

GWENT POLICE

NOTIFIABLE ASSOCIATION FOR POLICE PERSONNEL PROCEDURES



**Heddlu
Gwent
Police**

SUMMARY

STAFF ARE REMINDED THAT THIS SUMMARY IS STRICTLY AN OVERVIEW OF THE KEY ELEMENTS OF THE DOCUMENT AND FOR A MORE COMPREHENSIVE EXPLANATION THE WHOLE OF THE DOCUMENT SHOULD BE READ

This procedure links to the policy on Professional Standards Reporting and applies to all police personnel. The aim of this procedure is to address the threat to the organisation and its staff by notifying the organisation of associations that may be inappropriate. This will be achieved by introducing an effective method by which individuals can report concerns about associations that could result in vulnerability or corruption without adversely affecting operational policing practice and police personnel morale. This procedure aims to be fair and proportionate in the management of the process and any decisions made with the objective of securing public confidence and the confidence of police personnel. The principle of employing the least intrusive methods will be used to prevent any undue restriction of individual rights. The over-arching aim of this procedure is to risk manage the issues raised and meet the support and welfare needs of all those involved in tandem with the responsibilities of Gwent Police. The detailed procedures are outlined at 1.2.

PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UP TO DATE VERSION CAN BE FOUND ON THE INTRANET POLICIES SITE.

INDEX

1.0 Guidance, Procedures, Tactics

- 1.1 Risk Assessments and Health & Safety Considerations
- 1.2 Specific Instructions, Tactics, Methods, Practices and Procedures

2.0 Procedure Statement & Intentions

- 2.1 Principle & Scope of Procedure
- 2.2 Aims of Procedure

3.0 Introduction

- 3.1 Origins / Background Information
- 3.2 Motivators / Driving Forces
- 3.3 The Legal Basis and Legitimate Aims
- 3.4 The Appendices
- 3.5 Definitions

4.0 Implications of the Procedure

- 4.1 Financial Implications
- 4.2 Human Resources / Training
- 4.3 Strategic Plan Links
- 4.4 Partnership Links
- 4.5 Diversity
- 4.6 Consultation

5.0 Human Rights Consideration Certification

- 5.1 Auditing for Potential Interference and Discrimination
- 5.2 Key Human Rights Principles
- 5.3 Rights, Publication, Audit and Inspection
- 5.4 Certificate of Compliance
- 5.5 Legal Vetting

6.0 Promotion and Distribution

7.0 Monitoring / Review

8.0 Procedure Identification Page

1.0 Guidance, Procedures, Tactics

1.1 Risk Assessment and Health and Safety Considerations

'Police personnel are required to consider making the appropriate risk assessment when implementing this procedure'.

Police personnel should apply the Gwent Police Service Dynamic Risk Assessment. A training package in the use of the risk assessment will be provided to all police personnel.

1.2 Specific Instructions, tactics, methods, practices and procedures

1.2.1 Notification of Associations that may be inappropriate

Over the past three years the National Threat Assessment has identified inappropriate associations as being one of the major threats facing the Police Service. These procedures are intended to address this threat by protecting individual members of staff and Gwent Police. In recent times police personnel have been the subject of misconduct proceedings as a result of inappropriate associations. Owing to the organisation not being aware at an early stage, measures to support individuals were not possible resulting in an escalation of severity to a point where misconduct proceedings were necessary.

1.2.2. Police personnel come from all backgrounds and aspects of life. They represent a cross section of the community and this in itself is likely to cause potential conflicts and issues. Nationally it is accepted that police personnel can come under pressure from friendships that existed prior to and during their employment and/or family members who become involved in breaches of the law. In such circumstances there is a risk of divided loyalties and the possibility of demands for assistance at some stage.

1.2.3. The private life of police personnel can impact on their professional duties. Officers are reminded of the restriction on the private life of members of police forces set out in Regulation 6 and Schedule 1 of the Police Regulations 2003. This states that a member of a police force shall at all times abstain from any activity which is likely to interfere with the impartial discharge of his duties or which is likely to give rise to the impression against members of the public that it may so interfere. Likewise, the National Standards of Professional Behaviour sets out that the conduct and associations of Police Staff, at or outside of work, should not give cause for potential discredit to the Force or threaten its reputation. Public confidence in the police depends on police staff demonstrating the highest level of personal professional standards of behaviour.

