



<u>Policy Title</u>	Disclosable Association Policy
<u>CCMT Sponsor</u>	Deputy Chief Constable
<u>Department/Area</u>	Professional Standards
<u>Section/Sector</u>	Headquarters

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1.0 Rationale

This procedure provides a framework in which staff, their supervisors and the force can make informed decisions based upon the circumstances of individual cases.

Each case will be considered on its own merits in confidence, so that the action taken is appropriate and proportionate to the need to protect the integrity of individuals and the force.

2.0 Intention

This procedure does not seek to govern or unnecessarily restrict every aspect of an individual's private life, nor does it attempt to prescribe what the decision or outcome should be in every case which comes under consideration. Staff should however be aware that in a small number of serious cases, the organisation may deem it necessary to instruct an individual to cease an association if it is unmanageable and likely to adversely affect confidence in Thames Valley Police or the wider police service.

3.0 General Principles

Police Forces throughout the UK are at risk from Organised Crime Groups (OCGs) who actively seek to identify staff (and volunteers) who they believe are vulnerable to corruption, being blackmailed or committing other offences that are contrary to criminal law.

OCGs, and other organisations, are known to exploit, directly and indirectly, legitimate social associations that already exist with members of the Force. This policy aims to protect the integrity and the reputation of staff, as well as the Force, by putting a reporting and risk assessment process in place to manage the risks that are presented from such associations, as well as providing staff with support and guidance.

This policy covers all police officers, special constables, police staff and volunteers.

There is a risk of compromise associated with Thames Valley officers, staff and volunteers being related to or having friendships with criminals in a capacity outside of their work related role. It is possible that individuals working for Thames Valley Police may face such a situation and need to know what to do, how to access advice and guidance and what to do to protect against the risks

The reporting of suspected or known criminal associations will allow proper assessment of the risks to the employee and Thames Valley Police, allow control measures to be put in place where necessary and facilitate the provision of support and guidance.

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It will also allow Thames Valley Police to make informed decisions about potentially inappropriate associations between members of the force and individuals or groups who may seek to exploit the association. These decisions will be based upon the circumstances of individual cases.

4.0 Guidance, Procedures & Tactics

4.1 Definitions

4.1.1

Association

'Association' will have its everyday meaning. This will include: keeping company, being a colleague, friend or relative.

The term 'association' is not intended to include a casual acquaintance, someone you have met once or twice or an individual you meet as part of your Thames Valley Police role. Rather it refers to someone with whom there is some form of ongoing personal relationship and therefore the potential for an individual to have some influence over the other.

So for example, merely playing in a football team with someone known or suspected to be a criminal would not fall under this definition, but if the contact extends to socialising with the person afterwards in the bar, then this would be a reportable association.

Each case needs to be individually assessed and the question that needs to be asked is 'does the association have the potential to adversely impact on the reputation of the staff member and/or Thames Valley Police.? If unsure, advice should be sought from the Professional Standards Dept.

4.1.2

Compromise

The definition of compromise is 'to place in a position of difficulty or danger, to expose to risk of failure, frustration or disgrace, to cast doubt on one's integrity'.

In the context of this procedure, the risk of compromise is both to the individual and to the operations, activity or reputation of the Force.

There is no definitive list but some activities with this potential include:

- A) Passing information or intelligence in contravention of the Data Protection Act;
- B) Misuse of Force IT systems including unauthorised additions/deletions;

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- C) The acceptance or granting of favours, benefits in cash or kind, or bribes which would place an individual (and by implication Thames Valley Police) at risk of compromise.
- D) Turning a 'blind eye' to criminal behaviour by a person with whom the staff member has an association;
- E) Failure to record and submit intelligence in respect of a person with whom the staff member has an association;
- F) Giving evidence of character in criminal proceedings on behalf of such a person with whom an association is determined to be inappropriate;
- G) Discussing tactics, operations or technical equipment in such a way, which, whether intentionally or not, could impact upon the operations, activity, or reputation of the Force by revealing details or techniques which should remain confidential;
- H) Being seen by members of the public in the social company of a person or persons known within a local area to have convictions or to be suspected of unlawful activities.

4.1.3

Reportable Association

A reportable association is one where it has the potential to, or is likely to:

- A) compromise a member of Thames Valley Police or
- B) compromise the operations or activity of Thames Valley Police or
- C) compromise the reputation of Thames Valley Police.

