

# Pre-Election Guidance for Interaction with Police and Crime Commissioner Candidates – Conduct during Pre-Election Period

The National Police Chiefs' Council (NPCC) with the College of Policing has agreed to this revised guidance being circulated to, and adopted by, Police Forces in England, Wales & Northern Ireland.

It is NOT PROTECTIVELY MARKED under the Government Protective Marking Scheme and any referrals for advice and rationale in relation to Freedom of Information Act disclosure should be made to the NPCC Central Referral Unit at [acpo.request@foi.pnn.police.uk](mailto:acpo.request@foi.pnn.police.uk).

## Document information

<b>Protective marking:</b>	NOT PROTECTIVELY MARKED
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<b>APP/Reference Material</b>	Reference Material
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<b>Review date:</b>	March 2020
<b>Version:</b>	3.0

This revised guidance has been produced and approved by the NPCC Crime Operations Coordination Committee. Guidelines produced by the NPCC should be used by chief officers to shape police responses to ensure that the general public experience consistent levels of service. The operational implementation of all guidance and strategy will require operational choices to be made at local level in order to achieve the appropriate police response and this document should be used in conjunction with Authorised Professional Practice (APP) produced by the College of Policing. It will be updated and re-published as necessary.

Any queries relating to this document should be directed to either the author detailed above or the NPCC Business Support Office on 020 7084 8959/8958.



# Contents

<b>Section</b>	<b>Page</b>
<b>1. Purpose</b>	<b>3</b>
<b>2. Background Information</b>	<b>3</b>
<b>3. Administration of the POLL</b>	<b>4</b>
<b>4. Status of Candidates</b>	<b>4</b>
<b>5. Contact with Candidates</b>	<b>5</b>
<b>6. Specific Guidance</b>	<b>6</b>
<b>7. The Role of the Office of PCCs</b>	<b>7</b>
<b>8. General Guidance for Force Personnel in relation to Requests for Meetings and Briefings</b>	<b>8</b>
<b>9. Specific Guidance for Police Officers</b>	<b>8</b>
<b>10. Guidance for Police Staff</b>	<b>9</b>



## 1. PURPOSE

- 1.1 The purpose of this guidance is to assist force personnel to properly manage any contact they have with PCC candidates and to assist them in conducting themselves during the pre-election period. Throughout this guidance reference will be made to candidates, this should be taken to include prospective candidates. Any queries on the interpretation of this guidance should be referred to the National Police Chiefs' Council (NPCC).
- 1.2 A particular feature of the PCC election which is different to other elections is that it will focus on policing issues, potentially putting the actions, behaviour and performance of the constabulary under intense scrutiny. That said normal professional relationships and contacts need to be maintained.
- 1.3 This guidance seeks to draw from Returning Officers' experience in dealing with prospective and actual candidates at local, national and regional elections. It does not attempt to cover every eventuality. It defines guiding principles to help individuals make decisions.
- 1.4 Some candidates seeking election will do so with the backing of major political parties and are well aware of the limitations placed upon both them as candidates, and the police service as a public body. It is possible that not all candidates will be similarly experienced.
- 1.5 All force personnel should ensure that they are aware of the need for impartiality and that any interaction, no matter how small, could be used to show support for or opposition to a candidate, a party or a position.
- 1.6 Current guidance in respect of election law, and the policing of elections can be found on the College of Policing website under Approved Professional Practice.  
<http://www.app.college.police.uk/app-content/policing-elections/?s>

## 2 BACKGROUND INFORMATION

### 2.1 REGULATORY FRAMEWORK

- 2.1.1 As in all aspects of police work, the Code of Ethics, the Standards of Professional Behaviour and associated force values are relevant.
- 2.1.2 In particular, Schedule 1 of The Police Regulations 2003 provides that a member of the police force shall at all times abstain from any activity which is likely to interfere with the impartial discharge of their duties or which is likely to give rise to the impression amongst members of the public that it may so interfere; and in particular a member of a police force shall **not take any active part in politics**. This refers to Police Officers and members of the Special Constabulary.
- 2.1.3 The Standards of Professional Behaviour contained in the Police (Conduct) Regulations 2012 highlight the standards and behaviours expected of police officers, the most relevant to



elections matters being honesty and integrity, fairness and impartiality, and politeness and tolerance in maintaining the confidence of all communities in the discharge of their duties.

