for that area	s1(6)
To be the Fire and Rescue Authority (optional)	s6 P&CA'17

Strategic Planning	
Prepare a draft and issue a police and crime plan	s5 (Regs)
Review the police and crime plan, particularly in the light of (i) any report or recommendations made by the police and crime panel; and (ii) any changes in the strategic policing requirement	s5(9)

Holding to account	
Hold the chief constable to account for:	
<ul style="list-style-type: none"> the functions of the chief constable, and of persons under the direction and control of the chief constable. 	s1(7)
<ul style="list-style-type: none"> the exercise of the duty to have regard to police and crime plan 	s1(8)(a)
<ul style="list-style-type: none"> the exercise of the duty to have regard to strategic policing requirement 	s1(8)(b)
<ul style="list-style-type: none"> the exercise of the duty to have regard to codes of practice issued by Secretary of State 	s1(8)(c)
<ul style="list-style-type: none"> the effectiveness and efficiency of the chief constable's arrangements for co-operating with other persons 	s1(8)(d)
<ul style="list-style-type: none"> the effectiveness and efficiency of the chief constable's arrangements for engagement with local people 	s1(8)(e)
<ul style="list-style-type: none"> the extent to which the chief constable achieves value for money 	s1(8)(f)
<ul style="list-style-type: none"> the exercise of duties relating to equality and diversity 	s1(8)(g)
<ul style="list-style-type: none"> the exercise of duties in relation to the safeguarding of children and the promotion of child welfare 	s1(8)(h)

Partnership working	
To provide or arrange for the provision of— (a) services to secure crime and disorder reduction; (b) services to help victims or witnesses of, or other persons affected by, offences and anti-social behaviour; (c) services specified by the Secretary of State	s143 ASBP&CA'14
Have regard to the relevant priorities of each responsible authority	s10(1)
Act in co-operation with responsible authorities	s10(2) (CDA Regs)
Make arrangements with criminal justice agencies for the exercise of functions so as to provide an efficient and effective criminal justice system for the area	s10(3)
Prepare a community remedy document for the area	S101 ASBP&CA'14
Enter into collaboration agreements	s22A PA'96
Keep collaboration agreements under review	s22C PA'96
Provide advice and assistance to a body outside the UK	s26 PA'96

Enter into emergency service collaboration agreements	s1 P&CA'17
Keep considering emergency services collaboration	s2 P&CA'17

People	
Appoint, manage complaints regarding, suspend and remove the chief constable	s38 and sch8 (Regs)
Appoint a chief executive and chief finance officer (and may appoint other staff, including a Deputy Police and Crime Commissioner)	sch1 para6 to 8

Information and Engagement	
Publish specified information in the time or manner specified	s11 (Regs)
Produce an annual report	s12
Provide the police and crime panel with any information which the panel may reasonably require	s13
Make arrangements for obtaining <ul style="list-style-type: none"> the views of people about matters concerning the policing of the area, their co-operation with the police in preventing crime and anti-social behaviour in that area; the views of victims of crime in that area about matters concerning the policing of that area. the views of <ul style="list-style-type: none"> (a) the people in that police area, and (b) the relevant ratepayers' representatives, on the proposals of the police and crime commissioner for expenditure before the first precept for a financial year is issued by the police and crime commissioner 	s96(1) and (2) PA'96 (Regs) S96(1B) PA'96

Finance	
Enter into agreements for supply of goods and services	s1 Local Authorities (Goods and Services) Act 1970; s15
Keep the police fund	s21 (Pension Regs)
Receive grants for police purposes	s46 PA'96
Receive grants for capital expenditure	s47 PA'96
Receive national security grants	s48 PA'96
Receive grants from local authorities	s92 PA'96
Accept gifts or loans	s93 PA'96
Borrow monies	s94 PA'96
Issue a precept	s39 Local Government Finance Act 1992 (Regs)
Receive emergency financial assistance	s155 Local Government and Housing Act 1989
Do anything calculated to facilitate the exercise of their functions, including: <ul style="list-style-type: none"> entering into contracts and other agreements acquiring and disposing of property (including land) borrowing money 	sch1 para 14
To assess, decide and pay, any valid claim for compensation in respect of property that has been damaged, destroyed or stolen in the course of a riot.	s1, Riot Compensation Act 2016

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APPENDIX B
Document B1. Draft Letter to the press

Dear Editor

Re: Pre-election Period for the Police & Crime Commissioner Elections

As you know, the elections for the Police & Crime Commissioners (PCCs) takes place on Thursday, 6th May 2021.

The formal pre-election period begins on the XXXXXX 2021 and from that time there will be restrictions on the media activities of the current Police & Crime Commissioner. I thought it would be helpful to set out the position of the Office of the Blank shire Police & Crime Commission (OPCC) on these matters.

The OPCC is politically neutral and is responsible for providing support to the elected PCC, whoever they are.

The Office will not provide or support any of the candidates during the Pre-election period and indeed staff within the OPCC are forbidden from doing so in a personal as well as professional capacity.

The formal position is that the current PCC will remain in post as PCC throughout the Pre-election Period until end of the day, on the 12th of May 2021 following the election: the new term for a PCC will begin on the 13th May 2021.

During the, Pre-election Period the OPCC will continue to support the incumbent PCC with regard to their functions and management of business as usual. The OPCC will also respond to requests for information from candidates, and publish the results online.

The OPCC will not be releasing any press releases to promote the work of the PCC or making any announcements that are in any way novel or contentious after theMarch 2021 upon the start of the Pre-election Period . This is to allow those press releases to appear in the media before the Pre-election Period starts, although Editors can publish at any time.

We may put factual material into the public domain using neutral OPCC branding during the election period.

We have advised all political parties that police officers are unable to agree to have their photographs taken with candidates at this time. Nonetheless, it is possible that photographs of candidates next to police cars, in front of police stations or with other police branding may appear in election material. If this happens, it explicitly does not reflect any endorsement by the Police of the candidate in question.

I hope this is helpful in setting out the role of the OPCC during this pre-election period and our relationship with the democratic process.

Further information, including our detailed protocol are available on www.blankshire.pcc.gov.uk.

Please do not hesitate to contact me if you have any issue you wish to discuss.

Yours sincerely

Chief Executive
Blank shire OPCC

(Reproduced and amended with courtesy of Durham PCC's office)

DRAFT

APPENDIX B
Document B2. Draft Letter to staff

Dear Staff Member

Re: Police & Crime Commissioner Elections – 6th May 2021

As you are aware, Police & Crime Commissioner elections are to be held on 6th May 2021. This email reminds you of the standards of conduct expected of you as a staff member of the Police & Crime Commissioner's office.

