Pre-Election Guidance: Interaction with Candidates and Conduct during Pre-Election Period

The Association of Chief Police Officers with the College of Policing has agreed to these revised guidelines being circulated to, and adopted by, Police Forces in England, Wales & Northern Ireland.

It is NOT PROTECTIVELY MARKED under the Government Protective Marking Scheme and any referrals for advice and rationale in relation to Freedom of Information Act disclosure, should be made to the ACPO Central Referral Unit at acpo.request@foi.pnn.police.uk.

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These revised guidelines have been produced and approved by the National Policing Crime Business Area. The Professional Practice Gateway Group approved this document as Reference Material to APP Elections on 10th March 2015. Guidelines produced by ACPO should be used by chief officers to shape police responses to ensure that the general public experience consistent levels of service. The implementation of all guidance will require operational choices to be made at local level in order to achieve the appropriate police response. The Purpose of this guidance is to assist force personnel to properly manage any contact they have with candidates and to assist them in conducting themselves during the pre-election period. It will be updated and re-published as necessary.

Any queries relating to this document should be directed to either the author detailed above or the ACPO Programme Support Office on 020 7084 8959/8958.

The Association of Chief Police Officers of the United Kingdom
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1. SECTION 1 – PURPOSE OF GUIDELINES

1.1 On 7th May 2015 voters in the United Kingdom area will participate in parliamentary elections. There will also be a large number of local authority, town and parish council elections running at the same time.

1.2 The purpose of these guidelines is to assist force personnel to properly manage any contact they have with candidates and to assist them in conducting themselves during the pre-election period. Throughout these guidelines reference will be made to candidates, this should be taken to include prospective candidates.

1.3 It is likely there will be some focus on policing issues, therefore putting the actions, behaviour and performance of the constabulary under intense scrutiny. That said, normal professional relationships and contacts need to be maintained.

1.4 These guidelines seek to draw from local authority experience in dealing with prospective and actual candidates. It does not attempt to cover every eventuality. It defines guiding principles to help individuals make decisions.

1.5 Some candidates seeking election will do so with the backing of major political parties and are well aware of the limitations placed upon both them as candidates, and the police service as a public body. It is possible that not all candidates will be similarly experienced.

1.6 All force personnel should ensure that they are aware of the need for impartiality and that any interaction, no matter how small, could be used to show support for or opposition to a candidate, a party or a position.

1.7 Previous election guidance has been provided through ACPO and the Home Office. Current guidance in respect of election law and the policing of elections will be provided through ACPO and the College of Policing and can be found on the CoP website under Approved Professional Practice. http://www.app.college.police.uk/app-content/policing-elections/?s=

2. SECTION 2 – BACKGROUND INFORMATION

2.1 REGULATORY FRAMEWORK

2.1.1 As in all aspects of policework, the Code of Ethics, the Standards of Professional Behaviour and associated force values are relevant. In particular, Schedule 1 of The Police Regulations 2003 provides that a member of the police force shall at all times abstain from any activity which is likely to interfere with the impartial discharge of their duties or which is likely to give rise to the impression amongst members of the public that it may so interfere; and in particular a member of a police force shall **not take any active part in politics**.

2.1.2 The Standards of Professional Behaviour contained in the Police (Conduct) Regulations 2012 highlight the standards and behaviours expected of police officers, the most relevant to elections matters being honesty and integrity, fairness and impartiality, and politeness and tolerance in maintaining the confidence of all communities in the discharge of their duties.

2.1.3 The majority of police staff is not subject to any restrictions in law in participating in politics. However, police staff is still expected to uphold their own similar standards of professional behaviour. These standards state that public confidence in the police depends on police staff demonstrating the highest level of personal professional standards of behaviour.
2.2 **PRE-ELECTION PERIOD**

2.2.1 Guidance is issued to civil servants on the principles that they should observe in relation to the conduct of Government business in the pre-election period. This has not yet been issued for the 2015 general election. The guidance that was issued in 2010 can be found here: [www.parliament.uk/briefing-papers/SN05262.pdf](http://www.parliament.uk/briefing-papers/SN05262.pdf).

2.2.2 However, it must be noted, local authority business does not cease. When the concept is transferred to policing, whilst the same care should be shown by the force, the importance of policing does not diminish merely because an election is due to be held. The functions associated with policing still have to be performed.

3. **SECTION 3 – ADMINISTRATION OF THE POLL**

3.1 The returning officer is solely and personally responsible for running the election. They have great experience around running elections, and will be used to dealing with candidates seeking election to the councils they represent. The returning officer will generally be the chief executive of the relevant area.

