

Joint Election Protocol between OPFCC, Chief Fire Officer and Chief Constable

DATE: 1 March 2024

Office of the Police, Fire & Crime Commissioner's Staff (Commissioner's Office)

Cumbria Constabulary Police Officers and Staff

Cumbria Fire and Rescue Service Employees

Copied to:

PARO

JOINT PROTOCOL IN PREPARATION FOR THE ELECTION OF THE POLICE, FIRE, AND CRIME COMMISSIONER IN MAY 2024

1.0 Introduction

- 1.1 The Police, Fire, and Crime Commissioner (PFCC) election will take place on **Thursday 2nd May 2024** (*a notice will be issued by the Police Area Returning Officer (PARO) 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 Commissioner's Office, Police, and Fire and Rescue Service (FRS) 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](#)), [Parliamentary Guidance](#) on Pre-election Period of Sensitivity (No. 5262 8 May 2019), [Local Government Association](#), and other supporting advice.
- 1.3 The PARO will be Cumberland 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 may be addressed to the PARO.
- 1.4 PFCC candidates must declare their intent to stand for election by 1600hrs on the nineteenth day before the poll (*Friday 5th April 2024*). This declaration must be registered by the PARO following the rules laid down by the Electoral Commission including the deposit of £5,000.

2.0 Aim

- 2.1 Not every circumstance or eventuality that could potentially impact on the election, or the reputation of the Commissioner's Office, Police, and FRS 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. In effect to maintain neutrality neither providing advantage or 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 appropriate to the Chief Constable or Chief Fire Officer.

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 Commissioner's Office, Police and FRS 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 Commissioner's Office's Election Single Point of Contact, Paula Zutic, 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 publicly. 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 Commissioner's Office, Police, and FRS premises. Any request to visit official premises are to be directed to the Chief Executive of the Commissioner's 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 Incumbent PFCC or Deputy

- 3.4.1 An essential test regarding the appropriateness of any engagement with a candidate, including the incumbent PFCC or Deputy, is, *"does it appear to favour one candidate against another, whether in terms of information or public profile?"*
- 3.4.2 The incumbent PFCC or Deputy, if they are seeking election, is to be treated the same as any other candidate, with all requests for information being recorded and shared on the Commissioner's Office website.
- 3.4.3 Unlike many other elected positions, the incumbent PFCC or Deputy, maintains the position throughout the declaration and election period. Therefore, the incumbent PFCC or Deputy maintains statutory responsibility. However, care must be taken to ensure that business as usual activities, especially during the Pre-Election Period, are restricted to statutory roles that could not be perceived as influencing the election.

3.5 Commissioner's Office, Police, and FRS officers and staff

An essential test regarding the appropriateness of any activity by an individual in the Commissioner's Office, Police, or FRS is, *"it likely to affect or influence the outcome of the election?"*

- 3.5.1 Commissioner's Office staff are politically restricted and cannot actively support PFCC candidates. Additionally, Commissioner's Office staff are disqualified from being elected as PFCC and therefore, must resign a minimum of 19 days prior to their declaration of candidacy if they intend to stand. However, amendments made to the Police Reform and

Social Responsibility Act 2011 s.65 by the Policing and Crime Act 2017 s.122 allows for a Deputy PFCC to stand as a candidate at an ordinary election without having to resign.

- 3.5.2 No serving Police Officer or member of Police Staff / Commissioner's Office are allowed to stand as a candidate for PFCC with exception of the Deputy PFCC.
- 3.5.3 Any Police Officer or member of Police Staff must resign from their role with a minimum of 19 days prior to the submission of any nomination to stand as a candidate.
- 3.5.4 **Whi**ilst on duty police officers and staff and fire officers and 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.
- 3.5.5 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.
- 3.5.6 Commissioner's Office staff, police/fire officers or police/fire staff who use any form of social media should take care over any content relating to the election
- 3.5.7 Whether on or off duty the [Code of Ethics](#) and core values still applies to all staff, including the requirement to be "fair and impartial".

4.0 Conduct

- 4.1 The above principles provide information to support decision making. They are underpinned by the requirements placed upon Commissioner's Office staff, police/fire officers and police/fire staff regarding their overall conduct and behaviour; specifically:
 - 4.1.1 **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.
 - 4.1.2 **Police 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.
 - 4.1.3 **Commissioner's Office Staff**. The Police Reform and Social Responsibility Act 2011 places political restrictions on members of Commissioner's Office staff with exception of a Deputy PFCC.
 - 4.1.4 **Fire Officers and Staff**. The Local Government Association has provided regular updates of behaviour during the sensitive pre-election period as well as adherence to the [Seven \(Nolan\) Principles of Public Life](#).
- 4.2 Should anyone seek to support a candidate in the election, the Chief Executive, Chief Constable, or Chief Fire Officer 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 Political parties will undertake their own selection process to nominate their candidates throughout 2023 and the early part of 2024. 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 declarations.
- 5.2 Throughout these different stages, media interest is likely to build as will contact between prospective candidates, Commissioner's Office, Police, and FRS. However, there is no duty on the Commissioner's Office, Police and FRS 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 Where a request for information from a prospective candidate or candidate is received the following process will be adopted:
 - 6.1.1 If the candidate has not declared, then the request will be treated as if from any member of the public.
 - 6.1.2 The request should be directed to the Single Point of Contact (SPOC) email account within the Commissioner's Office or telephoned through to the Executive Support Officer at the Commissioner's Office where a single electronic register will be maintained. All requests that are directed to the police or FRS will be re-directed to this single location to ensure full transparency and equality. 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 Where it is a Freedom of Information request, 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 PFCC Election SPOC. In addition, the response will be posted on the Commissioner's Office web site.

