



Disclosable Associations

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Approved by

Legal Services	✓ 6 th June 2014
Policy owner	✓ 9 th June 2014
JJNCC	N/A

Note: By signing the above you are authorising the policy for publication and are accepting accountability for the policy on behalf of the Chief Constables.

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Note: Please send the original Policy with both signatures on it to the Norfolk CPU for the audit trail.

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Legal Basis

(Please list below the relevant legislation which is the legal basis for this policy). You must update this list with changes in legislation that are relevant to this policy and hyperlink directly to the legislation.

Legislation specific to the subject of this policy document

Section	Act (title and year)
	Police (Complaints and Misconduct) Regulations 2004
	Police Reform Act 2002
	Criminal Justice and Public Order Act
	Police Regulations 2003, specifically Regulation 6, Schedule 1 & Annex AA Regulation 6
	Protection from Harassment Act 1997
	Police (Conduct) Regulations 2004 and Police (Efficiency) Regulations 1999
	Criminal Procedure and Investigations Act 1996

Other legislation which you must check this document against (required by law)

Act (title and year)
Human Rights Act 1998 (in particular A.14 – Prohibition of discrimination)
Equality Act 2010
Diversity Race Relations Amendment Act 2000
Crime and Disorder Act
H&S legislation
Data Protection Act 1998
Freedom Of Information Act 2000

1. Introduction

- 1.1 Norfolk and Suffolk Constabularies expect and demand the highest levels of honesty and integrity from their officers and staff.
- 1.2 As public servants we are all expected to observe the highest standards of conduct in both our work and private lives. It is essential that the community we police has confidence in our ability to discharge our duties with fairness and impartiality.
- 1.3 As such there is a risk that inappropriate associations could have a serious detrimental effect not only on the individual member of staff, but also on the overall integrity, operational effectiveness and reputation of both Norfolk and Suffolk Constabularies.
- 1.4 This policy applies to all Police Officers, Police Staff, members of both Forces' Special Constabularies and all volunteers.

2. What is a 'Disclosable Association'?

- 2.1 A 'disclosable association' is an association where, other than in the course of official police business (this includes staff association business), a member of police personnel comes into contact with any person which has the potential to, or is likely to compromise a member of staff, compromise operational activity or compromise the reputation or integrity of Norfolk or Suffolk Constabularies.
- 2.2 This association can be inadvertent or otherwise and it is acknowledged that there will be some associations that are unavoidable, e.g. through marriage/civil partnerships or family/close relationships and therefore compliance with this policy will protect the integrity of staff who may find themselves in this position.
- 2.3 'Association' will have its everyday meaning and will include:
 - Meeting or uniting for a common purpose, e.g. member of a sports team or organised club;
 - Keeping company or being familiar;
 - Being an ally, confederate, partner or colleague;
 - Having friendship, relationship, intimacy or family connection.
- 2.4 The term 'association' is not intended to include a person whom a staff member knows casually or with whom the staff member may be on 'nodding' terms.
- 2.5 It also does not include a chance meeting. However, where any such meeting may compromise the impartiality or integrity of a member of either Constabulary, the matter should also be reported in order to protect the interests of officers and staff. For example, where a person on bail for

an offence approaches the officer in the case whilst off duty and engages them in conversation about the offence, it is in the interests of staff to report the circumstances to safeguard against any allegations of wrongdoing that may result.

3. Aims and Objectives

- 3.1 The aims and objectives of this policy are to identify and address any actual or potential 'disclosable associations' between Norfolk or Suffolk Constabularies' personnel and other individuals or organisations, in order to prevent any actual or potential compromise of policing functions, to protect the integrity of both Norfolk and Suffolk Constabularies and personnel and to maintain the operational effectiveness and reputation of both Constabularies.
- 3.2 This Policy also seeks to address the issues detailed in the Code of Ethics in relation to associations
- Membership of groups or societies, or associations with groups or individuals, must not create an actual or apparent conflict of interest with Police work and responsibilities;
 - The test is whether a reasonably informed member of the public might reasonably believe that your membership or association could adversely affect your ability to discharge your policing duties effectively and impartiality.

