



**ASSOCIATION OF  
CHIEF POLICE OFFICERS**

**Reference  
Material**

# **Guidelines for interaction with Police & Crime Commissioner candidates**

**The Association of Chief Police Officers has agreed to these guidelines being circulated to, and adopted by, Police Forces in England, Wales & Northern Ireland.**

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# Document information

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**These guidelines have been produced and approved by the ACPO Futures Business Area. This document was considered and approved by the Professional Practice Gateway Group on the 19<sup>th</sup> July 2012. The purpose of this document is to draw from local authority experience in dealing with prospective and actual PCC Candidates. It defines guiding principles to help individuals make decisions on how to respond to requests from political parties and those seeking election as a representative of one of the parties, or as an independent candidate. It will be updated and re-published as necessary.**

**Any queries relating to this document should be directed to either the author detailed above or the ACPO Programme Support Office on 020 7084 8958/8959.**

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## **1. SECTION 1 – INTRODUCTION/PURPOSE OF GUIDELINES**

- 1.1 On 15 November 2012 voters in England and Wales outside London will elect Police and Crime Commissioners (PCC) for their local police force areas. PCC elections are unique in that, unlike other local elections policing and community safety will be the sole focus of PCC election campaigns.
- 1.2 These guidelines seek to draw from local authority experience in dealing with prospective and actual candidates. It does not attempt to cover every eventuality. It defines guiding principles to help individuals make decisions on how to respond to requests from political parties and those seeking election as a representative of one of the parties, or as an independent candidate.
- 1.3 A large number of candidates seeking election do so with the backing of major political parties, and are well aware of the limitations placed upon both them as candidates, and upon the police service as a public body. This guidance is not meant to discourage the normal, helpful interactions that take place as a matter of general routine. Nevertheless, as with any competitive process all concerned should ensure that they are aware of the need for impartiality and that any interaction, no matter how small, could be perceived or portrayed adversely.
- 1.4 The Home Office has already produced some guidance, which has been reflected and built upon in this document.
- 1.5 In addition, many police authorities already have (or soon intend to have) guidance in place to assist their members.
- 1.6 Throughout this document reference is made to 'candidates'. Technically, no-one is a candidate in this election until they have had their nomination declared as valid by the Police Area Returning Officer (PARO) – see section 3.1 below. However, for convenience, the term 'candidate' is used to include 'prospective candidates' as well as actual 'candidates' (once declared).
- 1.7 The PCC election is a new process, and as a result this document may be subject to alterations as we progress. Should you have any suggested amendments, improvements or feedback that you wish to put forward, please contact Inspector John Askew at [j.askew@west-midlands.pnn.police.uk](mailto:j.askew@west-midlands.pnn.police.uk).

## **2. SECTION 2 – BACKGROUND INFORMATION**

- 2.1 The period immediately prior to any election is commonly known as 'Purdah' or the Pre-Election Period. This is the period where there are restrictions placed upon how public bodies behave in order not to unfairly influence the electorate prior to the poll. Governments would not publish new policies during the pre-election period, and similarly local councillors would not announce any new initiatives. Normal operational business continues throughout this period.
- 2.2 The period in which the Government and Civil Service will act with 'extra sensitivity' will commence on 24<sup>th</sup> October 2012, with Local Authorities beginning their pre election period earlier on 8<sup>th</sup> October 2012. There are no codes of practice or previous legislation which would dictate when the Police Service should begin a period of heightened sensitivity, but a sensible and transparent approach would be to follow the guidelines set by the Local Authority and commence our Pre Election Period on 8<sup>th</sup> October 2012.
- 2.3 Regardless of the date for the commencement of the pre-election period, it is suggested that this guidance be applied from now until the conclusion of the election.
- 2.4 All candidates must be nominated by 19<sup>th</sup> October 2012. It is important to stress that even after candidates are nominated they still are not afforded any enhanced status and therefore requests for information or briefings should be treated on this basis.

- 2.5 A particular feature of the PCC Election which is different to other elections is that it will focus on policing issues, potentially putting the actions, behaviour and performance of the constabulary and authority under intense scrutiny. In addition there is a long lead in period to the election (from now until November 2012). During this time there will be individuals seeking information to enable them to advance their case for being selected as a candidate, or to be elected to the PCC role. In addition, independent candidates may seek information to inform their decision to run for election, or to support their official campaign.
- 2.6 Forces are under no duty to brief candidates or to provide them with information. However, where they choose to do so, forces will need to establish a level of interaction that provides sufficient information to candidates, but does not bring the impartiality of the force or its staff into question.