1.2.4. Associations with employees from agencies and private investigators have also been identified as areas that can result in organisational risk and the threat of blackmail or compromise. National evidence suggests these risks are significant by the fact that many retired or ex-police personnel move into these areas of employment and maintain their former links with police employees.

1.2.5. It is recognised that community based policing and periods working on specialist units can result in familiarity with persons who not employed by Gwent Police. This can result in relationships becoming less formal and can affect professional judgement.

1.2.6. Reporting

Where a member of Gwent Police **knows or suspects** they may have a personal association with an individual, group or organisation that is or may be considered inappropriate (see meaning of terms at paragraph 1.2.13.) they must report the matter at the earliest convenience to a line manager, a confidential advisor or a member of the relevant staff association or trade union representative. A written report must be submitted including full details of the staff member concerned, the person or group to which the member of staff is associated and the reasons why there is concern the association may be inappropriate. For reasons of confidentiality the report need not be submitted via line management but could be direct to Professional Standards Department.

1.2.7. The written report will be forwarded under confidential cover directly to the Head of Professional Standards Department (PSD) who will ensure that research appropriate and proportionate to the circumstances reported is conducted to substantiate or rebut those concerns. Strict confidentiality will be applied during the research undertaken. The Head of PSD will assess the identified risk and ensure an initial risk management plan is implemented. This may involve consultation with other senior staff but proportionately and confidentiality will be maintained.

1.2.8. Research and enquiries proportionate to the circumstances will be undertaken by PSD on a case by case basis. Such enquiries could include but are not limited to checks of CIS, PNC, partnership agencies and interviews with the member of staff. An outcome report will be submitted to the Head of PSD who before making a determination may liaise with other officers or staff as appropriate (e.g. senior line managers, Occupational Health Department, etc.) and will allow the staff member and/or their staff association representative to make representations. A review of the risk management plan will be undertaken at this stage by the Head of PSD.

1.2.9. The staff member will then be informed in writing by the Head of PSD of whether the individual

- may continue the association without restriction
- may continue the association with agreed conditions that will be set out in the notification
- must cease the association. (This will only be used in exceptional circumstances where all other options have been exhausted)

A copy of the determination and any conditions placed on an individual will be forwarded to the Head of Service Area who will ensure that a copy is placed on the staff member's personal file.

1.2.10. The Head of PSD may decide to include a review period depending upon the circumstances. However, the staff member will report any change of circumstances by way of a written report under confidential heading to the Head of PSD and the situation will be reviewed at that time.

1.2.11. In the event of intelligence being received that the staff member persists in an inappropriate association, or fails to comply with the prescribed conditions, a misconduct inquiry may be commenced to substantiate or rebut the intelligence if this is deemed appropriate.

1.2.12. Following any amendments to the determination arising from any of the above, the staff member and Head of Service Area will be notified in writing.

1.2.13 Meaning of terms

Inappropriate Association

An association will be considered inappropriate where it has the potential to, or is likely to:

- Compromise a member of Gwent Police and/or
- Compromise the operational effectiveness of Gwent Police and/or
- Compromise the reputation of Gwent Police.

Inappropriate - Whether or not an association is in fact inappropriate will be determined by the individuals involved in this process based upon the facts and evidence presented to them. The following factors, which are not exhaustive, will be taken into account in making that determination:

- a) The nature of the relationship and the extent and closeness of it.
- b) The antecedents and history of the person, group or organisation that the member of the organisation has the association with.
- c) Any criminal convictions of the person or persons within the group or organisation with whom the member of the organisation is associated.
- d) The number, seriousness and frequency of the convictions and the time since the last conviction.
- e) The suspected involvement in crime or inappropriate activity of the

- person or persons within the group or organisation with whom the member of the organisation has the association.
- f) The criminal associations of the person or persons within the group or organisation with whom the member of the organisation has the association.
 - g) The nature and objectives of the group or organisation to which the member of the organisation is associated.

