

Security Classification	
Documents <u>cannot</u> be accepted or ratified without a security classification in compliance with NPCC Policy (Protective Marking has no relevance to FOI):	
OFFICIAL	
Freedom of information (FOI)	
This document (including attachments and appendices) may be subject to an FOI request and the NPCC FOI Officer & Decision Maker will consult with you on receipt of a request prior to any disclosure. For external Public Authorities in receipt of an FOI, please consult with npcc.foi.request@cru.pnn.police.uk	
Author:	DCC Gareth Cann
Force/Organisation:	OCIP
Date Created:	12/09/2019
Attachments @ para	
Information Governance & Security	
In compliance with the Government's Security Policy Framework's (SPF) mandatory requirements, please ensure any onsite printing is supervised, and storage and security of papers are in compliance with the SPF. Dissemination or further distribution of this paper is strictly on a need to know basis and in compliance with other security controls and legislative obligations. If you require any advice, please contact npcc.foi.request@cru.pnn.police.uk	
https://www.gov.uk/government/publications/security-policy-framework/hmg-security-policy-framework#risk-management	

Guidance for Interaction with Candidates and Conduct during Pre-election Period

Last updated: November 2019

The National Police Chiefs' Council (NPCC) with the College of Policing has agreed to this guidance being circulated to, and adopted by, Home Office Police Forces in England and Wales.

It is Official 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 NPCC Central Referral Unit at npcc.foi.request@cru.pnn.police.uk.

This guidance has been produced and approved by the NPCC Crime Operations Coordination Committee. Guidance produced by the NPCC should be used by chief officers to shape police responses to ensure that the general public experience consistent levels of service. The operational implementation of this document will require operational choices to be made at local level in order to achieve the appropriate police response and this document should be used in conjunction with Authorised Professional Practice (APP) produced by the College of Policing. 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 NPCC Public Affairs Officer on 0203 276 3805.



Contents

1. [Purpose of Guidance](#)
2. [Background Information](#)
3. [General Principles](#)
4. [Contact with Candidates](#)
5. [Publicity](#)
6. [Specific Guidance for Police Officers](#)
7. [Specific Guidance for Police Staff](#)

1. PURPOSE OF GUIDELINES

1.1 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. Throughout this guidance reference will be made to candidates, this should be taken to include prospective candidates.

1.2 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.

1.3 This guidance seeks to draw on local authority experience in dealing with candidates and publicity. It does not attempt to cover every eventuality. It defines guiding principles to help individuals make decisions.

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

1.5 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 suggest support for or opposition to a candidate, a party or a position.

1.6 Previous election guidance has been provided through the NPCC and the College of Policing. Current guidance in respect of election law, and the policing of elections can be found on the College of Policing website under Approved Professional Practice (APP).
(<http://www.app.college.police.uk/app-content/policing-elections/?s=>)

2. BACKGROUND INFORMATION

2.1 REGULATORY FRAMEWORK

2.1.1 As in all aspects of police work, the Code of Ethics, the Standards of Professional Behaviour and associated force values are relevant.

2.1.2 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 police officer shall not take any active part in politics.

2.1.3 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 election 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.

2.1.4 The majority of police staff are not subject to any restrictions in law in participating in politics unless they are in a politically restricted post.

2.1.5 However, police staff are still expected to uphold their own similar standards of professional behaviour (set in Police Staff Council Joint Circular 54 and incorporated into the Code of Ethics). These standards state that public confidence in the police depends on police staff demonstrating the highest level of personal professional standards of behaviour, and that staff should behave in a manner, whether on or off duty, which does not bring discredit on the police service or undermine public confidence in policing.

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 is often known as 'purdah'.

2.2.2 The most up to date civil service guidance on elections can be found here:
<https://www.gov.uk/government/publications/election-guidance-for-civil-servants>

2.2.3 However, it must be noted, that the business of government or of a local authority does not cease. Similarly, whilst 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 must be performed.

2.2.4 The pre-election period is not a matter of law, rather there is a convention that during the relevant period certain guidance is followed. There is no set start date, although in the cases of parliamentary elections the guidance will often come into effect as the House rises. In circumstances where campaigning has, to all intents and purposes, started forces may be wise to act as if the pre-election period has commenced, regardless of whether the guidance is formally in effect.