### **3. SECTION 3 – STATUS OF CANDIDATES**

- 3.1 Although a person may potentially declare themselves to be a “candidate”, they are not properly recognised as such until the (PARO) has formally declared their nomination to be valid. This will involve the lodging of the statutory £5000 deposit with the PARO and a nomination paper containing 100 signatures of registered electors for the force area who assent to the nomination. Candidates will also have to sign a form indicating that they consent to their nomination and fulfil the statutory criteria for standing.
- 3.2 Guidelines in relation to police officers signing nomination papers is covered later in this document.
- 3.3 It is suggested therefore that when interacting with people who say they are candidates but have yet to submit a valid nomination, then some form of informal confirmation of their status should be sought.

### **4. SECTION 4 – ADMINISTRATION OF THE POLL**

- 4.1 Each force area will have a dedicated PARO, who is solely and personally responsible for running the election. They have great experience of running elections, and will be used to dealing with candidates seeking election to the councils they represent. It is recommended to seek the advice of the PARO before forces establish their own pre-election protocol although they are under no duty to do so, any assistance a PARO can provide should be welcomed. The PARO will generally be the chief executive of one of the district or unitary councils within the force area. Existing county councils in two tier local government areas have no electoral function and are therefore not involved in the administration of these elections.

### **5. SECTION 5 – ESSENTIAL PRINCIPLES TEST**

- 5.1 There are three essential principles that need to be the test for contact with candidates:
- Does the activity appear to (or actually) favour one candidate against another, whether in terms of information or public profile or;
  - During the pre-election period, is any activity by the police service likely to affect or influence the outcome of the election?
  - Would the request compromise the conduct of normal business?
- 5.2 The PARO is solely accountable for the conduct of the election. Guidance should be sought from that individual wherever there is any doubt.
- 5.3 These principles should run through any potential interaction and will be familiar to the majority of candidates and your PARO. By adhering to these essential principles, any ambiguity surrounding impartiality will be eradicated.

- 5.4 It may be useful to hold a meeting for candidates at an early stage to outline the “rules of engagement”. The proceedings of this meeting could be recorded and sent to anyone who declares themselves a candidate but is unable to attend.
- 5.5 It may be helpful to provide candidate packs containing documents that are already available to the public which contain pertinent and helpful information.

## **6. SECTION 6 – GENERAL PRINCIPLES**

6.1 The general principles that should be applied are:-

- The Constabulary and Force will continue to conduct their normal core business;
- Candidates and parties must be treated even-handedly; for example in meeting information requests from candidates; each candidate should receive the same level of detail and right of access;
- Officers must avoid any action which is, or might reasonably be perceived as being, supportive of or oppositional to any party, candidate or opinion;
- Officers must not do something for one candidate that they would not, or could not, undertake for another;
- Officers must avoid putting themselves in a position or situation which could be used by a candidate to support their campaign;
- Police Officers and police authority staff should be made aware of the political restrictions and associated responsibilities that are present for them in relation to these particular elections;
- Information provided to candidates should be published so that it is available to everyone;
- 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. If in doubt guidance should be sought from the PARO;
- All candidates should be treated as members of the public when dealing with correspondence or requests for information. Whilst we should always be responsive to reasonable requests from candidates, there is no duty to interact with candidates in a way that we would with an elected representative. We should seek to release information as we would for a Freedom of Information request, taking into consideration the cost, time and suitability of each request. Clearly, where candidates are current elected representatives than a ‘business as usual’ approach should be adopted;
- Care should be taken over announcements made by the force which could have a bearing on matters relevant to the elections; however this must be carefully balanced against any implications that delay could itself influence the political outcome or impede operational effectiveness.

## **7. SECTION 7 – USE OF PRE-EXISTING POLICE IMAGES AND LIVERY**

- 7.1 Any campaign material which shows existing police images or livery would to the electorate appear to show support for a candidate, and therefore under the essential principles test should not be allowed.
- 7.2 The Constabulary should make it clear to all parties and candidates that they do not have permission to use pre-existing photographs, livery or publicity involving officers or staff in their campaign publicity.
- 7.3 Forces should request candidates to remove or withdraw such material if attempts are made to use them.

## **7.4 TAKING OF NEW PHOTOGRAPHS, RECORDINGS OR FILM**

- 7.4.1 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.
- 7.4.2 Although there is nothing to suggest that this is in anyway improper, the subsequent use of that image could bring the impartiality of the force into question and therefore any requests should be carefully considered.
- 7.4.3 Again, forces should request candidates to remove or withdraw such material if attempts are made to use it for campaigning purposes.