You are reminded to check if you hold a politically restricted post. If you do, you are barred from standing as:

- A local councillor
- An MP
- An MEP
- A Member of the Welsh Parliament/ Senedd Cymru
- A Member of the Scottish Parliament

In addition, you are also restricted from:

- Canvassing on behalf of a political party or a person who is or seeks to be a candidate. This is not limited to only the area of the Police & Crime Commissioner employing the politically restricted post-holder.
- Speaking to the public at large or publishing any written or artistic work that could give the impression they are advocating support for a political party. This includes writing or 'speaking' on social media for example on logs, online fora, Facebook, Twitter, Instagram (not exhaustive) where the work appears to be intended to affect public support for a political party.

For the avoidance of doubt, you may have membership of a political party but active participation is not permitted.

If you wish to discuss your own personal circumstances, please do not hesitate to discuss them with me.

Regards

CEO
Blank shire OPCC

Document B3. Joint Protocol between OPCC and Chief Constable

PFCC/CEO/Election/Guidance

DATE

PFCC

Office for Police, Fire, and Crime Commissioner's Staff (Commissioner's Office)

Blankshire Police Officers and Staff

Blankshire Fire and Rescue Service Officers and Staff

Copied to:

PARO

JOINT PROTOCOL IN PREPARATION FOR THE ELECTION OF THE POLICE, FIRE, AND CRIME COMMISSIONER IN MAY 2021

1.0 Introduction

- 1.1 The Police, Fire, and Crime Commissioner (PFCC) election will take place on Thursday 6 May 2021 (*Projected for 6 May 2021 although a notice will be issued by the Police Area Returning Officer (PARO) 25 working days before the poll*). This protocol sets out the arrangements to ensure that all candidates are dealt with in a transparent and equal manner. If requests come from those who have not yet declared themselves as a candidate, but are only interested in doing so, their request must be treated as a request from a member of the public.
- 1.2 This protocol also provides guidance and safeguards to all staff within the Commissioner's Office, Police, and Fire and Rescue Service (FRS) in order to avoid allegations of bias. This guidance is based on the Statutory Code for Local Authorities, including Policing Authorities published by Department for Communities and Local Government (01/2011),²⁴ Parliamentary Guidance on Pre-election Period of Sensitivity (No. 5262 8 May 2019),²⁵ Local Government Association,²⁶ and other supporting advice.
- 1.3 It is anticipated that the PARO will be XXXX Council who will be accountable for the running of the election. Where there are concerns around the running of the election or the conduct of a candidate, it may be addressed to the PARO.
- 1.4 PFCC candidates must declare their intent to stand for election by 1600hrs on the nineteenth day before the poll. This declaration must be registered by the PARO following the rules laid down by the Electoral Commission including the deposit of £5,000.

²⁴https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/5670/1878324.pdf

²⁵<https://researchbriefings.files.parliament.uk/documents/SN05262/SN05262.pdf>

²⁶ <https://www.local.gov.uk/short-guide-publicity-during-pre-election-period#the-code>

2.0 Aim

- 2.1 Not every circumstance or eventuality that could potentially impact on the election, or the reputation of the Commissioner's Office, Police, and FRS staff can be captured in one document. Therefore, the aim of this document is to provide some overarching guidelines and principles along with sources of advice in order to maintain transparency and equality throughout. In effect to main neutrality neither providing advantage or disadvantage to any candidate.

3.0 Principles

- 3.1 The following are outline principles, within which all staff are to adhere to. Any areas of uncertainty or questions are to be directed through individual chains of command, ultimately for the Chief Executive of the Commissioner's Office to make a decision and where appropriate to the Chief Constable.

3.2 Organisational

- 3.2.1 Particular care should be taken over official support, use of resources (including publicity) for official announcements, which could have a bearing on matters relevant to the elections.
- 3.2.2 Special care should be taken in respect of publicity campaigns so that they are not open to criticism that they have been undertaken for party political purpose or in support of a particular candidate.
- 3.2.3 The Commissioner's Office, Police and FRS must not publish material that refers to or could, in any way, be construed as being designed to affect support for a party or a candidate.
- 3.2.4 The Commissioner's Office's Election Single Point of Contact, XXXX, will maintain details of information provided to prospective candidates or candidates and will arrange for it to be anonymised and published on the Commissioner's Office website making it is available publically. The Election SPOC will also coordinate any site visits or candidate meetings with the relevant Chiefs and statutory officers.

3.3 Engagement with Candidates

- 3.3.1 An essential test regarding the appropriateness of any engagement with a candidate is, *"does it appear to favour one candidate against another, whether in terms of information or public profile?"*
- 3.3.2 Care should be taken in relation to visits by candidates to Commissioner's Office, Police, and FRS premises. Any request to visit official premises are to be directed to the Chief Executive of the Commissioner's Office in advance for a decision.

- 3.3.3 Support should not be undertaken for one candidate that would not or could not be undertaken with another.
- 3.3.4 Prospective candidates, candidates and parties must be treated even-handedly and have equal access to information.
- 3.3.5 Prospective candidates and candidates remain members of the public and are not entitled to confidential information.

3.4 Incumbent PFCC or Deputy

- 3.4.1 An essential test regarding the appropriateness of any engagement with a candidate, including the incumbent PFCC or Deputy, is, *“does it appear to favour one candidate against another, whether in terms of information or public profile?”*
- 3.4.2 The incumbent PFCC or Deputy, if they are seeking election, is to be treated the same as any other candidate, with all requests for information being recorded and shared on the Commissioner’s Office website.
- 3.4.3 Unlike many other elected positions, the incumbent PFCC or Deputy, maintains the position throughout the declaration and election period. Therefore, the incumbent PFCC or Deputy maintains statutory responsibility. However, care must be taken to ensure that business as usual activities, especially during, Pre-election period are restricted to statutory roles that could not be perceived as influencing the election.

