

WEST MERCIA POLICE AUTHORITY & WEST MERCIA POLICE

JOINT PROTOCOL ON INFORMATION PROVISION IN CONNECTION WITH POLICE AND CRIME COMMISSIONER ELECTION

Introduction

1. Elections for a Police and Crime Commissioner (PCC) will be held on 15th November 2012, and at four yearly intervals from May 2016. This paper is a joint Authority/Force protocol, to ensure that information provided to prospective and declared candidates is done in an open and even-handed manner. In addition comments made either by journalists or by prospective candidates in the media will need careful consideration and the Force and Authority need to manage their response. Such occurrences will be dealt with in accordance with the West Mercia PCC Communication Strategy.

Background

2. The period immediately prior to any election is known as “purdah” or more frequently now referred as the ‘pre-election period’. In this space there is clear guidance from the Cabinet Office and/or the Electoral Commission on how all those working for public bodies, including the police, should behave. That guidance will apply to the forthcoming PCC elections.
3. A particular feature of this election is that it will focus mainly on policing issues, putting the actions, behaviour and performance of the Force and Authority under intense scrutiny. In addition there will be a long lead period, from now until November 2012, during which individuals may be seeking information to enable them to advance their case for becoming a candidate, followed by a period in which there will be internal political party processes to choose a candidate. The period of campaigning by those chosen to be prospective candidates will start only when those earlier phases are complete. The Authority and the Force need a clear approach to cover the entire period, not just the purdah/pre-election period itself.
4. This paper outlines some principles that the Authority and Force will apply from now on along with more detailed arrangements to be adopted for each phase of the process from now, until the election. The paper also clarifies the position of Authority members.

Principles

5. The principles that should be applied in any case of doubt are: -
 - The Force and Authority will continue to conduct their normal business;
 - Prospective candidates, candidates and parties must be treated even-handedly;
 - Each candidate should receive the same level of detail and right of access to officials and officers of both the force and authority;

- Officers and staff must avoid any action which is or might reasonably be perceived as being supportive of any party, candidate or opinion;
- Officers and staff must avoid putting themselves in a position or situation which could be used by a party or candidate in support of their campaign;
- The Force and Authority 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.
- If in doubt Force officers and staff must seek advice from a Head of Corporate Communications and Authority staff must seek advice from the Chief Executive
- Information provided to prospective candidates or declared candidates will be published so that it is available to everyone.

Phases of the election process

Phase 1 – the next few months

6. There have already been approaches to the Authority from individuals who state that they intend to seek election as the PCC. It is expected that more such individuals will emerge in the next few months so the number of requests for information is likely to increase and there is therefore a need now to agree on how to respond. This first phase will be more difficult to manage as it may not always be clear that a request for information comes from someone who wishes to be considered for election rather than from a member of the public who is simply requesting information.
7. Where it is apparent that an information request is from someone who wishes to be elected as the PCC (independent or political) the response will come from the Chief Executive of the Authority, regardless of where the question is directed. This is to ensure consistency and to avoid exposing senior officers in the Force or Members to any suggestion or inference that they have become involved in the election process in some way.
8. The procedure is as follows:-
 - If the request is made to the Force it will be passed to Staff Officer Sgt 2316 Helen LIPPITT who is the Single Point of Contact for the Force (SPOC)
 - The Force SPOC will notify the Authority SPOC, Peter Jones
 - If the request is made to a Member it will be passed to Peter Jones
 - The Authority and the Force SPOCs will maintain a central log of all requests
 - The Authority will prepare a response in conjunction with the Force
 - The Chief Executive will send the written response
 - The CC and CEO will exercise judgement as to whether factual information provided in response to a request will also be posted on the PCC website. This will not be attributed to the person who requested it. Posting this information on the website will be consistent with openness and fairness and will minimise work as individuals can be directed to the website when the question has already been answered.
 - If there is any question of refusing to answer any requests on the grounds of cost, lack of information or security, that decision will be made jointly by the Chief Executive and Chief Constable.

9. Where Freedom of Information Act requests are received from individuals who state that they will be seeking election as PCC, or where it is apparent that the request relates to the elections, the request will be dealt with in the normal way but the response will be posted on the Authority's website alongside the responses to other questions by prospective PCCs.
10. It is assumed that everything on the contact log/s and elsewhere to do with the election process is disclosable under the Freedom of Information Act.
11. It is recognised that this is an imperfect procedure as there may well be instances where individuals approach the Force, for example at neighbourhood levels, without making it clear why they are seeking information. But until parties select candidates this risk is unavoidable. Phase 2 (below) seeks to mitigate this risk.

