



Pre-election guidance for Monitoring Officers of Police and Crime Commissioners

This guidance for monitoring officers accompanies the guidance for PCCs issued by the APCC. Its general content has been discussed with APCC staff, members of APAC²E, and representatives of the Police Reform and Governance Unit at the Home Office, and the Propriety and Ethics Team at the Cabinet Office.

1 Purpose

- 1.1 Whilst the actions of PCCs are ultimately their responsibility, Monitoring Officers need to ensure that their PCC does not misuse their Office for party political gain – either deliberately or inadvertently. Monitoring Officers should try to ensure that their PCC does not put themselves in a position where they could be accused of doing so, thereby bringing the Office into disrepute. This guidance is to help them to do that during the pre-election period. Deputy PCCs should adhere to the principles in the same way as PCCs.
- 1.2 Much of this guidance comments on the need for PCCs to avoid, in their official capacity, activity that could be construed as party political. This does of course apply all the time in any case (e.g. office resources must not be used for party political gain). However it is important to reinforce this during the pre-election period for two reasons:
 - The increase in party political activity and high profile campaigning;
 - The likely increase in scrutiny of such activity during the period.
- 1.3 This guidance cannot cover every eventuality and Monitoring Officers will need to make their own decisions about what advice to give to their PCCs. Ultimately, a PCC is responsible for their actions.

2 Timing

- 2.1 The national pre-election period starts when Parliament dissolves – scheduled for 30th March 2015. However, some local authorities may operate pre-election periods which start earlier, around 26th March. PCCs would be well-advised to observe the earlier of the two. The pre-election period ends when the next Government is formed – which could be 8th May or may be later.

3 Framework

- 3.1 The overarching rules to consider are: the Nolan Principles; the Oath of Office; and those governing the use of local authority resources in England and Wales. Together, these prevent PCCs from using their Office for party political gain.
- 3.2 However, they do not prevent them from acting in a personal capacity for party political gain.
- 3.3 Therefore, the crucial distinction that must be made is between the PCC as the holder of a Public Office, and the PCC as the individual.

4 Principles:

- 4.1 Do not allow the PCC to use the public resources of the office, in the widest sense, to give the impression that they support a party or candidate;
- 4.2 Do not allow the PCC to give the impression that the police force supports a party or candidate.

5 Putting the principles into action:

5.1 Use of Public Resources:

- 5.1.1 Staff (even where they are not politically restricted):

Monitoring Officers should ensure that they and their staff do not act to support the PCC in party political business. This includes, for example, not allowing staff to accompany the PCC when they are canvassing in a personal capacity, or to support the PCC in advice they are preparing for their party's candidates (with the exception of checking factual information, and checking that material they are preparing does not itself break rules of impartiality).

- 5.1.2 Facilities including rooms, buildings, IT equipment, telephones, and information:

Monitoring Officers should ensure that their PCC is aware that they cannot use the facilities of the Office for party political gain. This includes not holding meetings with prospective candidates and constituents for the purposes of establishing support; not canvassing for votes on behalf of the party during the normal course of business; not using the OPCC's systems to distribute material supporting a candidate or party – including on social media; and not providing information to candidates that is not available, or discernible, from information already in the public domain.

PCCs and their offices should pay special attention to the use of social media – and in particular ensure that official accounts are not used for explicit or implicit support for candidates. (PCCs may use their personal accounts as they wish). Regarding official Twitter accounts:

- These should not be used for tweeting or retweeting information that implies political support for a party, candidate or candidates

- These should not be used for “favouriting” tweets of a party political nature
- If in doubt, refrain from using the account for anything other than truly official PCC activity (e.g. do not retweet statements from local MPs)
- It is acceptable for official accounts to follow accounts that might issue party political material. Following does not in itself imply support, merely a desire to see information. It is not unreasonable, for instance, for official twitter accounts to follow those of campaigning organisations or local MPs.

5.1.3 Events that have been organised by the OPCC, or which the PCC is attending in their official capacity:

Monitoring Officers should ensure that the PCC makes a clear distinction between PCC activity and party political activity. When attending or speaking at an event in their capacity as PCC – e.g. a local community meeting, a media interview, a conference speech - they must not express support for a party or candidate. This includes the wearing of rosettes. Monitoring Officers should also ensure that local parliamentary candidates do not attempt to use the PCC’s events for their own gain.

However, if the PCC is invited in a personal capacity to attend an event organised by an MP, at their own time and expense, for the purposes of campaigning, they can do so.

5.1.4 Travel and other expenses for party political business

Monitoring Officers should not allow the PCC to claim expenses for travel to events for party political business. E.g. if they travel to an event organised by a local candidate, they must not be allowed to claim expenses for that journey.