Association - will have its everyday meaning. This will include:

- a) Meeting or uniting for a common purpose.
- b) Keeping company or being familiar.
- c) Being an ally, confederate, partner or colleague.
- d) Having a friendship, relationship, intimacy or connection.
- e) Being a member of a group, organisation or society, that is formed for the promotion of a common object or objects.

'Association' does not include a chance meeting.

Compromise - means to place in a position of difficulty or danger, to expose to risk of failure, frustration or disgrace or to cast doubt on one's integrity.

Group or Organisation - There is no definitive list to which this procedure will apply. However, examples would include Hells Angels, Combat 18, British National Party and the National Front. Whether or not a body amounts to being a group or organisation will be for the individuals involved in this process to determine based on fact and evidence.

1.2.14 A member of Gwent Police must always declare an association with a person, group or individual where they **know, consider or suspect** that the association is with a person who falls into the following categories:

- a) Persons with unspent convictions.
- b) Persons charged with a criminal offence (other than minor road traffic matters).
- c) Persons known to be under criminal investigation (other than minor road traffic matters) but not yet charged with an offence. This does not apply to continued association with a colleague who is suspended from duty. For further guidance please refer to the procedures in relation to the suspension of police officers and police staff.
- d) Persons subject of criminal intelligence or the subject of an interest marker.
- e) Persons who have been dismissed or required to resign from a police service or other law enforcement agency or resigned of their own accord.
- f) Former police officers or other law enforcement officers who are working in a related field of employment. For example, Private

- Investigators.
- g) Persons involved in the Sex Industry.

Under no circumstances should an individual conduct research of Force systems in order to substantiate or rebut their concerns or suspicions, but will report the matter to PSD in accordance with paragraph 1.2.6.

1.2.15 Activities - There is no exhaustive list of activities, which have the potential or are likely to lead to compromise of the member of the organisation or compromise of the operational effectiveness or integrity of Gwent Police. However the following activities will have this potential:

- a) Passing information or intelligence in contravention of the Data Protection Act.
- b) Misuse of Force I.T. systems.
- c) Entering into an association, which involves the acceptance or granting of favours, benefits in cash or in kind, or bribes.
- d) Turning a 'blind eye' to criminal or inappropriate behaviour by another.
- e) Failure to record and submit intelligence in respect of another.
- f) Giving evidence of character in criminal proceedings on behalf of a person with whom an association is deemed to be inappropriate.
- g) Discussing tactics, operations or technical equipment inappropriately such that, whether intentionally or not, operational or other Gwent Police activity could be compromised or sensitive tactics revealed.
- h) Associating, without proper authority, with a person or persons who have criminal convictions or who are suspected of unlawful activities.

1.2.16. Where a member of Gwent Police is aware of an association between another member of the Force and an individual, group or organisation which is required to be reported under this procedure, the member of the Force who has identified the possible concern has a responsibility to report the matter to PSD. Failure to do so may result in misconduct action being taken. The use of the Force Integrity reporting line (Safecall) as outlined on the PSD Force Intranet site will be considered as a report for these purposes.

1.2.17 Appeals Process

If the member of staff wishes to appeal against the determination they must do so by submitting a report to the Deputy Chief Constable (DCC) within fourteen days from receipt of the written determination. The advice, guidance and support of the relevant staff association or trade union must be available to the staff member in considering this course of action. The report must include the following:

- a) The date and terms of the determination
- b) The parties involved in the determination
- c) The aspect(s) of the determination that the individual disagrees with in clear and concise terms.

- d) The signature of the individual and date of submission

In considering the appeal, the DCC may hear representations from the individual and/or their association representative. The DCC must make a further determination that will be communicated to the staff member within twenty-one days of receipt of the appeal. The further written determination will confirm or overturn the earlier determination or impose different and/or additional conditions.

A copy of this determination will be forwarded to the Head of Service Area who will ensure that a copy is placed on the staff member's personal file. A copy will also be forwarded to and retained by PSD.

In accordance with the above procedures the individual can appeal against the further determination by the DCC to the Chief Constable. A report must be submitted within fourteen days from receipt of the written determination, to the office of the Chief Constable providing the information set out above.

