

JOINT PROTOCOL
ELECTION OF THE WARWICKSHIRE
POLICE AND CRIME COMMISSIONER 2021

SECTION 1: INTRODUCTION

1. This protocol sets out the arrangements to ensure that candidates and potential candidates participating in the election for the Warwickshire Police and Crime Commissioner (PCC) are dealt with in a fair, transparent and equal manner.
2. The protocol also provides guidance and safeguards to all staff of the Warwickshire Office of the Police and Crime Commissioner (OPCC) and Warwickshire Police in order to avoid allegations of bias.
3. The Association of Police and Crime Commissioners (APCC) have issued a PCC Candidate Briefing Pack that provides information on the role and it can be found on the Warwickshire OPCC website at: -

<https://www.warwickshire-pcc.gov.uk/your-pcc/pcc-elections/>

SECTION 2: SIGNIFICANT DATES

4. The significant dates are: -
 - **Friday 19th March 2021** - The pre-election period will commence when the Police Area Returning Officer (PARO) publishes the Notice of Election for the Warwickshire Police and Crime Commissioner (PCC). The pre-election period will end when the newly elected PCC takes office.
 - **Thursday 8th April 2021** - 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 prospective candidates (those nominated by a political party or expressing interest in the role before 8th April 2021) and those confirmed as candidates by the 'Statement of Persons Nominated'.
 - **Thursday 6th May 2021** - The election will take place.
 - **Monday 10th May 2021** - The vote count will be conducted.
 - **Wednesday 12th May 2021** - The current Warwickshire PCC's term of office will end.
 - **Thursday 13th May 2021** - The newly elected Warwickshire PCC's term of office will commence. It is anticipated that the newly elected PCC will have made the declaration of acceptance of office prior to this date.

SECTION 3: ROLES AND RESPONSIBILITIES

5. The PARO is Mr Chris Elliott of Warwick District Council, who is accountable for the conduct of the election. E-mail: - chris.elliott@warwickdc.gov.uk.
6. The Electoral Team Manager for the election is Ms Gillian Friar. Tel. (01926) 456105. Email: - gillian.friar@warwickdc.gov.uk.
7. The OPCC Chief Executive and Monitoring Officer (CEO) is Mrs Polly Reed. Tel. (01926) 412322. Email: - opcc@warwickshire.pnn.police.uk.
8. The Chief Constable for Warwickshire Police is Martin Jelley QPM. Tel. (01926) 415000
9. Any queries concerning the role of the OPCC in the election should in the first instance be referred to the OPCC CEO, who is the single point of contact (SPOC).
10. The OPCC CEO and / or the Chief Constable will seek guidance from the PARO regarding any activity they believe may interfere with the election.
11. Where factually incorrect information has been published in connection with the election that could undermine confidence in either the OPCC or Warwickshire Police, then factually correct information can be released.
12. 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.

SECTION 4: PRE-ELECTION PERIOD

13. Whilst the 'pre-election period' (commonly known as 'purdah') is not defined in an Act of Parliament, restrictions are placed on local authorities (applicable to PCCs and their Deputies) by the 'Code of Recommended Practice on Local Authority Publicity 2011', 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.
14. There are three key points: -
 - i. 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*)'.
 - ii. The impact of the 'Seven Principles of Public Life (Nolan Principles)', by which PCCs are bound as holders of a public office.
 - iii. The impact of the PCCs Oath of Office (PCC (Declaration of Acceptance of Office) Order 2012).
15. Further guidance for Police Officers, Police Staff and OPCC Staff is available at:
 - The College of Policing: -

<https://www.app.college.police.uk/app-content/policing-elections/linked-reference-material/>

- Election guidance for civil servants: -
<https://www.gov.uk/government/publications/election-guidance-for-civil-servants>

Principles

16. The following are outline principles: -

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 record details of the information provided to prospective candidates and confirmed candidates, which will then be anonymised and published on the OPCC website so that it is available to everyone.

b. Engagement with Candidates

- i. Prospective candidates, confirmed candidates and political parties must be treated equitably and have equal access to information.
- ii. Prospective candidates and confirmed candidates remain members of the public and are not entitled to confidential information.
- iii. Care should be taken in relation to visits by candidates to OPCC premises or police premises, particularly given the current Covid-19 public health restrictions. Any request to visit official premises is to be directed to the OPCC CEO in advance for a decision.

c. Incumbent PCC

The incumbent PCC, if they are seeking re-election, is to be treated the same as any other candidate with all requests for information being recorded and shared on the OPCC website.

- i. Unlike many other elected positions the incumbent PCC maintains office throughout the declaration and election period and up to Wednesday 12th May 2021, and therefore continues to have statutory responsibilities. However, care must be taken to ensure that activities, especially during the pre-election period,

are restricted to statutory roles that could not be perceived as influencing the election.

d. Conduct

- i. **OPCC Staff** - The 'Police Reform and Social Responsibility Act 2011' places restrictions on members of staff of the OPCC, such that all posts are 'politically restricted'. An essential test regarding the appropriateness of any activity by an individual of the OPCC should be, '*is it likely to affect or influence the outcome of the election?*'
- ii. **Police Service** - The political neutrality of the police service underpins the legitimacy of the force to enforce the law and enhance the safety of all those within the county. The public should be confident that officers and staff will serve them loyally and impartially.
- iii. **Police Officers** - The 'Police Regulations 2003' set out the conditions of service for officers. This includes, that at all times to not take any active part in politics and abstain from any activity likely to interfere with the impartial discharge of duties, or which could give rise to an impression of taking part in politics. Furthermore, the 'Police (Conduct) Regulations 2020' also highlights the expected standards of behaviour, including honesty & integrity and equality & diversity.

