



## **Office of the Police and Crime Commissioner for Bedfordshire Police Force**

### **JOINT PROTOCOL IN PREPARATION FOR THE ELECTION OF THE POLICE AND CRIME COMMISSIONER IN MAY 2024**

20 February 2024

Chief Executive, Anna Villette

Chief Constable, Trevor Rodenhurst

Copy to be sent to: Police Area Returning Officer, Chief Executive of Robin Porter (Luton Borough Council)

#### **Introduction**

1. The Police and Crime Commissioner (PCC) election will take place on 2 May 2024. This protocol sets out the arrangements to ensure that candidates and prospective candidates are dealt with in a transparent and equal manner. The protocol also provides guidance and safeguards to all Office of the Police and Crime Commissioner (OPCC) and police staff to avoid allegations of bias.

The Police Area Returning Officer (PARO) is Chief Executive Robin Porter, Luton Borough Council. The PARO is accountable for the organising and conduct of the election. The Chief Constable and/or Chief Executive of the OPCC will seek guidance from the PARO regarding any activity, which they believe may interfere with the election.

2. PCC candidates must declare their intent to stand for election by registering with the PARO. Under this Joint Protocol, "Candidate" includes individuals who have been confirmed as standing for election, those expected to stand (prospective) and those expressing an interest in standing.

#### **Aim**

3. Not every circumstance or eventuality that could potentially impact on the election, or the reputation of the OPCC and Bedfordshire Police can be captured in one document. The aim of this document is to provide some overarching guidelines and principles along with sources of advice to maintain transparency and equality throughout the election period.

#### **Principles**

4. The following are outline principles, within which all officers and staff of Bedfordshire Police and the OPCC are required to adhere to. Any areas of uncertainty or questions are to be directed through individual chains of command, and raised with the OPCC SPOC, Katie Beaumont.

**a. Organisational**

- i. During the run up to, and during the pre-election period (26<sup>th</sup> March 2024), the OPCC and Bedfordshire Police will continue to conduct their normal business.

Pre-Election is a particularly sensitive period in the lead up to the election and requires special care. More on pre-election is within this document below.

- ii. 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.
- iii. Special care should be taken in respect of publicity campaigns to ensure they are not open to criticism that they have been undertaken for party political purposes or in support of a particular candidate. This is especially relevant if the current PCC is seeking re-election.
- iv. The OPCC and Bedfordshire 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, or that could be construed as being designed to negatively impact a party or candidate.
- v. The OPCC will maintain details of information asked for and provided to candidates. This will be anonymised then 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 over another, whether in terms of information or public profile?”*.
- ii. Support should not be undertaken for one candidate that would not, or could not, be undertaken for another. This is especially relevant if the current PCC is seeking re-election.
- iii. Candidates must be treated even-handedly and have equal access to information.
- iv. 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 over another, whether in terms of information or public profile?”*.
- ii. The incumbent PCC, by extension if they seek 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. At the time of drafting this protocol the incumbent PCC has indicated that he will be seeking re-selection from the Conservative Party to stand for re-election.
- iii. The incumbent PCC maintains his position through the declaration and

election period. Therefore, the incumbent PCC maintains statutory responsibility. 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. OPCC staff, police officers and police staff**

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, apart from the Deputy Police and Crime Commissioner. OPCC staff are disqualified from being elected as PCC and must resign a minimum of 19 days prior to their declaration of candidacy if they intend to stand. At the time of drafting, there are no OPCC members of staff intending to stand in the PCC election.
- ii. Any police officer or member of police staff must resign from their role a minimum of 19 days prior to the submission of any nomination to stand as a candidate in the PCC election.
- iii. Police officers or police staff (if their official capacity) must avoid any action which is, or might reasonably be perceived as being, supportive or unsupportive of any party, candidate, or opinion. This includes encouraging anyone to vote for a certain candidate, treating candidates differently and publicly supporting or attacking the views of candidates.
- iv. Police officers or police staff must avoid putting themselves in a position or situation which could be used by a party or candidate in support of their campaign. This includes being photographed with candidates to appear on election literature or social media.
- v. OPCC staff, police officers and police staff who use any form of social media in a personal or work-related capacity should take care over any content relating to the election so as to preserve a publicly neutral stance.

