

<p>For the attention of:</p> <p>PCC OPCC Avon and Somerset Chief Constable Avon and Somerset Police Officers, Staff and Volunteers</p>	<p>Copied to:</p> <p>Police Area Returning Officer Avon and Somerset PCC election Microsite Copy to Avon Fire</p>
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**JOINT PROTOCOL IN PREPARATION FOR THE ELECTION OF
THE POLICE AND CRIME COMMISSIONER IN MAY 2021
(VERSION 3 – JAN 2021)**

1.0 Introduction

1.1 The Police and Crime Commissioner (PCC) election will take place on **Thursday 6 May 2021** (*Projected for 6 May 2021 although a notice will be issued by the Police Area Returning Officer (PARO) no later than 25 working days before the poll*). This protocol sets out the arrangements to ensure that all candidates are dealt with in a transparent and equal manner. If requests come from those who have not yet declared themselves as a candidate, but are only interested in doing so, their request must be treated as a request from a member of the public.

1.2 This protocol also provides guidance and safeguards to all staff within the PCC Office and Avon and Somerset Constabulary (ASC) in order to avoid allegations of bias. This guidance is based on the Statutory Code for Local Authorities, including Policing Authorities published by Department for Communities and Local Government (01/2011),¹ Parliamentary Guidance on Pre-election Period of Sensitivity (No. 5262 8 May 2019),² Local Government Association,³ and other supporting advice.

1.3 The PARO is Will Godfrey, Chief Executive of Bath & North East Somerset Council who will be accountable for the running of the election. Where there are concerns around the running of the election or the conduct of a candidate, it should be addressed to the PARO.

1.4 PCC candidates must declare their intent to stand for election by 1600hrs on the nineteenth working day before the poll, which is Thursday 8 April 2021.

2.0 Aim

2.1 Not every circumstance or eventuality that could potentially impact on the election, or the reputation of the PCC office and ASC 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. In effect to maintain neutrality neither providing advantage nor disadvantage to any candidate.

3.0 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 Chief Executive of the Commissioner’s Office to make a decision and where any decisions are appropriate for the Chief Constable, these will be referred accordingly.

1. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/5670/1878324.pdf
2. <https://researchbriefings.files.parliament.uk/documents/SN05262/SN05262.pdf>
3. <https://www.local.gov.uk/purdah-short-guide-publicity-during-pre-election-period>

3.2 Organisational

3.2.1 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.

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 PCC Office and ASC 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 PCC Office Election Single Point of Contact; T/CEO Mark Simmonds, will maintain details of information provided to prospective candidates or candidates and will arrange for it to be anonymised and published on the Commissioner's Office website making it available publically. The Election SPOC will also coordinate any site visits or candidate meetings with the relevant Chiefs and statutory officers.

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 against another, whether in terms of information or public profile?"*.

3.3.2 Care should be taken in relation to visits by candidates to the PCC Office and ASC premises. Any request to visit official premises are to be directed to the Chief Executive of the PCC Office in advance for a decision.

3.3.3 Support should not be undertaken for one candidate that would not or could not be undertaken with another.

3.3.4 Prospective candidates, candidates and parties must be treated even-handedly and have equal access to information.

3.3.5 Prospective candidates and candidates remain members of the public and are not entitled to confidential information.

3.4 PCC Office, Avon and Somerset Constabulary officers and staff

An essential test regarding the appropriateness of any activity by an individual in the PCC Office and ASC *"is it likely to affect or influence the outcome of the election?"*

3.4.1 PCC Office staff are politically restricted and cannot actively support PCC candidates. Additionally, PCC Office staff are disqualified from being elected as PCC and therefore, must resign a minimum of 19 working days and have served full contractual notice period prior to their declaration of candidacy if they intend to stand.

3.4.2 No serving Police Officer or member of Police Staff / Commissioner's Office are allowed to stand as a candidate for PCC with exception of the Deputy PCC.⁴

3.4.3 Any Police Officer or member of Police Staff must resign from their role with a minimum of 19 working days and have served full contractual notice period prior to their declaration of candidacy if they intend to stand.

⁴ S65(1A) inserted into the Police Reform and Social Responsibility Act 2011 by the Policing and Crime Act 2017

3.4.4 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.

3.4.5 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.

3.4.6 PCC Office Staff, police officers or police staff who use any form of social media should take care over any content relating to the election.

3.4.7 Whether on or off duty the Code of Ethics^s and core values still apply to all staff, including the requirement to be “fair and impartial”.

