



March 2024

Chief Executive & Monitoring Officer, Office of the Police & Crime Commissioner

Chief Constable, Cleveland Police

Copied to:

Police Area Returning Officer.

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

1. Introduction

- 1.1 The Police and Crime Commissioner (PCC) election will take place on Thursday 2nd May 2024. This protocol sets out the arrangements to ensure that all candidates are dealt with in a transparent and equitable manner. The protocol also provides guidance and safeguards to all staff within the Office of the Police and Crime Commissioner (OPCC) and the Force in order to avoid allegations of bias.
- 1.2 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](#), [National Police Chiefs Council \(2020\) Pre-Election Guidance](#) and other supporting advice.
- 1.3 The [Police Area Returning Officer \(PARO\)](#) will be the Managing Director of Stockton-on-Tees Borough Council, Mr Mike Greene. The PARO is accountable for the overall conduct of the election including the handling of concerns around the running of election and the conduct of candidates.
- 1.4 PCC candidates must declare their intent to stand for election by 1600hrs on the nineteenth day before the poll, which is Friday 5th April 2024. This declaration must be registered by the PARO.

2. Aim

- 2.1 Not every circumstance or eventuality that could potentially impact on the election, or the reputation of the OPCC, Force and staff can be captured in one document. Therefore, the aim of this document is to provide overarching guidelines and principles along with sources of advice in order to maintain impartiality, transparency and equality throughout.

3. 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, and raised with Chief Executive of the OPCC.

a. Organisational

- i. Care should be taken over official support, use of resources (including publicity) for official and significant announcements, which could have a bearing on matters relevant to the elections.
- ii. 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.
- iii. The OPCC and Police 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.
- iv. The OPCC, will maintain details of information provided to prospective candidates or candidates and will arrange for it to be anonymised and published on the OPCC website making it is available to everyone.
- v. The OPCC will coordinate any site visits or candidate meeting with the relevant OPCC Statutory Officers or Police Chief Officer.

b. Engagement with Candidates

- i. 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?”*
- ii. Care should be taken in relation to visits by candidates to OPCC and operational police premises. Any request to visit official premises are to be directed to the Chief Executive of the OPCC in advance for a decision.
- iii. The OPCC and Cleveland Police will offer declared candidates the opportunity to attend a joint briefing session with OPCC Statutory Officers and the Chief Constable.
- iv. Support should not be undertaken for one candidate that would not or could not be undertaken with another.
- v. Prospective candidates, candidates and parties must be treated even-handedly and have equal access to information.
- vi. Prospective candidates and candidates remain members of the public and are not entitled to confidential information.

c. Incumbent PCC

- i. An essential test regarding the appropriateness of any engagement with a candidate, including the incumbent PCC, is, *“does it appear to favour one candidate against another, whether in terms of information or public profile?”*
- ii. The incumbent PCC, 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 OPCC website.

- iii. Unlike many other elected positions, the incumbent PCC, maintains the position throughout the declaration and election period. Therefore, the incumbent PCC maintains [statutory responsibility](#). However, care must be taken to ensure that business as usual activities, especially during, Pre-election period are restricted to statutory roles that could not be perceived as influencing the election.

d. OPCC Staff , Police officers and Police staff.

- i. An essential test regarding the appropriateness of any activity by an individual in the OPCC or Force is, *“it likely to affect or influence the outcome of the election?”*
- ii. OPCC staff are politically restricted and cannot actively support PCC candidates. Additionally, OPCC staff are disqualified from being elected as a PCC and therefore, must resign a minimum of 19 days prior to their declaration of candidacy if they intend to stand.
- iii. No serving Police Officer or member of Police Staff / OPCC can stand as a candidate for PCC.
- iv. 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.
- v. Whilst working OPCC staff and 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. This includes outside of work for all OPCC roles and Police staff roles that are politically restricted.
- vi. Police Officers, either on or off duty, 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.
- vii. OPCC staff, police officers or police staff who use any form of social media should take care over any content relating to the election.
- viii. 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. Conduct of Officers and Staff

- 4.1 The above principles provide information to support decision making. They are underpinned by the requirements placed upon OPCC staff, police officers and police staff regarding their overall conduct and behaviour; specifically:
 - a. OPCC staff - The [Police Reform and Social Responsibility Act 2011](#) places political restrictions on members of OPCC staff
 - b. 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.

- c. 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](#).

- 4.2 Should anyone seek to become or support a candidate in the election, the OPCC 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. Conduct of Candidates

- 5.1 The Electoral Commission provides a [Code of Conduct Guide for campaigners, electoral administrators and police forces](#) to what is, and is not, acceptable behaviour at polling stations and in the community during the lead-up to polling day.
- 5.2 Any concerns in relation to the conduct of candidates or alleged crimes should be raised directly with the PARO or reported to the Police via standard reporting channels – 999 in an emergency, 101 in non-emergency situations or via Single Online Home which will be jointly assessed by Cleveland Police and the PARO.
- 5.3 Any election matters that require a policing response will be handled in accordance with [College of Policing Approved Professional Practice on Policing Elections](#) where at all times the Force will maintain a politically neutral position.

6. Engagement with candidates and prospective candidates

- 6.1 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.
- 6.2 Throughout these different stages, media interest is likely to build as will contact between prospective candidates, OPCC and the Force. However, there is no duty on the OPCC or Force to treat candidates or prospective candidates as elected representatives. Nevertheless, discretion should be used in response to any reasonable requests for information, as outlined in guidance below.