## **8. SECTION 8 – REQUESTS FOR FACT FINDING OR MEDIA VISITS**

- 8.1 Candidates may wish to make visits to Police Stations, Local Policing Commands and Safer Community Teams.
- 8.2 Candidates may request a one-to-one meeting or briefing with the Chief Constable. Whilst there is no requirement to meet such a request, there is nothing to prevent it either. If a Chief Constable feels it would be useful to meet a candidate in this way then care will need to be taken to ensure that the general principles of 'even-handedness' are observed.
- 8.3 There is no obligation to meet these requests. Any requests of this nature to visit any force or authority premises or to observe officers and staff at work should be directed to the Chief Officer Group or Chief Executive for a decision. If such requests are agreed to then care should be taken to ensure that they are for fact-finding and not to generate publicity for the candidate. It is suggested that the Chief Officer Group and the Chief Executive keep each other fully informed of decisions made to ensure that consistency is achieved.
- 8.4 When considering such requests it may be worth considering that candidates have the same legal status as a member of the public. Similarly almost everyone within the force area can say they intend to be a candidate.
- 8.5 However, referring back to our general principles, all candidates should be provided equal access. Consideration should be given to briefing all candidates at the same premises, at the same time.
- 8.6 A media presence should be avoided since it will inevitably move a business meeting into the public and campaigning arena.
- 8.7 Candidates who hold a position within the force or authority should not be afforded privileged information or access to information which they would not normally have. In case of doubt, guidance should be sought from the PARO.

## **9. SECTION 9 – COMMUNICATIONS AND MEDIA**

- 9.1 When dealing with statements and press releases from parties or candidates, consideration should be given to adopting the following principle:
- 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, merely correcting inaccuracies;
  - A response may not be appropriate when claims are based on an individual's interpretation of facts or circumstances;

- Most forces use some form of social media. It would be prudent to ensure that any use to which such social media is put, and the tone of any communications, is cognisant of the general principles of interaction.

## **10. SECTION 10 – DEALING WITH INFORMATION REQUESTS – BEFORE THE PRE-ELECTION PERIOD**

- 10.1 Candidates requesting information about eligibility should be referred to the PARO.
- 10.2 Specific information regarding the force is likely to be requested over the coming months, and there will be some difficulty in establishing whether the information is being requested by a candidate, member of the public or journalist.
- 10.3 One point of contact should be used for any request which originates from a PCC candidate. Police authorities are advanced in their planning for transition and it is recommended, subject to local agreement that any response comes from the Chief Executive of the authority, regardless of where the question is directed. This will ensure consistency and to avoid exposing senior officers/staff in the force, or police authority members, to any suggestion or inference that they have become involved in the election process in some way.
- 10.4 The process could look like:-
- If the request is made to the force, it will be passed to a single point of contact (SPOC) in the force;
  - The force SPOC will notify the police authority office;
  - If the request is made to a member of the police authority it will be passed to the authority office;
  - The authority office will maintain the central log of all requests;
  - The authority will prepare a response in conjunction with the force;
  - The Chief Executive will send the written response;
  - The response will be posted on the PCC section of the authority website.
- 10.5 Great care should be taken with data not in the public arena. It is difficult to envisage circumstances where such data would be shared.
- 10.6 The posting of responses on the authority website will be consistent with openness and fairness and will minimise work as individuals can be directed to the website when the question has already been asked / answered. If there is any question of refusing to answer on the grounds of cost, lack of information or security, that decision should be made jointly by the Chief Executive and Chief Officer Group where appropriate.
- 10.7 Where Freedom of Information Act requests are received from individuals who state that they are seeking election as a PCC, or where it is apparent that the request relates to the elections, the request should be dealt with in the normal process, but the response should also be posted on the authority's PCC website, where available.
- 10.8 Some authorities have already placed some information on their PCC websites. These include:
- Policing Plans;
  - Budgets;
  - Human Resource Strategies;
  - Performance Information.
- 10.9 This is all information that should be readily available on the authority website in any case.
- 10.10 It should be recognised that there would be instances where individuals approach the force, particularly at local policing levels, without making it clear why they are seeking information, but



until candidates declare themselves this risk is unavoidable. Adopting a strategy of responding only with publically available information again has distinct advantages.

