

## **POLICE AND CRIME COMMISSIONER ELECTIONS MAY 2021**

### **JOINT PROTOCOL BETWEEN THE OPCC AND NORFOLK CONSTABULARY**

#### **Background**

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.
2. Due to the Covid19 pandemic the 2020 PCC election was postponed. The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020 postponed any election scheduled to take place between 16 March 2020 and 5 May 2021.
3. The date of the next election is Thursday, 6 May 2021.
4. Unlike other elections, a particular feature of these elections is that they are focused on policing, community safety and criminal justice issues. This will place the actions, behaviour and performance of the Office of the Police and Crime Commissioner (OPCC) and Norfolk Constabulary under intense scrutiny.
5. This Joint Protocol outlines some principles that the OPCC and Norfolk Constabulary will apply with immediate effect along with more detailed guidance applicable from now until the election. This document will be published on the PCC's website and the Norfolk Constabulary Intranet site.

#### **Definition of Candidate**

6. Under this Joint Protocol, "Candidate" includes individuals who have been confirmed as standing for election, those expected to stand (prospective) and those expressing an interest in standing.

#### **Principles**

7. The principles that should be applied are:
  - The OPCC and Norfolk Constabulary will continue to conduct their normal business.
  - Potential, prospective and confirmed candidates must, together with their parties, be treated fairly and with impartiality.

- The OPCC and Norfolk Constabulary's resources are not to be used for party political or electioneering purposes.
- Only information that is appropriate to be put in the public domain will be supplied to candidates and parties.
- All officers, staff and volunteers of the OPCC and Norfolk Constabulary must avoid any action which is or might reasonably be perceived to be supportive of any party, candidate or opinion.
- All officers, staff and volunteers of the OPCC and Norfolk Constabulary must avoid putting themselves in a position or situation which could be used by a party or candidate in support of their election campaign.
- In the case of any doubt, Norfolk Constabulary officers, staff and volunteers must seek advice from a senior officer and OPCC staff must seek advice from their Chief Executive.
- Neither the OPCC nor Norfolk Constabulary should engage in any activity that is likely to affect or influence the outcome of the election or could be perceived as doing so.
- The above principles also apply to all staff employed by G4S and consultants engaged in the delivery of services on behalf of the PCC and Norfolk Constabulary.

### **Single Point of Contact**

8. It is expected that individuals will emerge over the next few months stating that they intend to seek election as the PCC for Norfolk.
9. The OPCC and Norfolk Constabulary have each identified a single point of contact (SPOC) to whom any communication and enquiries from candidates or parties should be directed. For the OPCC this is Mark Stokes, Chief Executive, [mark.stokes@norfolk.police.uk](mailto:mark.stokes@norfolk.police.uk) and for the Force this is Superintendent Malcom Cooke, [malcolm.cooke@norfolk.police.uk](mailto:malcolm.cooke@norfolk.police.uk).
10. Both SPOCs will maintain a log of their individual contacts/responses and the OPCC will maintain a central log of all contacts/responses.

### **Handling Requests for Information**

There should be fairness and impartiality in meeting information requests from all candidates. The aim should be to respond to straightforward / routine requests as soon as possible, during normal Monday to Friday office hours. The broad principle should be that candidates are only given access to information that is appropriate to be put in the public domain. It should be recognised that the information provided may be exploited for political and campaigning purposes. In the main, the most expeditious means of achieving this will be to signpost candidates to the OPCC web site [www.norfolk-pcc.gov.uk](http://www.norfolk-pcc.gov.uk)

11. Where information is provided to an individual candidate that has not been made available to other candidates, it will also be published on the dedicated OPCC web page <https://www.norfolk-pcc.gov.uk/pcc-election-2020/> If a request for information is related to the electoral process, this should be referred to the Police Area Returning Officer (PARO) for the election, Mr. Trevor Holden, email: [mdtobdcandsnc@s-norfolk.gov.uk](mailto:mdtobdcandsnc@s-norfolk.gov.uk) or Tel: 01508 533601.

12. Where it is a Freedom of Information request, the standard operating practice under the Freedom of Information Act 2000 will apply. The OPCC and Norfolk Constabulary will remain responsible under the Act for their own disclosure and also forward the same to the PCC and Norfolk Constabulary Election SPOCs. In addition, the response will be posted on the PCC's web site.

### **Candidate Currently Holding Office**

13. The OPCC Chief Executive will be mindful of ensuring all candidates, including the current incumbent if standing for re-election, are treated equally.
14. The OPCC must not be involved in supporting the incumbent PCC in his election campaign. However, the Chief Executive must also be mindful of the 'business as usual approach' and ensure the PCC is supported in performing his statutory duties.
15. By virtue of their role, the PCC will have access to information beyond that which is in the public domain. This is appropriate to enable him to discharge his duties as Commissioner, however he will be reminded by the Chief Executive that any protectively marked material should not be used in his election campaigning. Any failure to observe this or attempt to encourage OPCC and Norfolk Constabulary officers, staff and volunteers to deviate from the other principles in this Joint Protocol will be referred to the OPCC Chief Executive as a potential conduct matter and in some circumstances may constitute a criminal offence.
16. Whilst the PCC will continue to attend ongoing public engagements in the run-up to the election, such events must not be used for the purposes of electioneering.
17. For the purposes of this election, the incumbent is not standing for re-election.