5.1.5 Expressing views as PCC

Monitoring Officers should ensure that PCCs do not give the impression of supporting a party or candidate in official communications. Any party political views that a PCC expresses must be made only by the PCC, and the PCC must ensure that they are taken as personal and not in their role as PCC or connected with the police force.

It is possible that political parties will want to include images and quotes from the PCC in campaigning material supporting candidates. PCCs must not use public resources to produce, reproduce or distribute these. If party material displays an image of the PCC in order to imply the PCC’s support for the candidate, this is acceptable as long as public resources are not used. It is also acceptable for the PCC to be described as such in the literature (because it is a point of fact).

5.2 Neutrality of Police Force

Monitoring Officers should also familiarise themselves with any pre-election guidance issued by the Association of Chief Police Officers or its successor body, the National Police Chiefs’ Council.

5.2.1 Avoiding implying support by the force

Monitoring Officers should ensure that PCCs do not give the impression that the police force supports a party or candidate. For instance, if they are campaigning with a parliamentary candidate or wearing a rosette, they should avoid being photographed with members of the police force.

Furthermore, they should be careful about what they say on policy matters concerning the force, when they are speaking in their official capacity. For instance they should not seek to use, for party political gain, views on policy or public funding that may have been expressed to them by officers of their force – because this could call into question the political impartiality of the force and / or its officers.

6 Other issues

6.1 Managing the Business of the Office

6.1.1 The guidance on activity during the pre-election period should not frustrate routine business. The PCC should continue to represent the public, hold the Chief Constable to account, publicise activity and take routine decisions. However, similar to the way that the Government will avoid major public announcements during election periods, even when Parliament is not up for election, so the PCC should avoid doing so as well. Generally, the following should be avoided unless there is a real and pressing need:

- Publication of Police and Crime Plan, or variations
- Policy announcements – particularly those of a major or controversial nature

6.1.2 Equally, however, decisions should not be deliberately delayed if doing so could also be construed as potentially influencing the outcome of the election.

6.1.3 For the avoidance of doubt, publicising previously announced public positions during the pre-election period is absolutely acceptable; but new policies should not be announced. As far as possible, PCCs should schedule their announcements for before the start of the period (e.g. variations to police and crime plans).

6.1.4 If your PCC chooses to issue their Annual Report in the pre-election period, you need to ensure that it is not presented in a way which could be seen to be influence the election, either deliberately or inadvertently.

6.1.5 It is possible that meetings of the Police and Crime Panel may have been called to occur during the pre-election period, and that the PCC is required to attend; and that attendance at such a Police and Crime Panel might place the PCC in an awkward position, given restrictions on announcements. Therefore, Monitoring Officers would be advised to influence the scheduling of Police and Crime Panels so that they do not occur during the pre-election period. Where they *do*, Monitoring Officers should try to limit the agenda to non-controversial items.

6.2 PCCs who are standing for election to Councils

6.2.1 Where a PCC is standing for election to a local council, quite clearly they are free to campaign for their seat, and refer to the fact that they are the PCC. But they must not

use the resources of the office to do so (see section on use of public resources above).

6.3 Precept Referenda

- 6.3.1 Where a PCC has proposed an increase in the precept level so that a referendum is triggered, they will need to satisfy themselves (by taking relevant legal advice or otherwise) that their activity is compliant with the regulations on publicity: for instance referring to the The Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012.

7 Sanctions

- 7.1.1 There are no additional sanctions to which the PCC could be subject, beyond those that exist generally. If they were to use (deliberately or inadvertently) their public resources for party political gain, PCCs could be subject to:
- Public criticism
 - Criticism by the Committee on Standards in Public Life
 - Criticism by the Police and Crime Panel
 - Criticism by the Electoral Commission
 - Criticism by Parliamentary Candidates and Political Parties
 - Accusations by the Police and Crime Panel of Misconduct in a Public Office
 - Investigation by the Independent Police Complaints Commission for Misconduct in a Public Office.

8 Suggestions for specific actions by Monitoring Officers:

- Brief your PCC and Deputy PCC (if applicable) directly on the rules, set out the boundaries for them, and remind them it is in their interests for them to be followed and to ensure they stay well within their confines.
- Organise a local briefing for Parliamentary Candidates.
- Write to all local Parliamentary Candidates setting out the position regarding PCC activity during the election period.
- Brief your staff on the rules, including reminding them of the requirements of politically restricted posts and run through some scenarios.
- Err on the side of caution.

This guidance will be reviewed in summer 2015. Monitoring Officers will be asked to provide feedback on its implementation.