4. Responsibility to Disclose

- 4.1 All members of police personnel have a duty to report all 'disclosable associations' which they suspect, or of which they become aware, to the Professional Standards Department (PSD).
- 4.2 This reporting is irrespective of whether it involves themselves or another member of police personnel.
- 4.3 Members of Norfolk and Suffolk Constabularies must report an association with an individual or group where they know, consider or suspect that the association is, or has been, with a person who falls into the following categories:
- Persons with unspent criminal convictions;
 - Persons charged with a criminal offence and the subject of a current prosecution;
 - Persons known to be under investigation but not yet charged with a criminal offence;
 - Persons who are the subject of criminal intelligence or the subject of an interest marker;

- Persons who have been dismissed following disciplinary action or asked to resign from a police service or other law enforcement agency for reasons of misconduct;
 - Former police officers or other law enforcement officers who are working in a related field of employment outside the organisation, or other law enforcement agency. This will include private investigators and persons working for a law firm as a legal representative in the custody process.
- 4.4 It is not intended to prohibit all the associations listed above, but for reasons of clarity, these are listed as categories of association which must be declared, so that a determination can be made.
- 4.5 The list is not exhaustive and any association falling outside of these categories must still be declared. In cases where doubt exists as to the requirement to disclose, staff and officers should err on the side of caution and report the details of the association so that appropriate enquiries can be made.
- 4.6 **Please Note:** There is no exemption from the Data Protection Act 1998 in relation to accessing information to determine whether an association requires disclosing. Therefore, officers and staff are not permitted to carry out checks on associates using either force's computer systems.
- 4.7 Failure to report a suspected or known disclosable association may result in disciplinary action.

5. Reporting Process

- 5.1 The report (can be in e mail format or a simple word document) should be submitted in writing and sent to:

Detective Inspector
Joint Anti-Corruption Unit
OCC
Building 9
Falconers Chase
Wymondham
Norfolk
NR18 0WW

or, emailed to: psd-aciu@norfolk.pnn.police.uk

- 5.2 Alternatively, if preferred, the report can be submitted via:

- A line manager;
- The Police Federation;
- UNISON;
- The Superintendent's Association; or

- The confidential email facility.
- 5.3 Additionally, in cases where the association involves another member of police personnel, reporting will also be accepted via the confidential telephone line (Norfolk – 0845 4568989, Suffolk extn. – 3845) or anonymous confidential online reporting facility available from the intranet home pages, and the PSD intranet sites.
- 5.4 The report should include the following information:
- Full details of the member of staff involved;
 - Full details of the individual or group with which there is an association; and
 - The reasons why the association is or may be inappropriate and therefore disclosable.
 - **Under no circumstances should CIS / PNC be researched to obtain details of the person(s) subject to the report.**
- 5.5 Once received, the Head of Professional Standards will ensure a record of the report is made and investigated fully by the Anti-Corruption Unit (ACU).
- 5.6 The reporting process is outlined in flowchart form at [Appendix A](#).

6. Investigation and Determination Process

- 6.1 The ACU will research the report and an evaluation of the potential risks will be considered. The following will be taken into account when determining what, if any, action is to be taken or is appropriate:
- The nature of the relationship and the extent and closeness of it;
 - The antecedents and history of the person, group or organisation with whom the member of staff has the association;
 - Any criminal convictions of the person or persons within the group or organisation with whom the member of staff is associated. (Please Note: This does not include speeding and due care convictions);
 - The number, seriousness and frequency of the convictions and the time since the last conviction;
 - The suspected involvement in crime or inappropriate activity of the person or persons within the group or organisation with whom the member of staff has the association;
 - The criminal associations of the person or persons within the group or organisation with whom the member of staff has the association;
 - The nature and objectives of the group or organisation to which the member of staff is associated;

- Any other reported associations for that staff member of other intelligence relating to them.

6.2 Once the ACU have conducted proportionate inquiries they will decide if the association is appropriate or not and take action depending on the decision made.

Association Determined to be Inappropriate

6.3 Where the association is deemed to be inappropriate, the ACU will need to assess it against the relevant potential risks (as per those listed in [Appendix B](#)) and either:

- Identify appropriate control measures to be put in place to mitigate/minimise any potential risks to enable the association to continue; or
- Decide that the association must cease*.

*If the decision is made that the association must cease and this is not practicable, e.g. because the association is through marriage/civil partnership or a family/close relationship, the action to be taken and the necessary restrictions to be placed on the relationship will be prescribed in order to minimise any risks.

6.4 Once this decision has been made, the ACU will invite the individual concerned to attend a meeting. The individual will be given the opportunity to have a staff association/Trade Union/Staff Support Group representative present at this meeting.

6.5 At the meeting, the individual will be informed of the decision and the potential risks and impacts of the association to the individual, the organisation(s) and any operational or work activity where control measures have been identified; these will also be discussed and imposed at the meeting.

6.6 Restrictions placed on the individual will only be those that are necessary and proportionate to minimise the risks to both Force's and may include, but not limited to, where they can work and what information they are allowed to access.

