



Office of the Police and Crime Commissioner for Cambridgeshire and Peterborough and Cambridgeshire Constabulary

JOINT PROTOCOL IN PREPARATION FOR THE ELECTION OF THE POLICE AND CRIME COMMISSIONER IN MAY 2021

30TH Nov 2020

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Chief Constable, Nick Dean
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Copied to:

Police Area Returning Officer, Chief Executive of East Cambridgeshire District Council, John Hill

Introduction

1. The Police and Crime Commissioner (PCC) election will take place on 6th May 2021. 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 OPCC and police staff in order to avoid allegations of bias.
2. The Police Area Returning Officer (PARO) will be the Chief Executive of East Cambridgeshire, Mr John Hill. The PARO is accountable for the conduct of the election. The Chief Constable and/or Chief Executive of the Office of the Police and Crime Commissioner (OPCC) will seek guidance from the PARO regarding any activity, which they believe may interfere with the election.
3. 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

4. Not every circumstance or eventuality that could potentially impact on the election, approach to candidates or the reputation of the OPCC, Constabulary and staff can be captured in

one document. Therefore, 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.

Principles

5. 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 CEO of the OPCC to make a determination.

- a. Organisational.
 - i. The OPCC and Cambridgeshire Constabulary will continue to conduct their normal business.
 - 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 so that they are not open to criticism that they have been undertaken for party political purpose or in support of a particular candidate.
 - iv. The OPCC and the Constabulary 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.
 - v. The OPCC will maintain details of information provided to candidates and 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 against another, whether in terms of information or public profile?”*.
 - ii. Care should be taken in relation to visits by candidates to police or OPCC premises. Any request to visit official premises are to be directed to the CEO OPCC in advance for a decision. The CEO will consult with the Chief Constable where necessary.
 - iii. Support should not be undertaken for one candidate that would not or could not be undertaken with another.
 - iv. Candidates must be treated even-handedly and have equal access to information.
 - v. 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 by extension, if he seeks 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 not be seeking re-election.

iii. 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 purdah, 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 Constabulary 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 serving Police Officer or member of Police Staff / OPCC are allowed to stand as a candidate for PCC.

iii. Any Police Officer or member of Police Staff / OPCC must resign from their role with a minimum of 19 days prior to the submission of any nomination to stand as a candidate.

iv. Police officers or police staff 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.

v. 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

vi. OPCC staff, police officers or police staff who use any form of social media should take care over any content relating to the election.

Conduct

6. 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:

- a. **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 2004 also highlight expected standards of behaviour such as honesty and integrity; fairness and impartiality; and politeness and tolerance.

- b. **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 in their professional capacity. 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.

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

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 resign¹ from the OPCC in order for their nomination to be valid. (not applicable at this time to Cambridgeshire).

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.

10. Throughout these different stages, media interest is likely to build as will contact between prospective candidates and the Constabulary and OPCC. However, there is no duty on the OPCC or Constabulary 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

11. 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 account²: cambs-pcc@cambs.pnn.police.uk within the OPCC where a single electronic register will be maintained³, as detailed at Annex C. All requests that are directed to the Constabulary will be re-directed to this single location to ensure full transparency and equality.

¹ A minimum of 19 days prior to submitting their nomination

² cambs-pcc@cambs.pnn.police.uk

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

- c. In formulating a response, it should be recognised that the information provided maybe exploited for political and campaigning purposes.
- d. Where it is a Freedom of Information Act request, the standard operating practice will apply. Both the OPCC and Constabulary will respond according to current procedures. In addition, the response will be posted on the OPCC web site.
- e. Every response will be from the OPCC Chief Executive and will be posted on the OPCC web site.

Media

- 12. 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 PCC and Constabulary. The factually correct information can be shared by the chief executive 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 Constabulary use social media to respond to queries or comments.
 - d. Purdah guidance will also apply to media communications.