- 2.1.4 The majority of police staff is not subject to any restrictions in law in participating in politics. However, police staff is still expected to uphold their own similar standards of professional behaviour. These standards state that public confidence in the police depends on police staff demonstrating the highest level of personal professional standards of behaviour.

## **2.2 PRE-ELECTION PERIOD**

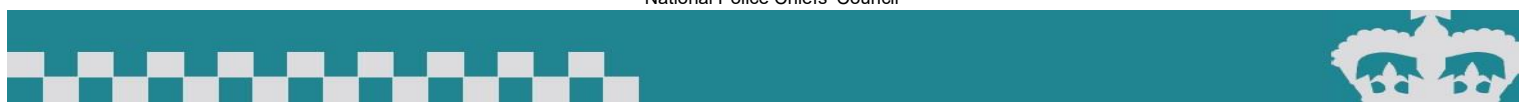
- 2.2.1 Guidance is issued to civil servants on the principles that they should observe in relation to the conduct of Government business in the pre-election period. This was last updated in 2015 and can be found here: [www.parliament.uk/briefing-papers/SN05262.pdf](http://www.parliament.uk/briefing-papers/SN05262.pdf)
- 2.2.2 However, it must be noted, Government business does not cease. When the concept is transferred to policing, whilst the same care should be shown by the force, the importance of policing does not diminish merely because an election is due to be held. The functions associated with policing still have to be performed.
- 2.2.3 The Local Government Act 1986 and the Code of Recommended Practice on Local Authority Publicity limits publicity which can be issued by local authorities in the Pre-Election period. It should be noted that PCCs are also caught by this restriction.
- 2.2.4 The Pre-Election period will begin from the publication of the Notice of Election, which is no later than 30 working days before the election date

## **3. ADMINISTRATION OF THE POLL**

- 3.1 The Police Area Returning Officer (PARO) is solely and personally responsible for running the election for their Force Area.
- 3.2 They will have great experience around running elections, and will be used to dealing with candidates seeking election.
- 3.3 The PARO will generally be the Chief Executive or one of the senior officers of one of the district or unitary councils within the force area.

## **4 STATUS OF CANDIDATES**

- 4.1 All candidates must be nominated 22 working days before the poll. The exact dates are published on the Electoral Commission website for each election
- 4.2 Although a person may declare themselves to be a candidate, they are not properly recognised as such until the PARO has formally declared their nomination to be valid. This will involve the lodging of the statutory £5000 deposit with the PARO and a nomination paper containing 100 signatures of registered electors for the force area who assent to the nomination. Candidates will also have to sign a form indicating that they consent to their nomination and fulfil the statutory criteria for standing.



- 4.3 It is important to stress that even after candidates are nominated they still are not afforded any enhanced status and therefore requests for information or briefings should be treated on this basis.
- 4.4 The Electoral Commission has provided guidance for Candidates at PCC elections. This can be found at: [http://www.electoralcommission.org.uk/\\_data/assets/pdf\\_file/0009/148743/PCC-Part-1-Can-you-stand-for-election.pdf](http://www.electoralcommission.org.uk/_data/assets/pdf_file/0009/148743/PCC-Part-1-Can-you-stand-for-election.pdf). It includes advice about eligibility and disqualifications. At the previous PCC elections a small but significant number of candidates failed to realise that they were ineligible because they had been **convicted of an imprisonable offence**. The disqualification applies even where they were not imprisoned for that offence, or the conviction had been spent.

