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Warwickshire  
**POLICE**

## **JOINT PROTOCOL IN PREPARATION FOR THE ELECTION OF THE POLICE AND CRIME COMMISSIONER IN MAY 2020**

### **Introduction**

1. This protocol sets out the arrangements to ensure that candidates and prospective candidates are dealt with in a fair, transparent and equal manner. The protocol also provides guidance and safeguards to all staff of the Office of the Police and Crime Commissioner (OPCC) and Warwickshire Police in order to avoid allegations of bias.

### **Significant Dates**

2. On Monday 30<sup>th</sup> March 2020 the pre-election or “purdah” period will commence when the Police Area Returning Officer (PARO) publishes the Notice of Election for the Warwickshire Police and Crime Commissioner (PCC). The purdah period will only end when a the newly elected PCC takes office
3. On Wednesday 8<sup>th</sup> April 2020 the list of candidates confirmed as standing in the election, known as the Statement of Persons Nominated, will be published. There is a distinction between “potential” candidates (those nominated by a political party or expressing interest in the role before 8th April 2020) and those confirmed as candidates by the Statement of Persons Nominated.
4. On Thursday 7<sup>th</sup> May 2020 the election for the Warwickshire PCC will take place.
5. On Wednesday 13<sup>th</sup> May 2020 the current Warwickshire PCC’s term of office will end.

### **Roles and Responsibilities**

6. The PARO for the election is Mr Chris Elliott of Warwick District Council and he is accountable for the conduct of the election. His e-mail address is [chris.elliott@warwickdc.gov.uk](mailto:chris.elliott@warwickdc.gov.uk).
7. The OPCC Chief Executive and Monitoring Officer (CEO) and / or the Chief Constable will seek guidance from the PARO regarding any activity they believe may interfere with the election.
8. All queries regarding the election itself should be referred to the Electoral Team Manager, Ms Gillian Friar. Her email address is [gillian.friar@warwickdc.gov.uk](mailto:gillian.friar@warwickdc.gov.uk) Telephone (01926) 456105.

9. All queries from potential and confirmed candidates concerning the role of the PCC, OPCC or Warwickshire Police should be referred in the first instance to the OPCC CEO Mr Neil Hewison. His email address is [opcc@warwickshire.pnn.police.uk](mailto:opcc@warwickshire.pnn.police.uk) Tel (01926) 412322.
10. Where factually incorrect information has been published in connection with the election, which could undermine confidence in either the OPCC or Warwickshire Police, then factually correct information can be released. Varying interpretations of factually accurate information are not grounds for making a release.
11. Any public corrections to inaccurate information published in relation to the election will be made by the OPCC CEO, in consultation with the PARO and Chief Constable.
12. Online information about the election will be published on the OPCC website at <https://www.warwickshire-pcc.gov.uk/your-pcc/pcc-elections-2020/>

### **Purdah**

13. Whilst 'purdah' is not defined in an Act of Parliament, restrictions are placed on local authorities (applicable to PCCs and their Deputies too) by the Code of Recommended Practice on Local Authority Publicity, which refers to periods of heightened sensitivity during elections. Much of this sensitivity is about exercising greater care to observe laws and rules which apply in any event, but recognising that public bodies and offices are likely to come under greater scrutiny at election times. There are three key points: -
  - The restrictions placed on Police and Crime Commissioners by virtue of the Code of Practice on Local Authority Publicity (*S6 Local Government Act 1986, as amended by Schedule 16, paragraph 173 of the Police Reform and Local Responsibility Act*)
  - The impact of the Seven Principles of Public Life (Nolan Principles), by which PCCs are bound as holders of a public office
  - The impact of the PCCs Oath of Office (PCC (Declaration of Acceptance of Office) Order 2012)

### **General guidance relating to elections**

- Further guidance for Police Officers and Staff is available from the College of Policing <https://www.app.college.police.uk/app-content/policing-elections/linked-reference-material/>.
- Election guidance for civil servants is published at: <https://www.gov.uk/government/publications/election-guidance-for-civil-servants>

### **Principles**

14. The following are outline principles, which all staff should adhere to. Any areas of uncertainty or questions are to be ultimately directed to the OPCC CEO to make a decision.

#### **a. Organisational**

- i. 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.
- ii. Special care should be taken in respect of publicity campaigns so that they are not open to criticism and that they have not been undertaken for party political purpose, or in support of a particular candidate.
- iii. The OPCC and Warwickshire Police must not publish material that refers to or could, in any way, be construed as being designed to affect support for a particular party or candidate.
- iv. The OPCC will maintain details of information provided to prospective candidates or actual candidates, which will then be published on the OPCC website so that it is available to everyone.

