

**GUIDANCE TO CIVIL SERVANTS ON CONDUCT IN THE PERIOD
PRECEDING ELECTIONS TO POLICE AND CRIME COMMISSIONER
ROLES IN ENGLAND AND WALES**

1. On 15 November 2012, for the first time, elections will be taking place for Police and Crime Commissioner (PCC) roles in England and Wales outside London. This note provides guidance to civil servants in UK Government departments and to NDPBs on their role and conduct during the forthcoming PCC election campaign.
2. **The period of sensitivity preceding the PCC elections is not fixed to any particular date, but particular care should be taken in the three weeks preceding the elections – that is from 25 October 2012.**
3. The UK Government will, of course, remain in office whatever the outcome of the PCC elections. Ministers will continue to carry out their functions in the usual way, and UK civil servants will continue to support their Ministers in their work.
4. However, it needs to be borne in mind that some activities of the UK Government could have an impact on the PCC election campaign. **Information about the responsibilities of the new PCCs is attached at Annex A to assist departments in assessing whether a proposed activity could impact on the campaign.**
5. Particular care will need to be taken during this period to ensure that civil servants conduct themselves in accordance with the requirements of the *Civil Service Code*. In particular, civil servants are under an obligation:
 - to ensure that public resources are not used for party political purposes; and
 - not to undertake any activity which could call into question their political impartiality.

General Principles

6. The following general principles should be observed by all civil servants, including special advisers:

- a) particular care should be taken over official support, and the use of public resources, including publicity, for Ministerial or official announcements which could have a bearing on matters relevant to these elections. In some cases it may be better to defer an announcement until after the elections, but this would need to be balanced carefully against any implication that deferral could itself influence the political outcome – each case should be considered on its merits;
- b) care should also be taken in relation to proposed visits;
- c) special care should be taken in respect of paid publicity campaigns and to ensure that publicity is not open to the criticism that it is being undertaken for party political purposes;
- d) There should be even-handedness in meeting information requests from the individual candidates, political parties, and campaigning groups;
- e) officials should not be asked to provide new arguments for use in election debates.

Handling of Requests for Information

- 7. There should be even handedness in meeting information requests from candidates. The aim should be to respond to requests as quickly as possible.
- 8. Where it is clear that a candidate's request is an FOI request, it must be handled in accordance with the Freedom of Information Act 2000. The Act requires public authorities to respond to requests promptly and in any event not later than 20 working days after the date of receipt. Where it is clear that it will not be possible to provide a quick response, the candidate should be given the opportunity to refine the request if they wish, so that it can be responded to more quickly.
- 9. Enquiries from the media should be handled by Departmental Press Officers.

Ministerial Visits

- 10. In this period, particular care should be taken in respect of proposed visits to areas affected by elections. Official support must not be given to visits and events with a

party political or campaigning purpose. In cases of doubt, further guidance should be sought from your Permanent Secretary's office and/or the Propriety and Ethics Team in the Cabinet Office.

Announcements

11. Similarly, national announcements by the UK Government may have a particular impact on issues relating to the role and responsibilities of PCCs. It may be necessary to postpone making certain announcements until after the elections. Of course, this needs to be balanced carefully against any implication that deferral itself could influence the political outcome. Each case should be considered on its merits. Again, in cases of doubt further advice should be sought from your Permanent Secretary's office and/or the Propriety and Ethics Team in the Cabinet Office.

Public Consultations

12. Public consultations with a particular connection with PCC related issues should generally not be launched during the period between 25 October and 15 November inclusive. If a consultation is on-going during this period, it should continue as normal. However, Departments should avoid taking action which will compete with candidates for the attention of the public. This effectively means not undertaking publicity or consultation events for those consultations that are still in progress. During this period, departments may continue to receive and analyse responses.

Communication Activities

13. Care should be taken around press and marketing activity concerning PCC related issues during this period.
14. It is also important to take care with official websites which will be scrutinised closely during this period. In cases of doubt, guidance should be sought from the Government Communications Team at the Cabinet Office on 020 7261 8847 (email: gcg@co.gsi.gov.uk).