During the pre-election period, all officers must be politically sensitive when dealing with party political and independent candidates, their representatives and supporters. Officers must avoid any action that is, or might reasonably be perceived as being, supportive of any party, candidate or opinion. This includes encouraging anyone to vote for a certain candidate, treating candidates differently, supporting or attacking the views of candidates, or putting themselves in a position that could be used by a party or candidate in support of their campaign. This restriction includes the use of social media.

The 'PCCs Elections Order 2012' puts some additional restrictions on police officers during an election: -

'A constable of a police force for any police area may by word, message, writing or in any other manner, endeavour to persuade any person to give, or dissuade any person from giving, his or her vote, whether as an elector or as proxy at a PCC Election'.

Police officers should therefore refrain from encouraging the electorate to vote, through any form of interaction, whether this be through neighbourhood meetings or any contact through their day to day business.

iv. Police Staff - Politically Restricted

Some senior members of police staff hold 'politically restricted' roles (as included in their contract of employment) and cannot actively support PCC candidates.

v. **Police Staff** - Although the 'Standards of Professional Behaviour' do not cover every eventuality, a core element is ensuring that a staff member behaves in a manner which does not discredit the police service, or undermine public confidence in the service. Any act which could bring the impartiality of the police into question will no doubt undermine public confidence in the service.

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

vi. **PCSO** - It is worth noting that the Election Registration and Administration Act 2013 allow Police Community Support Officers (PCSOs) to be present in polling stations. It is therefore important to ensure that any police staff who could be directed to patrol a polling station have not taken an active part in campaigning in the run up to the election, certainly not in that area.

This will be a matter to be managed locally with their line manager. It is important to note, that it is not intended to suppress the individual rights of police staff to participate in political action, but simply to maintain the impartiality of the force.

vii. **Support** - Should anyone seek to support a candidate in the election, the OPCC CEO or Chief Constable will provide suitable work related advice and guidance, assessing each case on its merits.

viii. **References:** -

- NPCC Pre-Election Guidance: - <https://library.college.police.uk/docs/appref/Pre-Election-Guidance-PCCs-Final-Vers-Mar-2020.pdf>
- College of Policing Code of Ethics: - <https://www.college.police.uk/ethics>
- Code of Recommended Practice on Local Authority Publicity: - <https://www.gov.uk/government/publications/recommended-code-of-practice-for-local-authority-publicity>
- Police Staff Standards of Professional Behaviour: - [Police Staff Council Joint Circular 54, 2008 - Standards of Professional Behaviour for Police Staff](#)

SECTION 5: ENGAGING WITH CANDIDATES

Requests for Information

17. Where a request for information from a prospective candidate or confirmed candidate is received the following process will be adopted, (regardless of whether the pre-election period has commenced) : -

- i. All responses provided will be from the OPCC CEO. In formulating a response, it should be recognised that the information provided may be exploited for political and campaigning purposes.
- ii. A Single Electronic Register¹ will be maintained for such requests for information, together with a record of the action taken. The Register will be posted on the OPCC website.
- iii. All requests that are directed to Warwickshire Police will be re-directed to the OPCC CEO and logged in the Register to ensure full transparency and equality of treatment.
- iv. 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 responses from both the OPCC and force will be posted on the Register and FOI pages (if relevant) of the OPCC website.
- v. All requested meetings by prospective candidates and confirmed candidates with police officers, the PCC or the OPCC will be recorded to include details of the questions posed / information sought and the response(s) given. The outcome from such interactions with candidates will be made publically available on the Register.

Media

18. In respect of media communications, 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. This information should be in a neutral manner. A response may not be appropriate when a claim is based on that individual's interpretation of information.

During the Pre-Election Period

19. During the pre-election period, the following additional restrictions will apply: -
 - i. Where practicable the OPCC and the force should avoid making and publicising major policy decisions that may be deemed to be politically sensitive.
 - ii. The OPCC and the force websites must contain only factual information.
 - iii. Documents which promote the OPCC should not be published.
 - iv. OPCC staff, police officers and police staff must ensure that they neither support nor contribute to the activities of a candidate at any time.
 - v. Clear records of all dealings with candidates throughout the pre-election period must be maintained to ensure transparency and accountability, unless the incumbent PCC is conducting their statutory responsibilities.

¹ The Single Electronic Register will contain all contact, requests for information and other pertinent information along with decisions and risk mitigations as appropriate

- vi. OPCC staff, police officers and police staff must not agree to be photographed or used as part of any campaign.

Candidate Briefings

20. 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.
21. 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.
22. 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. 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

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

Photographs

25. Until the pre-election period commences, 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 pre-election period then OPCC staff, 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 biased in supporting one candidate or party over another.

Police Imagery

26. 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

27. OPCC staff, police officers and police staff that have personal websites, blogs or use social networking sites should: -
- i. Not post any comments that could be seen to be, or give the impression that they are made in their professional role.
 - ii. 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.
 - iii. Police officers and those members of staff who hold politically restricted appointments should not be making political statements and / or making specific or personal comments which would suggest support of an individual candidate.

Post-Election

28. 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.

Polly Reed
Chief Executive and Monitoring Officer
Warwickshire OPCC

Martin Jelley. QPM
Chief Constable
Warwickshire Police