

Nottinghamshire Office of the Police and Crime Commissioner and Nottinghamshire Police

Joint Protocol and Guidance on Providing Information and Managing Contact with Candidates

Introduction

1. The Police Reform and Social Responsibility Act 2011 provides for the election of Police and Crime Commissioners (PCCs) to be held at four yearly intervals from May 2016. Please note: the inaugural elections took place in November 2012.
2. This document aims to provide guidance and establish a protocol for the provision, by Nottinghamshire Police, the Office of the Police and Crime Commissioner (OPCC) and other partner agencies, of information to candidates seeking election as Police and Crime Commissioner for Nottinghamshire and to manage contact with those candidates.

In the months leading up to the election, interested candidates may ask to meet and request information from a range of public officials, in particular the Chief Constable, Local Policing Commanders, Nottinghamshire OPCC's Chief Executive and representatives from local authorities, the Criminal Justice System and from third sector Chief Officers.

Care needs to be taken to ensure that any activity undertaken by those individuals and their organisations does not favour or appear to favour one candidate over another or to influence in any way the outcome of the election.

Best practice suggests that those individuals or organisations do not undertake to do something for one candidate that they would not, or could not, do for another.

Timetable for the Police and Crime Commissioner elections in England and Wales: 5 May 2016

The days which are disregarded in calculating the timetable are Saturday, Sunday, Monday 2 May, other bank holidays and any day appointed for public thanksgiving or mourning.

Please be aware that the timetable may change in the event of days being appointed for public thanksgiving or mourning.

| Event | Working days before poll (deadline if not midnight) | Date (deadline if not midnight) |
|--|---|---|
| Publication of notice of election | Not later than 25 days | Not later than Wednesday 30 March |
| Delivery of nomination papers | From the date and time stated on the notice of election until 4pm on the nineteenth day before polling day | On any working day during the hours stated on the notice of election until 4pm on Thursday 7 April |
| Deadline for delivery of nomination papers | 19 days (4pm) | 4pm on Thursday 7 April |
| Deadline for withdrawals | 19 days (4pm) | 4pm on Thursday 7 April |
| Deadline for the notification of appointment of election agent | 19 days (4pm) | 4pm on Thursday 7 April |
| Making objections to nomination papers | On 19 days (10am to 5pm), subject to the following: Between 10 am – 12 noon objections can be made to all delivered nominations Between 12 noon and 5pm objections can only be made to nominations delivered after 4pm, 20 days before the poll | Between 10am and 12 noon on Thursday 7 April objections can be made to all delivered nominations Between 12 noon and 5pm on Thursday 7 April objections can only be made to nominations delivered after 4pm on Wednesday 6 April |
| Publication of first interim election notice of alteration | 19 days | Thursday 7 April |
| Publication of statement of persons nominated (when individuals officially become candidates and not members of public.) | Not later than 18 days (4pm) | Not later than 4pm on Friday 8 April |
| Deadline for receiving applications for registration This is the last day the electorate can register – signpost to local council | 12 days | Monday 18 April |

| Event | Working days before poll (deadline if not midnight) | Date (deadline if not midnight) |
|---|--|---|
| Deadline for receiving new postal vote and postal proxy applications, and for changes to existing postal or proxy votes | 11 days (5pm) | 5pm on Tuesday 19 April |
| Deadline for receiving new applications to vote by proxy (not postal proxy or emergency proxies) | 6 days (5pm) | 5pm on Tuesday 26 April |
| Publication of second interim election notice of alteration | Between 18 days and 6 days | Between Friday 8 April and Tuesday 26 April (inclusive) |
| Publication of notice of poll | Not later than 6 days | Not later than Tuesday 26 April |
| Deadline for the notification of appointment of sub-agent | 5 days | Wednesday 27 April |
| Publication of final election notice of alteration | 5 days | Wednesday 27 April |
| Deadline for notification of appointment of polling agents, counting agents and sub-agents | 5 days | Wednesday 27 April |
| First date that electors can apply for a replacement for lost postal votes | 4 days | Thursday 28 April |
| Polling day | 0 (7am to 10pm) | 7am to 10pm on Thursday 5 May |
| Last time that electors can apply for a replacement for spoilt or lost postal votes | 0 (5pm) | 5pm on Thursday 5 May |
| Deadline for emergency proxy applications | 0 (5pm) | 5pm on Thursday 5 May |
| Last time to alter the register due to clerical error or court appeal | 0 (9pm) | 9pm on Thursday 5 May |

Background

3. A particular feature of the election process is that electioneering by candidates will focus on policing and crime, placing the actions, behaviour and performance of the Police Service, OPCC, OPCC commissioned services and other criminal justice organisations under intense scrutiny. Clearly, individuals may seek information to help them advance their case to become a candidate, or indeed to plan a campaign. The Police Service, OPCC and other organisations need to have in place clear procedures and processes in place to respond and react to this in the intervening period and not just during the purdah / pre-election period itself.
4. This document sets out the principles and processes that will be adopted by Nottinghamshire Police, the OPCC and other organisations towards the process of electing a PCC in Nottinghamshire.