In considering the appeal the Chief Constable may hear representations from the individual and/or their association representative. The Chief Constable must make a further written determination that will be communicated to the staff member within twenty-one days of receipt of the appeal. This written determination will again confirm or overturn the earlier determination or impose different and/or additional conditions.

A copy of this determination will also be forwarded to the Head of Service Area who will ensure that a copy is placed on the staff member's personal file. A copy will again be forwarded to and retained by PSD.

The decision of the Chief Constable is final.

2.0 Procedure Statement & Intentions

2.1 Principle & Scope of Procedure:

This procedure is designed to accord with the principles of natural justice, human rights and the basic principles of fairness, and should be administered accordingly.

Those who are responsible for administering this procedure are reminded that they are required to take its provisions fully into account when discharging their functions. Whilst it is not necessary to follow its terms exactly in all cases, the procedure should not be departed from without good reason. The procedure is not a definitive interpretation of the relevant legislation. Interpretation is ultimately a matter for the courts.

2.2 Aims of Procedure

- The aim of this procedure is to address the threat to the organisation and its staff by inappropriate associations.
- To provide an effective method by which individuals can report concerns about associations that could result in vulnerability or corruption without adversely affecting operational policing practice and police personnel morale.
- To be fair and proportionate in the management of the process and any decisions made with the objective of securing public confidence and the confidence of police personnel.
- To risk manage the issues raised and meet the support and welfare needs of all those involved in tandem with the responsibilities of Gwent Police.

3.0 Introduction

3.1 Origins/Background Information

The Taylor Review of Police Discipline arrangements was published in 2005 and has prompted the development of new systems for dealing with police performance and discipline. This has resulted in the introduction of the Police Regulations 2008 which is accompanied by the National Standards of Professional Behaviour for Police Staff.

3.2 Motivators/Driving Forces

The need for an effective method by which individuals can report concerns about associations that could result in vulnerability or corruption without adversely affecting operational policing practice and police personnel morale.

3.3 The Legal Basis and Legitimate Aims

- (a) Police Regulations 2003
- (b) Police (Conduct) Regulations 2008
- (c) Police (Performance) Regulations 2008
- (d) National Standards of Professional Behaviour

4.0 Implications of the Procedure

4.1 Financial Implications

There should be no additional financial implications with the introduction of this procedure.

4.2 Human Resources/Training

There will be no training implications

4.3 Strategic Plan Links

To increase public confidence and satisfaction in the delivery of police services.

4.4 Diversity

In the application of this procedure consideration must be given to the possible social impact of this procedure on the community. An equality impact assessment is a requirement to ensure all issues are considered. This is also a requirement of the Gwent Police Race Equality Scheme. Equality impact assessments must be undertaken before and after the application of this procedure.

Under the Race Relations (Amendment) Act 2000 Gwent Police is required to undertake proactive work to meet the General Duty of :

- Eliminating unlawful racial discrimination;
- Promoting equality of opportunity;
- Promoting good relations between people of different ethnic groups.

The General Duty is outlined in Section 71 (1) of the Act, and must be met in its entirety.

Monitoring must be undertaken to ensure that there is no adverse impact either positive or negative upon any one particular social group or individual. The results of monitoring must be analysed and be available for publication, and appropriate changes made.

All individuals using this procedure must be aware of the potential impact that this procedure has on the individuals to whom it is applied. The following strands of diversity and their corresponding pieces of legislation must be considered when answering these questions.

- Welsh Language Act 1993
- Race – Race Relations Act 1976
- Race Relations Amendment Act 2000
- Disability - Disability Discrimination Act 1995
- Gender – Sex Discrimination Act 1975
- Equal Pay Act 1970
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Age) Regulations 2006
- Equality Act 2010

4.5 Consultation

Police Authority
Chief Officers
Heads of Service Area
Information Security Officer/Data Protection Officer
Superintendents Association
Police Federation
UNISON Trade Union
Force Solicitor
Freedom of Information Officer
Networks Co-ordinator

5.0 Human Rights Consideration Certification

5.1 Auditing for potential interference and discrimination

Q1. What articles of the Human Rights Act 1998 may be engaged?