Organised meetings

- 13. The OPCC Chief Executive will arrange for a series of factual briefing material to be developed and be posted on the OPCC website. Candidates requesting information that is already covered within these documents will be directed to the OPCC website.
- 14. A briefing opportunity will be established by the OPCC Chief Executive in due course. Dates, times and locations will be posted on the OPCC website. The briefing will only contain factual information and 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.
- 15. In addition, and upon request to the Chief Executive of the OPCC, individual meetings may be held with the Chief Constable and/or the Chief Executive of the OPCC. 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 website⁴. Advance notification of any questions will be required and notes will be taken of the discussion and posted onto the OPCC web site.
- 16. 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

⁴ Details of likely information to be held on OPCC web page is at Annex A

17. Requests for visits to OPCC or Constabulary premises for the purpose of fact finding and receiving briefings will be considered by the Chief Executive of the OPCC on a case by case basis and in consultation with the Chief Constable. However, due to the restrictions in place due to covid-19 and the additional demand that the Constabulary is facing, careful consideration will need to be given before approval. The principal methods of fact finding will be through the OPCC web site, post-declaration briefings and specific requests for information through the OPCC SPOC. Every request will be notified to the OPCC and recorded on the electronic register.

Photographs

18. 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 be bias and/or supporting one candidate or party over another.

Police Imagery

19. The OPCC and Constabulary 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.

Purdah

20. 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 any event, during the purdah period the following additional restrictions will apply:

- a. Where practicable the OPCC and Constabulary should avoid making and publicising major policy decisions that may be deemed to be politically sensitive.
- b. The OPCC and Constabulary 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.

21. 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. Be careful if making political points or making specific or personal comments about an individual.

Post Election

22. The requirements for the OPCC and Constabulary will be dependent upon who is elected; their previous knowledge, experience and requirements. The chief executive will discuss the requirements with the newly elected PCC and establish an induction programme. The likely topics to be included are detailed at Annex B.

Summary

23. The OPCC and Cambridgeshire 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 through the election is maintained.



J Haylett
Acting Chief Executive
Office of the Police and Crime Commissioner



N Dean
Chief Constable
Cambridgeshire Constabulary

Annexes:

- A. Information likely to be posted on OPCC election web page
- 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 police and crime landscape – national, regional and local focus
- 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)
- 2021 budgets, finances and commissioning snapshot
- Constabulary - 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
- Chief Executive / monitoring officer responsibilities
- Chief Constable responsibilities
- Police and Crime Panel (PCP) responsibilities
- Information on the PCP and members (many areas will have local government elections at the same time and many Local Authorities will need to re-appoint their PCP representatives following their AGMs. Consequently, PCPs may also be in a state of transition) along with introduction and initial meeting
- 100 days forward look (including swearing the oath and upcoming key meetings)
- The Police and Crime Plan
- OPCC structure and staff introductions
- Constabulary structure and officer/staff introductions
- Constabulary strategy(s) and assessment of policing demand
- Recent significant HMIC recommendations
- Governance arrangements
- A snapshot of PCC and Constabulary finances
- Existing procurement programmes, significant tenders, contracts' expiry/renewal dates
- A snapshot of PCC and Constabulary 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
- Introduction meeting with the Police and Crime Panel
- Deputy PCCs⁵ (possible recruitment exercises and the statutory requirements linked to this appointment)
- Branding (website and social media)
- Training Needs (media/social media training)
- Diary arrangements for 'Meet and Greets' (media, key partners)
- Community engagement
- Funding and budgets
- Engaging with public, partners and partnerships (Voluntary, Independent Custody Visitors and Criminal Justice Boards)
- Administrative preferences (briefing format, personal organisation, etc)
- Governance frameworks

- Policing Protocol
- Decision making
- Performance Scrutiny Monitoring
- Joint Audit Committee
- Association of Police and Crime Commissioners and sub groups

⁵ 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,