4. **SECTION 4 – STATUS OF CANDIDATES**

4.1 Although a person may declare themselves to be a candidate, they are not properly recognised as such until the returning officer has formally declared their nomination to be valid. This will involve the lodging of the statutory £500 deposit with the returning officer and a nomination paper containing 10 signatures of registered electors from the constituency, ward or parish area who assent to the nomination by the 9th April. Candidates will also have to sign a form indicating that they consent to their nomination and fulfil the statutory criteria for standing.

4.2 It is important to stress that even after candidates are nominated they still are not afforded any enhanced status and therefore requests for information or briefings should be treated on this basis.

5. **SECTION 5 – CONTACT WITH CANDIDATES**

5.1 There are a number of considerations that need to be addressed in relation to any contact with candidates. These are listed below:

- Does the activity or contact appear to (or actually) favour one candidate against another, whether in terms of information or public profile or;
- During the pre-election period, is any activity by the police likely to affect or influence the outcome of the election?
- Would the request compromise the conduct of normal business?
- Candidates and parties must be treated even-handedly, for example in meeting information requests from candidates, each candidate should receive the same level of detail and right of access;
- Officers must avoid any action which is, or might reasonably be perceived as being, supportive of or oppositional to any party, candidate or opinion;
- Officers must not do something for one candidate that they would not, or could not, undertake for another;
• Officers must avoid putting themselves in a position or situation which could be used by a candidate to support their campaign;

• Police officers and staff should be aware of the political restrictions and associated responsibilities that are present for them in relation to these particular elections;

• Information provided to candidates should be published so that it is available to everyone;

• The force must not publish material that refers to, or could in anyway be constructed as being designed to affect, support for a party or a candidate. If in doubt guidance should be sought from the returning officer, via your local election SPOC;

• All candidates should be treated as members of the public when dealing with correspondence or requests for information. Whilst we should always be responsive to reasonable requests from candidates, there is no duty to interact with candidates in a way that we would with an elected representative. We should seek to release information as we would under the Freedom of Information Act, taking into consideration the cost, time and suitability or each request;

• Care should be taken over announcements made by the force which could have a bearing on matters relevant to the elections, however this must be carefully balanced against any implication that delay could itself influence the political outcome or impede operational effectiveness.

6. SECTION 6 – USE OF POLICE IMAGES

6.1 Elected representatives and candidates often wish to be photographed or filmed with police officers on visits or at events.

6.2 While most forces will not allow its imagery to be used in any party political material once an election has been formally called, in this pre-election period, forces may wish to take a less strict position.

6.3 Candidates or sitting representatives who use police imagery in their newsletters, leaflets or websites should only be challenged if they:

• Associate the police service with a factually inaccurate story;
• Imply that the police service supports or opposes a candidate, political party or policy

7. SECTION 7 – TAKING OF NEW PHOTOGRAPHS, RECORDING OR FILM

7.1 Elected representatives and candidates for public office have in the past wished to be recorded, filmed or photographed with police officers on visits and events.

7.2 Although there is nothing to suggest that this is in anyway improper, the subsequent use of that image could bring the impartiality of the force into question and therefore any such requests should be carefully considered.

7.3 Any police officer or staff member must be asked if he/she is content to be photographed or filmed, and has the right to refuse.
8. **SECTION 8 – DEALING WITH INFORMATION REQUESTS**

8.1 Specific information regarding the force is likely to be requested over the coming weeks, and there will be some difficulty in establishing whether the information is being requested by a candidate, member of the public or journalist.

8.2 One point of contact should be used for any request which originates from candidates. This ideally should sit within the Freedom of Information Unit (FoI). This will ensure consistency and will avoid exposing staff in the force to any suggestion or inference that they have become involved in the election process in some way.

8.3 The process to be followed is as follows:

- If the request is made to the force, it will be passed to the Freedom of Information unit via e-mail;
- The FoI unit will maintain the central log of all requests;
- The FoI unit will prepare a response;
- The response will be posted on the Questions and Answers portal available to the public, via a purpose made website, or existing FoI website if already in existence.

8.4 The posting of responses on the Q & A portal 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 asked / answered. If there is any question of refusing to answer on the grounds of cost, lack of information or security, this should also be documented.

8.5 Where FoI requests are received from individuals who state that they are seeking election, or where it is apparent that the request relates to the elections, the request should be dealt with in the normal process, but the response should also be posted on the Q & A portal.

8.6 It should be recognised that there could be instances where individuals approach the force, particularly at local policing levels, without making it clear why they are seeking information, but until candidates declare themselves this risk is unavoidable. Adopting a strategy of responding only with publicly available information has distinct advantages. Any such approach will need to be referred to the FoI unit as above.