3.5 Commissioner’s Office, Police, and FRS officers and staff

An essential test regarding the appropriateness of any activity by an individual in the Commissioner’s Office, Police, or FRS is, *“it likely to affect or influence the outcome of the election?”*

- 3.5.1 Commissioner’s Office staff are politically restricted and cannot actively support PFCC candidates. Additionally, Commissioner’s Office staff are disqualified from being elected as PFCC and therefore, must resign a minimum of 19 days prior to their declaration of candidacy if they intend to stand. However, amendments made to the Police Reform and Social Responsibility Act 2011 s.65 by the Policing and Crime Act 2017 s.122 allows for a Deputy PFCC to stand as a candidate at an ordinary election without having to resign.
- 3.5.2 No serving Police Officer or member of Police Staff / Commissioner’s Office are allowed to stand as a candidate for PFCC with exception of the Deputy PFCC.
- 3.5.3 Any Police Officer or member of Police Staff must resign from their role with a minimum of 19 days prior to the submission of any nomination to stand as a candidate.
- 3.5.4 Whilst on duty police staff and fire officers and staff must avoid any action, which is or might reasonably be perceived as being supportive of any party, candidate or opinion, including encouraging anyone to vote for a certain candidate, treating candidates differently, supporting or attacking the views of candidates.
- 3.5.5 Police Officers must avoid any action, which is or might reasonably be perceived as being supportive of any party, candidate or opinion, including encouraging anyone to vote for a certain candidate, treating candidates differently, supporting or attacking the views of candidates.

- 3.5.6 Commissioner's Office staff, police/fire officers or police/fire staff who use any form of social media should take care over any content relating to the election.
- 3.5.7 Whether on or off duty the Code of Ethics²⁷ and core values still applies to all staff, including the requirement to be "fair and impartial".

4.0 Conduct

- 4.1 The above principles provide information to support decision making. They are underpinned by the requirements placed upon Commissioner's Office staff, police/fire officers and police/fire staff regarding their overall conduct and behaviour; specifically:
 - 4.1.1 Police Officers. Police Regulations 2003 set out the conditions of service of 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. Furthermore the Police Conduct Regulations 2004 also highlight expected standards of behaviour such as honesty and integrity; fairness and impartiality; and politeness and tolerance.
 - 4.1.2 Police Staff. Police Staff Council Joint Circular 54, 2008 Standards of Professional Behaviour²⁸ for police staff highlights the need to adhere to relevant standards such as acting with impartiality and only disclosing information in the proper course of work. In addition certain posts are politically restricted within the meaning of the Local Government and Housing Act 1989.
 - 4.1.3 Commissioner's Office Staff. The Police Reform and Social Responsibility Act 2011 places political restrictions on members of Commissioner's Office staff with exception of a Deputy PFCC.
 - 4.1.4 Fire Officers and Staff. The Local Government Association has provided regular updates of behaviour during the sensitive pre-election period as well as adherence to the Nolan Principles of Public Life.²⁹
- 4.2 Should anyone seek to support a candidate in the election, the Chief Executive, Chief Constable, or Chief Fire Officer will provide suitable work related advice and guidance, assessing each case on its merit. Providing continuance in role is not conflicted by the activity, the individual must be clear when they are undertaking activities or making information requests as a prospective candidate or supporter.

5.0 Engagement with candidates and prospective candidates

- 5.1 Political parties will undertake their own selection process to nominate their candidates throughout 2019 and the early part of 2020/21. During the same period independent members may also inform the public of their intention to stand. Some prospective candidates will announce their interest to stand well in advance of the election whereas others may keep their intentions to themselves until the period for formal declarations.
- 5.2 Throughout these different stages, media interest is likely to build as will contact between prospective candidates, Commissioner's Office, Police, and FRS. However, there is no duty on the Commissioner's Office, Police and FRS to treat candidates or

²⁷ College of Policing, Code of Ethics, para 1.1.1

²⁸ [https://www.local.gov.uk/sites/default/files/documents/workforce - Police - PSC handbook - Guidance Note 9 - Standards of Professional Behaviour.pdf](https://www.local.gov.uk/sites/default/files/documents/workforce%20-%20Police%20-%20PSC%20handbook%20-%20Guidance%20Note%209%20-%20Standards%20of%20Professional%20Behaviour.pdf)

²⁹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/554817/Striking_the_Balance__web_-_v3_220916.pdf

prospective candidates as elected representatives. Nevertheless, discretion should be used in response to any reasonable requests for information.

6.0 Requests for information

- 6.1 Where a request for information from a prospective candidate or candidate is received the following process will be adopted:
- 6.1.1 If the candidate has not declared, then the request will be treated as if from any member of the public.
 - 6.1.2 The request should be directed to the Single Point of Contact (SPOC) email account³⁰ within the Commissioner's Office or telephoned through to the Policy and Research Lead at the Commissioner's Office (xxxxxxx) where a single electronic register will be maintained³¹, as detailed at Appendix C. All requests that are directed to the police or FRS will be re-directed to this single location to ensure full transparency and equality. All responses will be via email. If a request is received by the telephone, good practice suggests that this should be confirmed back to the requester in writing before a reply is issued.
 - 6.1.3 In formulating a response, it should be recognised that the information provided maybe exploited for political and campaigning purposes.
 - 6.1.4 Where it is a Freedom of Information request, the standard operating practice under the Freedom of Information Act 2000 will apply. Each public authority will remain responsible under the Act for their own disclosure and also forward the same to the PFCC Election SPOC. In addition, the response will be posted on the Commissioner's Office web site.

7.0 Media

- 7.1 When handling media communications, the NPCC's (2020) Pre-Election Guidance for Interaction with Police and Crime Commissioner Candidates – Conduct during Pre-Election Period³² recommends the following:
- 7.1.1 When dealing with statements and press releases from parties or candidates, the service should adopt following principles.
 - 7.1.2 A response may be appropriate when claims are based upon factually incorrect information or where it is necessary to correct misunderstandings that would undermine confidence in the police service. Care should be taken not to be seen to be 'attacking' a candidate or a position, merely correcting inaccuracies.
 - 7.1.3 A response may not be appropriate when claims are based on an individual's interpretation of facts or circumstances.
 - 7.1.4 Most forces interact well with the public through social media. Staff using force social media accounts should be cognisant of the general principles of interaction.

