

## Norfolk OPCC and Force Election Guidance – March 2016

To: Police and Crime Commissioner (PCC), Deputy Police and Crime Commissioner  
Office of the Police and Crime Commissioner (OPCC) Staff  
Norfolk Constabulary Police Officers and Staff  
Norfolk Constabulary Police and OPCC Volunteers

Copy To: Police Area Returning Officer – Kings Lynn and West Norfolk Borough Council

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### **1. INTRODUCTION**

- 1.1 The Police and Crime Commissioner (PCC) elections will take place on Thursday, 5 May 2016. This guidance 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 for staff working for both the PCC and Chief Constable (CC) in order to avoid allegations of bias.
- 1.2 The Police Area Returning Officer (PARO) is the Chief Executive of Kings Lynn and West Norfolk Borough Council, Ray Harding. The PARO is accountable for the conduct of the election. The Chief Constable and the OPCC Chief Executive (Chief of Staff) will seek guidance from the PARO regarding any activity which they believe may interfere with the election.
- 1.3 PCC candidates must declare their intent to stand for election by 16:00hrs on the nineteenth day before the poll, which is Friday, 8 April 2016. This declaration must be registered by the PARO.
- 1.4 The specific point of contact (SPOC) for the election will be Mark Stokes, Chief Executive of the OPCC.

### **2. AIM**

- 2.1 Not every circumstance or eventuality that could potentially impact on the election, approach to candidates or the reputation of the OPCC, Force, or staff can be captured into one document. 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 the period of the time leading up to the election.

### **3. 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 OPCC Chief Executive to make a decision.
- 3.2 **Organisational**
  - 3.2.1 Particular care should be taken over the 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 OPCC and 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.
- 3.2.4 The OPCC will maintain details of information provided to prospective candidates or declared candidates. This information will be anonymised and then published on the website so that it is available to everyone.

### **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 over another, whether in terms of information or public profile?' Any engagement that favours one candidate over another may be inappropriate.
- 3.3.2 Care should be taken in relation to visits by candidates to any Norfolk Constabulary police premises. All requests to visit official premises are to be directed to the OPCC Chief Executive in advance for a decision.
- 3.3.3 Support should not be undertaken for one candidate that would not or could not be undertaken for another.
- 3.3.4 Prospective candidates, declared candidates and parties must be treated even-handedly and have equal access to information.
- 3.3.5 Prospective candidates and declared candidates remain members of the public and are not entitled to confidential information.

### **3.4 Incumbent PCC and Deputy PCC**

- 3.4.1 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?'
- 3.4.2 The incumbent PCC and Deputy PCC are to be treated in the same way as any other candidates, with all requests for information being recorded and shared on the OPCC website.
- 3.4.3 Unlike many other elected positions, the incumbent PCC maintains the 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 pre-election period ('purdah'), are restricted to statutory roles that could not be perceived as influencing the election.

### **3.5 OPCC Staff, Police Officers and Police Staff**

- 3.5.1 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?'
- 3.5.2 All the PCC's staff are politically restricted and cannot actively support PCC candidates. Additionally, the Commissioner's 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.
- 3.5.3 No serving police officers or members of police staff are allowed to stand as a candidate for PCC.

- 3.5.4 Any police officer, member of police staff, or OPCC staff must resign from their role with a minimum of 19 days prior to the submission of any nomination to stand as a candidate.
- 3.5.5 Police officers, police staff, and OPCC staff are expected to remain entirely politically neutral in their approach to the election when acting in their official capacity at work. Police officers, police staff and OPCC staff must avoid any action which is, or might reasonably be perceived as being, supportive of any party, candidate or opinion, when acting in their official capacity at work. Activities include encouraging anyone to vote for a certain candidate, treating candidates differently, or supporting or attacking the views of candidates. All police officers and staff in politically restricted posts are restricted from any such political activity at any time, regardless of whether or not they are acting in their official capacity at work.
- 3.5.6 Police staff who are not in politically restricted posts are not expected to remain politically neutral in their private lives when they are not acting in their capacity as employees of Norfolk Constabulary, and they are not restricted from undertaking the political activities listed in paragraph 3.5.5 above. However, when in work they should not undertake any action that is, or might reasonably be perceived as being, supportive of any party, candidate or opinion. If Police Staff wish to support a political party in their private lives they should not refer to their roles as employees of Norfolk Constabulary, or refer to or use any information gained through their employment with Norfolk Constabulary.
- 3.5.7 Police officers and 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.
- 3.5.8 Police officers, police staff, or OPCC staff who use any form of social media should take care over any content relating to the election. As explained under paragraph 3.5.5 above, police staff who are not in politically restricted posts who undertake political activities in their own time should refrain from referring to themselves as employees of Norfolk Constabulary, or from referring to or using any information gained through their employment with Norfolk Constabulary. This restriction also applies to the use of social media.

#### **4. CONDUCT**

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

##### **4.2 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. The Police Conduct Regulations 2004 also highlight expected standards of behaviour such as honesty and integrity, fairness and impartiality, and politeness and tolerance.

##### **4.3 Police Staff**

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 certain posts are politically restricted within the meaning of the Local Government and Housing Act 1989.

#### 4.4 **Police and Crime Commissioner's Staff**

The Police Reform and Social Responsibility Act 2011 places certain political restrictions on members of the PCC' staff.