A reportable association will always include one where a member of Thames Valley Police has an association with an individual, group or organisation whom they know, consider or suspect falls into the following categories:

- A) A person with unspent convictions; (See the Rehabilitation of Offenders Act)
- B) A person charged with a criminal offence where matters remain unresolved;
- C) A person known to be under investigation for but not yet charged with a criminal offence;
- D) A person subject of criminal intelligence or the subject of an interest marker.
- E) Persons dismissed or who have resigned from a police force, or other law enforcement role, for reasons of misconduct
- F) Association with a group or activity, whether in person, by any means of correspondence or on a particular internet website, which would have the potential to compromise the individual staff member, operations, activity or reputation of the force
- G) Member of group or organisation detailed below

There is no definitive list of groups or organisations to be reported, this is a matter for those following the procedure to consider. This will include:

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A) Membership of the British National Party, Combat 18 and the National Front as prohibited by Police Regulations.

In addition, this could include:

B) Membership by a police officer of any political party where membership involves the officer playing an active part in politics in contravention of Police Regulations;

C) Association with groups or organisations involved in law breaking or criminal activity such as certain animal rights groups, football hooligans, etc;

D) Association with groups or organisations which would bring the force into disrepute. This could include, but is not limited to, racist groups and political parties or activist groups with aims which contradict Force Standards and Values.

E) Association with groups or organisations which advocate either active or passive non-compliance with the law

Please note that a reportable association is not one that relates to convictions or investigations focussed upon road traffic offences.

Where a member of Thames Valley Police knows, considers or suspects that they may have a reportable association they must submit a report entitled "Reportable Association" to the Head of Professional Standards via the Professional Standards mailbox. The report will be treated in confidence. Staff may also use the Confidential Integrity Line (I- Line 0800 111 4444).

Under no circumstances should an individual conduct research of force systems such as PNC or ODS in order to substantiate or rebut their concerns. To do so may be a breach of the Data Protection Act and will be considered a breach of the Standards of Behaviour for Police Officers /Staff.

The report will include:

A) Full name and force number of the staff member;

B) The name, age, date of birth (where known) of the person to which the staff member is associated; and

C) Why the association is one that is required to be reported.

The obligation to notify a 'reportable association' applies irrespective of whether or not an association has been declared as part of any security clearance or vetting procedure.

Where a member of staff becomes aware of an association between another member of staff and an individual, group or organisation which may be reportable, they must report this to the Head of PSD via the Professional Standards Inbox mailbox or by utilising the confidential reporting system I Line 0800 111 4444.

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4.1.5

Determination

Upon the receipt of a report from a member of staff or officer, the Head of PSD will ensure that research appropriate to the circumstances is undertaken in an effort to substantiate or rebut any concerns. In the majority of instances it is likely that no further action will be required from the individual or the Force as the reporting of an association will serve to sufficiently reduce the risk of any future compromise. However, if it is judged necessary by the Head of PSD, a PSD manager will be appointed to chair a Risk Management meeting with the staff member and staff association representative and then formulate a draft Risk Management Plan.

The staff member will be notified of the determination as quickly as possible via email, which should normally be within 2 weeks of the report being received by the Head of PSD.

4.2

Risk Management Plan (RMP)

A Risk Management Plan outlines the risks to the individual and the Force and where necessary will include appropriate control measures to mitigate any identified risk.

The Risk Management Plan may determine that all further contact with the individual or group must stop, or if this is not possible or necessary, then control measures may set limits, parameters or conditions to reduce the risks to which the staff member will be required to adhere.

In most cases the association will also be considered by the Force Vetting Department who will determine if the vetting level of the staff member is still valid and highlight any risks to the head of PSD. In a small number of cases this may affect the staff member's ability to carry out their current posting. In these cases the matters will be carefully considered before a decision is made.

The control measures may include ensuring a staff member is aware of force policy, an agreement as to how the staff member should report any contact and any action required should they be subject to an attempt to groom, pressurise to act inappropriately or 'turn a blind eye'. In the most serious of cases, it may also be appropriate to restrict or direct the role the individual may perform.

Once a draft Risk Management Plan has been formulated, the individual and/or their staff association representative will be sent a copy and given the opportunity to make written or verbal representations to the Head of PSD

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regarding a determination that the association is a reportable one under the procedure and the suitability of the draft plan.

The Head of PSD will then make the determination and, after any necessary amendment, approve the RMP. The staff member will be informed and the date and time recorded.

A copy of the determination and any RMP will be forwarded to the relevant LPA/OCU Commander or Head of Department and a copy will be placed on a file held confidentially in PSD.

The RMP will be subject to annual review by the Professional Standards Department.