Phase 2 – Briefings for potential candidates

12. Political party candidates seeking nomination will be offered a factual briefing pack and will have access to publicly available information on the Authority and Force websites. The briefing pack will be produced jointly by Authority staff and the Force and will be published on the websites.
13. Individual requests from those seeking nomination will be dealt with in accordance with the procedure set out above.
14. The Chief Executive will offer potential candidates a briefing event intended to provide detailed factual police information, in conjunction with the Force. This will promote full awareness and understanding of the Force's and Authority's position and of the situation the incoming PCC will inherit. Requests for information will continue to be dealt with in accordance with the procedure set out above.
15. The Authority will, in conjunction with the Force, set dates for briefing events and will inform all political parties and known potential PCC candidates of these. It is recognised that some potential candidates may not have made public their intention to stand as a candidate at the time of these events.
16. Once the formal election period commences (expected to be 28 days prior to the election) the pre-election/purdah policy will operate and will be applied by both the Authority and the Force. In view of the particular nature of the PCC election the following provisions will operate as soon as a candidate is chosen by their party:-

- Police officers and Force and Authority staff or volunteers (in respect of their role with the force) must not agree to be photographed or filmed with candidates, prospective candidates, or individuals who are displaying campaign rosettes, posters etc.
- Requests by candidates or other politicians to visit police premises or to observe officers, staff or volunteers at work must be referred to the respective ACPO officer for the function where the visit is being requested or the Authority Chief Executive if such request relates to the Police Authority for a decision. Such requests may be

agreed to only if they appear to be fact-finding rather than promotional. Officers and staff must not play an active part in any media coverage of a visit.

- The Force and Authority will make it clear to all parties and prospective candidates in their briefings that they do not have permission to use any pre-existing photographs or publicity involving officers or staff in their campaign publicity.

Independent PCC Candidates

17. The Authority and Force recognise that as well as PCC candidates with the support of a political party, independent candidates may also emerge to stand.

18. The arrangements for briefings, the handling of requests for information and general matters of protocol as detailed for PCC candidates supported by a political party above, will apply equally to independents.

Familiarisation Events for PCC Candidates

19. The Authority and Force recognise that PCC candidates may not wish to share their specific areas of interest and questions on policing with other candidates. Therefore familiarisation events will be offered with individual candidates provided the candidate is able to demonstrate they are (a) fully eligible to stand for election in West Mercia and (b) are bone fide in their intention to stand, such determination will be the responsibility of the Authority Chief Executive.

20. In the wider interests of transparency and fairness, the Authority will keep a record on the contact log of all PCC candidates who are provided with such a briefing.

21. The Authority will, in conjunction with the Force, set dates for familiarisation events and will inform all known PCC candidates of these.

22. Staff presenting at familiarisation events, be they from the Authority or the force, will at all times refrain from providing advice/guidance to candidates or offering any views which could be interpreted as being political in nature.

23. The arrangements set out here do echo that of local authorities and central government (civil service) for pre-election briefings of candidates in respect of their elections.

24. In addition, during the pre-election/purdah period the following provisions will apply:-

- The Authority website must contain only factual information.
- Documents which appear to promote the Authority should not be published unless they are operationally or legally necessary, if any doubt exists the matter should be discussed with Corporate Communications.

- Authority members will not be involved in public events (other than meetings of the Authority and its Committees) organised by the Force or Authority. Any exceptions must be agreed by the Chief Executive and Chief Constable.
- Officers and staff must ensure that they deal with Authority members only in that capacity and that they do not, even inadvertently contribute to or support the activities of a Member in their capacity as a supporter of a candidate. Officers and staff must maintain clear records of all dealings with members (other than at meetings of the Authority and its Committees) throughout the purdah period to ensure transparency and accountability.

Members

25. It is possible that Authority members may wish to put themselves forward as PCC candidates, may become candidates or may wish to assist candidates or those seeking to become candidates. Members will, of course still wish to carry out their duties as Authority members but, in the interests of integrity, honesty and openness, members will take steps to distinguish this role if they wish to become involved in the PCC election process.
26. When a Member of the Authority formally submits a nomination as a PCC candidate to the Police Area Returning Officer they will (subject to the exact wording of the relevant Regulations) need to have resigned from Warwickshire Police Authority in order for their nomination to be valid.
27. Any member who intends to put themselves forward as a PCC candidate will notify the Chief Executive at the earliest moment and, subsequently make it clear if any information requests are made in connection with their effort to become the PCC (rather than in their capacity as an Authority member). Any request will be dealt with in accordance with the procedure set out above.
28. Members must make clear if they are undertaking activities or making information requests to enable them to support a candidate rather than in their capacity as an Authority member.

Amendments to Protocol

29. This protocol was issued on 14th may 2012. West Mercia Police Authority and West Mercia Police reserve the right to amend this protocol at any time.