4.5 Should anyone seek to become or support a candidate in the election, the Chief Constable or OPCC Chief Executive 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.

4.6 Where the current Deputy PCC intends to submit a nomination as a PCC candidate to the Police Area Returning Officer, they will need to resign from the OPCC a minimum of 19 days prior to submitting their nomination in order for their nomination to be valid.

### 5. **ENGAGEMENT WITH CANDIDATES AND PROSECITIVE CANDIDATES**

5.1 Political parties 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.

5.2 Throughout these different stages, media interest is likely to build as will contact between prospective candidates and the Force and OPCC. However, there is no duty on the OPCC or Force to treat candidates or prospective candidates as elected representatives. Nevertheless, discretion should be used in response to any reasonable requests for information.

### 6. **REQUESTS FOR INFORMATION**

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

6.1.1 The request will be treated in the same way as if it were received from any member of the public.

6.1.2 The request should be directed to the Single Point of Contact via email to [opccn@norfolk.pnn.police.uk](mailto:opccn@norfolk.pnn.police.uk) or by telephoning 01953 424455 where a single electronic register will be maintained. All requests that are direct to the Force will be re-directed to this single location to ensure full transparency and equality.

6.1.3 In formulating a response, it should be recognised that the information provided may be exploited for political and campaigning purposes. Every response will be from the OPCC Chief Executive. Every response will be anonymised and posted on the OPCC website.

6.1.4 Where the request for information is a Freedom of Information Act request, the standard operating practice will apply. Both the PCC's office and Norfolk Constabulary will respond according to current procedures.

### 7. **MEDIA**

7.1 When handling media communications, the previous guidance from the Association of Chief Police Officers (2012) recommends the following:

7.1.1 A response by the Chief Executive (Chief Of Staff) may be appropriate when factually incorrect information is released that could impact on confidence in the PCC and Force.

The factually incorrect information can be shared by the Chief Executive publically in a neutral manner.

- 7.1.2 A response may not be appropriate when a claim is based on that individual's interpretation of information.
- 7.1.3 The above guidance should apply when both the Commissioner's Office and the Force use social media to respond to queries or comments.
- 7.1.4 Purdah guidance will also apply to media communications.

## **8. ORGANISED MEETINGS**

- 8.1 The OPCC Chief Executive will arrange for factual briefing material to be developed and posted on the PCC's website. Candidates requesting information that is already covered within these documents will be directed to the PCC's website.
- 8.2 A briefing opportunity will be established by the OPCC Chief Executive following official declaration of candidacy. Details of the briefing opportunity will be posted on the PCC's 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 during the briefing. Candidates will be requested to submit advance notice of questions in order to provide factually correct and accurate answers.
- 8.3 In addition, upon request to the OPCC Chief Executive, individual meetings may be held with the Chief Constable and/or the OPCC Chief Executive. These meetings will only be provided following formal declaration of intent to stand for election and where the request for information is not covered in existing documentation in places such as the PCC's website. Advance notification of any questions will be required and notes will be taken of the discussion and posted on the PCC's website. Recorded will be anonymised.
- 8.4 The above briefings will not cover the running of the election, which will be the subject of separate briefings organized by the PARO.

## **9. VISITS TO PREMISES**

- 9.1 Declared candidates will have an opportunity to visit Norfolk Constabulary premises during the briefing event, as explained under paragraph 8.2 above.

## **10. PHOTOGRAPHS**

- 10.1 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, providing the individual is content to be filmed/photographed. However, once within the 'purdah' period, 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 support one candidate or party over another.

## **11. POLICE IMAGERY**

- 11.1 The OPCC and Force 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.

## **12. PURDAH**

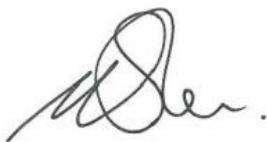
- 12.1.1 The 'purdah' (or pre-election) period begins at midnight on Thursday 24<sup>th</sup> March, 2016. The purdah period, or period time leading up to the election, is particularly sensitive. Guidance is available from the Cabinet Office and Home Office on restrictions that apply during purdah. In any event, during the purdah period the following additional restrictions will apply:
- 12.1.2 Where practicable the OPCC and Force should avoid making and publicising major policy decisions that may be deemed to be politically sensitive.
- 12.1.3 The PCC and Force websites must contain only factual information.
- 12.1.4 Documents which promote the incumbent PCC should not be published.
- 12.1.5 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 (as explained under point 3.4.3 above).
- 12.1.6 OPCC staff, police officers and police staff must not agree to be photographed or used as part of any campaign.
- 12.1.7 OPCC staff, police officers and police staff that have personal websites, blogs or use social networking sites should:
- 12.1.8 Not post any comments that could give the impression of being made in their professional role.
- 12.1.9 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.
- 12.1.10 Be careful if making political points or making specific or personal comments about an individual.

## **13. POST ELECTION**

- 13.1 The requirements for the OPCC and Force will be dependent upon who is elected and their previous knowledge, experience and requirements. The OPCC Chief Executive will discuss the requirements with the newly elected PCC and establish an induction programme.

## **14. SUMMARY**

- 14.1 The OPCC and Norfolk Constabulary 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 throughout the election is maintained.



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