Use of Government Property

15. Government property should not be used by Ministers or candidates for electioneering purposes. Decisions on the use of local authority (including police authority) properties should be for those legally responsible for the premises.

Political Activity

16. Political activity by civil servants connected with the PCC elections falls within the definition of **national** political activity.
17. In May 2012, the Head of the Civil Service issued guidance for civil servants who may be considering standing for election as a PCC, or planning to take part in a PCC election campaign. A copy of the guidance is attached at **Annex B**.

Special Advisers

18. Under the terms of their contracts, special advisers are precluded from taking part in national political activities. Special advisers intending to stand for election as a PCC will need to resign their appointment before they are publicly identified as a candidate or prospective candidate. Any special adviser wishing to take an active public part in a PCC campaign will need to resign their appointment. There is no entitlement to severance pay in these circumstances.
19. Official resources such as telephones, computers, official stationery and departmental administrative support must not be used in support of PCC election campaigning.
20. Further guidance is set out in the *Code of Conduct for Special Advisers*.
(<http://www.cabinetoffice.gov.uk/sites/default/files/resources/special-advisers-code-of-conduct.pdf>)

Non Departmental Public Bodies (NDPBs)

21. NDPBs spend public money, make public announcements, and use Government property. This guidance therefore also applies to their activities. Sponsor departments should ensure that their NDPBs are aware of it, and that the sponsor department is consulted in cases of doubt.

Further Advice

22. For further advice in cases of doubt, you should consult your Permanent Secretary's office, who may consult the Propriety and Ethics Team in the Cabinet Office on 020 7276 3968/1898 (e-mail electionqueries@cabinet-office.gsi.gov.uk).

23. Further information about Police and Crime Commissioners more generally is available at <http://homeoffice.gov.uk/pcc> or from the Police Reform Unit at the Home Office on 020 7035 4858.

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RESPONSIBILITIES OF POLICE AND CRIME COMMISSIONERS

Police and crime commissioners (PCCs) will ensure the policing needs of their communities are met as effectively as possible, bringing communities closer to the police, building confidence in the system and restoring trust. PCCs will make and influence key decisions that will impact on how your local area looks and feels - from CCTV, street lighting and graffiti to tackling gangs and drug-dealing. Their job will be to listen to the public and then respond to their needs, bringing more of a public voice to policing and giving the public a name and a face to complain to if they aren't satisfied.

<p>Setting the strategic direction and accountability for policing</p>	<p>Being accountable to the electorate.</p> <p>Setting strategic policing priorities.</p> <p>Holding the force to account through the Chief Constable, and consulting and involving the public.</p> <p>Hiring and, when necessary, dismissing the Chief Constable.</p>
<p>Working with partners to prevent and tackle crime and re-offending</p>	<p>Ensuring that the police respond effectively to public concerns and threats to public safety.</p> <p>Promoting and enabling joined up working on community safety and criminal justice.</p> <p>Increasing public confidence in how crime is cut and policing delivered.</p>
<p>Invoking the voice of the public, the vulnerable and victims</p>	<p>Ensuring that public priorities are acted upon, victims are consulted and that the most vulnerable individuals are not overlooked.</p> <p>Complying with the General Equality Duty under the Equality Act.</p>
<p>Contributing to resourcing of policing response to regional and national threats</p>	<p>Ensuring an effective policing contribution alongside other partners to national arrangements to protect the public from other cross- boundary threats inline with the Strategic Policing Requirement.</p>

<p>Ensuring value for money</p>	<p>Responsible for setting the budget, including the police precept component of council tax, and the distribution of policing grants from central government.</p> <p>Commissioning services from partners that will contribute to cutting crime.</p>
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ELECTIONS OF POLICE AND CRIME COMMISSIONERS

This guidance is for civil servants who may be considering standing for election as a Police and Crime Commissioner (PCC), or planning to take part in a PCC election campaign.

2. The first elections of PCCs will take place on 15 November 2012. One PCC will be elected for each Police Force area in England and Wales outside London. Selection processes for potential candidates are now underway.