**Conduct**

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

- **Police officers:** Police officers must comply with organisational principles and expected standards of behaviour that are set out in the Police Regulations 2003, 2012 and 2020, the Code of Ethics, the Representation of the People Act 1983 and all relevant internal policies and guidelines. Officers should abstain from any activity likely to interfere with the impartial discharge of duties or give rise to impressions of taking part in politics. The Code of Ethics, which is a code of practice for the principles and standards of professional behaviour for the policing profession of England and Wales, reaffirms that police officers must not take any active part in politics. The Code reaffirms the position of political restrictions placed on police officers, and highlights other expected standards of behaviour, the most relevant to pre-election matters being honesty and integrity, orders and instructions, confidentiality, and conduct.

Furthermore, the Police Conduct Regulations 2020 also highlight expected standards of behaviour such as honesty and integrity; fairness and impartiality; and politeness and tolerance.

- **Police staff:** The [Police Staff Council Joint Circular 54, 2008 Standards of Professional Behaviour](#) 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, all staff employed within the OPCC hold 'politically restricted posts' in accordance with the Local Government and Housing Act 1989, which means they may not engage in political activity. They are also bound by the Local Government Code of Publicity which places restrictions on how public money can be spent to support political activity.

6. Should anyone seek to become or support a candidate in the election, they must inform the Chief Executive and Chief Constable at the earliest opportunity.

7. Should anyone seek to become or support a candidate in the election, the Chief Constable, or Chief Executive of the OPCC will (if approached) offer suitable work-related advice and guidance, focusing on above, 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.

8. Where the 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 (a minimum of 19 days prior to submitting their nomination) from the OPCC in order for their nomination to be valid. At the time of drafting, the current Deputy PCC has not indicated that he is intending to stand as a candidate.

### **Engagement with candidates and prospective candidates**

9. Political parties have or will undertake their own selection process to nominate their candidates. 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.

Throughout these different stages, media interest is likely to build as will contact between prospective candidates, Bedfordshire Police and the OPCC. However, there is no duty on the OPCC or Bedfordshire Police to treat candidates or prospective candidates as elected representatives. Nevertheless, discretion should be used in response to any reasonable requests for information. This is why it is important to route requests for information or contact through the single point of contact in the OPCC.

### **Requests for information**

10. 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) the Head of Governance and Transparency via the dedicated election email account: [BedsPCCelectionsInbox@beds.police.uk](mailto:BedsPCCelectionsInbox@beds.police.uk) within the OPCC where a single electronic register will be maintained. The master electronic register will contain all contact, requests for information and other pertinent information along with decisions and risk

mitigations as appropriate, as detailed at Annex C.

All requests that are directed to Bedfordshire Police will be re-directed to this single location to ensure full transparency and equality. A standard response will be given to all enquiries that come into the force that reads:

“Thank you for your email, please forward all election queries to the following email address [BedsPCCElectionsInbox@beds.police.uk](mailto:BedsPCCElectionsInbox@beds.police.uk), so this can be reviewed and responded to”.

- c. When the OPCC is formulating a response, it should be recognised that the information provided will be used for political and campaigning purposes.
- d. All requests will be dealt with within the framework of the Freedom of Information Act, the standard operating practice will apply, however the OPCC recognise that these requests will be time critical, so will respond as soon as possible. In addition, the response will be posted on the OPCC website.
- e. Every response will be from the OPCC Head of Governance and Transparency and will be posted on the OPCC website.

## Media

11. All media requests should be forwarded to the [BedsPCCElectionsInbox@beds.police.uk](mailto:BedsPCCElectionsInbox@beds.police.uk) to be dealt with by the OPCC.

When handling media communications:

- a. A response by the Chief Executive may be appropriate when factually incorrect information is released, that could impact on confidence in the role of PCC, the OPCC and/or Bedfordshire Police. The factually correct information will be shared by the Chief Executive publicly in a neutral manner and corrected.
- b. A response may not be appropriate when a claim is based on that individual's interpretation of information.
- c. Bedfordshire Police and the Office of the Police and Crime Commissioner will not use social media to respond to candidates about their enquiries. Any social media requests will receive the following response:

“Thank you for contacting *XXX Beds Police or Beds OPCC XXX* please forward all election queries to the following email address [BedsPCCElectionsInbox@beds.police.uk](mailto:BedsPCCElectionsInbox@beds.police.uk), so this can be reviewed and responded to. Social media is not monitored for election queries”.