Principles

5. The principles of engagement with potential candidates in the period leading up to the election are as follows:
 - The Force, OPCC and other partner organisations will continue to conduct their normal business;
 - Prospective candidates, candidates and parties will be treated even-handedly;
 - Officers and staff must avoid any action which is or might reasonably be perceived as being supportive of any party, candidate or opinion;
 - Officers and staff must avoid putting themselves in a position or situation which could be used by a party or candidate in support of their campaign;
 - Neither the Force nor OPCC will publish material that could be construed as being designed to affect support for a party or a candidate;
 - Any officer or member of staff in the Force or OPCC in any doubt about engagement with candidates or the election process must seek advice from their organisation's Senior Point of Contact (SPOC) – the Chief Constable in Nottinghamshire Police and the Chief Executive in the OPCC;
 - Any information provided to prospective or confirmed candidates will be published (see below) so that it is available to everyone;
 - Candidates will be treated as a member of the public when dealing with requests for information or correspondence and will be responded to promptly.

Phases of the election process

Phase 1 – the next few months

As more individuals start expressing an interest in standing for election, so too will the requests for information from, and access to, the Force and OPCC (as well as other partners) increase. Having in place a protocol for how to respond to overtures from interested parties is therefore vital.

This first phase will be more difficult to manage as it may not always be easy to determine whether requests for information from the Force or OPCC are from members of the public or potential candidates.

Where it is apparent that a request for information is from someone who wishes to be elected as the PCC (independent or political) the response to that request will come from the nominated SPOC, regardless of where the question is directed. Other organisations are encouraged to nominate a SPOC to act as the main contact person for managing requests for information. This is to ensure consistency and to avoid exposing senior officers and staff of any organisation to any suggestion or inference that they have in some way become involved in the election process.

The following procedure for managing requests for information from potential candidates has been adopted by the Force and OPCC. Other organisations are encouraged to adopt a similar procedure to enable transparency and fairness:

- All requests for information will be passed to the SPOC in either the Force or the OPCC;
- Force and OPCC SPOCs will consult one another and agree which organisation will respond to the request for information;
- The OPCC Secretariat will maintain a log of all requests to the Force or OPCC;
- The Chief Executive and Chief Constable will send the written response;
- Responses will be posted on a dedicated website managed by the OPCC which has been established for to assist those wishing to obtain information in advance of the elections.

Posting responses to questions on the OPCC's PCC Election website will not only demonstrate consistency, openness and fairness; it will help minimise work as those asking similar questions can be directed to the website for answers and information. If any question or request for information cannot be answered or provided due to cost, lack of information availability or due to security reasons that decision will be made by the Chief Constable.

Where Freedom of Information Act requests are received from individuals who state that they will be seeking election as PCC, or where it is apparent that the request relates to the elections, the request will be dealt with in the normal way but the response will be posted on the OPCC's dedicated website alongside the responses to other questions by prospective PCCs.

It is recognised that this is an imperfect procedure as there may well be instances where individuals approach the Force, particularly at Divisional or neighbourhood levels, without making it clear why they are seeking information. But until parties select candidates this risk is unavoidable. Phase 2 (below) seeks to mitigate this risk.

Phase 2 – Selection of candidates by political parties

Political parties are in the process of selecting their candidates for the position of PCC, although final declarations and deposits are not required until 7 April 2016. The OPCC's Chief Executive will write to all parties currently represented on the county and district councils and the unitary council, together with the Local Government Association representative for independent members, to inform them of opportunities for information gathering. The Chief Executive will also offer them the opportunity to discuss how those seeking their parties' nominations can be assisted with information from the OPCC, Force and other organisations with an interest and responsibility for policing and justice in the city and county.

Phase 3 – Following the selection of candidates by political parties until the election

The Chief Executive and Chief Constable will organise detailed factual briefings about policing, criminal justice and community safety. Partner organisations will be invited to participate in these briefings. Requests for information will continue to be dealt with in the manner described above. Discussions will take place with the Police Area Returning Officer (PARO) to identify whether he would like to be involved in these briefings or plans to hold separate briefings on the election process.

Further guidance will be distributed on handling contacts and requests for information by PCC candidates during the official election process.

The pre-election purdah is expected to begin on the 30th March 2016.