### **Websites/Social Networking**

18. It is particularly important to take care with OPCC and Norfolk Constabulary websites which will be scrutinised closely by the news media and the political parties in the run up to the election. They should be as up to date as practicable, contain no political bias, not give any exposure to any candidate and not indicate support for any candidate. All officers, staff and volunteers of the OPCC and Norfolk Constabulary 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.

### **Meeting Requests, Visits by Candidates and Photo Opportunities**

19. It is likely that candidates will request meetings with senior representatives of the OPCC and Norfolk Constabulary and/or ask to visit police stations / observe police officers and staff at work. Again, the principles of fairness and impartiality and only sharing publicly accessible information should apply and therefore meetings of this nature will be limited in number and appropriately managed. Agreeing to regular meetings with one candidate would necessitate meeting with all candidates with the same frequency, which is not practical. Any meetings will be managed by the relevant

SPOC, a log maintained of the meeting, and meetings will be limited to the OPCC Chief Executive and Chief Constable. Such meetings should not appear to favour one candidate against another, whether in terms of information or public profile.

20. Care should be taken to prevent any official OPCC or Norfolk Constabulary events such as engagement activity being used by a candidate for party political or campaigning purposes. Official support must not be given to, nor should there be attendance at, any event with a party political or campaigning purpose. Requests to attend or speak at campaign hustings must be refused.
21. Until the Pre-election period begins it is acceptable for candidates to be filmed or photographed with OPCC and Norfolk Constabulary officers' staff and volunteers, for newspapers or television news bulletins; providing the individual is content to be filmed/photographed. However, once within the Pre-election period, OPCC and Norfolk Constabulary officers, staff and volunteers, must not be filmed or photographed. Additionally, before and throughout Pre-election all officers, staff and volunteers must maintain their independence and not be seen to be bias and/or supporting one candidate or party over another.
22. The OPCC and Norfolk Constabulary will make it clear to all parties and candidates that they do not have permission to use any pre-existing photographs or publicity involving officers or staff in their campaign publicity nor may they use OPCC or Norfolk Constabulary imagery such as logos and badges. Where it is used, the Chief Executive or Chief Constable 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.

### **Use of Police Estate**

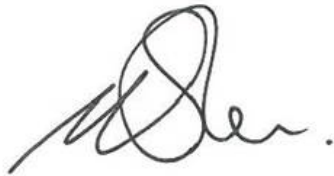
23. The police estate will not be used by candidates for electioneering purposes. Telephones, computers, fax machines, official stationery and administrative support must not be used in support of candidates.

### **Commenting Publicly**

24. Where inaccurate comments about Norfolk Constabulary and/or the OPCC are reportedly made by candidates or the Media they must be brought to the attention of the relevant SPOC. Where it is judged appropriate, a factually correct joint OPCC/Norfolk Constabulary statement will be issued in response.
25. Officers, staff and volunteers of the OPCC and Norfolk Constabulary should not offer political opinions, nor make any statements that do not reflect the policies of the OPCC and Norfolk Constabulary or that could cause controversy for either organisation.
26. Specifically, police officers must comply with organisational principles and expected standards of behaviour that are set out in the Police Regulations 2003, 2012 and 2020, the Code of Ethics, the Representation of the People Act 1983 and all relevant internal policies and guidelines.
27. The Police Regulations 2003 set out conditions of service, and paragraph 1 of schedule 1 states "*members of a police force shall at all times abstain from any activity which is likely to interfere with the impartial discharge of his/her 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 the police force shall not take any active part in politics.*"
28. The Code of Ethics is a code of practice for the principles and standards of professional

behaviour for the policing profession of England and Wales. It reaffirms that Police officers must not take any active part in politics. The Code reaffirms the position of political restrictions placed on police officers, and highlights other expected standards of behaviour, the most relevant to pre- election matters being honesty and integrity; Orders and Instructions, Confidentiality and Conduct.

29. Section 100 of the Representation of the People Act 1983 makes it a criminal offence for a police officer to “...by word, message, writing or in any manner, endeavor to persuade any person to give, dissuade any person from giving, his vote, whether as an elector or as proxy”, in any parliamentary or local elections.
30. All staff employed within the OPCC hold ‘politically restricted posts’ within the meaning of the Local Government and Housing Act 1989, which means they may not engage in political activity in their professional capacity (Sch 16-part 3 para 200 of the Police Reform and Social Responsibility Act refers). 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.
31. Further guidance may be issued during the period prior to the election.



Mark Stokes  
Chief Executive

November 2020



Simon Bailey  
Chief Constable

November 2020