



Joint Protocol
in preparation for the election
of the Police and Crime Commissioner
May 2024



March 2024

Introduction

The Police and Crime Commissioner (PCC) election will take place on Thursday 2nd May 2024. This protocol provides guidance and safeguards for officers and staff within Dyfed-Powys Police (DPP) and the Office of the Police and Crime Commissioner (OPCC) on how to conduct themselves during the pre-election period to avoid allegations of bias and ensure that candidates and prospective candidates are dealt with in a transparent and equal manner.

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.

Eifion Evans, Chief Executive of Ceredigion County Council is the Police Area Returning Officer (PARO). He is accountable for delivering 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.

Within this document 'candidates' should be taken to include any prospective candidates, confirmed candidates, their agents or political parties.

The OPCC nominated point of contact is the Chief Executive and Monitoring Officer, Carys Morgans. The Chief Executive and Monitoring Officer is responsible for providing advice and guidance to stakeholders, including staff members, ensuring that resources of the office are not used for election purposes. Any queries are to be directed to Carys Morgans, Chief Executive and Monitoring Officer in the OPCC on PCCElections2024@dyfed-powys.police.uk

The Chief Constable will nominate a single point of contact (SPOC) who will be responsible for liaising with the OPCC Chief Executive in respect of queries and enquiries. They will also provide a link to the policing of the election.

The Chief Executive and/or the Chief Constable will seek guidance from the PARO regarding any activity they believe may interfere with the election.

Within this document 'candidates' should be taken to include any prospective candidates, confirmed candidates, their agents or political parties.

Organisational

- 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.

- 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.
- The OPCC and 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.
- The OPCC will maintain details of information provided to prospective or confirmed candidates or political parties. This information will be anonymised and published on <https://www.dyfedpowys-pcc.org.uk/en/pccs-election-2024/>
- The OPCC will coordinate any site visits or candidate meetings with the Chief Officers and OPCC statutory officers in consultation with Force.

Engagement with Candidates

- 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?"*
- Care should be taken in relation to visits by candidates to DPP premises. Any request to visit official premises are to be directed to the OPCC Chief Executive in advance for a decision.
- Support should not be undertaken for one candidate that would not or could not be undertaken with another. All must be treated evenly and have equal access to information.
- Prospective candidates and candidates remain members of the public and are not entitled to confidential information.

Incumbent PCC

- The incumbent PCC is to be treated the same as other candidates, with all requests for information being recorded and shared on the OPCC's website.
- Unlike many other elected positions, the incumbent PCC maintains the position throughout the election period. Therefore, the incumbent PCC's duty maintains to undertake his statutory responsibilities. However, care must be taken to ensure that activities, especially during the pre-election period, are restricted to statutory roles that could not be perceived as influencing the election.

The following should also be taken into account:

- The restrictions placed on PCCs by virtue of the Code of Practice on Local Authority Publicity.
- The impact of the Seven Principles of Public Life – the Nolan Principles, by which PCCs are bound as holders of a public office.
- The impact of the PCCs Oath of Office.

OPCC Staff, Police Officers and Staff

- All OPCC Staff are politically restricted and cannot actively support PCC candidates.
- No serving Police Officer or member of Police Staff / OPCC Staff is allowed to stand as a candidate for PCC and must resign a minimum of 19 days prior to their declaration of candidacy if they intend to stand. However, amendments 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.
- All Police Officers and Staff in politically restricted posts must avoid any action which is or might reasonably be perceived as being supportive of any party, candidate or opinion. This includes encouraging anyone to vote for a certain candidate, treating candidates differently, supporting or attacking the views of candidates. This is at all times – regardless of whether or not they are acting in their official capacity at work.
- Police staff who are not in politically restricted posts, whilst on duty, must avoid any action which is or might reasonably be perceived as being supportive of any party, candidate or opinion. This includes encouraging anyone to vote for a certain candidate, treating candidates differently, supporting or attacking the views of candidates. However, they are not expected to remain politically neutral in their private lives but should not refer to their roles as employees of DPP or use any information gained through their employment to support candidates.
- OPCC staff, police officers or police staff who use any form of social media should take care over any content relating to the election.
- Whether on or off duty the Code of Ethics¹ and core values still applies to all staff, including the requirement to be “fair and impartial”.

Conduct

The above principles provide information to support decision making. They are underpinned by the requirements placed upon Commissioner’s Office staff, police officers and police staff regarding their overall conduct and behaviour; specifically:

- **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)

¹ College of Policing, Code of Ethics

Regulations 2020 also highlight expected standards of behaviour such as honesty and integrity; authority, respect and courtesy and fairness and impartiality.

There are additional restrictions on police officers during Police and Crime Commissioner selection:

'A constable of police 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'.

Police officers should therefore refrain from encouraging the electorate to vote, through any form of interaction, whether this be through neighbourhood meetings or any contact through their day-to-day business.

- **Police Staff**

Police Staff Council Joint Circular 54, 2008 Standards of Professional Behaviour² 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.

Should anyone seek to support a candidate in the election, the Chief Executive 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.

- **OPCC Staff**

The Police Reform and Social Responsibility Act 2011 places political restrictions on OPCC Staff with exception of a Deputy PCC.

Complaints

The standards of professional behaviour are in statute as relevant to officers but incorporated in all contracts of employment. Should a complaint be received regarding the pre-election period and/or the election in relation to police officers or police staff, these will be referred as per Force policy to the Professional Standards Department. Complaints relating to OPCC staff will be referred to the Chief Executive, OPCC.

² <https://www.local.gov.uk/sites/default/files/documents/workforce - Police - PSC handbook - Guidance Note 9 - Standards of Professional Behaviour.pdf>

Engagement with candidates and prospective candidates

Political parties will undertake their own selection process to nominate their candidates during 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.