9. **SECTION 9 – VISITS**

9.1 Candidates may wish to make visits to police stations, local policing units and neighbourhood teams.

9.2 There is no obligation to meet these requests. Any requests of this nature to visit any police premises or to observe officers and staff at work should be directed to a central point within the force to ensure fairness and equality to those concerned. If such requests are agreed to, then care should be taken to ensure that they are for fact-finding and not to generate publicity for the candidate.

9.3 When considering such requests it may be worth considering that candidates have the same legal status as a member of the public. Similarly almost everyone within the force area can say they intend to be a candidate.

9.4 However, all candidates should be provided equal access. The force will, in due course, give consideration to any briefing arrangements for candidates.
10. **SECTION 10 – MEETINGS AND BRIEFINGS**

10.1 The political neutrality of the police service underpins the legitimacy of the force. The public should be confident that officers and staff will serve them loyally and impartially.

10.2 During the pre-election period, all officers must be politically sensitive when dealing with party political and independent candidates, their representatives and supporters.

10.3 Local policing commanders in particular have regular contact with their local elected representatives, keeping them updated on matters of interest in their area, however during the pre-election period care should be taken to avoid commenting on policies or statements which may be used by candidates in the election.

10.4 Should candidates ask for regular meetings with commanders or department heads this can be declined on the basis that:

- They are not elected representatives;
- The police cannot ‘second guess’ the electorate and assume a certain candidate will win;
- Agreeing to regular meetings with one candidate would necessitate meetings with all candidates, which would divert resources from other policing activity;
- Officers should not offer political opinions, nor make statements that do not reflect force policy;
- Forces must continue with ‘business as normal’ and this will include interaction with Councillors. Councillors will be governed by their own relevant codes of practice relating to information they receive in this capacity.

11. **SECTION 11 – THE MEDIA**

11.1 When dealing with statements and press releases from parties or candidates, the force may adopt following principles:

- 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;
- A response may not be appropriate when claims are based on an individual’s interpretation of facts of circumstances;
- All Force interact with the public through social media. Staff using force social media accounts should be cognisant of the general principles set out in this guidance within any such interaction.

12. **SECTION 12 – GUIDANCE FOR POLICE OFFICERS**

12.1 **ILLEGAL CANVASSING**

12.1.1 The Representation of the People Act 1983 puts some restrictions on police officers during an election.

12.1.2 Illegal canvassing by police officers is covered by the 1983 act as:

- Section 100 – (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 an 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 a member of a police force to any penalty for anything done in the discharge of that person’s duty as such.

12.1.3 For clarity, by virtue of section 30 of the Police Act 1996 a ‘member of a police force’ is a Constable; non-sworn staff is not included in this definition.

12.1.4 At its most literal, this section could mean that any well-meaning officer who encourages the electorate to become involved in the elections would be acting contrary to this law and liable to prosecution, regardless of the fact they are not endorsing any political position.

12.1.5 It is the role of the local authority through the returning officer to promote participation by voters.

12.1.6 Officers should therefore refrain from encouraging the electorate to vote, through any form of interactions, whether this be through the use of social media, neighbourhood meetings or any contact through their day to day business.

12.2 NOMINATION BY POLICE OFFICERS

12.2.1 Nomination papers are public documents. Police officers may be asked to sign nomination papers. Although the returning officer is unlikely to reject those papers where a police officer has nominated the candidate (assuming the officer is a valid elector), the officer has nonetheless publically supported a candidate. The appropriateness of their actions will need to be considered by the Chief Constable.

12.2.2 Whilst there may be nothing in electoral law to prevent officers from signing nomination papers, it is submitted that officers should carefully consider the consequences and implications of doing so.

13. SECTION 13 – GUIDANCE FOR POLICE STAFF

13.1 Some police staff will hold politically restricted posts within the organisation and will therefore be limited on their participation in any political activity.

13.2 Although the Standards of Professional Behaviour do not cover every eventuality, a core element is ensuring that a staff member behaves in a manner which does not discredit the police service, or undermine public confidence in the service.

13.3 Any act which could bring the impartiality of the police into question will no doubt undermine public confidence in the service.

13.4 It is not expected that all members of police staff will wish to take an active role in the campaign, and therefore each case should be discussed on an individual basis, ensuring the rights of the individual are conducive to public confidence in the service.

13.5 It is worth noting that the Electoral Registration and Administration Act 2013 allow PCSOs to be present in polling stations. It is therefore important to ensure that any police staff who could be directed to patrol a polling station have not taken an active part in campaigning in the run up to the election, certainly not in that area.

13.6 This will be a matter to be managed locally with their line manager. It is important to note, that we do not wish to suppress the individual rights of police staff to participate in political action, we seek simply to maintain the impartiality of the force.

13.7 If a member of staff has been active in the campaign, their posting on the day of the election should be altered to ensure that no member of the public could perceive their presence in uniform to be continued support for a candidate.