

**Office of the Police and Crime Commissioner for Nottinghamshire
Nottinghamshire Police**

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

March 2024

1.0 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 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 Office of the Police and Crime Commissioner for Nottinghamshire (OPCC) and Nottinghamshire Police (Police), 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)¹, Parliamentary Guidance on Pre-election Period of Sensitivity (No. 5262 8 May 2019)², Local Government Association³, and other supporting advice.
- 1.3 The Police Authority Returning Officer (PARO) will be Katherine Marriott, Chief Executive & Monitoring Officer, Rushcliffe Borough Council. She 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 PCC candidates must declare their intent to stand for election by 1600hrs on the nineteenth day before the poll. 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 OPCC and Police 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

¹ [Code Recommended Practice on Local Authority Publicity](#)

² [Research briefing: Pre-election period of sensitivity](#)

³ [A short guide to publicity during the pre-election period](#)

throughout; in effect, maintaining neutrality providing neither advantage or disadvantage to any candidate.

3.0 Principles

- 3.1 The following are outline principles, within which all staff and officers are to adhere to. Any areas of uncertainty or questions are to be directed through individual chains of command, ultimately for the Chief Executive & Monitoring Officer & Monitoring Officer of the OPCC to make a decision and, where appropriate, to the Chief Constable.

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 purposes or in support of a particular candidate.
- 3.2.3 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.
- 3.2.4 The OPCC's Election Single Point of Contact, the Chief Executive & Monitoring Officer & Monitoring Officer, 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 available publicly. The Election SPOC will also coordinate any site visits or candidate meetings with the relevant OPCC staff and Police officers and staff.

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 OPCC and Police premises. Any request to visit official premises are to be directed to the Chief Executive & Monitoring Officer of the OPCC 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. They remain members of the public and are not entitled to confidential information.

3.4 OPCC and Police officers and staff

An essential test regarding the appropriateness of any activity by an individual in the OPCC or Police is: *“it likely to affect or influence the outcome of the election?”*

- 3.4.1 OPCC staff are politically restricted and cannot actively support PCC candidates. Additionally, OPCC staff are disqualified from being elected as PCC 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 PCC to stand as a candidate at an ordinary election without having to resign.
- 3.4.2 No serving Police Officer or member of Police Staff / OPCC staff are allowed to stand as a candidate for PCC with exception of the Deputy PCC.
- 3.4.3 Any Police Officer or member of Police Staff / OPCC staff must resign from their role with a minimum of 19 days prior to the submission of any nomination to stand as a candidate.
- 3.4.4 All Police Officers, Police Staff and OPCC 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.
- 3.4.5 Police Officers, Police Staff and OPCC staff who use any form of social media should take care over any content relating to the election.
- 3.4.7 Whether on or off duty the Code of Ethics⁴ and core values still applies to all officers and 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 Police Officers, Police Staff and OPCC 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 and equality and diversity (fairness and impartiality).

⁴ College of Policing, Code of Ethics, para 1.1.1

4.1.2 Police Staff: Police Staff Council Joint Circular 54, 2008 Standards of Professional Behaviour⁵ 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 OPCC Staff: the Police Reform and Social Responsibility Act 2011 places political restrictions on members of OPCC staff with the exception of a Deputy PCC.

4.2 Should anyone seek to support a candidate in the election, the Chief Executive & Monitoring Officer or Chief Constable will provide suitable work-related advice and guidance, assessing each case on its merit. Provided 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, the OPCC and Police. However, there is no duty on the OPCC and Police 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 If the candidate has not declared, then the request will be treated as if from any member of the public.

6.2 The request should be directed to the Single Point of Contact (SPOC) email account within the OPCC⁶ where a single electronic register will be maintained⁷. All requests that are directed to the Police will be re-directed to this SPOC to ensure full transparency and equality. All responses will be via email. If a request is received by the telephone, good practice suggests that

⁵ [Police Staff Standards of Professional Behaviour, Guidance Note 9, Local Government Association](#)

⁶ Chief Executive & Monitoring Officer and Monitoring Officer ExecutiveSupport@Notts.police.uk

⁷ The master electronic register will contain all contact, requests for information and other pertinent information along with decisions and risk mitigations, as appropriate

this should be confirmed back to the requester in writing before a reply is issued.

6.3 In formulating a response, it should be recognised that the information provided may be used for political and campaigning purposes.

6.4 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 PCC Election SPOC. In addition, the response will be posted on the OPCC website.

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 Period⁸ 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.

8.0 Organised meetings

8.1 The Chief Executive & Monitoring Officer will arrange for factual briefing material to be developed and be posted on the OPCC website. Candidates requesting information that is already covered within these documents will be directed to the OPCC website.

8.2 The PARO has arranged a briefing opportunity for candidates on 29 February 2024. Information provided at the briefing will be factual only. Any questions will be taken and answers uploaded to the OPCC website.

8.3 In addition, and upon request to the Chief Executive & Monitoring Officer via the Election SPOC, individual meetings may be held with the Chief Executive &

⁸ [Pre-Election Guidance for Interaction with Police and Crime Commissioner Candidates - Conduct During Pre-Election Period](#)

Monitoring Officer or Chief Constable. 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 OPCC election website. This will be managed by the PCC Election SPOC who will coordinate arrangements with the Police. Advance notification of any questions will be required, and notes will be taken of the discussion and posted onto the OPCC 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 OPCC or Police premises for the purpose of fact finding and receiving briefings will be considered by the Chief Executive & Monitoring Officer on a case-by-case basis, via the PCC Election SPOC. However, the principal methods of fact finding will be through the OPCC website, post-declaration briefings and specific requests for information through the OPCC 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 OPCC staff, Police Officers or Staff for newspapers or television news bulletins; provided the individual is content to be filmed/photographed. However, once within the Pre-Election Period, OPCC staff, Police Officers or 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 biased and/or supporting one candidate or party over another.

10.0 Police Imagery

- 10.1 The OPCC and Police 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 OPCC website. Where it is used, the Chief Executive & Monitoring Officer 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.

11.0 Pre-Election Period

- 11.1 This is a particularly sensitive period in the lead up to the election and requires special care. The period starts 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:

- 11.2 Where practicable the OPCC and Police should avoid making and publicising major policy decisions that may be deemed to be politically sensitive.
- 11.3 The OPCC and Police websites must contain only factual information. Documents which promote the OPCC should not be published.
- 11.4 OPCC staff and Police 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 PCC is conducting their statutory responsibilities.
- 11.6 OPCC Staff and Police Officers and Staff must not agree to be photographed or used as part of any campaign.
- 11.7 OPCC Staff and Police Officers and Police Staff who 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:

29 February 2024	Pre-nomination PARO brief to candidates
26 March 2024	Pre-election period commences
5 April 2024	Deadline for delivery of nomination papers to PARO
8 April 2024	PARO publishes statement of persons nominated
2 May 2024	PCC Elections
3 or 7 May 2024 ⁹	New PCC tenure commences on the PCC taking the Oath.

13.0 Post-Election

- 13.1 The requirements for the OPCC and Police will be dependent upon who is elected; their previous knowledge, experience and requirements. The Chief Executive & Monitoring Officer will discuss the requirements with the newly elected PCC and establish an induction programme.

⁹ New tenure will start when the elected PCC takes the Oath, which may be on 3 or 7 May 2024 or at a later date to be confirmed

14.0 Summary

- 14.1 The OPCC and Police 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.

**Chief Executive & Monitoring Officer
Nottinghamshire Office of the Police and
Crime Commissioner**

**Chief Constable
Nottinghamshire Police**