4.3

Change in circumstances

If circumstances change following a determination, then a further report should be submitted by the member of staff and the Risk Management Plan reviewed and amended accordingly. The Head of PSD will again allow the individual and/or their staff association representative to make representations before making a determination as to the requirement for and suitability of the amended plan.

4.4

Breach of the Risk Management Plan

Where any staff member fails to report a reportable association without reasonable excuse or persists in an association or fails to comply with the restrictions/limitations imposed, the matter will be referred to the Head of PSD to determine the most appropriate course of action. This may include the commencement of an investigation into misconduct, amending the Risk Management Plan (RMP) or setting additional restrictions/limitations to the association. In cases where any staff member fails to comply with a RMP or whereby the association results in criminal proceedings the RMP and associated documentation will be disclosable to the Court or disciplinary hearing.

4.5

Appeals Process

Should a staff member wish to appeal against the determination made, and/or the RMP imposed by the Head of PSD then this must be done in writing to the Deputy Chief Constable. A staff association can offer advice, guidance and support in the appeal process.

The report must:

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- A) be submitted within 14 days of being informed of the determination and the RMP
- B) set out in clear and concise terms, why the individual disagrees with the determination or RMP; and
- C) be signed and dated by the staff member concerned.

In considering the appeal the DCC may hear representations from the individual and/or their staff association as well as the Head of PSD. The DCC may confirm or overturn the decision of the Head of PSD or impose a different RMP with different restrictions placed upon the association.

A copy of the determination and any RMP will be forwarded to the relevant OCU Commander or Head of Department who will ensure that a copy is placed on the staff member's personal file and that the individual is informed of the determination. A copy will also be forwarded to and retained by the Professional Standards Dept.

4.6

Meeting persons on Bail and/or in Custody

Any member of police staff, police officer, volunteer or special constable, meeting a person on bail, other than during the course of an investigation, must, if the meeting is pre-arranged, obtain permission from their LPA/Departmental Inspector or police staff equivalent before the meeting and must, at the conclusion complete a CID72 with details of the meeting and items discussed. Officers are reminded that the reason for the person being on bail must not be discussed during the meeting. This form must then be submitted via their LPA/Departmental Chief Inspector/Superintendent to the relevant Investigating Officer having responsibility for the matter under investigation.

If the meeting is not pre-arranged a CID72 must be completed as soon as possible after the conclusion of that meeting and submitted through the officer's LPA/departmental Chief Inspector/Superintendent for retrospective acknowledgement and for forwarding to the relevant Investigating officer for that enquiry.

Covert Human Intelligence Sources are dealt with in a separate policy

5.0 Challenges and Representation

Detective Chief Superintendent
Head of Professional Standards Department
Thames Valley Police Headquarters
Kidlington

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Oxford
OX5 2NX

5.1

Thames Valley Police Officers, Staff and Volunteers

All members of Thames Valley Police that know, consider or suspect that they may have a reportable association with an individual, group or organisation must submit a report to the Head of PSD. Consideration or mere suspicion is sufficient for a staff member to report their concerns. Under no circumstances should an individual conduct research of force systems in order to substantiate or rebut their concerns regarding an individual, group, or organisation.

All staff members or their representative have the opportunity to make representations regarding a determination or proposed RMP and appeal to the Deputy Chief Constable.

Where any staff member fails to comply with the restrictions/limitations imposed by the Risk Management Plan, the matter will be referred back to the Head of PSD to determine the most appropriate course of action.

5.2

Head of Professional Standards Department

Upon the receipt of a report from a member of staff or officer, the Head of PSD will ensure that research appropriate to the circumstances is undertaken in an effort to substantiate or rebut any concerns and if considered necessary direct that a Risk Management Meeting be held and a Risk Management Plan be formulated. After consideration of any representations from the staff member or a representative, the Head of PSD shall make a determination and approve a Risk Management Plan.

5.3

Deputy Chief Constable

The DCC will consider verbal or written representations from a staff member and/or their staff association as well the Head of PSD. The DCC will then confirm or overturn the decision of the Head of PSD or impose a different RMP with different restrictions imposed upon the association.

5.4

Administration

Officers, staff and volunteers who know or suspect that they have a 'reportable association', as defined under this procedure at section 4.1.3,

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should email a report to the Head of Professional Standards including the relevant information as outlined at section 4.1.3. The report should be sent by email to the Professional Standards Mailbox.