## Organised meetings

12. The OPCC Chief Executive will arrange for briefing material to be posted onto the OPCC website. Candidates requesting information that is already covered within these documents will be directed to the OPCC website.

13. A Familiarisation Event will be organised by the OPCC Chief Executive in due course. Dates, times, and locations will be posted on the OPCC website. The familiarisation briefing will only contain factual information. The following is a list of documents and types of information that is likely to be covered and posted on the OPCC election web page:

- The role of the PCC (summary of key functions: Plan, Budget, Commissioning)
- The role of the Chief Executive and OPCC (monitoring officer functions and role of Chief Finance Officer)
- The role of the Chief Constable
- The role of the Police & Crime Panel (summary of key functions)
- Governance Framework (operational independence and the PCC's working relationship with the Chief Constable)
- 2024/25 Budget, finances and commissioning snapshot
- The police and crime landscape – national, regional and local focus
- Bedfordshire Police - key challenges, useful information.
- National bodies (e.g. APCC, NPCC, APACE, IOPC, HMICFRS)

14. The PARO will also be notified of the Familiarisation date(s) so as to inform candidates of the service being offered. Questions will be taken within the session and responses provided where possible and shared on the website.

15. Candidates are encouraged to submit questions in advance, so that as many points can be covered during the candidate briefing to provide factually correct and accurate answers. All questions will be logged, and answers added to the OPCC website.

16. In addition, and upon request to the Chief Executive of the OPCC, individual meetings may be held with the Chief Constable together with the Chief Executive of the OPCC. These meetings will only be provided following formal nomination and where requests for information are not covered in existing documentation in places such as the OPCC website<sup>4</sup>. Advance notification of any questions will be required, and notes will be taken of the discussion and posted onto the OPCC website.

Times are currently being set with the Chief Constable and Chief Executive.

17. 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**

There will be no visits to premises other than the above meetings. There will be no other visits permitted to force or OPCC premises, meetings with other officers and staff or ride alongs.

## **Photographs**

15. Once within the pre-election period, OPCC staff, police officers and staff must not be filmed or photographed with or by candidates. The unauthorised use of images of police officers, police staff and OPCC staff will be reported to the PARO as it is not permitted during the pre-election period.
16. Before and throughout the pre-election period all officers and staff must maintain their impartiality and not be seen to be biased against and/or supporting one candidate or party over another.
17. The NPCC Guidance and what we are adopting in Bedfordshire states:

### **6.1 USE OF PRE-EXISTING POLICE IMAGES AND LIVERY**

**6.1.1 Any campaign material which uses existing police images or livery would, to the electorate, appear to show police support for a candidate and therefore under the general principles test should not be allowed.**

**6.1.2 Forces should make it clear to all parties and prospective candidates that they do not have permission to use pre-existing photographs, livery or publicity involving officers or staff in their campaign publicity. 6.1.3 Forces should request candidates to remove or withdraw such material if attempts are made to use them.**

## **6.2 TAKING OF NEW PHOTOGRAPHS, RECORDING OR FILM**

**6.2.1 Elected representatives and candidates for public office have in the past wished to be recorded, filmed, or photographed with police officers on visits and events.**

This will not be permitted in Bedfordshire.

**6.2.2 the subsequent use of that image could bring the impartiality of the force into question.**

18. The OPCC and Bedfordshire Police will seek to ensure their imagery and livery is not used in any campaigning or publicity material.

### **Photographs**

19. Prior to and throughout the pre-election period all officers and staff must maintain their independence and not be seen to be biased against and/or supporting one candidate or party over another.

### **Police Imagery**

20. The OPCC and Bedfordshire 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 OPCC website. Where it is so used, the Chief Constable or Chief Executive 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.

### **21. Incumbent PCC**

In terms of the current PCC, it should be stressed that it is the responsibility of him/her not to put individual officers and staff in any difficulty with regards to the taking of pictures. There is for some officers/staff, a perceived perception of a position of authority and therefore they may find it difficult to refuse such requests and should therefore not be put in such a position.

### **Pre-Election Period– *previously known as Purdah***

22. This is a particularly sensitive period in the lead up to the election and requires special care. Guidance is available from the Cabinet Office and will be supplemented by Home Office guidance in due course. In any event, during the pre-election period the following additional restrictions will apply:

- a) Where practicable the OPCC and Bedfordshire Police should avoid making and publicising major policy decisions that may be deemed to be politically sensitive.