## 5. CONTACT WITH CANDIDATES

- 5.1 This section seeks to provide guidance to staff that is approached during the course of their business by Candidates.
- 5.2 There are a number of considerations that need to be addressed in relation to any contact with candidates. These are listed below:
- Does the activity or contact appear to (or actually) favour one candidate against another, whether in terms of information or public profile or;
  - During the pre-election period, is any activity by the police likely to affect or influence the outcome of the election?
  - Would the request compromise the conduct of normal business?
  - Candidates and parties must be treated even-handedly; for example in meeting information requests from candidates, each candidate should receive the same level of detail and right of access;
  - Officers must avoid any action which is, or might reasonably be perceived as being, supportive of or oppositional to any party, candidate or opinion;
  - Officers must not do something for one candidate that they would not, or could not, undertake for another;
  - Officers must avoid putting themselves in a position of situation which could be used by a candidate to show or imply support for their campaign.
  - Police officers and staff should be aware of the potential restrictions and associated responsibilities that are present for them in relation to these particular elections;
  - Information provided to candidates should be published so that it is available to everyone;
  - The force 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. If in doubt guidance should be sought from the PARO via your election SPOC.
  - All candidates should be treated as members of the public when dealing with correspondence or requests for information. Whilst we should always be responsive to reasonable requests from candidates, there is no duty to interact with candidates in a



way that we would with an elected representative. We should seek to release information as we would under the Freedom of Information Act, taking into consideration the cost, time and nature of each request.

- Care should be taken over announcements made by the force which could have a bearing on matters relevant to the elections, however this must be carefully balanced against any implication that delay could itself influence the political outcome or impede operational effectiveness.

## **6. SPECIFIC GUIDANCE**

### **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.
- 6.2.2 Although there is nothing to suggest that this is in any way improper, the subsequent use of that image could bring the impartiality of the force into question and therefore any requests should be carefully considered.

### **6.3 REQUESTS FOR FACT FINDING OR MEDIA VISITS**

- 6.3.1 Candidates may wish to make visits to Police Stations, Local Policing Units and Neighbourhood Teams.
- 6.3.2 There is no obligation to meet these requests. If such requests are agreed to then care should be taken to ensure that they are for fact-finding and not to generate publicity for the candidate.
- 6.3.3 When considering such requests it may be worth considering that candidates have the same legal status as a member of the public. Similarly almost everyone within the force area can say they intend to be a candidate.
- 6.3.4 However, referring back to our general principles of interaction, all candidates should be provided equal access.



6.3.5 Candidates who hold a position within the force or existing PCC Office should not be afforded privileged information or access to information which they would not normally have.

#### **6.4 COMMUNICATIONS AND MEDIA**

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

6.4.2 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.

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

6.4.4 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.

### **7. THE ROLE OF THE OFFICE OF POLICE AND CRIME COMMISSIONERS**

7.1 Specific information regarding the service is likely to be requested over the coming months as we draw closer to the election, and there will be some difficulty in establishing whether the information is being requested by a potential candidate, member of the public or journalist.

7.2 The Association of Policing and Crime Chief Executives (APCCE) have provided guidance to their members in facilitating requests for information and briefing. Highlighting the overarching aim of impartiality and equality between candidates, the Guidance recommends Chief Executives should agree a local protocol on candidate interaction with the Police Force.

7.3 The protocol should include:

- i. Establishing a SPOC for interaction with candidates for example the OPCC Chief Executive.
- ii. All candidates’ requests for information should be directed to the OPCC SPOC.
- iii. Jointly developing candidate briefing packs and delivering familiarisation events.
- iv. Ensuring regular communication between the OPCC and the Police Force.
- v. Providing information for staff and officers on the impact of the pre-election period and how to respond to requests from candidates.

