

Police, Fire and Crime Commissioner Elections Protocol

Office of the Police, Fire and Crime Commissioner for North Yorkshire, North Yorkshire Police and North Yorkshire Fire and Rescue Service

1. Introduction

- 1.1 The Police, Fire and Crime Commissioner (PFCC) election takes place on Thursday 25 November 2021. This document provides guidance to ensure that all candidates and prospective candidates are dealt with in a transparent and equal manner. The document also provides guidance to the Office of the Police, Fire and Crime Commissioner (OPFCC) and to North Yorkshire Police (NYP) and North Yorkshire Fire and Rescue Service (NYFRS) ("the Services") employees¹.
- 1.2 The Police Area Returning Officer (PARO) is the Chief Executive from Selby District Council, Janet Waggott. The PARO is responsible for giving notice of the election, managing the election process, as well as the calculation and declaration of the result.
- 1.3 The 'pre-election period' begins on the publication of the Notice of Election which is Thursday 21 October 2021. The 'pre-election period' is often treated as ending 10pm on the day of the election (25 November 2021) but in strict legal terms it endures until a new PFCC takes office which will be on declaration on the day of the count – Friday 26 November 2021.
- 1.4 PFCC candidates must declare their intention to stand for election by 4pm on Friday 29 October 2021. The PARO will confirm candidates and announce on Monday 1 November.
- 1.5 The aim of this document is to provide guidance to the OPFCC, NYP and NYFRS during the election period. Not every circumstance or eventuality that could potentially impact on the election, approach to candidates or the reputation of the OPFCC, NYP, NYFRS and staff can be captured in one document.
- 1.6 Guidance may be issued by national organisations such as the Cabinet Office, the Association of Police & Crime Commissioners (APCC), the Association of Policing & Crime Chief Executives (APACE), the National Policing Chiefs' Council (NPCC) or the College of Policing and any such guidance should be read in conjunction with this Protocol. This Protocol may be amended at any time to reflect changes in the law or guidance.

2. OPFCC Working Group

- 2.1 The OPFCC has set up a steering group and a working group to ensure that the OPFCC manages its responsibilities efficiently and effectively throughout the election period. The group meets

¹ In the case of NYFRS employees, this expression means employees of the North Yorkshire Police and Crime Commissioner Fire and Rescue Authority serve under the Chief Fire Officer. Nothing in this document should be interpreted as imposing a political restriction on such employees where none exists at law and/or in their contract of employment. See paragraph 4.6 below.

fortnightly and weekly respectively and the minutes of the meetings can be found on the PFCC Election page on the website.

3. Communication with Media

3.1 When handling media communications, national guidance typically recommends the following:

- A response by the Chief Executive may be appropriate when factually incorrect information is in the media that could impact on confidence in the OPFCC and the Service(s). The factually correct information can be shared by the Chief Executive publicly in a neutral manner.
- A response may not be appropriate when a claim is based on that individual's interpretation of information.
- The above guidance should apply when OPFCC and the Services' use social media to respond to queries or comments.
- Pre-election period guidance will also apply to media communications.

4. Interaction with candidates

4.1 Political parties will undertake their own selection process to nominate their candidates prior to candidate declaration (see 1.4). During the same period independent members may inform the public of their intention to stand.

4.2 Candidate requests for visits to OPFCC, NYP or NYFRS premises for the purpose of fact finding and receiving briefings will be considered by the Chief Executive of the OPFCC in consultation with the Chief Constable and/or Chief Fire Officer on a case by case basis. However, the principal methods of fact finding will be through the OPFCC web site, post-declaration briefings and specific requests for information. **Every request will be notified to the OPFCC and a record will be kept.**

4.3 Candidates should not be invited on to OPFCC, NYP or NYFRS premises unless for a purpose set out within this protocol that has been handled in accordance with 4.2 above.

4.4 Until the 'pre-election' period begins it is acceptable for candidates to be filmed or photographed with OPFCC, NYP or NYFRS employees for newspapers or television news bulletins, providing the individual is content to be filmed/photographed. However, once within the 'pre-election' period, OPFCC, NYP and NYFRS employees should use their best endeavours to avoid being filmed or photographed.

4.5 Additionally, before and throughout the pre-election period all OPFCC, NYP and NYFRS employees must maintain the independence conventions applicable to their particular organisation and where those conventions so dictate, avoid being seen to be supporting or opposing one candidate or party over another.

4.6 All employees should re-acquaint themselves with obligations and restrictions set out in contracts of employment or at law, applicable to their specific role. In particular, the following should be noted:

- All employees of the Office of the Police, Fire and Crime Commissioner are politically restricted except any Deputy Police (Fire and) Crime Commissioner.
- Canvassing by police officers is an offence under Regulation 60, Police and Crime Commissioner Elections Order 2012²

² Regulation 60 states:

- Police staff employees of the Chief Constable are not normally subject to formal political restriction at law or in contracts of employment. If in doubt, please seek advice from People Services.
- NYFRS Area Managers and above (and any other specific posts appearing on a list maintained by NYFRS) are politically restricted. If in doubt, please seek advice from People Services.