## **11. SECTION 11 – DEALING WITH INFORMATION REQUESTS – PRE-ELECTION PERIOD**

- 11.1 Briefing packs should be produced for candidates once they have declared their position. The detail of what is in these papers will be informed by the ACPO PCC Transition Board, and this document will be updated to take this into account in due course.
- 11.2 Any further briefing at this time must take into consideration the essential and general principles. Your PARO may again suggest a group briefing so that there can be no suggestion of favouritism or lack of impartiality. Many PAROs will be holding collective briefings and these may provide a useful forum in which to make these points.
- 11.3 During this period, consideration should be given to see that force websites contain only factual information.
- 11.4 Documents that appear to promote the force or authority should not be published unless they are operationally or legally necessary.

## **12. SECTION 12 – GENERAL GUIDELINES FOR FORCE PERSONNEL**

- 12.1 The political impartiality of the police service underpins the legitimacy of the force to enforce the law and enhance the safety of all those within the country. The public should be confident that officers and staff will serve them loyally and impartially.
- 12.2 During the pre-election period, all officers must be politically sensitive when dealing with party political and independent candidates, their representatives and supporters.
- 12.3 Local policing commanders in particular have regular contact with their local elected representatives, keeping them updated on matters of interest in their area, however during the pre-election period care should be taken to avoid commenting on policies or statements which may be used by candidates in the election.
- 12.4 Should PCC candidates ask for regular meetings with Commanders or Department Heads, this should be declined on the basis that:
  - They are not elected representatives;
  - The Police Service cannot 'second guess' the electorate and assume a certain candidate will win;
  - Agreeing to regular meetings with one candidate would necessitate meetings with all candidates, which would divert resources from other policing activity.
- 12.5 Officers should not offer political opinions, nor make statements that do not reflect force policy.
- 12.6 Officers should refer all queries relating to the administration of the election to the PARO's office.
- 12.7 Forces must continue with 'Business as Usual', and this will include interaction with councillors and police authority members who are candidates. Councillors and police authority members will be governed by their own relevant codes of practice relating to information they receive in this capacity.

### 13. SECTION 13 – SPECIFIC GUIDELINES FOR POLICE OFFICERS

- 13.1 The Police and Crime Commissioner Elections Order 2012 is currently (July 2012) before Parliament. The order mirrors offences from the Representation of the People Act 1983, which puts some restrictions on police officers during an election.
- 13.2 If passed, all officers should be made aware of s60 of the PCC Elections Order 2012, which states;

***Illegal Canvassing by Police Officers:***

**60.-** (1) *No member of a police force for any police area may by word, message, writing or in any other manner, endeavour to persuade any person*

*to give, or dissuade any person from giving, his or her vote, whether as an elector or as proxy at a PCC Election.*

*(2) A person acting in contravention of paragraph (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale*

*(3) Nothing in this article applies to subject a person who is member of a police force to any penalty for anything done in the discharge of that person's duty as such.*

- 13.3 At its most literal, this could mean that any well meaning officer who encourages the electorate to become involved in the elections would be acting contrary to this law and liable to prosecution, regardless of the fact they are not endorsing any political position.
- 13.4 For clarity, by virtue of s30 Police Act 1996 a 'member of a police force' is a Constable; non-sworn staff are not included in this definition. Members of the Special Constabulary also hold the office of constable and are covered by Section 60 of the PCC Election Order 2012.
- 13.5 It is worth noting that a specific statutory responsibility exists for PAROs to promote participation. It is wise to channel such activity through those whose responsibility it is.

#### 13.6 NOMINATION BY POLICE OFFICERS

- 13.6.1 Nomination papers are public documents. Police officers may be asked to sign nomination papers. Although the PARO is unlikely to reject those papers where a police officer has nominated the candidate (assuming the officer is a valid elector), the officer has nonetheless publically supported a candidate. The appropriateness of their actions will need to be considered by their Chief Constable.
- 13.6.2 In this regard, **Schedule 1** of The Police Regulations 2003 (as amended) 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 member of a police force shall not take any active part in politics."
- 13.6.3 The Standards of Professional Behaviour in the Police (Conduct) Regulations 2008 affirms the position of political restrictions placed on police officers and highlights other expected behaviours; the most relevant to election matters being honesty and integrity; authority, respect and courtesy and fairness and impartiality.
- 13.6.4 Whilst there may be nothing in electoral law to prevent officers from signing nomination papers, it is submitted that officers should carefully consider the consequences and implications of doing so.