**b. Engagement with Candidates**

- i. 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?”*
- ii. Care should be taken in relation to visits by candidates to OPCC premises or police premises. Any request to visit official premises is to be directed to the OPCC CEO in advance for a decision.
- iii. Support should not be undertaken for one candidate that would not, or could not, be undertaken with another.
- iv. Prospective candidates, actual candidates and parties must be treated with an even hand and have equal access to information.
- v. Prospective candidates and actual candidates remain members of the public and are not entitled to confidential information.

**c. Incumbent PCC**

- i. An essential test regarding the appropriateness of any engagement with a candidate, including the incumbent PCC, is, *“does it appear to favour one candidate against another, whether in terms of information or public profile?”*
- ii. The incumbent PCC, if they are seeking re-election, are to be treated the same as any other candidate with all requests for information being recorded and shared on the OPCC website.
- iii. Unlike many other elected positions the incumbent PCC maintains office through the declaration and election period and up to 13<sup>th</sup> May 2020 and therefore maintains statutory responsibilities. However, care must be taken to ensure that activities, especially during purdah, are restricted to statutory roles that could not be perceived as influencing the election.

**d. OPCC Staff and Police Officers**

An essential test regarding the appropriateness of any activity by an individual in the OPCC or the Force is, *“is it likely to affect or influence the outcome of the election?”*

- i. OPCC staff are politically restricted and cannot actively support PCC candidates. Additionally, OPCC 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.
- ii. No member of OPCC staff or serving police officer or is allowed to stand as a candidate for PCC.
- iii. 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.
- iv. Police officers must avoid putting themselves in a position or situation, which could be used by a party or candidate in support of their campaign.
- v. OPCC staff or police officers who use any form of social media should take care over any content on their account relating to the election.
- vi. Due regard should be given to the Code of Ethics , which is applicable to Police Officers, Police Staff, Police Community Support Officers (PCSOs), those with designated police powers, members of the Special Constabulary and other Police volunteers. <http://www.college.police.uk/What-we-do/Ethics/Pages/Code-of-Ethics.aspx>,

**e. Conduct**

The above principles provide information to support decision making. They are underpinned by the requirements placed upon OPCC staff and police officers regarding their overall conduct and behaviour; specifically:

- a. **Police Officers.** Police Regulations 2003 set out the conditions of service of officers. This includes the need to abstain from any activity likely to interfere with the impartial discharge of duties or give rise to an impression 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; politeness and tolerance.
- b. **Police Staff.** Police Staff Council Joint Circular 54, 2008 Standards of Professional Behaviour for Police staff highlight 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.

- c. **OPCC Staff.** The Police Reform and Social Responsibility Act 2011 places political restrictions on members of OPCC staff.
15. Where a current Deputy Police and Crime Commissioner intends to submit a nomination as a PCC candidate to the Police Area Returning Officer, they will need to resign<sup>1</sup> from the OPCC in order for their nomination to be valid. This provision will not apply in Warwickshire as there is no Deputy PCC.

### **Engagement with Candidates and Prospective Candidates**

16. Political parties will undertake their own selection process to nominate their candidates during the latter half of 2019 and the early part of 2020. During the same period independent members are also likely to 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.
17. Throughout these different stages, media interest is likely to build as will contact between prospective candidates, the OPCC and Warwickshire Police. However, there is no duty on the OPCC or the force to treat candidates, or prospective candidates, as elected representatives. Nevertheless, discretion should be used in response to any reasonable requests for information.

### **Requests for Information**

18. Where a request for information from a prospective candidate or candidate is received the following process will be adopted: -
- a. It will be treated as from any member of the public.
  - b. It should be directed to the Single Point of Contact (SPOC) email account<sup>2</sup> within the OPCC or telephoned through to the OPCC (01926 412322) where a Single Electronic Register (SER) will be maintained<sup>3</sup>.
  - c. All requests that are directed to Warwickshire Police will be re-directed to this SPOC and SER to ensure full transparency and equality. The force should continue to respond to Freedom of Information (FOI) requests in the normal way.
  - d. In formulating a response, it should be recognised that the information provided may be exploited for political and campaigning purposes.
  - e. Where it is an FOI request, the standard operating practice will apply. Both the OPCC and force will respond according to current procedures. In addition the response will be posted on the OPCC website.
  - f. Every response will be from the OPCC CEO will be posted on the OPCC website.