3. Political activity connected with the PCC elections falls within the definition of **national** political activity. Detailed rules and guidance on the restrictions on civil servants' involvement in political activities are set out at Section 4.4 of the *Civil Service Management Code* <http://www.civilservice.gov.uk/about/resources/civil-service-management-code> and in departmental staff handbooks.

4. Under the rules, the Civil Service is categorised into three groups:

- the “politically free” - industrial and non-office grades;
- the “politically restricted” - members of the Senior Civil Service, civil servants in Grades 6 and 7 (or equivalent), plus members of the Fast Stream Development Programme;
- the “intermediate group” - civil servants outside the “politically free” and “politically restricted” groups.

5. Politically restricted civil servants are totally debarred from national political activities (as defined in the *Civil Service Management Code* and departmental staff handbooks). Intermediate group civil servants may engage in national political activities with the permission of the department and subject to any conditions that the department may apply in individual cases.

6. The Police Reform and Social Responsibility Act 2011 <http://www.legislation.gov.uk/ukpga/2011/13/contents>

sets out the requirements for election to PCC roles. The Act disqualifies civil servants from election as a PCC, by virtue of their disqualification under the House of Commons Disqualification Act 1975. Therefore, no civil servant, regardless of which group he or she belongs to, can hold office as a Police and Crime Commissioner and remain as a civil servant.

7. The rules relating to political activity also apply to civil servants on secondment to outside organisations. Individuals seconded into the Civil Service are also covered by these rules for the duration of their appointment.

8. The *Civil Service Management Code* makes clear that civil servants in the politically restricted group or intermediate group “must not allow the expression of their personal political views to constitute so strong and so comprehensive a commitment to one political party as to inhibit or appear to inhibit loyal and effective service to Ministers of another party”. Civil Servants in these groups must therefore resign from the Civil Service before their candidature or shortlisting for candidature for election as a PCC becomes public. This includes civil servants who are intending to stand as independent candidates.

9. Civil servants in the politically free group are able to remain civil servants and be publicly identified as a candidate. However, they must submit their resignation before they give their consent to nomination in accordance with the Police and Crime Commissioner Elections Order 2012.

10. Setting aside candidature for election as a PCC, those in the politically free group may engage without restriction in national political activities (as defined in the *Civil Service Management Code* and departmental staff handbooks). Civil servants in the politically free group may therefore take an active part in PCC campaigning.

11. Departments must reinstate former civil servants in the politically free group who have resigned to stand for election and whose candidature has proved unsuccessful, provided they apply within a week of declaration day.

12. Departments have discretion to reinstate former civil servants who have resigned from the politically restricted or intermediate groups to stand for election and whose candidature has proved unsuccessful. Former civil servants from these groups seeking reinstatement should apply no later than a week after declaration day if they are not elected. There is no automatic right to reinstatement for civil servants from these groups, and departments should consider each application on its merits. This will include consideration of the individual's performance and attendance record, the way they have conducted themselves during the campaign, and the nature of their former role. For some individuals, it may not be possible to post them back to their former area of employment because, for instance, of the sensitivity of their work and/or because their previous role is no longer vacant, and while every effort should be made to post these individuals to other areas, rather than reject their applications, it may not always be possible.

13. Under the terms of their contracts, special advisers are precluded from taking part in national political activities. Special advisers intending to stand for election as a PCC will need to resign their appointment before they are publicly identified as a candidate or prospective candidate. Any special adviser wishing to take an active part in a PCC campaign will need to resign their appointment. There is no entitlement to severance pay in these circumstances.

14. The members and staff of some non-departmental public bodies and other arm's length public sector bodies are disqualified from election to PCC roles under the provisions of the Police Reform and Social Responsibility Act 2011. More generally, as always, it is important that all NDPBs and other public sector bodies avoid becoming involved in party political controversy.

15. Further advice on this guidance is available from the Propriety and Ethics Team in the Cabinet Office; telephone: 020 7276 3968/2462. Further

information about Police and Crime Commissioners is available from the Police Reform Unit at the Home Office; telephone: 020 7035 4858.

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