8.0 Organised meetings

³⁰ pfcc-information@staffordshire-pfcc.pnn.gov.uk

³¹ The master electronic register will contain all contact, requests for information and other pertinent information along with decisions and risk mitigations as appropriate

³² [Pre-Election Guidance for Interaction with Police and Crime Commissioner Candidates – Conduct during Pre-Election Period](#)

- 8.1 The Chief Executive will arrange for a series of factual briefing material to be developed and be posted on the Commissioner's Office website. Candidates requesting information that is already covered within these documents will be directed to the Commissioner's Office website.
- 8.2 A briefing opportunity will be established by the Chief Executive following official declaration of candidacy. Dates, times and locations will be posted on the Commissioner's Office website. The briefing will only contain factual information and the PARO will also be notified of the briefing date so as to inform candidates of the service being offered. Questions will be taken, however, candidates will be requested to submit advance notice of specific questions in order to provide factually correct and accurate answers.
- 8.3 In addition and upon request to the Chief Executive via the Election SPOC, individual meetings may be held with the Chief Executive, Chief Constable, or Chief Fire Officer. These meetings will only be provided following formal declaration of intent to stand for election and where their request for information is not covered in existing documentation in places such as the Commissioner's Office website³³. This will be managed by the PFCC Election SPOC who will coordinate with both the Police and FRS teams. Advance notification of any questions will be required and notes will be taken of the discussion and posted onto the Commissioner's Office web site.
- 8.4 The above briefings will not cover the running of the election, which will be the responsibility of the PARO, but they can be done together.
- 8.5 Visits to premises**
- 8.6 Requests for visits to Commissioner's Office, Police, or FRS premises for the purpose of fact finding and receiving briefings will be considered by the Chief Executive on a case by case basis via the election SPOC. However, the principal methods of fact finding will be through the Commissioner's Office website, post-declaration briefings and specific requests for information through the Commissioner's Office Election SPOC. Every request will be recorded on the electronic register.
- 8.7 Visits during periods of Government COVID restrictions will be arranged virtually.
- 9.0 Photographs**
- 9.1 Until the Pre-election period begins it is acceptable for candidates to be filmed or photographed with Commissioner's Office staff, police officers or staff, FRS officers and staff, for newspapers or television news bulletins; providing the individual is content to be filmed/photographed. However, once within the Pre-election period, Commissioner's Office staff, police officers and staff, FRS officers and staff, must not be filmed or photographed. Additionally, before and throughout Pre-election period all staff must maintain their independence and not be seen to be bias and/or supporting one candidate or party over another.
- 10.0 Police and Fire Imagery**
- 10.1 The Commissioner's Office, Police, and FRS will seek to ensure 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 Commissioner's Office website. Where it is used, the Chief Executive, Chief Constable, or Chief Fire Officer will consider the need to request the candidate to remove or withdraw the material. Each

³³ Details of likely information to be held on OPFCC web page is at Appendix B

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 and/or fire services.

11.0 Pre-Election Period

11.1 This is a particularly sensitive period in the lead up to the election and requires special care starting following the notice of an election and ends on the day of the election poll. The last day for publishing the notice of election is twenty-five working days before the poll. Guidance is available from the Cabinet Office and will be supplemented by Home Office guidance. In any event, during the Pre-Election period the following additional restrictions will apply:

Where practicable the Commissioner's Office, Police, and FRS should avoid making and publicising major policy decisions that may be deemed to be politically sensitive.

- 11.2 The Commissioner's Office, Police, and FRS websites must contain only factual information.
- 11.3 Documents which promote the Commissioner's Office should not be published.
- 11.4 Commissioner's Office staff, police officers and staff, FRS officers and staff, must ensure that they do not contribute to or support the activities of a candidate.
- 11.5 Clear records of all dealings with candidates throughout the Pre-Election period must be maintained to ensure transparency and accountability, unless the incumbent PFCC is conducting their statutory responsibilities.
- 11.6 Commissioner's Office staff, police officers and staff, FRS officers and staff, must not agree to be photographed or used as part of any campaign.
- 11.7 Commissioner's Office staff, police officers and police staff, FRS officers and staff, that have personal websites, blogs or use social networking sites should:
- Not post any comments that could be seen to be, or give the impression to be, made in their professional role.
 - Be aware that the higher their public profile is, the more likely it is they will be perceived as acting in their official capacity when using social networking sites.
 - Be careful if making political points or making specific or personal comments about an individual.

12.0 Dates

The following are key dates in relation to the PFCC Elections:

XX pre-nomination brief to candidates.

XX Formal candidate declaration to PARO.

XX Pre-election period commences.

XX PARO candidate briefing.

XX Commissioner's Office, Police, and FRS brief to candidates (details to be confirmed).

6th May 21 PFCC Elections.

13th May 21 New PFCC tenure commences.

13.0 Post-Election

The requirements for the Commissioner's Office, Police, and FRS will be dependent upon who is elected; their previous knowledge, experience and requirements. The Chief Executive will discuss the requirements with the newly elected PFCC and establish an induction programme. The likely topics to be included are detailed at Appendix D.

14.0 Summary

The Commissioner's Office, Police, FRS remain politically independent. Therefore, the aim of this joint protocol and underlying procedures is to ensure that transparency and equality for all prospective candidates in the lead up to and through the election is maintained.

Chief Executive	Chief Constable	Chief Fire Officer
Commissioner's Office	Blankshire Police	Blankshire Fire and Rescue Service

Appendices:

- A. Action Schedule
- B. Information likely to be posted on Commissioner's Office election web page
- C. Example Register
- D. Information likely to be included in induction briefing schedule
- E. References

(Reproduced courtesy of the Staffordshire Office of the Police, Fire and Crime Commissioner)

Action Schedule

Ser (a)	Lead (b)	Action (c)	Completed (d)	Remarks (e)
1	CEO	Schedule and timeline for first 100 days	N	
2	CEO	Transition programme if newly elected PFCC	N	Detail to be confirmed following election result
3	CEO	Seek further guidance from external organisations	N	NPCC, APCC, APACE, Home Office
4	CEO/ Commissioner's Office SPOC	Establish link with PARO	N	Provide details of Commissioner's Office web page, confirm contact details and confirm dates and requirements
5	PARO	Confirm list of candidates	N	Link in with PARO / Commissioner's Office SPOC
6	Commissioner's Office SPOC	Establish electronic register of interest and activity for all election issues	N	Ensure all relevant information is published on the Commissioner's Office web page
7	Dir Delivery and Dir Gov	Identify potential Pre-Election Period implications	N	Commissioning, governance, forecast of events, assurance etc.
8	Commissioner's Office Comms	Confirm official and personal use of all PFCC electronic devices and social media	N	
9	Commissioner's Office SPOC	Establish an Commissioner's Office election web page as part of the Commissioner's Office website	N	Commissioner's Office Comms to create and upload as directed by SPOC
10	Commissioner's Office SPOC	Populate the Commissioner's Office election web page with information and documents approved by the CEO	N	Link to Appendix B
11	Commissioner's Office SPOC	Organise a candidate familiarisation event	N	Event to be held following PARO confirmation of candidate list