2.3 ADMINISTRATION OF THE POLL

2.3.1 The returning officer is legally responsible for the running of the election. In practice, in England and Wales, they will often delegate the task of conducting the election to an acting returning officer. They have great experience around running elections and will be used to dealing with candidates seeking election to the constituencies within their areas. The returning officer will generally be the chief executive and the acting returning officer a senior officer in the local authority.

2.3.2 In Scotland, there is no office of acting returning officer and the appointed returning officer will carry out the full duties of conducting the election.

2.4 STATUS OF CANDIDATES

2.4.1 Although a person may declare themselves to be a candidate, they are not properly recognised as such until the (acting) returning officer has formally declared their nomination to be valid. This will involve the lodging of the statutory £500 deposit with the (acting) 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 4pm on the deadline day for nominations. Candidates will also have to sign a form indicating that they consent to their nomination and fulfil the statutory criteria for standing.

2.4.2 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.

3. GENERAL PRINCIPLES

3.1 The Cabinet Office guidance for civil servants' states that "the general principles and conventions set out in this guidance apply...to public bodies."

3.2 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.

3.3 The force and individual officers must retain impartiality and avoid any action which is, or might reasonably be perceived as being, supportive of or oppositional to any party, candidate or political opinion.

3.4 Police officers and staff should be aware of the political restrictions and associated responsibilities that are present for them (in sections seven and eight of this guidance).

3.5 The principles in this guidance can be useful outside a defined pre-election period – especially in a highly political period.

4. CONTACT WITH CANDIDATES

4.1 There is nothing improper about meeting with candidates or elected representatives (in a pre-election period or outside it) or linked publicity such as photos, filming or other communication. In fact, there are many benefits to engaging with politicians. However, nor is there any obligation on police forces to meet requests for contact, visits and meetings or linked publicity.

4.1.2 There are several considerations that need to be addressed in relation to any contact with candidates and linked publicity. These are listed below:

- a) Could the activity be seen to bring the forces' impartiality or judgement into question.
- b) Does the activity of contact appear to (or actually) favour one candidate against another, whether in terms of information or public profile?
- c) Would the request compromise the conduct of normal business?
- d) 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.
- e) Officers must not do something for one candidate that they would not, or could not, undertake for another.
- f) Officers must avoid putting themselves in a position or situation which could be used by a candidate to support their campaign.

4.1.3 Government ministers continue in their ministerial role during a general election period but are considered a parliamentary candidate for all other purposes. Consideration should be given to whether any contact is being received from them in their government or candidate role.

4.1.4 All requests for contact with candidates should be referred to chief officers' offices and corporate communication teams so a range of perspectives can be sought.

4.2 VISITS

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

4.2.2 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.

4.2.3 When considering such requests, it may be worth considering that candidates have the same legal status as a member of the public.

4.2.4 However, all candidates should be provided equal access.

4.3 INFORMATION REQUESTS

4.3.1 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 of each request.

4.3.2 Specific information regarding the force is likely to be requested in the run up to an election, and there will be some difficulty in establishing whether the information is being requested by a candidate, member of the public or journalist. Although this is more likely during Police and Crime Commissioner or Mayoral elections, consideration must also be given to parliamentary elections.

4.3.3 One point of contact should be used for any request which originates from candidates. This ideally should sit within the Freedom of Information Unit (Fol). 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, by potentially supplying different levels of information to applicants and inadvertently providing a potential political advantage.

4.3.4 The process to be followed is as follows:

- a) If the request is made to the force, it will be passed to the Freedom of Information unit via e-mail.
- b) The Fol unit will maintain the central log of all requests.
- c) The Fol unit will prepare a response.

4.3.5 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.

4.3.6 Any such approach will need to be referred to the Fol unit as above.

4.3.7 Information provided to candidates should be published so that it is available to everyone. Candidates should be informed of this.

4.4 MEETINGS AND BRIEFINGS

4.4.1 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.

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

4.4.3 Local policing commanders 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.

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

- a) They are not elected representatives.
- b) The police cannot second guess the electorate and assume a certain candidate will win.
- c) Agreeing to regular meetings with one candidate would necessitate meetings with all candidates, which would divert resources from other policing activity.
- d) Officers should not offer political opinions, nor make statements that do not reflect force policy.
- e) 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.

5. PUBLICITY

6.1. Publicity is any communication in whatever form, addressed to the public at large or a section of the public. This applies to content (video, announcements, statements, interviews, photographs and imagery) publicised in the media or websites, social media and other digital channels.