7.0 Media

- 7.1 When handling media communications, the [NPCC's \(2020\) Pre-Election Guidance](#) for Interaction with Police and Crime Commissioner Candidates – Conduct during Pre-Election Period recommends the following:
 - 7.1.1 When dealing with statements and press releases from parties or candidates, the service should adopt following principles.
 - 7.1.2 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.
 - 7.1.3 A response may not be appropriate when claims are based on an individual's interpretation of facts or circumstances.

7.1.4 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.

7.2 Social Media

7.2.1 Officers and staff who `officially' blog or use social media platforms (eg Facebook or Twitter) in connection with their work should take extra care during this period. They should make it clear that they are governed by the pre-election rules in the period before the election.

7.2.2 Any posts or tweets that are made must not:

- provide updates from political parties, politicians or political opinion;
- deal with matters which are politically controversial;
- share images of political parties, politicians or subjects which are politically controversial; or
- stage a significant online campaign unless it can be demonstrated that this is both necessary and non-political.

7.2.3 Officers and staff should monitor their pages and delete any content which is politically controversial with an explanation that this has been done because of rules that govern the pre-election period.

7.2.4 Where an officer or staff member holds a politically restricted post must not publish any written work with the intention of affecting public support for a political party. This includes original posts, sharing or re-tweeting such content on any social media platform, even if the item is published in a restricted or closed group.

8.0 Organised Meetings

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

8.2 A briefing opportunity will be established by the Chief Executive following official declaration of candidacy. Dates, times and locations will be posted on the Commissioner's Office 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, however, candidates will be requested to submit advance notice of specific questions in order to provide factually correct and accurate answers.

8.3 In addition and upon request to the Chief Executive via the Election SPOC, individual meetings may be held with the Chief Executive, Chief Constable, or Chief Fire Officer. 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 Commissioner's Office website. This will be managed by the PFCC Election SPOC who will coordinate with both the Police and FRS teams. Advance notification of any questions will be required and notes will be taken of the discussion and posted onto the Commissioner's Office website.

8.4 The above briefings will not cover the running of the election, which will be the responsibility of the PARO, but they can be done together.

8.5 Visits to premises

8.6 Requests for visits to Commissioner's Office, Police, or FRS 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 Commissioner's Office website, post-declaration briefings and specific requests for information through the Commissioner's Office Election SPOC. Every request will be recorded on the electronic register.

9.0 Photographs

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

10.0 Police and Fire Imagery

10.1 The Commissioner's Office, Police, and FRS 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 Commissioner's 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.

11.0 Pre-Election Period

11.1 This is a particularly sensitive period in the lead up to the election and requires special care 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. In any event, during the Pre-Election period the following additional restrictions will apply:

Where practicable the Commissioner's Office, Police, and FRS should avoid making and publicising major policy decisions that may be deemed to be politically sensitive.

11.2 The Commissioner's Office, Police, and FRS websites must contain only factual information.

11.3 Documents which promote the Commissioner's Office should not be published.

- 11.4 Commissioner's Office staff, police officers and staff, FRS officers and staff, must ensure that they do not contribute to or support the activities of a candidate.
- 11.5 Clear records of all dealings with candidates throughout the Pre-Election period must be maintained to ensure transparency and accountability, unless the incumbent PFCC is conducting their statutory responsibilities.
- 11.6 Commissioner's Office staff, police officers and staff, FRS officers and staff, must not agree to be photographed or used as part of any campaign.
- 11.7 Commissioner's Office staff, police officers and police staff, FRS officers and staff, that have personal websites, blogs or use social networking sites should:
- Not post any comments that could be seen to be, or give the impression to be, made in their professional role.
 - 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.
 - Be careful if making political points or making specific or personal comments about an individual.

12.0 Dates

The following are key dates in relation to the PFCC Elections:

Thursday 7th March 2024 - Commissioner's Office, Police, and FRS briefing to candidates

Wednesday 20th March 2024 - Pre-election period commences.

Friday 5th April 2024 - Formal candidate declaration to PARO.

Thursday 2nd May 2024 - PFCC Elections.

Thursday 9th May 2024 - New PFCC tenure commences.

13.0 Post-Election

The requirements for the Commissioner's Office, Police, and FRS following the election will be dependent upon who is elected, their previous knowledge, experience and requirements. The Chief Executive will discuss the requirements with the newly elected PFCC and establish an induction programme.

14.0 Summary

The Commissioner's Office, Police, FRS 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.

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