Articles 5,6,8,11 and 14.

Q2 Where individual rights are engaged what is the potential to discriminate against the parties involved?

As well as details of the potential to discriminate, the procedure should include a generic statement.

" In the application of this procedure the Force will not discriminate against any persons regardless of sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status as defined under article 14 of the European Convention on Human Rights ".

5.2 Key Human Rights Principles

Q1. What is the legal basis for your procedure?

See section 3.3

Q2. Does the procedure provide details of what could be considered as a legitimate aim for the potential interference with an individual's rights, through the exercising of this procedure? Restrictions on the rights protected in articles 8 - 11 in the Human Rights Act will be compatible with the convention only if they are aimed at protecting one of the interests listed in articles 8(2), 9(2), 10(2) and 11(2) respectively. The interest protected are broadly the same and generally include:

1. National Security
2. Public Safety
3. The protection of health or morals
4. The prevention of disorder or crime; and
5. The protection of the rights of others.

This procedure aims to provide clear aims and to prevent undue interference to individual rights.

Q3. How are staff made aware of the clearly defined decision making processes?

The procedure outlines the relevant processes.

Q4. What are the minimum standards of documentation in relation to decision making?

These will be outlined in the procedure.

Q5. How does your procedure provide guidance on the justification for actions and assessment as to whether the action is the least intrusive?

The justification for particular decisions taken in relation to the implementation of this procedure must be 'relevant and sufficient' and the least intrusive. There must be a fair balance between the restrictions on individual rights and the interests of the community at large. Therefore restrictions on individual rights must be proportionate to the legitimate aim they pursue. It is important that where a right is restricted the authority restricting it does not go beyond what is strictly necessary to achieve that purpose.

5.3 Rights, Publication, Audit and Inspection

Q1 Are there any sections of the document which should not be disclosed to the public on the Force Publication Scheme; because they consist of tactical or operational procedures, that would inhibit the apprehension or prosecution of offenders if publicly known, or would compromise the ability of the force to carry out its duties?

This document can be disclosed to the public.

Q2. What rights to make representation and appeal process are available?

Persons who wish to make representations regarding the operation of this procedure will have recourse to both civil and criminal law. There is also the right to use both formal, informal and organisational complaints procedures in respect to the operation of this procedure.

Q3. What internal review and audit process is in place or is proposed?

This procedure has been drafted in accordance with the principles and rights contained within the Human Rights Act 1998. It will be reviewed and continuously assessed in the light of any relevant changes and developments.

Q4. What external independent scrutiny is recommended?

Independent audit can be through the Police Authority/HMI/IPCC

5.4 Certification of Compliance

Consideration has been given to the compatibility of this procedure and related policies and procedures with the Human Rights Act; with particular reference to the legal basis of its precepts: the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making process's and outcomes of actions.

5.5 Legal Vetting

There are no issues in this procedure under ECHR which cannot be resolved.

This procedure has been vetted.

6.0 Promotion and Distribution

This procedure will be promoted and distributed as follows:-

- General Orders
- Intranet
- Internet

7.0 Monitoring / Review

Periodic monitoring and review will be conducted to ensure the fair and transparent operation of this procedure.

The principles of the Race Relations Amendment Act must be adhered to in that any recognisable adverse impact should be identified and appropriate action taken.

8.0 Policy Identification Page

Procedure Title: Notifiable Associations

Reference: 101/17 b issue 1

Procedure Ownership: Head of Professional Standards Department

Portfolio/Business Area Owner: DCC

Procedure Written By: Detective Inspector Anti – Corruption Unit

Department Responsible: Professional Standards Department

Procedure Lead: Head of Professional Standards Department

Links to other Policies/Procedure: Data Protection, Information Security, Fairness at Work, Equal Opportunities, Freedom of Information, Service Confidence, Misconduct procedures, Gifts and Hospitality, Direction and Control Complaints, Media Policy, Professional Standards Reporting, Vetting and Surveillance.

Procedure Implementation Date: 23rd Nov 2010 DCC

Procedure Review Date: Two years from implementation