Throughout these different stages, media interest is likely to build as will contact between prospective candidates, Commissioner's Office and Police. However, there is no duty on the Commissioner's Office or Police to treat candidates or prospective candidates as elected representatives. Nevertheless, discretion should be used in response to any reasonable requests for information.

Requests for Information

Where a request for information from a prospective candidate or candidate is received the following process will be adopted:

- If the candidate has not declared, then the request will be treated as if from any member of the public.
- The request should be directed to PCCElections2024@dyfed-powys.police.uk where a single electronic register will be maintained. All requests that are directed to the police 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 verbally, good practice suggests that this should be confirmed back to the requestor in writing before a reply is issued.
- In formulating a response, it should be recognised that the information provided maybe exploited for political and campaigning purposes.
- 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 Chief Executive. Every response will be anonymised and posted on the OPCC election webpage.

Media

As outlined in the 2024 NPCC guidance, when dealing with reactive publicity statements and press releases from parties or candidates, the Force may adopt the following principles:

- A response may be appropriate when claims are based on factually incorrect information or when 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 of position, merely correcting inaccuracies.

A response may not be appropriate when claims are based on that individual's interpretation of information or circumstances. Police business does not cease in a pre-election period and normal functions of policing must be performed. But particular care must be taken in this period to avoid activity or publicity that could, or reasonably be seen to, affect or influence the outcome of the election.

Organised Meetings

- The OPCC Chief Executive will arrange for a series of factual briefing materials to be developed and posted on the OPCC election webpage. Candidates requesting information that is already covered within these documents will be directed to the website.
- On 9th April 2024, candidates will have an opportunity to attend a briefing session. 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. Responses to questions during the session will be published on the OPCC website.
- In addition, individual meetings may be held with the Chief Constable, OPCC Chief Executive and OPCC Chief Finance 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 OPCC website. This will be managed by the OPCC Chief Executive who will coordinate with the Force. Advance notification of any questions will be required and notes will be taken of the discussion and posted onto the OPCC election webpage.
- The above briefings will not cover the running of the election, which will be the responsibility of the PARO.

Visits to Premises

Requests for visits to DPP premises for the purpose of fact finding and receiving briefings will be considered by the OPCC Chief Executive on a case-by-case basis. All candidates will be offered the same opportunities. However, the principal methods of fact finding will be through the OPCC website, the briefings as detailed above and specific requests for information through the OPCC Chief Executive. Every request and response will be recorded on the electronic register, ensuring full transparency and impartiality of treatment.

Photographs

Until the pre-election period begins on 25th March, it is acceptable for candidates to be filmed or photographed with OPCC Staff, Police Officers or Staff for newspapers or television news bulletins; providing individuals are content to be

filmed/photographed. However, once within the pre-election period, OPCC Staff, Police Officers and Staff, must not be filmed or photographed.

All Officers and Staff are reminded that they must maintain their independence and not be seen to be bias and/or supporting one candidate or party over another at all times.

Police Imagery

The OPCC and Force 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 Constable or OPCC Chief Executive will consider the need to request the candidate to remove or withdraw the material. Each case will be judged on its merits but will 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 services.

Timetable

Date	Event
Tuesday, 27 February 2024 at 5.30pm	Prospective candidates and Agents' briefing session
Monday, 25 March 2024	Notice of Election
Tuesday, 26 March 2024 to Friday, 5 April 2024 (Between 10am and 4pm on any working day)	Delivery of nomination papers. Informal virtual checks of nomination papers will be strongly advised.
Friday, 5 April 2024 (time to be confirmed)	Delivery of Election Address
Monday, 8 April 2024	Statement of Persons Nominated and publication of Notice of Poll.
Monday, 8 April 2024 at 5.30pm	Candidates and Agents' briefing session with PARO Officer

Tuesday, 9 April 2024 at 9am	Candidates and Agents briefing session with DPP Chief Officers
Tuesday, 16 April 2024 (by 11.59pm)	Deadline for receiving applications for registration
Wednesday, 17 April 2024 (5pm)	Deadline for receiving or amending postal vote applications
Wednesday, 24 April (5pm)	Deadline for receiving proxy applications
Wednesday, 24 April (5pm)	Deadline for receiving Voter Authority Certificate applications
Thursday, 2 May 2024	Election/Polling Day
Friday, 3 May 2024 (commence by 9am)	PCC Verification and Count followed by declaration of results

Summary

The pre-election period starts on 25th March and ends on 2nd May. This is a particularly sensitive period and requires special care to be taken. Further guidance is available from the Cabinet Office and Home Office. In any event, during the pre-election period the following additional restrictions will apply:

- Where practicable the OPCC and Force should avoid making and publicising major policy decisions that may be deemed to be politically sensitive, novel, contentious or repercussive.
- The OPCC and Force websites should be politically neutral and must contain only factual information.
- Documents which promote the incumbent PCC should not be published.
- OPCC staff, police officers and DPP staff must ensure that they do not contribute to or support the activities of a candidate.
- 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.
- OPCC staff, police officers and DPP staff must not agree to be photographed or used as part of any campaign.

- DPP staff, police officers and DPP staff that have personal websites, blogs or use social networking sites should:
 - Not post any comments that support any candidate 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.

The OPCC and Force must 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.

Dyfed-Powys Police

The political neutrality of the police service underpins the legitimacy of Dyfed-Powys Police to enforce the law and enhance the safety of all those within the county. The public should be confident that officers and staff will serve them loyally and impartially.

Dr Richard Lewis

Chief Constable

Dyfed-Powys Police

Carys Morgans

Chief Executive & Monitoring Officer

Dyfed-Powys OPCC