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<sup>1</sup> A minimum of 19 days prior to submitting their nomination

<sup>2</sup> opcc@warwickshire.pnn.police.uk

<sup>3</sup> The master electronic register will contain all contact, requests for information and other pertinent information along with decisions and risk mitigations as appropriate

## **Media**

19. When handling media communications, the following principles are recommended: -
  - a. A response by the OPCC CEO may be appropriate when factually incorrect information is released that could impact on confidence in the PCC or the force. The factually correct information can be shared by the CEO publically in a neutral manner.
  - b. A response may not be appropriate when a claim is based on that individual's interpretation of information.
  - c. The above guidance should apply when both the OPCC and the force use social media to respond to queries or comments.
  - d. Purdah guidance will also apply to media communications.

## **Purdah**

20. This is a particularly sensitive period in the lead up to the election and requires special care, the following additional restrictions will apply: -
  - a. Where practicable the OPCC and the force should avoid making and publicising major policy decisions that may deemed to be politically sensitive.
  - b. The OPCC and the force websites must contain only factual information.
  - c. Documents which promote the OPCC should not be published.
  - d. OPCC staff, police officers and police staff must ensure that they do not contribute to or support the activities of a candidate.
  - e. Clear records of all dealings with candidates throughout the purdah period must be maintained to ensure transparency and accountability, unless the incumbent PCC is conducting their statutory responsibilities.
  - f. OPCC staff, police officers and police staff must not agree to be photographed or used as part of any campaign.

## **Organised Meetings**

21. The OPCC CEO will arrange for a series of factual briefing materials to be developed and posted on the OPCC website. Candidates requesting information that is already covered within these documents will be directed to that website.
22. A briefing opportunity will be established by the OPCC CEO following official declaration of candidacy. Dates, times and locations will be posted on the OPCC website. The briefing will only contain factual information. The PARO will also be notified of the briefing date so as to inform candidates of the service being offered. Questions will be taken and candidates will be requested to submit advance notice of specific questions in order to provide factually correct and accurate answers.
23. In addition and upon request to the OPCC CEO, individual meetings may be held with the PCC . 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 OPCC website. Advance notification of any areas for discussion will be required, notes will be taken of the discussion and posted onto the OPCC website.

24. The above briefings will not cover the running of the election, which will be the subject of separate briefings organised by the PARO.

### **Visits to Premises**

25. Requests for visits to OPCC or force to the OPCC CEO will be considered on a case by case basis. However, the principal methods of fact finding will be through the OPCC website, post-declaration briefings and specific requests for information through the OPCC SPOC. Every request will be notified to the OPCC and recorded on the SER.

### **Photographs**

26. Until the 'purdah' period begins it is acceptable for candidates to be filmed or photographed with OPCC staff, police officers or staff for newspapers or television news bulletins; provided that the individual is content to be filmed /photographed. However, once within the 'purdah' period then OPCC staff, police officers and staff must not be filmed or photographed. Additionally, before and throughout purdah all staff must maintain their independence and not be seen to be biased in supporting one candidate or party over another.

### **Police Imagery**

27. The OPCC and the Warwickshire Police will seek to ensure that their imagery and livery is not used in any campaigning or publicity material and this restriction will be included in the candidate briefing material on the OPCC website. Where it is so used, the OPCC CEO will consider the need to request the candidate to remove or withdraw the material. Each case will be judged on its merits, but include consideration of the profile of the image, the message given, the degree of publication already achieved and the likely reputational damage and confidence in policing.

### **Social Media**

28. OPCC staff, police officers and police staff that have personal websites, blogs or use social networking sites should: -
  - a. Not post any comments that could be seen to be, or give the impression to be made in their professional role.
  - b. 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.
  - c. Those members of staff who hold politically restricted appointments should not be making political points, or making specific or personal comments about an individual candidate.

### **Post-Election**

29. The requirements for the OPCC and the force in supporting the newly elected PCC will be dependent upon who is elected, their previous knowledge, experience and requirements. The OPCC CEO will discuss the requirements with the newly elected PCC and establish an induction programme.

### **Summary**

30. The OPCC and Warwickshire Police remain politically impartial. Therefore the aim of this joint protocol and underlying procedures is to ensure transparency and equality for all prospective candidates in the lead up to and through the election.
31. The Association of Police and Crime Chief Executives (APAC<sup>2</sup>E) is currently refreshing its more detailed guidance for OPCC CEOs in relation to the staff of PCCs

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Warwickshire OPCC