- b) The OPCC and Bedfordshire Police websites must contain only factual information regarding the election.
- c) OPCC staff, police officers and police staff must ensure that they do not contribute to or support the activities of a candidate.
- d) 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 (business as usual). During this period information will be published of all statutory activity the incumbent PCC carries out.
- e) OPCC staff, police officers and police staff must not agree to be photographed or used as part of any campaign.

23. OPCC staff, police officers and police staff that have personal websites, blogs or use social networking sites should:

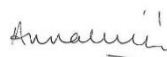
- a) Not post any comments regarding the election or candidates that could be seen to be or give the impression to be made in their professional role.
- b) Be aware that the higher their public profile is, the more likely it is they will be perceived as acting in their official capacity when using social networking sites.
- c) Be careful if making political points or making specific or personal comments about an individual that could be conferred as providing an advantage or disadvantage to a candidate/candidate by virtue of their role as a police officer, member of police staff or OPCC staff.

## Post Election

24. Depending on who is elected, or re-elected, the requirements for the OPCC and Bedfordshire Police will vary. The Chief Executive will discuss the requirements with the newly elected PCC and establish an induction programme to be delivered after 9 May 2024. The likely topics to be included are detailed at Annex B.

## Summary

25. The OPCC and Bedfordshire Police 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 during the election is maintained.



Anna Villette, Chief Executive, Office of the Police and Crime Commissioner



Trevor Rodenhurst, Chief Constable, Bedfordshire Police



Annexes:

- A. Information likely to be posted on OPCC election webpage
- B. Information likely to be included in induction briefing schedule
- C. References

**Information likely to be posted on OPCC election web page**

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

- The role of the PCC (summary of key functions: Plan, Budget, Commissioning)
- The role of the Chief Executive and OPCC (monitoring officer functions and role of Chief Finance Officer)
- The role of the Chief Constable
- The role of the Police & Crime Panel (summary of key functions)
- Partnership working (statutory partner and their responsibilities, PCC's responsibility to ensure an effective and efficient criminal justice system)
- Governance Framework (operational independence and the PCC's working relationship with the Chief Constable)
- 2023 budgets, finances, and commissioning snapshot
- The police and crime landscape – national, regional, and local focus
- Bedfordshire Police Force - key challenges, useful information.
- National bodies (e.g. APCC, NPCC, APACE, IOPC, PACCTS, HMICFRS)

### **Information likely to be included in induction briefing schedule**

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

- PCC statutory responsibilities as corporation sole
- Chief Executive / monitoring officer responsibilities and introductions
- Chief Constable responsibilities as corporation sole and introductions
- Chief Finance Officer (S151 officer) responsibilities and introductions
- Police and Crime Panel (PCP) responsibilities
- Information on the PCP and members along with introduction and initial meeting
- 100 days forward look (including swearing the oath and upcoming key meetings)
- The Police and Crime Plan – outline of consultation period and key building blocks
- OPCC structure and staff introductions
- Bedfordshire Police Force structure and officer/staff introductions
- Bedfordshire Police Force strategy(s) and assessment of policing demand
- Recent significant HMIC recommendations
- Governance arrangements including holding to account arrangements
- A snapshot of OPCC and Bedfordshire Police budgets
- Existing procurement programmes, significant tenders, contracts' expiry/renewal dates
- A snapshot of PCC and Bedfordshire 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
- Deputy PCCs<sup>5</sup> (recruitment exercises and the statutory requirements linked to this appointment)
- Training Needs (media/social media training/finance, governance)
- Diary arrangements for 'Meet and Greets' (media, key partners)
- Community engagement
- Engaging with public, partners and partnerships (Voluntary, Independent Custody Visitors and Criminal Justice Boards)
- Administrative preferences (briefing format, personal organisation, etc)
- Policing Protocol
- Decision making
- Joint Audit Committee role and responsibilities and initial meeting
- Association of Police and Crime Commissioners and sub groups role and activity

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<sup>5</sup> The appointment process of Deputy PCCs can be found in Schedule 1, 8 of the Police Reform and Social Responsibility Act 2011

## 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 Guidance –  
<https://www.gov.uk/elections-in-the-uk/police-and-crime-commissioner>
- Police Staff Council Joint Circular 54/ 08 - Standards of Professional Behaviour,
- Local Government and Housing Act 1989 for politically restricted posts
- Police Regulations 2003 and Police (Conduct) Regulations 2004