



February 2024

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 2024

Introduction

1. The Police and Crime Commissioner (PCC) election will take place on Thursday 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 OPCC, and police staff to avoid allegations of bias.
2. The Police Area Returning Officer (PARO) will be the acting Chief Executive of East Riding Council, Alan Menzies. 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 Friday 5 April 2024. 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.
- iii. The OPCC and Humberside Police will offer official candidates a date for a joint visit to both OPCC and Force HQ on Friday 12th April 2024 where a Q&A will be possible for candidates with the OPCC CEO and Force Chief Constable.
- iv. Support should not be undertaken for one candidate that would not or could not be undertaken with another.
- v. Prospective candidates, candidates and parties must be treated even-handedly and have equal access to information.
- vi. 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 is 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 preelection 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 working, 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. This includes outside of work for any police staff that are politically restricted.
- v. Police Officers either on or off duty 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, Respect & Empathy, bullet point 5)

Conduct

6. The Police Reform and Social Responsibility Act 2011 place political restrictions on members of OPCC staff.
7. As in all aspects of police work, the Code of Ethics, the Standards of Professional Behaviour and associated force values are relevant.
 - a. 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 police officer shall not take any active part in politics.
 - b. 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 election 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.
8. The majority of police staff are not subject to any restrictions in law in participating in politics unless they are in a politically restricted post. However, police staff are still expected to uphold their own similar standards of professional behaviour (set in Police Staff Council Joint Circular 54 and incorporated into the Code of Ethics). These standards state that public confidence in the police depends on police staff demonstrating the highest level of personal professional standards of behaviour, and that staff should behave in a manner, whether on or off duty, which does not bring discredit on the police service or undermine public confidence in policing.
9. 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

10. 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. Guidance on how to do this is provided below.

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 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 (or delegated to the Deputy Monitoring Officer) and will be posted on the OPCC web site.

Media

12. When handling media communications, NPCC Pre-Election Guidance PCCs, March 2019 recommends the following:

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

- 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.
- 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

- 13. 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.
- 14. An opportunity to meet with the OPCC Chief Executive will be made available to any prospective candidate on Monday 25th March 2024 for one-hour appointments. 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.

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

15. 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

16. Requests for visits to OPCC or Force premises for the purpose of fact finding will be facilitated for registered candidates only on Friday 12th April 2024 at both the Office of the Police and Crime Commissioner and at Humberside Police HQ where there will be the opportunity to ask questions of the OPCC Chief Executive and the force Chief Constable. All questions will be noted and responses shared online.

Photographs

17. NPCC Pre-Election Guidance PCC's (March 2020) recommends the following:
 - a. 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.
 - b. 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.
 - c. Forces should request candidates to remove or withdraw such material if attempts are made to use them.
18. The following guidance relates to the creation of new content. 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.
 - a. 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.
 - b. 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.

Pre-Election Period

19. 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:
 - i. Not post any comments that could be seen to be or give the impression to be made in their professional role.
 - ii. 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.
 - iii. Be careful if making political points or making specific or personal comments about an individual.

Post-Election

- 20. 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

- 21. 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



Paul Anderson
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 2021-2025
- Delivery Plan OPCC – 2023/24 (new version to be uploaded for 2024/25 – April 2024)
- Annual Report OPCC – 2022/23
- OPCC End of term report 2021- 2024

- 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 / Chief Constable / Police and Crime Panel responsibilities
- The Police and Crime Plan
- OPCC / Force structure and staff introductions
- Force strategy(s) and assessment of policing demand & recent significant HMIC recommendations
- Governance, Scrutiny and Assurance 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
- Branding (website and social media)
- Training Needs (media/social media training)
- Diary arrangements for Meet and Greets (media, key partners)
- Administrative preferences (briefing format, personal organisation, etc)
- Policing Protocol
- Decision making
- Association of Police and Crime Commissioners and portfolio subgroup