6.7 If the individual concerned holds a post that requires enhanced vetting, their vetting clearance will have to be reviewed in light of the association.

6.8 Where the ACU have concerns over the implications of an association or control measures needed, the Head of Professional Standards should be consulted for further advice and/or guidance as necessary.

Association Determined to be Appropriate

6.9 Where the association is deemed to be appropriate, the ACU will inform the individual by email, confirming that the association may continue.

6.10 The investigation and determination process is outlined in flowchart form at [Appendix A](#).

7. Recording the Decision

7.1 Whether the association is determined to be appropriate or not, the ACU must record the notification of the association, the outcome of the investigations, as well as the time and date of when the individual was informed of the outcome on the Disclosable Associations Register.

7.2 A copy of the decision, with any restrictions imposed, must be forwarded to the individual's Head of Department or Commander, who will be responsible for ensuring a copy is placed on the individual's personal file. A copy will also be retained by the Professional Standards Department.

8. Failure to comply with the determination and/or restrictions

8.1 Where any staff member persists in an inappropriate association or fails to comply with the restrictions/limitations imposed, the matter must be referred to the Head of Professional Standards who will decide on the most appropriate course of action. This may include amending or setting additional restrictions/limitations to the association or commencing a misconduct inquiry.

8.2 The Head of Professional Standards must then formally advise the individual of their decision and any amended or additional restrictions put in place.

8.3 The Disclosable Associations Register must be updated and the individual's Head of Department or Commander must also be informed and an updated copy of the decisions and restrictions placed on the individual's personal file.

9. Changes to the circumstances of the association

9.1 If, once a decision has been made and finalised, the circumstances of the association change from those originally disclosed, then another report will need to be submitted for review as per the reporting process outlined above.

10. Appeals

10.1 Individuals may appeal against the determination and/or restrictions imposed on the association. Advice and assistance can be sought from the Police Federation, UNISON or Superintendent's Association if required.

10.2 The appeal must be in writing to the Head of Professional Standards within 14 days of being informed of the original determination and must:

- State the date the determination was made;

- State the terms of the determination;
- State the parties involved in the determination;
- Clearly and concisely set out why the individual disagrees with the determination, or a specific aspect(s) of it; and
- Be signed and dated by the individual concerned.

10.3 The Head of Professional Standards will forward the appeal to the Deputy Chief Constable (DCC) for consideration.

10.4 In considering the appeal, the DCC may hear representations from the individual and/or their staff association representative.

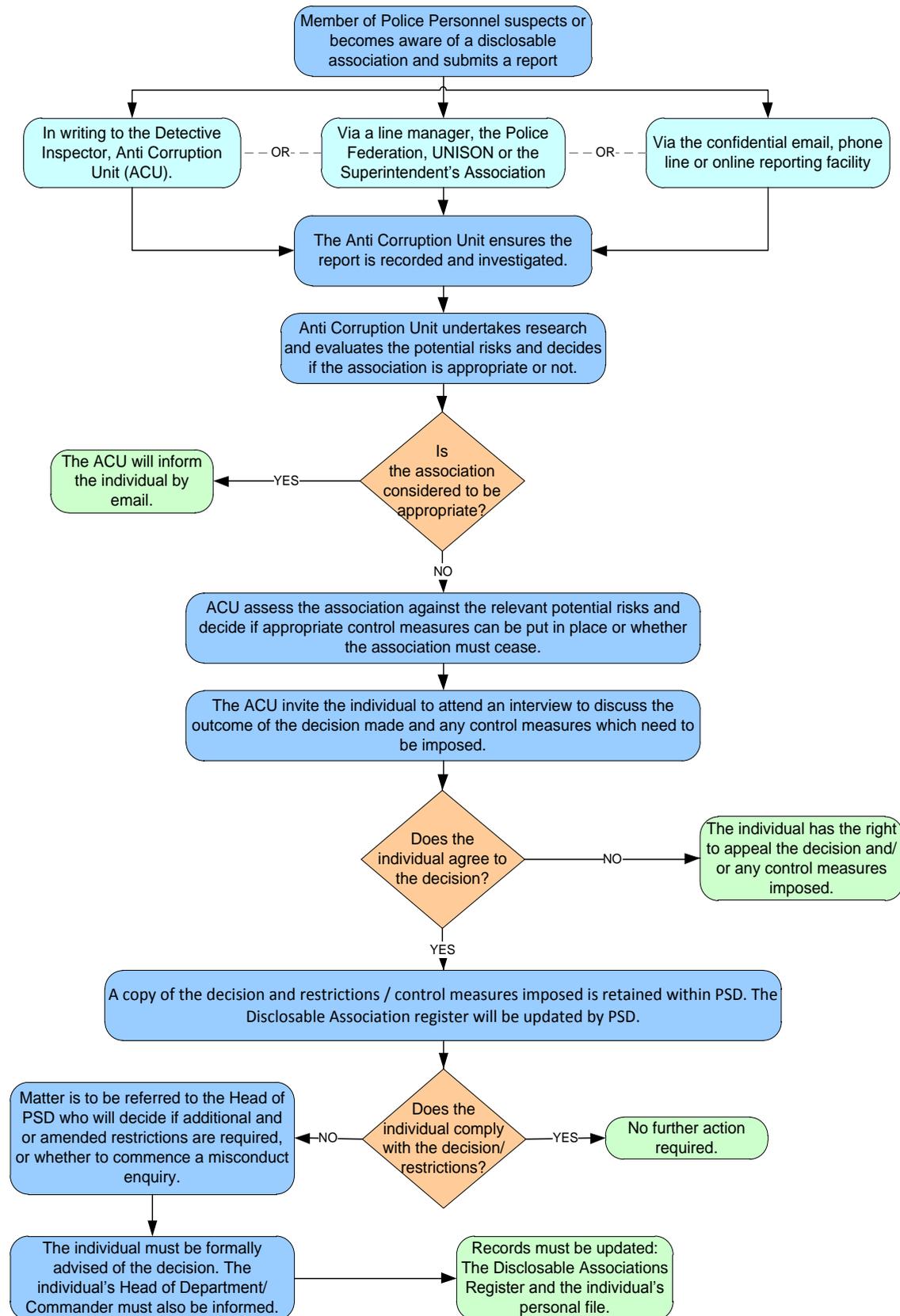
10.5 The DCC may confirm or overturn the original determination of the Head of Professional Standards and/or where appropriate, impose different restrictions on the association. The individual will be informed of the DCC's decision in writing within 28 days.

