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February 2021

PCC
OPCC Staff
Humberside Police Officers and Staff
Commissioned service providers of the OPCC and CSPs.

Copied to:

PARO

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

Introduction

1. The Police and Crime Commissioner (PCC) election will take place on Thursday 6 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 to avoid allegations of bias.
2. The Police Area Returning Officer (PARO) will be the Chief Executive of East Riding Council, Caroline Lacey. 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 1600hrs on the nineteenth day before the poll, which is Thursday 8 April 2021. This declaration must be registered by the PARO.

Aim

4. Not every circumstance or eventuality that could potentially impact on the election, approach to candidates or the reputation of the OPCC, force 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 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 or Chief Constable of Humberside Police as appropriate to decide.
 - a. **Organisational.**
 - i. 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 that they have been undertaken for party political purpose or in support of a particular candidate.
 - iii. The OPCC and 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. Any commissioned service partners should also be mindful of outwardly supporting any one candidate.
 - iv. The OPCC will maintain details of information provided to prospective candidates or 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. It is unlikely due to COVID that visitors will be permitted unless restrictions are relaxed.
 - iii. Support should not be undertaken for one candidate that would not or could not be undertaken with another.
 - iv. Prospective candidates, candidates and parties must be treated even-handedly and have equal access to information.
 - v. Prospective candidates and 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, if they are seeking re-election are to be treated the same as any other candidate with all requests for information being recorded and shared on the OPCC website.

- 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 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. 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 can 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. Whilst on duty 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 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.
- 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.
- vii. Whether on or off duty the Code of Ethics still applies to all staff, including the requirement to be "fair and impartial" (College of Policing, Code of Ethics, para 1.1.1)

Conduct

- 6. The above principles provide information to support decision making. They are underpinned by the requirements placed upon OPCC, police officers and police staff regarding their overall conduct and behaviour; specifically:
 - a. 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. Furthermore, the Police Conduct Regulations 2020 also highlight expected standards of behaviour such as honesty and integrity; fairness and impartiality; and politeness and tolerance.
 - b. 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.

- c. OPCC Staff. The Police Reform and Social Responsibility Act 2011 place certain political restrictions on members of OPCC staff.
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.

Engagement with candidates and prospective candidates

8. On the months leading to the election, media interest is likely to build as will contact between prospective candidates and the Force, OPCC and potentially with those commissioned service partners of the OPCC. However, there is no duty 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

9. 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 account¹ within the OPCC where a single electronic register will be maintained², as detailed at Annex C. All requests that are directed to the force will be re-directed to this single location to ensure full transparency and equality. Commissioned service partners are asked to undertake the same process of referral to the OPCC to maintain the transparency of the register.
 - 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. The OPCC, force and any commissioned partner 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

10. When handling media communications, Revised NPCC Pre-Election Guidance (December 15) recommends the following:
- a. 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.

¹ pcc@humberside.pnn.police.uk

² The master electronic register will contain all contact, requests for information and other pertinent information along with decisions and risk mitigations as appropriate

- b. A response may not be appropriate when claims are based on an individual's interpretation of facts or circumstances.
- c. 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.

Availability of information

- 11. The OPCC Chief Executive will arrange for 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.
- 12. An opportunity to meet with the OPCC Chief Executive will be made available to any prospective candidate during week commencing 22ND March 2021. Candidates will be requested to submit advance notice of specific questions to provide factually correct and accurate answers. All questions and answers will be registered on the electronic register and shared with all candidates.
- 13. The above will not cover the running of the election, which will be the subject of separate briefings organised by the PARO.

Visits to premises

- 14. Requests for visits to OPCC or Force premises for the purpose of fact finding and receiving briefings will not be available as we strive to reduce the number of people accessing police estate during the COVID pandemic unless there are changes to current restrictions.

Photographs

- 15. Revised NPCC Pre-Election Guidance (December 15) recommends the following:
- 16. 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.
- 17. 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.
- 18. Forces should request candidates to remove or withdraw such material if attempts are made to use them.

Police Imagery

- 19. 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.

Pre-Election Period (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 pre-election period the following additional restrictions will apply:
- a. Where practicable the OPCC and Force should avoid making and publicising major policy decisions that may be deemed to be politically sensitive.
 - b. The OPCC and Force websites must contain only 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 pre-election 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.
 - g. OPCC staff, police officers and police staff that have personal websites, blogs or use social networking sites should:
 - h. Not post any comments that could be seen to be or give the impression to be made in their professional role.
 - i. 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.
 - j. Be careful if making political points or making specific or personal comments about an individual.

Post-Election

21. The requirements for the OPCC and force 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 D.

Summary

22. The OPCC and Humberside 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 through the election is maintained. Our commissioned service providers have been included to ensure they are appropriately briefed of the sensitivities of the election period and to ensure any requests for information by candidates are co-ordinated in a transparent way to all.

Rachel Cook
Chief Executive
Office of the Police and Crime Commissioner



Lee Freeman
Chief Constable
Humberside Police



Annexes:

- A. Information likely to be posted on OPCC election web page
- B. Example Register
- C. Information likely to be included in induction briefing schedule

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:
 - Who's Who which includes:
 - 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)
 - Introduction to OPCC Staffing Structures
 - Police and Crime Plan 2017-21
 - Delivery Plan OPCC – 2020/21 (new version to be uploaded for 2021/22 – April 2021)
 - Annual Report OPCC – 2019/20
 - OPCC End of term report 2016- 2021
 - The Police and Crime Landscape
 - Governance Framework – Holding the force to account
 - Partnership Working
 - Code of Corporate Governance
 - Link to Transparency Index page
 - Humberside Police information including:
 - Humberside Police – Plan on a page
 - Humberside Police – Summary Force Management Statement
 - Humberside Police – Annual Report
 - Links to 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
 - 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
 - Police Force structure and officer/staff introductions
 - Force strategy(s) and assessment of policing demand
 - Recent significant HMIC recommendations
 - Governance arrangements
 - A snapshot of PCC and Police Force finances
 - Existing procurement programmes, significant tenders, contract's expiry/renewal dates
 - A snapshot of PCC and Police Force 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 PCCs³ (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, Scrutiny Volunteers and Criminal Justice Boards)
 - Administrative preferences (briefing format, personal organisation, etc)
 - Governance frameworks
 - Code of practice between PCC and Force
 - Policing Protocol
 - Decision making
 - Performance Scrutiny Monitoring and Assurance Approach
 - Joint Independent Audit Committee
 - Association of Police and Crime Commissioners and portfolio subgroup

³ The appointment process of Deputy PCCs can be found in Schedule 1, 8 of the Police Reform and Social Responsibility Act 2011.