

Pre-election Period Guidance – 2025 Local Elections

1. Background

This document updates previous guidance to contextualise it to the 2025 Local Elections. It is intended to provide guidance for Police and Crime Commissioners, Police, Fire and Crime Commissioners and Deputy Mayors (termed Police and Crime Commissioners from herein for brevity), Associate Members and their offices about the handling of the sensitive period prior to the local elections due to take place in England on 1 May 2025. The latest date that the pre-election period can start for the local elections is Tuesday 25 March 2025.

Please check your local arrangements as some areas may choose to start the pre-election period early. 25 March is the deadline for the ‘publication of notice of election’ at which point the pre-election period formally begins.

Set out below are some key principles which Police and Crime Commissioners and their Offices should consider.

Please note: This is guidance only. It is for individual Police and Crime Commissioners, in discussion with their offices, to decide on their local approach.

2. What is the pre-election period?

Whilst this period is not defined in an Act of Parliament, restrictions are placed on local authorities (applicable to other local bodies including PCCs and their Deputies too) by the Code of Recommended Practice on Local Authority Publicity, which refers to periods of heightened sensitivity during elections. Much of this sensitivity is about exercising greater care to observe laws and rules which apply in any event but recognising that public bodies are likely to come under greater scrutiny at election times.

These conventions generally apply even where elections do not directly involve those bodies, although the specific restrictions and the length of the period accompanying this period can vary according to the organisation and whether it is directly involved in the election. For instance, an organisation which is subject to imminent elections will generally restrict continuing business to a bare minimum, but an organisation which is not directly involved in elections will generally continue business as usual, albeit while applying extra care about public actions or other matters which might have an effect on elections.

Whilst there is no specific legal remedy for breaching the rules around the pre-election period, as many of the requirements are about exercising additional care under existing rules, there are often specific remedies for breaching those rules. In addition, it should be borne in mind that there may be an increased scrutiny from the public and media during the pre-election period and potential for increased reputational risk if complaints are made to police and crime panels, or if there is criticism from the media or organisations like the Committee on Standards in Public Life about the way that a Police and Crime Commissioner behaves during these sensitive periods. In very extreme cases PCCs could end up the subject of an investigation for Misconduct in Public Office.

3. Police and Crime Commissioners

It is recognised that Police and Crime Commissioners have a key political role to play in their local communities, and it is for Commissioners to decide whether they wish to play an active role in supporting political colleagues in the forthcoming elections. Deputy Police and Crime Commissioners are in much the same position, since they are politically unrestricted, and it would be more appropriate for them to follow the advice for Police and Crime Commissioners set out below, than the advice relevant to the other staff of the OPCC, which is more restrictive. However, Police and Crime Commissioners may feel that some pointers would be useful to clarify what they (and their Deputies) are able to do, in order to minimise possible reputational and legal risks to their position during the pre-election period.

It is also recognised, particularly in relation to elections which do not apply directly to Police and Crime Commissioners, that business as usual will continue, although PCCs will need to consider whether they should exercise additional care in the conduct of public facing matters. See Section 6 below for more detail.

There are three key points which Police and Crime Commissioners may wish to bear in mind (although it is worth remembering that these apply to Police and Crime Commissioners at all times, but it is generally accepted that particular care should be taken during this period):

- The restrictions placed on Police and Crime Commissioners by virtue of the Code of Practice on Local Authority Publicity ([1878324.pdf \(publishing.service.gov.uk\)](#) – (*S6 Local Government Act 1986, as amended by Schedule 16, paragraph 173 of the Police Reform and Local Responsibility Act*).
- The impact of the Seven Principles of Public Life (Nolan Principles), by which Police and Crime Commissioners are bound as holders of a public office.
- The impact of the PCCs Oath of Office (*the Police and Crime Commissioner Elections (Declaration of Acceptance of Office) Order 2012*).

Consideration should also be given to any supplementary code of ethics which the PCC may have signed up to.

Nothing in either the Oath of Office or within the Nolan Principles prevents PCCs from acting in a partisan capacity as a private individual. However, PCCs should not use their public office (see ‘Use of Public Resources’ below for more detail on this) for political purposes, to support party political candidates, or seek to influence the outcome of the election in a partisan way. For instance, the Nolan obligation to act with integrity and objectivity means that PCCs would want to avoid placing themselves in difficult positions that might lead to perceptions of conflict of interest or lack of impartiality in the performance of their official duties.

PCCs remain able to participate in general and other elections in support of their party and candidates but should take particular care with two overarching key principles (noting, as mentioned above, that they apply at all times and not just in the pre-election period).

- A The Code of Practice on Local Authority Resources prevents the use of public resources for party political purposes, which includes both the staff of the PCC and force, and the facilities and equipment of the OPCC/force; Notwithstanding this is a local election period the Cabinet office guidance [GENERAL ELECTION GUIDANCE 2024 \(publishing.service.gov.uk\)](#) also contains some helpful pointers to what might be considered inappropriate use of public resources);
- B PCCs should also be careful not to give the impression that the local police support a particular party or use information about the police force in supporting local candidates which is not publicly available.