### **8. GENERAL GUIDANCE FOR FORCE PERSONNEL IN RELATION TO REQUESTS FOR MEETINGS AND BRIEFINGS**

8.1 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 country. The public should be confident that officers and staff will serve them loyally and impartially.



- 8.2 During the pre-election period, all officers must be politically sensitive when dealing with party political and independent candidates, their representatives and supporters.
- 8.3 Local Policing Commanders in particular have regular contact with their local elected representatives, keeping them updated on matters of interest in their area, however during the pre-election period care should be taken to avoid commenting on policies or statements which may be used by candidates in the election.
- 8.4 Should candidates ask for regular meetings with Commanders or Department Heads this can be declined on the basis that:
- They are not elected representatives.
  - We cannot ‘Second Guess’ the electorate and assume a certain candidate will win.
  - Agreeing to regular meetings with one candidate would necessitate meetings with all candidates, which would divert resources from other policing activity.
  - Officers should not offer political opinions, nor make statements that do not reflect force policy.
  - Forces must continue with ‘Business as Normal’ and this will include interaction with Councillors and existing PCC staff who are potential candidates. Councillors and members of the existing PCCs office will be governed by their own relevant codes of practice relating to information they receive in this capacity.

## 9. SPECIFIC GUIDANC FOR POLICE OFFICERS

### 9.1 ILLEGAL CANVASSING

- 9.1.1 The PCCs Elections Order 2012 puts some restrictions on Police Officers during an election.

### 9.2 ILLEGAL CANVASSING BY POLICE OFFICERS

- 9.2.1 The following points should be followed:

*60.-(1) No member of a police force for any police area may by word, message, writing or in any other manner, endeavour to persuade any person to give, or dissuade any person from giving, his or her vote, whether as an elector or as proxy at a PCC Election.*

*(2) A person acting in contravention of paragraph (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale*

*(3) Nothing in this article applies to subject a person who is member of a police force to any penalty for anything done in the discharge of that person’s duty as such.*

- 9.2.2 For clarity, by virtue of section 30 Police Act 1996 a ‘member of a police force’ is a Constable; non-sworn staff are not included in this definition.





- 9.2.3 Concerns have been raised that, taken at its most literal, this section could mean that any well-meaning officer who encourages the electorate to become involved in the elections would be acting contrary to this law and liable to prosecution, regardless of the fact they are not endorsing any political position.
- 9.2.4 It is assessed that, in practice, the likelihood of this eventuality being realised is small. Nonetheless, it should be noted that it is the role of the Local Authority/Home Office through the PARO to promote participation by voters. Officers should therefore refrain from encouraging the electorate to vote, through any form of interaction whether this be through the use of social media, neighbourhood meetings or any contact through their day to day business.

### **9.3 NOMINATION BY POLICE OFFICERS**

- 9.3.1 Nomination papers are public documents. Police officers may be asked to sign nomination papers. Although the PARO is unlikely to reject those papers where a police officer has nominated the candidate (assuming the officer is a valid elector), the officer has nonetheless publically supported a candidate. The appropriateness of their actions will need to be considered by the Chief Constable.
- 9.3.2 Whilst there may be nothing in electoral law to prevent officers from signing nomination papers, it is submitted that officers should carefully consider the consequences and implications of doing so.

## **10. GUIDANCE FOR POLICE STAFF**

- 10.1 Some police staff will hold politically restricted posts within the organisation and will therefore be limited on their participation in any political activity.
- 10.2 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.
- 10.3 Any act which could bring the impartiality of the police into question will no doubt undermine public confidence in the service.
- 10.4 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.
- 10.5 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.
- 10.6 This will be a matter to be managed locally with their line manager. It is important to note, that we do not wish to suppress the individual rights of police staff to participate in political action, we seek simply to maintain the impartiality of the force.
- 10.7 If a member of staff has been active in the campaign, their posting on the day of the election should be altered to ensure that no member of the public could perceive their presence in uniform to be continued support for a candidate.