## **14. SECTION 14 – GUIDELINES FOR POLICE STAFF**

- 14.1 Some police staff will hold Politically Restricted Posts within the organisation and will therefore be limited on their participation in any political activity. The majority of police staff are not subjected to any restrictions in law in participating in politics.
- 14.2 However, police staff are still expected to uphold the appropriate Standards of Professional Behaviour. These standards state that public confidence in the police depends on police staff demonstrating the highest level of personal professional standards of behaviour.
- 14.3 Although the Standards of Professional Behaviour do not cover every eventuality, a core element is ensuring that a staff member behaves in a manner which does not discredit the police service, or undermine public confidence in the service.
- 14.4 Clearly, any act which could bring the impartiality of the Police Service into question would undermine public confidence in it.
- 14.5 It is not expected that all members of police staff will wish to take an active role in the campaign, and therefore each case should be discussed on an individual basis, ensuring the rights of the individual are conducive to public confidence in the service.
- 14.6 It is worth noting that the Election Registration and Administration Bill 2012 propose to allow PCSO's to be present in Polling Stations. It is therefore important to consider should they come into law the implications of any police staff, who could be directed to enter or patrol a Polling Station, having taken an active part in campaigning in the run up to the election, particularly if it were in the same area.
- 14.7 This is not an easy issue to resolve. Like the majority of police staff, PCSO's are entitled to take part in political activity. Present advice is that should a Chief Constable become aware of a PCSO taking an active role in politics such that the Chief Constable considers it likely to call the impartiality of the force into question, the Chief Constable should consider how and where to deploy that PCSO during the election period. Any such consideration will need to balance the rights of the individual staff member with the need to maintain public confidence in the force's impartiality.
- 14.8 This matter will be further raised with relevant bodies and may be subject to updated advice in due course.

## **15. SECTION 15 – SPECIFIC GUIDELINES ON DEALING WITH CANDIDATES WHO HOLD OFFICE**

- 15.1 It is possible that existing office holders may wish to stand as PCC candidates, or indeed support PCC candidates. The most obvious example will be existing police authority members, but what follows should be interpreted widely to cover, where appropriate, the holders of other office. Consequently, it is also possible that police officers, police staff and police authority members will be approached by such candidates or supporters. These approaches may, for example, consist of general requests for information, pictures or visits to premises.
- 15.2 It is worth noting here that at the point of nomination a person is disqualified from candidacy as a PCC if they are a member of a police authority.
- 15.3 If a request from a candidate or supporter is clearly in line with their role as a police authority member (or other office holder) then a 'business as usual' approach should be taken – that is, the request should be dealt with under normal procedures/protocols.

- 15.4 If it is unclear whether or not the request is as a police authority member (or other office holder) or PCC candidate/supporter, then the matter should be referred to the police authority Chief Executive for clarification.
- 15.5 As mentioned in Section 1 (above) many authorities are likely to have their own guidelines in place for members. It is anticipated that police authority members standing as or supporting PCC candidates will be advised to make clear if any request is in connection with their role as an authority member, or not. In that case, the onus is on the member to make clear the capacity in which the request is made.

## **16. SECTION 16 – CRIMINAL COMPLAINTS AGAINST CANDIDATES**

- 16.1 It is possible, that during the course of election, allegations of criminal conduct could be made against candidates. It is envisaged that any allegations of wrongdoing that require police investigation will be conducted by the host force, as is the practice in all other elections. In conducting such investigations forces will need to recognise the possibility of a conflict of interest (real or perceived) and will want to consider how the independence and impartiality of their investigation can best be demonstrated (for example, by referencing the issue and the thought process within policy books, decision logs, etc).
- 16.2 If matters reach a point where a force feels that some external input would assist the force in demonstrating the independence and impartiality of any investigation, then the host force may contact another force to peer review any aspect of the investigation, or to provide other advice, guidance and support. It is hoped that if forces are so approached assistance will be offered.
- 16.3 In rare cases when the host force feel that matters are sufficiently acute and it would like assistance in finding another force to actually carry out the investigation then they can contact HMIC for this assistance if they wish.
- 16.4 For any allegations relating to the conduct of the candidates in relation to election matters, the Joint Guidance for the Prevention and Detection of Electoral Malpractice, published by ACPO and the Electoral Commission, is a useful toolkit for investigation. It provides guidance on the preparatory steps that are recommended to prevent and deter malpractice in the first place as well as how to proceed should allegations arise. Copies have previously been provided to forces. The document is available on the Electoral Commission website.