12	Commissioner's Office SPOC	Maintain transparent links between Commissioner's Office, Police, FRS, and, ensuring that all information is recorded on master electronic register in Commissioner's Office	N	
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Information likely to be posted on Commissioner's Office election web page

1. The following is a list of documents and types of information that is likely to be posted on the Commissioner's Office election web page:

- The police and crime landscape – national, regional and local focus
- The role of the PFCC (summary of key functions: Plan, Budget, Commissioning)
- The role of the Chief Executive and Commissioner's Office (monitoring officer functions and role of Chief Finance Officer)
- The role of the Chief Constable
- The role of the Chief Fire Officer
- The role of the Police Fire and Crime Panel (summary of key functions)
- Partnership working (statutory partner and their responsibilities, PFCC's responsibility to ensure an effective and efficient criminal justice system)
- Governance Framework (operational independence and the PFCC's working relationship with the Chief Constable and Chief Fire Officer)
- 2021/22 budgets, finances and commissioning snapshot
- Police - key challenges, useful information
- FRS – key challenges, useful information
- Legacy issues
- National bodies (e.g. APCC, NPCC, NFCC, APACE, IOPC, PaCCTS, HMICFRS)
- Local pressures
- [Link to the Electoral Commission](#)

Contact Sheet with PFCC Candidates and or their Representatives

Date of Contact	Potential Candidate / Agent / Representative	Officer	Method of Contact	Information Sought Description of information requested verbally or in writing (if in writing include document reference number and a link to the document)	Information Provided Description of information provided verbally or in writing (if in writing include document reference number and a link to the document)	Date Added to Register	Date Added to Website
<i>DATE</i>	Cllr X	XXXXXX	Discussion at AGM	Advised that he wished to help Candidate Y in his campaign and asked how best to seek information on the office structure and performance information.	Description of advice given by JS contained in Ref 001	<i>DATE</i>	N/A

Date of Contact	Potential Candidate / Agent / Representative	Officer	Method of Contact	Information Sought Description of information requested verbally or in writing (if in writing include document reference number and a link to the document)	Information Provided Description of information provided verbally or in writing (if in writing include document reference number and a link to the document)	Date Added to Register	Date Added to Website
DATE	Cllr Y	XXXXXXXXXX	Text Message / Phone call	Secretariat Structure and overview of staffing issues Ref 001 and Ref 002	Links to our website for structure and staffing plans Ref 003 and Ref 004	DATE	

DATE

Information likely to be included in induction briefing schedule for newly elected Commissioner

1. The following is a list of documents and types of information that is likely to be included on an induction schedule:
 - PFCC statutory responsibilities
 - Chief Executive / monitoring officer responsibilities
 - Chief Constable responsibilities
 - PFCP responsibilities
 - Information on the PFCP and members (many areas will have local government elections at the same time and many Local Authorities will need to re-appoint their PFCP representatives following their AGMs. Consequently PFCPs may also be in a state of transition) along with introduction and initial meeting
 - 100 days forward look (including swearing the oath and upcoming key meetings)
 - The Police and Crime Plan
 - The Fire and Rescue Plan and IRMP
 - Commissioner's Office structure and staff introductions
 - Police structure and officer/staff introductions
 - FRS structure and officer/staff introductions
 - Police strategy(s) and assessment of policing demand
 - Recent significant HMICFRS recommendations for both police and FRS
 - Governance arrangements
 - A snapshot of PFCC, Police, and FRS finances
 - Existing procurement programmes, significant tenders, contract's expiry/renewal dates
 - A snapshot of Police/Fire estates and any property disposal programmes
 - A snapshot of the current political landscape in the local elected policing area
 - Information on key partners
 - Collaboration arrangements
 - Meeting Union representatives
 - Inherited / on-going complaints and role of IOPC
 - Introduction meeting with the Police Fire and Crime Panel
 - Deputy PFCCs³⁴ (possible recruitment exercises and the statutory requirements linked to this appointment)
 - Branding (website and social media)
 - Training Needs (media/social media training)
 - Diary arrangements for Meet and Greet (media, key partners)
 - Community engagement
 - Funding and budgets

³⁴ The appointment process of Deputy PFCCs can be found in Schedule 1, 8 of the Police Reform and Social Responsibility Act 2011.

- Engaging with public, partners and partnerships (Voluntary, Independent Custody Visitors, Health and Wellbeing Board etc.)
- Administrative preferences (briefing format, personal organisation, etc.)
- Governance frameworks
- Code of Practice between PFCC and Police
- Policing Protocol
- Decision making
- Performance Scrutiny Monitoring
- Audit Committee
- Association of Police and Crime Commissioners and national leads

DRAFT

DATE

References

1. The following are key reference documents that should be consulted for specific guidance, regulations and legislation:
 - Police Reform and Social Responsibility Act 2011
 - Election Regulations (yet to be issued)
 - Electoral Commission guidance to candidates and returning officers (when issued)
 - Cabinet Office Guidance – Election guidance (yet to be issued)
 - Home Office draft guidance 'Police Officers and Public Officials and Police and Crime Commissioner Elections' Dame Helen Ghosh, Permanent Secretary. February 2012,
 - Home Office draft further guidance for Police Officers, Elections' Dame Helen Ghosh, Permanent Secretary. April 2012,
 - Police Staff Council Joint Circular 54/ 08 - Standards of Professional Behaviour,
 - Police Staff Council Joint Circular 83 – Political restrictions for the 2015 General Election,
 - Police Staff Council Joint Circular 86 – Political restrictions for the 2016 PFCC Election,
 - Local Government and Housing Act 1989 for 'politically restricted posts',
 - Police Regulations 2003 and Police (Conduct) Regulations 2004,
 - Fire and Rescue Service Core Values

APPENDIX B

Document B4. Joint Protocol between OPCC and Chief Fire Officer

PCC/CEO/Election/Guidance

DATE

PCC

Office for Police, and Crime Commissioner's Staff (Commissioner's Office)

Blankshire Police Officers and Staff

Copied to:

PARO

JOINT PROTOCOL IN PREPARATION FOR THE ELECTION OF THE POLICE AND CRIME COMMISSIONER IN MAY 2021

15.0 Introduction

- 15.1 The Police and Crime Commissioner (PCC) election will take place on Thursday 6 May 2021 (*a notice will be issued by the Police Area Returning Officer (PARO) 25 working days before the poll*). This protocol sets out the arrangements to ensure that all candidates are dealt with in a transparent and equal manner. If requests come from those who have not yet declared themselves as a candidate, but are only interested in doing so, their request must be treated as a request from a member of the public.
- 15.2 This protocol also provides guidance and safeguards to all staff within the Commissioner's Office and Police, in order to avoid allegations of bias. This guidance is based on the Statutory Code for Local Authorities, including Policing Authorities published by Department for Communities and Local Government (01/2011),³⁵ Parliamentary Guidance on Pre-election Period of Sensitivity (No. 5262 8 May 2019),³⁶ Local Government Association,³⁷ and other supporting advice.
- 15.3 It is anticipated that the PARO will be xxxxx of xxxxxxxx Council who will be accountable for the running of the election. Where there are concerns around the running of the election or the conduct of a candidate, it may be addressed to the PARO.
- 15.4 PCC candidates must declare their intent to stand for election by 1600hrs on the nineteenth day before the poll, which is Thursday 8 April 2021. This declaration must be registered by the PARO following the rules laid down by the Electoral Commission including the deposit of £5,000.

16.0 Aim

- 16.1 Not every circumstance or eventuality that could potentially impact on the election, or the reputation of the Commissioner's Office, Police staff can be captured in one

³⁵https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/5670/1878324.pdf

³⁶<https://researchbriefings.files.parliament.uk/documents/SN05262/SN05262.pdf>

³⁷ <https://www.local.gov.uk/short-guide-publicity-during-pre-election-period#the-code>

document. Therefore, the aim of this document is to provide some overarching guidelines and principles along with sources of advice in order to maintain transparency and equality throughout. In effect to main neutrality neither providing advantage or disadvantage to any candidate.

17.0 Principles

- 17.1 The following are outline principles, within which all staff are to adhere to. Any areas of uncertainty or questions are to be directed through individual chains of command, ultimately for the Chief Executive of the Commissioner's Office to make a decision.

17.2 Organisational

- 17.2.1 Particular care should be taken over official support, use of resources (including publicity) for official announcements, which could have a bearing on matters relevant to the elections.

- 17.2.2 Special care should be taken in respect of publicity campaigns so that they are not open to criticism that they have been undertaken for party political purpose or in support of a particular candidate.

- 17.2.3 The Commissioner's Office and Police must not publish material that refers to or could, in any way, be construed as being designed to affect support for a party or a candidate.

- 17.2.4 The Commissioner's Office's Election Single Point of Contact, xxxx, will maintain details of information provided to prospective candidates or candidates and will arrange for it to be anonymised and published on the Commissioner's Office website making it is available publically. The Election SPOC will also coordinate any site visits or candidate meetings with the relevant Chiefs and statutory officers.

17.3 Engagement with Candidates

- 17.3.1 An essential test regarding the appropriateness of any engagement with a candidate is, *"does it appear to favour one candidate against another, whether in terms of information or public profile?"*
- 17.3.2 Care should be taken in relation to visits by candidates to Commissioner's Office or Police premises. Any request to visit official premises are to be directed to the Chief Executive of the Commissioner's Office in advance for a decision.
- 17.3.3 Support should not be undertaken for one candidate that would not or could not be undertaken with another.
- 17.3.4 Prospective candidates, candidates and parties must be treated even-handedly and have equal access to information.
- 17.3.5 Prospective candidates and candidates remain members of the public and are not entitled to confidential information.

17.4 Incumbent PCC or Deputy

- 17.4.1 An essential test regarding the appropriateness of any engagement with a candidate, including the incumbent PCC or Deputy, is, *“does it appear to favour one candidate against another, whether in terms of information or public profile?”*
- 17.4.2 The incumbent PCC or Deputy, if they are seeking election, is to be treated the same as any other candidate, with all requests for information being recorded and shared on the Commissioner’s Office website.
- 17.4.3 Unlike many other elected positions, the incumbent PCC or Deputy, maintains the position throughout the declaration and election period. Therefore, the incumbent PCC or Deputy maintains statutory responsibility. However, care must be taken to ensure that business as usual activities, especially during Pre-election period, are restricted to statutory roles that could not be perceived as influencing the election.

17.5 Commissioner’s Office and Police officers and staff

An essential test regarding the appropriateness of any activity by an individual in the Commissioner’s Office or Police is, *“it likely to affect or influence the outcome of the election?”*

- 17.5.1 Commissioner’s Office staff are politically restricted and cannot actively support PCC candidates. Additionally, Commissioner’s Office staff are disqualified from being elected as PCC and therefore, must resign a minimum of 19 days prior to their declaration of candidacy if they intend to stand. However, amendments made to the Police Reform and Social Responsibility Act 2011 s.65 by the Policing and Crime Act 2017 s.122 allows for a Deputy PCC to stand as a candidate at an ordinary election without having to resign.
- 17.5.2 No serving Police Officer or member of Police Staff / Commissioner’s Office are allowed to stand as a candidate for PCC with exception of the Deputy PCC.
- 17.5.3 Any Police Officer or member of Police Staff must resign from their role with a minimum of 19 days prior to the submission of any nomination to stand as a candidate.
- 17.5.4 Whilst on duty police officers and staff must avoid any action, which is or might reasonably be perceived as being supportive of any party, candidate or opinion, including encouraging anyone to vote for a certain candidate, treating candidates differently, supporting or attacking the views of candidates.
- 17.5.5 Police Officers must avoid any action, which is or might reasonably be perceived as being supportive of any party, candidate or opinion, including encouraging anyone to vote for a certain candidate, treating candidates differently, supporting or attacking the views of candidates.
- 17.5.6 Commissioner’s Office staff and police officers or police staff who use any form of social media should take care over any content relating to the election.
- 17.5.7 Whether on or off duty the Code of Ethics³⁸ and core values still applies to all staff, including the requirement to be “fair and impartial”.