5.2 PROACTIVE PUBLICITY

5.2.1 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.

5.2.2 Decisions must balance the need to conduct policing business with potential impact on the outcome of the election. For example, delaying an announcement could itself influence the political outcome or impede operational effectiveness.

5.2.3 The first question to ask is 'could a reasonable person conclude that you were spending public money to influence the outcome of the election?'

5.2.4 In general forces should avoid:

- a) producing publicity on matters which are politically controversial
- b) making references to individual politicians or groups in external communications
- c) being seen to compete with the election campaign for public attention.

5.2.5 Each of principles must be carefully weighed against the policing purpose of the activity and its public interest. For example a significant arrest or drugs seizure may compete for public attention but should go ahead as there is a policing purpose for releasing information and it is in the public interest. The same would apply to campaigns that are part of delivering core business such as recruitment or that aim to improve public safety or prevent or detect crime.

5.2.6 These principles do not affect the response to information requests or publication of facts and statistics.

5.3 REACTIVE PUBLICITY

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

- a) 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.
- b) A response may not be appropriate when claims are based on an individual's interpretation of facts or circumstances.

5.4 PUBLICITY LINKED TO CONTACT WITH CANDIDATES

5.4.1 Corporate communications teams should be involved in early discussions about contact with candidates and elected representatives or visits and should ensure they have full information about any plans for linked publicity. They will then be able to work with candidates and elected representatives and their teams to agree on activity and publicity that is acceptable and appropriate for all.

5.4.2 Where necessary, discussions should be escalated to senior managers.

5.4.3 Without a full, shared understanding of planned activity and publicity, the force will not have sufficient reassurance to proceed.

5.5 USE OF PRE-EXISTING POLICE IMAGES

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

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

- a) Associate the police service with a factually inaccurate story.
- b) Imply that the police service supports or opposes a candidate, political party or policy.

5.6 NEW PHOTOGRAPHS, RECORDINGS, SOCIAL MEDIA CONTENT OR FILM

5.6.1 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.

5.6.2 Although there is nothing to suggest that this is in anyway improper, the subsequent use of that image or film could bring the impartiality of the force or their judgement into question and therefore any such requests should be carefully considered by chief officer teams and corporate communication departments.

5.6.3 Footage that combines statements or interviews by candidates or elected representative with officers and staff should in general be avoided as they are likely to bring questions about impartiality and judgement. Footage of officers and staff included in media packages or other digital content but kept separate from candidates' interviews, voiceovers or statements are far less likely to lead to impartiality concerns.

5.6.4 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.

6. SPECIFIC GUIDANCE FOR POLICE OFFICERS

6.1 ILLEGAL CANVASSING

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

Illegal Canvassing by Police Officers

(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 member of a police force to any penalty for anything done in the discharge of that person's duty as such.

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

6.1.3 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.

6.1.4 It is the role of the local authority through the (acting) returning officer to promote participation by voters.

6.1.5 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.

6.2 NOMINATION BY POLICE OFFICERS

6.2.1 Nomination papers are public documents. Police officers may be asked to sign nomination papers. Although the (acting) 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 publicly supported a candidate. The appropriateness of their actions will need to be considered by the chief constable.

6.2.2 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.

6.3 PERSONAL USE OF SOCIAL MEDIA

6.3.1 Guidelines on the Safe Use of the Internet and Social Media by Officers and Staff (ACPO January 2013) states that “the same standards of behaviour and conduct apply online as would be expected offline”. Therefore the Code of Ethics, the general principles of this guidance and other regulations and restrictions on officers and staff apply to personal use of social media.

6.3.2 This means officers should abstain from any use of social media or the internet 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 police officer shall not take any active part in politics.

7. SPECIFIC GUIDANCE FOR POLICE STAFF

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

7.2 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 or undermine public confidence in the police service.

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

7.4 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.

7.5 It is worth noting that the Electoral Registration and Administration Act 2013 allows 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.

7.6 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.

7.7 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.

7.8 Guidelines on the Safe Use of the Internet and Social Media by Officers and Staff (ACPO January 2013) states that “the same standards of behaviour and conduct apply online as would be expected offline”. Therefore, the Code of Ethics and this guidance apply to police staff personal use of social media. While staff are not restricted from playing an active part in politics (unless in a politically restricted post), they should avoid any use of social media activity that could be seen to discredit the police service or undermine public confidence in policing.