4. Use of Public Resources

General points about the use of public resources include:

- i. Even where staff are not politically restricted the Police and Crime Commissioner cannot use their services for party political purposes while they are in the office or use office equipment for campaign purposes;
- ii. Facilities which cannot be used for party political purposes include the use of rooms, buildings, IT equipment, telephones, etc., which belong to the OPCC or force;
- iii. Police and Crime Commissioners will want to be particularly careful in their use of social media, such as Facebook and Twitter accounts which are held in the name of the OPCC or force, to avoid inappropriate use, such as tweeting, retweeting or 'liking/favouriting' party political material. Police and Crime Commissioners should avoid posting political content to channels managed by OPCC staff during the pre-election period, but instead will have their own personal social media channels which are clearly distinct;
- iv. The Police and Crime Commissioner should not invite politicians to use events or other forums, which the PCC has organised in their official capacity, for election campaigning or other party-political purposes. It is acknowledged that, if a local politician decides to turn up at official PCC event and act in a party-political way, this might be beyond the control of the Police and Crime Commissioner, but where this is the case, the PCC should try to mitigate the problem to prevent the use of public resources for party political gain;
- v. Police and Crime Commissioners cannot claim travel or other expenses for party political business;
- vi. All public information about policing should be available equally to all candidates. However, if the Police and Crime Commissioner wishes to provide advice to candidates they personally support, they may only use their staff for factual checking of material (not production, reproduction or distribution), provided the information is already in the public domain.

5. Police Information and Force Neutrality

In relation to general points about use of police information and avoiding an impression that the force supports a particular party:

- i. Police and Crime Commissioners can communicate on a political and partial basis with local politicians in a personal capacity, but should not use information which is restricted, privileged or has come to them only by virtue of their office and is not publicly available, in briefing and supporting candidates.
- ii. Police and Crime Commissioners should ensure that the views expressed in supporting political candidates are clearly expressed as their own and not presented as the view of either their public office or their force.
- iii. Police and Crime Commissioners will wish to be particularly cautious around publicity photos which might risk involving the force in campaign and political material. In as far as possible, PCCs should ensure this is in a private capacity, and not in an official capacity. This will assist in avoiding any impression that the PCC is using public resources (such as OPCC or force

insignia or branding) to support a party-political position, or that the force supports a particular party. It is acknowledged that this can be difficult as Police and Crime Commissioners will not always know in advance who is going to be present at events they are attending, or if the media is going to be present/taking photographs, but they should consider with care the messages a photo might give in a particular context.

6. Business as Usual

As mentioned in section 3, Police and Crime Commissioners are executive office holders and as a result will need to continue with some business-as-usual activity that delivers on their statutory functions and helps keeps the public safe, however it is an established convention that public bodies, including PCCs, should not announce significant **new** policies or plans (provided that deferring a decision is not detrimental to the public interest or wasteful of public money). This does **not** mean that Police and Crime Commissioners cannot pursue existing policies and plans, including engagement events to take these forward, or publicising services and plans which have been previously announced – provided this is unlikely to affect the outcome of any Election and it is clear that the Police and Crime Commissioner is taking this forward in an official capacity, and not using these events or publicity for partisan purposes. As best practice, Police and Crime Commissioners should consider deferring **new announcements** to avoid the pre-election period.

See below for Cabinet office guidance to ministers on this:

- *‘National announcements by the UK Government may also have a particular impact on local areas with elections, for example, the publication of policy statements which have a specific local dimension. Ministers will wish to be aware of the potential sensitivities in this regard and might decide, on advice, to postpone making certain announcements until after the elections. Obviously, 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.’*

Again, please note that this applies to UK government civil servants and PCCs are not subject to the guidance, therefore it would be for PCCs themselves to make a call on timings for publication of any local consultation or plans.

7. Offices of Police and Crime Commissioners

Although OPCC and equivalent staff are not generally subject to the Civil Service Code (with some exceptions), the key principles for handling a pre-election period will be much the same as those set out in the Cabinet Office guidance. However, many OPCCs will have their own guidance and APACE regularly prepares guidance for Monitoring Officers.

The Cabinet Office regularly produces guidance for civil servants ahead of national elections and referenda, which can help provide guidance for the staff of Police and Crime Commissioners where there is no specific local guidance about pre-election periods. Relevant guidance from recent election periods can be found below:

- [Election guidance for civil servants - GOV.UK](#)

The majority of OPCC staff are politically restricted. The exceptions to this are the Deputy PCC and those staff that transferred from the police authority, if their role was not politically restricted at the

time of transfer and their role/terms and conditions of employment have not been subsequently changed (*see S20(2), Schedule 15, Police Reform and Social Responsibility Act 2011*).

For the avoidance of doubt, holders of politically restricted posts are prevented from:

- Standing as a member of—
 - (a) the House of Commons; or
 - (b) a local authority¹.
- Acting as an election agent or sub-agent for a candidate for Parliament, or a local authority.
- Being an officer of a political party, or of any branch of such a party, or a member of any committee or sub-committee of such a party or branch if his/her duties as such an officer or member would be likely to require him/her—
 - (a) to participate in the general management of the party or the branch; or
 - (b) to act on behalf of the party or branch in dealings with persons other than members of the party or members of another political party associated with the party.
- Canvassing on behalf of a political party or on behalf of a person who is, or proposes to be, a candidate for election to Parliament, or a local authority.
(see the Local Government Officers (Political Restrictions) Regulations 1990 (SI 1990 No 851)

Members of the OPCC who are not politically restricted, can undertake the above activities in a **personal capacity** – but would be unable to use public resources (including the resources of the OPCC/force), or use their status as an employee of the OPCC to seek to influence the outcome of an election.

8. Timing

The rules on the start date for pre-election period can differ, with local elections generally following different rules to national elections – however the latest date that the pre-election period can start for the local elections is Tuesday 25 March 2025. It would be worth getting in touch with your local council if you are unsure about timings. The period ends when the election is completed.

9. Further Guidance

The Chief Executives of the OPCC will be able to provide further guidance in their capacity as Monitoring Officer. Police and Crime Commissioners may also want to consult them. As noted earlier, APACE regularly produces further detailed guidance for Monitoring Officers.

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¹ Local Authority (defined in s 21 of the Local Government & Housing Act 1989) does not include a Parish Council