³⁸ College of Policing, Code of Ethics, para 1.1.1

18.0 Conduct

- 18.1 The above principles provide information to support decision making. They are underpinned by the requirements placed upon Commissioner's Office staff, police officers and police staff regarding their overall conduct and behaviour; specifically:
- 18.1.1 Police Officers. Police Regulations 2003 set out the conditions of service of 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. Furthermore the Police Conduct Regulations 2004 also highlight expected standards of behaviour such as honesty and integrity; fairness and impartiality; and politeness and tolerance.
 - 18.1.2 Police Staff. Police Staff Council Joint Circular 54, 2008 Standards of Professional Behaviour³⁹ for police staff highlights the need to adhere to relevant standards such as acting with impartiality and only disclosing information in the proper course of work. In addition certain posts are politically restricted within the meaning of the Local Government and Housing Act 1989.
 - 18.1.3 Commissioner's Office Staff. The Police Reform and Social Responsibility Act 2011 places political restrictions on members of Commissioner's Office staff with exception of a Deputy PCC. The Local Government Association has also provided regular updates of behaviour during the sensitive pre-election period known as Pre-election period as well as adherence to the Nolan Principles of Public Life.⁴⁰
- 18.2 Should anyone seek to support a candidate in the election, the Chief Executive or Chief Constable will provide suitable work related advice and guidance, assessing each case on its merit. Providing continuance in role is not conflicted by the activity, the individual must be clear when they are undertaking activities or making information requests as a prospective candidate or supporter.

19.0 Engagement with candidates and prospective candidates

- 19.1 Political parties will undertake their own selection process to nominate their candidates during throughout 2019 and the early part of 2020/21. During the same period independent members may also inform the public of their intention to stand. Some prospective candidates will announce their interest to stand well in advance of the election whereas others may keep their intentions to themselves until the period for formal declarations.
- 19.2 Throughout these different stages, media interest is likely to build as will contact between prospective candidates, Commissioner's Office and Police. However, there is no duty on the Commissioner's Office or Police to treat candidates or prospective candidates as elected representatives. Nevertheless, discretion should be used in response to any reasonable requests for information.

³⁹ <https://www.local.gov.uk/sites/default/files/documents/workforce - Police - PSC handbook - Guidance Note 9 - Standards of Professional Behaviour.pdf>

⁴⁰ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/554817/Striking_the_Balance__web_-_v3_220916.pdf

20.0 Requests for information

20.1 Where a request for information from a prospective candidate or candidate is received the following process will be adopted:

20.1.1 If the candidate has not declared, then the request will be treated as if from any member of the public.

20.1.2 The request should be directed to the Single Point of Contact (SPOC) email account⁴¹ within the Commissioner's Office or telephoned through to the Policy and Research Lead at the Commissioner's Office (xxxxxxx) where a single electronic register will be maintained⁴², as detailed at Appendix C. All requests that are directed to the police will be re-directed to this single location to ensure full transparency and equality. All responses will be via email. If a request is received by the telephone, good practice suggests that this should be confirmed back to the requester in writing before a reply is issued.

20.1.3 In formulating a response, it should be recognised that the information provided maybe exploited for political and campaigning purposes.

20.1.4 Where it is a Freedom of Information request, the standard operating practice under the Freedom of Information Act 2000 will apply. Each public authority will remain responsible under the Act for their own disclosure and also forward the same to the PCC Election SPOC. In addition, the response will be posted on the Commissioner's Office web site.

21.0 Media

21.1 When handling media communications, the NPCC's (2020) Pre-Election Guidance for Interaction with Police and Crime Commissioner Candidates – Conduct during Pre-Election Period recommends the following:

21.1.1 When dealing with statements and press releases from parties or candidates, the service should adopt following principles.

21.1.2 A response may be appropriate when claims are based upon factually incorrect information or where it is necessary to correct misunderstandings that would undermine confidence in the police service. Care should be taken not to be seen to be 'attacking' a candidate or a position, merely correcting inaccuracies.

21.1.3 A response may not be appropriate when claims are based on an individual's interpretation of facts or circumstances.

21.1.4 Most forces interact well with the public through social media. Staff using force social media accounts should be cognisant of the general principles of interaction.

22.0 Organised meetings

22.1 The Chief Executive will arrange for a series of factual briefing material to be developed and be posted on the Commissioner's Office website. Candidates requesting

⁴¹ PCC-information@staffordshire-PCC.pnn.gov.uk

⁴² The master electronic register will contain all contact, requests for information and other pertinent information along with decisions and risk mitigations as appropriate

information that is already covered within these documents will be directed to the Commissioner's Office website.

- 22.2 A briefing opportunity will be established by the Chief Executive following official declaration of candidacy. Dates, times and locations will be posted on the Commissioner's Office website. The briefing will only contain factual information and the PARO will also be notified of the briefing date so as to inform candidates of the service being offered. Questions will be taken, however, candidates will be requested to submit advance notice of specific questions in order to provide factually correct and accurate answers.
- 22.3 In addition and upon request to the Chief Executive via the Election SPOC, individual meetings may be held with the Chief Executive or Chief Constable. These meetings will only be provided following formal declaration of intent to stand for election and where their request for information is not covered in existing documentation in places such as the Commissioner's Office website⁴³. This will be managed by the PCC Election SPOC who will coordinate with Police. Advance notification of any questions will be required and notes will be taken of the discussion and posted onto the Commissioner's Office web site.
- 22.4 The above briefings will not cover the running of the election, which will be the responsibility of the PARO, but they can be done jointly.

22.5 Visits to premises

- 22.6 Requests for visits to Commissioner's Office and Police premises for the purpose of fact finding and receiving briefings will be considered by the Chief Executive on a case by case basis via the election SPOC. However, the principal methods of fact finding will be through the Commissioner's Office website, post-declaration briefings and specific requests for information through the Commissioner's Office Election SPOC. Every request will be recorded on the electronic register.

23.0 Photographs

- 23.1 Until the Pre-election period begins it is acceptable for candidates to be filmed or photographed with Commissioner's Office staff, police officers or staff, for newspapers or television news bulletins; providing the individual is content to be filmed/photographed. However, once within the Pre-election period, Commissioner's Office staff and police officers and staff, must not be filmed or photographed. Additionally, before and throughout the Pre-election period all staff must maintain their independence and not be seen to be bias and/or supporting one candidate or party over another.

24.0 Police Imagery

- 24.1 The Commissioner's Office and Police will seek to ensure 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 Commissioner's Office website. Where it is used, the Chief Executive or Chief Constable will consider the need to request the candidate to remove or withdraw the material. Each case will be judged on its merits but include

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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.

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- 25.7.3 Be careful if making political points or making specific or personal comments about an individual.

26.0 Dates

The following are key dates in relation to the PCC Elections:

XXXX. PARO pre-nomination brief to candidates.

XX Formal candidate declaration to PARO.

XX Pre-election period commences.

XX PARO candidate briefing.

XX Commissioner's Office, and Police brief to candidates (details to be confirmed).

6th May 21 PCC Elections.

13th May 21 New PCC tenure commences.