10.6 A copy of the DCC's decision will be forwarded to the individual's Head of Department or Commander. A copy will also be forwarded to, and retained by, the Professional Standards Department as well as a copy being placed on the individual's personal file.

10.7 The decision of the Deputy Chief Constable is final.

10.8 The appeals process is outlined in flowchart form at [Appendix C](#).

Appendix A – Reporting, Investigation and Determination Process Flowchart



Appendix B – Potential risks and possible control measures

Potential Risk	Why is it a risk?	Possible control measures
Undermining public confidence	Association adversely affects impartiality and service delivery.	Remind staff of data protection issues and need to know principle. Consider restrictions and conditions on further association in agreement with staff member and OPSY.
Damage to organisational reputation	Association adversely affects current work strands and local partnerships.	Consider restrictions and conditions on further association in agreement with staff member and OPSY. Consider temporary change of role or area of work in agreement with staff member and OPSY whilst the association continues.
Criminal Justice failures	Association adversely affects ability to provide evidence.	Review casework of staff member in liaison with CJU Manager. Consider temporary change of role or area of work in agreement with staff member and OPSY.
Operational activity compromise	Association presents risk of operational compromise.	Consider temporary change of role or area of work in agreement with staff member and OPSY whilst the association continues. Arrange process for submission of intelligence.
Personal injury (to members of staff with associations subject of this policy)	Circulation of personal details to a wider criminal network.	Measures from above. Liaise with the Anti Corruption Unit and OPSY.
Personal injury (to the public)	Awareness of association with member of Suffolk Constabulary leading to mistrust within criminal fraternity.	Measures from above. Liaise with the Anti Corruption Unit and OPSY.
Physical dangers due to exposure as police officers and staff	Potential compromise of police operations due to criminal contact and associations and disclosure of intelligence.	Measures from above. Liaise with the Anti Corruption Unit and OPSY.
Personal injury/ Physical assault (to Victims, witnesses, CHIS)	Potential misuse of police held data and PNC due to criminal associations of staff member.	Measures from above. Liaise with the Anti Corruption Unit and OPSY.

Physical dangers due to criminal justice failures (to Witnesses, victims, CHIS involved in court processes)	Potential evidential compromise of police work due to association.	Measures from above. Liaise with the Anti Corruption Unit and OPSY.
Psychological harm (to officers and staff)	Stress related matters caused by pressures or demands of criminal association.	Nominate liaison officer Measures from above. Liaise with the Anti Corruption Unit and OPSY.

Appendix C – Appeals Process Flowchart