4.7 The expressions 'political restriction' and 'politically restricted' in paragraph 4.6 above means that terms are imposed by law in contracts of employment restricting certain political activity in accordance with the Local Government Officers (Political Restrictions) Regulations 1990.

5. Requests for information

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

- It will be treated as from any member of the public.
- It should be directed to the Single Point of Contact (SPOC) email account media@northyorkshire-pfcc.gov.uk or telephoned through to the OPFCC (01423 569562) where a single register will be maintained. All requests that are directed to the Services will be re-directed to this single location to ensure full transparency and equality.
- In formulating a response, it should be recognised that the information provided may be used for political and campaigning purposes.
- Every response will be from the OPFCC Chief Executive. Requests and responses will be anonymised and will be posted on the OPFCC Elections webpage.
- Where it is a Freedom of Information Act request, the standard operating practice will apply. Both the OPFCC and Services will respond according to current procedures. The OPFCC Elections Working Group will keep itself informed on FOI casework throughout the election period.

6. OPFCC Website

6.1 A dedicated webpage has been created on the OPFCC website to provide information on the elections, an information request log, relevant documents and useful links. Candidates are members of the public and so confidential documents should remain so and not be disclosed or published.

6.2 Information to post on OPFCC election website page:

- The role of the PFCC
- The role of the Chief Executive and OPFCC
- The role of the Chief Constable
- The role of the North Yorkshire Police, Fire & Crime Panel
- The role of the North Yorkshire Police and Fire Joint Audit Committees
- Partnership working

(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.

- Governance framework
- Budgets, finances and commissioning
- NYP key challenges, local pressures
- NYFRS key challenges, local pressures
- National bodies – APCC, APACE, HMICFRS, NPCC, NFCC
- PARO election webpage

7. Organised Meetings

- 7.1 The OPFCC Chief Executive will arrange for a series of factual briefing materials to be developed and posted on the OPFCC website. Candidates requesting information that is already covered within these documents will be directed to the OPFCC website.
- 7.2 The OPFCC intends its comprehensive online resources to serve the purpose of briefing individuals and all who are interested in the PFCC elections.
- 7.3 A pre-declaration briefing will be held on 25 October 2021 hosted by the PARO with information for candidates and an introductory briefing from the OPFCC Chief Executive.
- 7.4 A post-declaration briefing will be arranged by the OPFCC Chief Executive. Dates, times and locations will be posted in the OPFCC website. The briefing will only contain factual information and the PARO will also be notified of the date to inform candidates of the service being offered.
- 7.5 In addition and upon request to the Chief Executive of the OPFCC individual meetings may be held with the Chief Constable, Chief Fire Officer, Managing Director of Enable or the Chief Executive of the OPFCC. The briefings will not cover the running of the election which will be the subject of separate briefings organised by the PARO. Meetings held with the Chief Constable or Chief Fire Officer or the Managing Director of Enable will be attended by the OPFCC Chief Executive or representative.
- 7.6 Only factual information will be conveyed at these meetings. It is not appropriate for advice to be provided to candidates, unless it is given to avoid factually incorrect information being provided to the public (i.e. to avoid the situation envisaged at section 3 above).

8. Formal Pre-Election Period

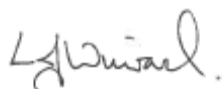
- 8.1 This is a particularly sensitive period in the lead up to the election and requires special care. Guidance is available from the Cabinet Office and will be supplemented by Home Office guidance. In any event, during the pre-election period the following additional restrictions apply:
- Where practicable the OPFCC and Services should avoid making and publicising major policy decisions that may be deemed to be politically sensitive.
 - The OPFCC and Services websites must contain only factual information.
 - Documents which promote the OPFCC should not be published.
 - OPFCC, NYP and NYFRS employees must ensure that they do not contribute to or oppose or support the activities of a candidate.
 - Clear records of all dealing with candidates throughout the pre-election period must be maintained to ensure transparency and accountability. This does not affect activity where the incumbent PFCC is conducting their office-holder responsibilities.

- OPFCC, NYP and NYFRS employees must not agree to be photographed or used as part of any campaign.
- OPFCC, NYP and NYFRS employees that have personal websites, blogs, or use social media networking sites should:
 - Not post political comments that could be seen to be, or give the impression to be 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

This protocol may be amplified or amended to cater for Government or Association guidance as it is released.



Simon Dennis
Chief Executive and Monitoring Officer



Lisa Winward, Chief Constable, North Yorkshire Police



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