27.0 Post-Election

The requirements for the Commissioner's Office and Police will be dependent upon who is elected; their previous knowledge, experience and requirements. The Chief Executive will discuss the requirements with the newly elected PCC and establish an induction programme. The likely topics to be included are detailed at Appendix D.

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Chief Executive

Chief Constable

Commissioner's Office

Blankshire Police

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DATE

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6	Commissioner's Office SPOC	Establish electronic register of interest and activity for all election issues	N	Ensure all relevant information is published on the Commissioner's Office web page
7	Dir Delivery and Dir Gov	Identify potential Pre-election period implications	N	Commissioning, governance, forecast of events, assurance etc.
8	Commissioner's Office Comms	Confirm official and personal use of all PCC electronic devices and social media	N	
9	Commissioner's Office SPOC	Establish an Commissioner's Office election web page as part of the Commissioner's Office website	N	Commissioner's Office Comms to create and upload as directed by SPOC
10	Commissioner's Office SPOC	Populate the Commissioner's Office election web page with information and documents approved by the CEO	N	Link to Appendix B

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11	Commissioner's Office SPOC	Organise a candidate familiarisation event	N	Event to be held following PARO confirmation of candidate list
12	Commissioner's Office SPOC	Maintain transparent links between Commissioner's Office and Police, ensuring that all information is recorded on master electronic register in Commissioner's Office	N	

DATE

Information likely to be posted on Commissioner's Office election web page

2. The following is a list of documents and types of information that is likely to be posted on the Commissioner's Office election web page:

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DATE	Cllr X	XXXXXXX	Discussion at AGM	Advised that he wished to help Candidate Y in his campaign and asked how best to seek information on the office structure and performance information.	Description of advice given by JS contained in Ref 001	DATE	N/A

OFFICIAL

Date of Contact	Potential Candidate / Agent / Representative	Officer	Method of Contact	Information Sought Description of information requested verbally or in writing (if in writing include document reference number and a link to the document)	Information Provided Description of information provided verbally or in writing (if in writing include document reference number and a link to the document)	Date Added to Register	Date Added to Website
DATE	Cllr Y	XXXXXXX	Text Message / Phone call	Secretariat Structure and overview of staffing issues Ref 001 and Ref 002	Links to our website for structure and staffing plans Ref 003 and Ref 004	DATE	

DATE

Information likely to be included in induction briefing schedule for newly elected Commissioner

2. The following is a list of documents and types of information that is likely to be included on an induction schedule:

- PCC statutory responsibilities including SPR
- Chief Executive / monitoring officer responsibilities
- Chief Finance Officer / S.151 responsibilities
- Chief Constable responsibilities
- PFCP responsibilities
- Information on the PFCP and members (many areas will have local government elections at the same time and many Local Authorities will need to re-appoint their PFCP representatives following their AGMs. Consequently PFCPs may also be in a state of transition) along with introduction and initial meeting
- 100 days forward look (including swearing the oath and upcoming key meetings)
- The Police and Crime Plan
- Commissioner's Office structure and staff introductions
- Police structure and officer/staff introductions
- Police strategy(s) and assessment of policing demand
- Recent significant HMICFRS recommendations for police
- Governance arrangements
- A snapshot of PCC and Police finances
- Existing procurement programmes, significant tenders, contract's expiry/renewal dates
- A snapshot of Police estates and any property disposal programmes
- A snapshot of the current political landscape in the local elected policing area
- Information on key partners
- Collaboration arrangements
- Meeting Union representatives
- Inherited / on-going complaints and role of IOPC
- Introduction meeting with the Police and Crime Panel
- Deputy PCCs⁴⁴ (possible recruitment exercises and the statutory requirements linked to this appointment)
- Branding (website and social media)
- Training Needs (media/social media training)
- Diary arrangements for Meet and Greets (media, key partners)
- Community engagement
- Funding and budgets

⁴⁴ The appointment process of Deputy PCCs can be found in Schedule 1, 8 of the Police Reform and Social Responsibility Act 2011.

- Engaging with public, partners and partnerships (Voluntary, Independent Custody Visitors, Health and Wellbeing Board etc.)
- Administrative preferences (briefing format, personal organisation, etc.)
- Governance frameworks
- Code of Practice between PCC and Police
- Policing Protocol
- Decision making
- Performance Scrutiny Monitoring
- Audit Committee
- Association of Police and Crime Commissioners and national leads

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DATE

References

F. The following are key reference documents that should be consulted for specific guidance, regulations and legislation:

- Police Reform and Social Responsibility Act 2011
- Election Regulations (yet to be issued)
- Electoral Commission guidance to candidates and returning officers (when issued)
- Cabinet Office Guidance – Election guidance (yet to be issued)
- Home Office draft guidance ‘Police Officers and Public Officials and Police and Crime Commissioner Elections’ Dame Helen Ghosh, Permanent Secretary. February 2012,
- Home Office draft further guidance for Police Officers, Elections’ Dame Helen Ghosh, Permanent Secretary. April 2012,
- Police Staff Council Joint Circular 54/ 08 - Standards of Professional Behaviour,
- Police Staff Council Joint Circular 83 – Political restrictions for the 2015 General Election,
- Police Staff Council Joint Circular 86 – Political restrictions for the 2016 PCC Election,
- Local Government and Housing Act 1989 for ‘politically restricted posts’,
- Police Regulations 2003 and Police (Conduct) Regulations 2004,

Document B5. Draft letter to commissioned services regarding the pre-election period

Template guidance for sending to services commissioned by the PCC advising of the period of heightened sensitivity.

Dear xxxxx

Guidelines and restrictions on publicity during the pre-election period for a Police and Crime Commissioner.

As you will be aware, the elections for Police and Crime Commissioner are due to take place on Thursday 6th May 2021. As a service commissioned by the Police and Crime Commissioner I thought it would be useful to advise you about the guidelines and restrictions on publicity and communications during the pre-election period that starts on xxxxx and ends on the day after the election. The restrictions apply to ensure that current PCCs do not gain an unfair advance to other candidates in the run up to the election.

As a general rule you should **"not publish any material which, in whole or in part appears to be designed to attract public support for a political party"** such as actively promoting that your services are funded by the current Police and Crime commissioner. This is to ensure that voters are not unduly influenced by the actions and decision of the current PCC.

These restrictions only cover publicity during that period and all other day to day business should carry on as usual.

I hope this letter provides you with the general information you need for the pre-election period, but if you have specific concerns or queries, please feel free to contact xxxx

Yours Sincerely

CEO