4.0 Conduct

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

4.1.2 Police Officers. Police Regulations 2003 and any subsequent regulations 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 2004 also highlight expected standards of behaviour such as honesty and integrity; fairness and impartiality; and politeness and tolerance.

4.1.3 **Police Staff.** Police Staff Council Joint Circular 54, 2008 Standards of Professional Behaviour^s 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.

4.1.4 **PCC Staff.** The Police Reform and Social Responsibility Act 2011 places political restrictions on members of PCC Office staff with exception of a Deputy PCC.

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

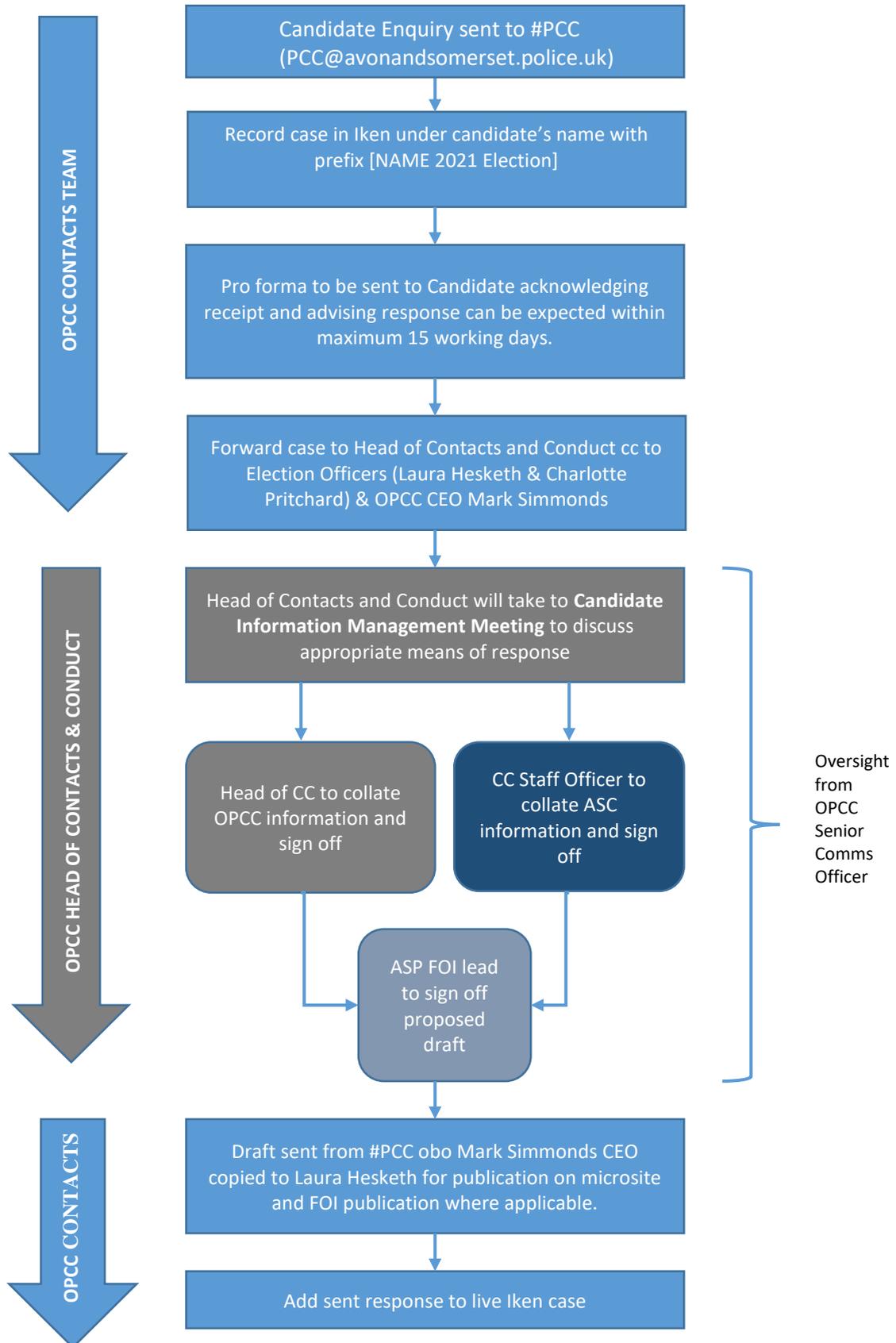
5.0 Engagement with candidates and prospective candidates

5.1.1 Political parties will undertake their own selection process to nominate their candidates throughout 2020 and the early part of 2021. During the same period independent members may also 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 submission of nominations.

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

6.0 Requests for information

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



6.1.2 All responses will be via email. If a request is received by the telephone, good practice suggests that this should be confirmed back to the requester in writing before a reply is issued.