7. Requests for information

- 7.1 Where a request for information from a prospective candidate or candidate is received the following process will be adopted:
- a. If the candidate has not declared, then the request will be treated as if from any member of the public.
 - b. The request should be directed to the Single Point of Contact (SPOC) email account - pccelection@cleveland.police.uk where a single electronic register will be maintained, as detailed at Appendix A. All requests that are directed to the Force will be re-directed to this single location to ensure full transparency and equality
 - c. In formulating a response, it should be recognised that the information provided may be used for political and campaigning purposes.
 - d. 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 OPCC SPOC. In addition, the response will be posted on the OPCC website.

8. Media

- 8.1 When handling media communications, the [National Police Chiefs Council \(2020\) Pre-Election Guidance](#) for recommends the following:
- a. 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.
 - b. A response may not be appropriate when claims are based on an individual's interpretation of facts or circumstances.
 - c. 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.

9. Organised Meetings

- 9.1 The Chief Executive will arrange for a series of factual briefing material to be developed and published on the OPCC website. Candidates requesting information that is already covered within these documents will be directed to the OPCC website.
- 9.2 Post declaration of candidacy, the OPCC and Cleveland Police will offer declared candidates a date for a joint meeting on Monday 22nd April 2024 with OPCC Statutory Officers and the Force Chief Constable. Advance notification of any questions will be required, all questions and answers will noted and shared on the OPCC website.

9.3 The above meetings will not cover the running of the election, which will be the subject of a separate briefing organised by the PARO.

10. Visits to premises

10.1 Requests for visits to the OPCC or Force premises for the purpose of fact finding will be facilitated for declared candidates only on Monday 22nd April 2024 where there will be an opportunity to ask questions of OPCC statutory officers and the Chief Constable. All questions and answers will be noted and shared on the OPCC website.

11. Photographs and Imagery

11.1 Until the Pre-election period begins it is acceptable for candidates to be filmed or photographed with OPCC staff, police officers or staff for leaflets, newspapers or television news bulletins; providing the individual is content to be filmed/photographed. However, once within the Pre-election period, OPCC staff, police 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.

11.2 The OPCC Office and Force will seek to ensure their imagery and livery is not used in any campaigning or publicity material.

11.3 Where it is used, the OPCC 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.

12. Pre-Election Period

12.1 This is a particularly sensitive period in the lead up to the election and requires special care. 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:

- a. Where practicable the OPCC and Force should avoid making and publicising major policy decisions that may be deemed to be politically sensitive.
- b. Documents which promote the OPCC should not be published.
- c. OPCC staff, police officers and staff must ensure that they do not contribute to or support the activities of a candidate.
- d. 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.
- e. OPCC staff, police officers and staff must not agree to be photographed or used as part of any campaign.

- f. OPCC staff, police officers and police staff, that have personal websites, blogs or use social networking sites should:
 - i. Not post any comments that could be seen to be, or give the impression to be, made in their professional role.
 - ii. 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.
 - iii. Be careful if making political points or making specific or personal comments about an individual.

13. Post-Election

13.1 The requirements for the OPCC and Force 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. The likely topics to be included are detailed at Appendix B.

14. Summary

14.1 The OPCC and Force 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.



Lisa Oldroyd
Chief Executive & Monitoring Officer
Office of the Police & Crime
Commissioner for Cleveland



Signature redacted

Mark Webster
Chief Constable
Cleveland Police

Contact Sheet with PCC Candidates and or their Representatives

Date of Contact	Potential Candidate / Agent / Representative	Officer	Method of Contact	Information Sought Description of information requested verbally or in writing (if in writing include document reference number and a link to the document)	Information Provided Description of information provided verbally or in writing (if in writing include document reference number and a link to the document)	Date Added to Register	Date Added to Website
DATE	Cllr X	XXXXXXXX	Discussion at AGM	Advised that he wished to help Candidate Y in his campaign and asked how best to seek information on the office structure and performance information.	Description of advice given by JS contained in Ref 001	DATE	N/A

Information likely to be included in induction briefing schedule for newly elected Commissioner

The following is a list of documents and types of information that is likely to be included on an induction schedule:

- PCC statutory responsibilities including SPR
- Chief Executive / monitoring officer responsibilities
- Chief Finance Officer / S.151 responsibilities
- Chief Constable responsibilities
- PFCP responsibilities
- Information on the PFCP and members (many areas will have local government elections at the same time and many Local Authorities will need to re-appoint their PFCP representatives following their AGMs. Consequently PFCPs may also be in a state of transition) along with introduction and initial meeting
- 100 days forward look (including swearing the oath and upcoming key meetings)
- The Police and Crime Plan
- Commissioner's Office structure and staff introductions
- Police structure and officer/staff introductions
- Police strategy(s) and assessment of policing demand
- Recent significant HMICFRS recommendations for police
- Governance arrangements
- A snapshot of PCC and Police finances
- Existing procurement programmes, significant tenders, contract's expiry/renewal dates
- A snapshot of Police estates and any property disposal programmes
- A snapshot of the current political landscape in the local elected policing area
- Information on key partners
- Collaboration arrangements
- Meeting Union representatives
- Inherited / on-going complaints and role of IOPC (sensitive legacy matters?)
- Introduction meeting with the Police and Crime Panel
- Deputy PCCs⁴⁷ (possible recruitment exercises and the statutory requirements linked to this appointment)
- Branding (website and social media)
- Training Needs (media/social media training)
- Diary arrangements for Meet and Greets (media, key partners)
- Community engagement
- Funding and budgets