Where a member of staff becomes aware of an association between another member of staff and an individual, group or organisation which may be reportable, they must report this to the Head of PSD via email to the Professional Standards Mailbox or by utilising the confidential reporting systems.

6.0

Communication and Implementation Strategy

The Policy Management unit will publish the policy onto the policy and procedures intranet site and the TVP website, it will also be advertised in Manager's Briefing

Thames Valley Police expects the highest levels of honesty and integrity from all its officers and staff. As public servants, they are expected to observe the highest standards of conduct, in both their private lives and their employment. It is essential that the communities of Thames Valley have full confidence that Thames Valley Police employees will discharge their duties with fairness and impartiality.

The reporting of known or suspected criminal associations is a difficult issue that staff may face at some time. This procedure seeks to put a fair process in place to reduce the risk to all staff from such associations, as well as providing them with support and guidance. The procedure will be implemented fairly with full consideration of the welfare of individuals.

It is appreciated that staff sometimes have little or no control over some relationships or associations, for example through marriage of a close relative, or where a relative becomes involved in criminal activity. This procedure is focused upon protecting the integrity of staff as well as supporting them, so that individuals know what to do when they find themselves in what can often be a very difficult situation. Where it is not practicable for an association to cease altogether, the force may set limits, parameters or conditions to reduce the risks to the individual and the Force, to which the staff member will be required to adhere.

6.2

Remit for management of the policy

Once the policy has been authorised the Policy Management Unit will be responsible for the following:

- Publishing the policy on the Force Intranet and Internet

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- Publishing the Diversity Equality Impact Assessment on the intranet and internet if rated as HIGH.
- Facilitating public availability
- Retrieving the policy for review on the appropriate date

The policy owner/Head of Department will be responsible for:

- Monitoring relevant changes in legislation
- Monitoring relevant Court rulings – domestic, European and Human Rights
- Monitoring changes as a result of Home Office Circulars
- Monitoring developments at the ACPO Policy Unit
- Monitoring examples of good practice from other forces and other organisations
- Monitoring representations made by individuals and relevant organisations
- Monitoring relevant diversity data
- Reviewing the policy at the appropriate time

7.0 Compliance and Certification

7.1 Human Rights Certification

The Human Rights Audit will be carried out by a trained [Human Rights Auditor](#).

(i) Legal Basis

List here the relevant Acts of Parliament (including European Parliament and Stated Cases) or Statutory Instruments which make this policy necessary or affect this policy)

(ii) Human Rights Articles Engaged

It is acknowledged that this policy has the potential to engage the following articles

- Article 8 – Right to respect for private and family life
- Article 10 – Freedom of Expression
- Article 11 – Freedom of Assemble and Association

In the event that an Article of the Convention is engaged, then the legitimacy for the engagement is provided within the text of the Article

Audited by: (Rebecca Griebe)

Audited on: (11 March 2011)

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7.2 Diversity Impact Assessment

This DIA will be carried out in conjunction with a member of the Diversity Team.

7.3 Diversity (Human Resources)

To be completed by the Policy Management Unit after consultation with the Force 'experts'

7.4 Management of Police Information (MoPI) Compliance

Police Information is information that is held in relation to a Policing Purpose and can be stored on electronic or manual systems. Information will be collected, recorded, evaluated, shared, retained and disposed of in accordance with the MoPI Code of Practice.

7.5 Community Engagement Strategy and Standards

It was agreed that a Community Engagement Strategy was not necessary for this policy.

7.6 Data Protection

Personal data processed as a result of this policy will be managed in accordance with the provisions of the Data Protection Act 1998. It is acknowledged that 'sensitive personal data' may be processed and this data will be protected in accordance with the requirements of the Act.

Specific Information sharing protocols should be in place to ensure that all disclosures made in accordance with this policy to take into account the individuals legislative rights.

7.7 Freedom of Information Act

This policy is suitable to be made available to the public.

7.8 Protective Markings

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7.9 Health & Safety at Work

There are no Health and Safety issues associated with this procedure.

8.0 Monitoring and Review

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The Head of Professional Standards is responsible for implementing, administering and monitoring the procedures defined in this policy.

This procedure will be reviewed annually, from the date of publication by the Deputy Head of Professional Standards Department. The review will seek to establish if the procedure can be improved, whether police officers, police staff, special constables and volunteers are receiving appropriate support having reported an association, that confidentiality is being maintained and that the 'need to know' principle is being adhered to.

For use by the Policy Management Unit Only

<u>Chief Officer Policy Authorisation</u>	
Policy signed off by:	
Francis Habgood Deputy Chief Constable	Date