6.1.3 In formulating a response, it should be recognised that the information provided maybe exploited for political and campaigning purposes.

6.1.4 The standard operating practice under the Freedom of Information Act 2000 will apply. Each public authority will remain responsible under the Act for their own disclosure and also forward the same to the PCC Election SPOC. In addition, the response will be posted on the OPCC Election website and Force FOI publications where appropriate.

7.0 Media

When handling media communications, recommends the following:

7.1.1 A response by the Chief Executive may be appropriate when factually incorrect information is released that could impact on confidence in the PCC. The factually correct 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 the PCC Office and ASC use social media to respond to queries or comments. Where contact is made via social media from potential candidates and candidates they should be directed to make contact via #PCC as shown in the flow chart 6.1.1.

7.1.4 Pre-election guidance will also apply to media communications.

8.0 Organised meetings

8.1.1 The Chief Executive will arrange for a series of factual briefing material to be developed and be posted on the PCC Election website. Candidates requesting information that is already covered within briefing documents will be directed to the Commissioner's Office website.

8.1.2 A briefing opportunity will be established by the Chief Executive following official declaration of candidacy (post 08 April 2021). 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, however, candidates will be requested to submit advance notice of specific questions in order to provide factually correct and accurate answers.

The following opportunity is offered to all confirmed candidates (Covid restriction dependant);

- 1:1 with Interim OPCC CEO (Mark Simmonds) and CFO (Paul Butler)
- 1:1 with Chief Constable where the following will be offered;
 1. Two ride-a-longs (one in an urban area and one in a rural area)
 2. One Custody Unit tour
 3. One Communications Department tour

Advance notification of any questions will be required and notes will be taken of the discussion and posted onto the PCC election website.

8.1.3 The above briefings will not cover the running of the election, which will be the responsibility of the PARO.

9.0 Visits to premises

9.1 Requests for visits to, PCC Office and ASC premises for the purpose of fact finding and receiving briefings will be considered by the Chief Executive on a case by case basis via the election SPOC. However, the principal methods of fact finding will be through the PCC Office website, post-declaration briefings and specific requests for information through the PCC Office Election SPOC. Every request will be recorded on the electronic register.

10.0 Photographs

10.1 Until the Pre-election period begins it is acceptable for candidates to be filmed or photographed with PCC Office staff, police officers or staff for newspapers or television news bulletins; **providing the individual is content to be filmed/photographed**. However, once within the Pre-election period, PCC Office staff, police officers or staff must not be filmed or photographed. Additionally, before and throughout Pre-election all staff must maintain their independence and not be seen to be bias and/or supporting one candidate or party over another.

11.0 Police Imagery

11.1 PCC Office staff, police officers or staff 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 PCC Office website. Where it is used, the Chief Executive, Chief Constable, or Chief Fire Officer 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 and/or fire services.

12.0 Pre-election

12.1.1 This is a particularly sensitive period in the lead up to the election and requires special care starting following the notice of an election and ends on the day of the election poll. The last day for publishing the notice of election is twenty-five working days before the poll. Guidance is available from the Cabinet Office and will be supplemented by Home Office guidance. For Avon and Somerset the PARO has indicated that Pre-election will commence on **Monday 22 March 2021**. (*Projected for 22nd March 2021 although a notice will be issued by the Police Area Returning Officer (PARO) no later than 25 working days before the poll*).

In any event, during the Pre-election period the following additional restrictions will apply:

12.1.2 Where practicable, PCC Office staff, police officers or staff should avoid making and publicising major policy decisions that may be deemed to be politically sensitive.

12.1.3 The PCC Office staff, police officers or staff websites must contain only factual information.

12.1.4 Documents which promote the PCC Office should not be published.

12.1.5 PCC Office staff and police officers or staff must ensure that they do not contribute to or support the activities of a candidate.

12.1.6 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.

12.1.7 PCC Office staff, police officers or staff must not agree to be photographed or used as part of any campaign.

12.1.8 PCC Office staff, police officers or staff that have personal websites, blogs or use social networking sites should:

12.1.9 Not post any comments that could be seen to be, or give the impression to be, made in their professional role.

12.1.10 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.

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

13.0 Post-Election

13.1 The requirements for the PCC Office and ASC 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.

14.0 Summary

14.1 The PCC Office and ASC 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.

Signed by:

 <p>Mark Simmonds T/Chief Executive Office of the Police and Crime Commissioner</p>	 <p>Sarah Crew Deputy Chief Constable Avon and Somerset Constabulary</p>
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