In any event, during the purdah the following provisions will apply:

- The OPCC, Force and other organisations' websites must contain only factual information about the election process;
- Documents which appear to promote the PCC will not be published unless they are operationally or legally necessary and part of business as usual activity and decision making;

- Officers and staff must ensure that they do not, even inadvertently, publicly contribute to the campaign or support the activities of any specific candidate;
- Further guidance is provided in the purdah policy

In view of the particular nature of the PCC election the following provisions will operate as soon as candidates are chosen by their party:

- Requests for visits for the purpose of fact-findings and receiving briefings are considered to be reasonable, but should not be used to generate publicity for candidates. Official support/endorsement must not be given to visits and events of a political party or held for a campaigning purpose. It is the intention to hold formal briefings for potential candidates in March 2016 once they have become known. The Chief Executive of the OPCC is responsible for organising these briefings. There will be an expectation that Force Departments provide written briefings for these events.
- The Force, OPCC and other organisations will consider, on an individual basis, responses to public statements or press releases from parties or candidates which make claims which are factually incorrect and/or could seriously undermine policing, community safety and public confidence in the Criminal Justice System.
- Any requests by candidates to be filmed or photographed with police officers or other staff for media/publicity purposes will need to be approved by the Chief Constable and or Chief Executive. Police Officers and staff who are asked to be involved in such photocalls and have the necessary approval to do so still have the right to refuse.
- The Force and OPCC will make it clear to all parties and prospective candidates in their briefings that they do not have permission to use any pre-existing photographs or publicity involving officers, staff or others in their campaign publicity.
- Officers and officials should not offer a political opinion or make any statements that do not reflect their organisation's policy or could cause controversy and reputational damage for that organisation.

Specifically, Police Officers will at all times comply with the standards of behaviour and conduct set out in the Police Regulations 2003, the Code of Conduct for Police Officers, the Representation of the People Act 1983 and internal guidelines.

In addition, some OPCC officers hold 'politically restricted posts' within the meaning of the Local Government and Housing Act 1989. This 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.

Independent PCC Candidates

It is recognised that as well as PCC candidates with the support of a political party, independent candidates may also stand for election.

The arrangements for briefings, the handling of requests for information and general matters of protocol as detailed for PCC candidates supported by a political party above will apply equally to those standing as independent.

Briefing for PCC Candidates

It is acknowledged that PCC candidates may not wish to share their specific areas of interest and questions on policing and other related matters with other candidates. Therefore briefings will be held with *individual* candidates *alone* provided the candidate is able to demonstrate they are (a) fully eligible to stand for election in Nottinghamshire and (b) are bone fide in their intention to stand.

However, in the wider interests of transparency and fairness, the OPCC, Force and other organisations will publish details of all candidates who are provided with such a briefing. For the Force and OPCC, the OPCC's website will be used for this purpose.

OPCC Staff

Any member of OPCC staff wishing to become actively involved in the process – either by putting themselves forward as PCC candidates, by being selected as candidates or by helping others who seek to become candidates – should inform the Chief Executive at the earliest opportunity.

They must subsequently make it clear if any requests for information are made in connection with their, or a third party's, candidacy (rather than their capacity as an OPCC member of staff).

In the interests of integrity, honesty and openness, prospective candidates and/or supporters employed by the OPCC will need to take steps to distinguish between the roles if they wish to become involved in the PCC election process.

When a member of staff formally submits a nomination as a PCC candidate to the Police Area Returning Officer (PARO) they will need to have resigned and served any notice period before the date of their nomination at the latest.

Members of staff affected must make it clear if they are undertaking work-related activities or making requests for information to enable them to support a candidate.

Members of OPCC Staff are reminded that any:

- Confidential or restricted information provided to them in their professional capacity cannot be used for the purpose of the election;
- The Code of Conduct specifically makes provision in relation to the use of OPCC resources, sharing of confidential restricted information and declaring a prejudicial interest;
- Local Government legislation and supporting Codes of Practice on Local Authority publicity specifically prohibits public resources from being used for political or personal purposes. This also extends to using OPCC e-mail addresses or those provided to local councillors through their own authority.

Social Media Protocol:

Social media channels

- All social media platforms are subject to pre-election restrictions.
- All staff with social media access must be familiar with the following rules governing use of Police social media channels in the pre-election period.

Twitter

1. As a police channel of communication the content of tweets are restricted the same in the pre-election period.
2. Do not favourite / retweet political parties, politicians or political opinion.
3. Do not favourite / tweet on matters which are politically controversial.
4. Do not favourite / tweet images of political parties or politicians, or subjects which are politically controversial.
5. Do not stage Twitter-based campaigns
6. Tweets by and/or about the PCC may be retweeted as long as not of a political nature.

Facebook

1. As a police channel of communication Facebook activity is governed by pre-election period restrictions.
2. Do not post, like or share updates from political parties, politicians or political opinion.
3. Do not post, like or share images / videos from political parties, politicians or political opinion.
4. Regularly monitor pages and delete any content which is or could be seen as politically controversial with an explanation that this has been done so because of pre-election restrictions

5. Posts by and about the PCC can be made as long as they are not of a political nature.
6. Do not stage Facebook-based campaigns

These same rules also apply to use of YouTube, Tumblr and all other social media channels.

Chris Eyre
Chief Constable
January 2016

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OPCC