



# Notifiable Association Policy

**OFFICIAL**

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# Policy

## Statement

Merseyside Police recognises that it is legally accountable and subject to public scrutiny in respect of its delivery of policing services. It also acknowledges that in order to maintain and enhance public confidence, it must create an ethically robust, corruption resistant, organisation.

The Notifiable Association provisions contained within this policy introduce a framework for reporting associations, which have the potential to compromise either the Individual or the Organisation.

Merseyside Police recognises there is a risk of some staff associating with inappropriate persons, groups or organisations. It is important that staff understand the directives (contained within this policy and procedure) to be observed, to ensure that no doubt is cast on the integrity of Merseyside Police.

## Aims

The main aim of this policy is to protect the integrity of the organisation, individuals and operations.

The policy is designed to ensure all Police Officers and police staff are fully aware of their respective and joint responsibilities regarding notifiable associations. It is underpinned by procedures that detail the steps to be taken at all relevant stages.

## Objectives

- a) Protect the Force from organised groups or individuals who would benefit in any way from corrupting its staff
- b) Protect all Force staff from being subjected to unnecessary or unwarranted pressures, from organised groups or individuals, to compromise their professionalism and integrity
- c) Protect the public from any potential reduction in efficiency of the Police service or any increase in non-legitimate activities of any organised groups or individuals.
- d) Establish the need to apply fairness, objectivity and proportionality in the application of the procedure.

## Application and Scope

This policy applies to all members of the wider police family within Merseyside Police Force. The Chief Officer lead for Professional Standards is the Deputy Chief Constable.

## Outcome Evaluation

Outcomes should reflect specific objectives and be measured against these objectives on a routine basis. The Head of the Anti-Corruption Unit will determine responsibilities and activities involved in measurement.

In broad terms the basic required outcome should be greater understanding of respective roles, responsibilities and procedures amongst officers and staff involved.

## Version History

<b>Date</b>	<b>Notes</b>
07/03/2016	V 1.1 – Minor amendments only. Para 5.1(e) inserted and 5.15 (g) inserted after formal review by Integrity & Anti-Corruption Board.
14/05/2018	V 1.2 – Removal of DCI and left as Head of ACU, change to reflect latest edition of Police Conduct Regulations that are 2012 and not 2008. Change to reflect change to Functional Leads rather than Area Commanders.
11/06/2021	V 1.3 - To include Police (Conduct) Regulations 2020, Change of Appeal process, to include other disposal method.

# Procedure

## 1. Context

- 1.1 Merseyside Police relies on the honesty and integrity of its staff. As public servants, they are expected to observe the highest standards of conduct, in both their private lives and their employment.
- 1.2 In practice, the vast majority of staff behave with complete integrity. However, Merseyside Police recognises there is a risk of some staff associating with inappropriate persons, groups or organisations.

## 2. Definition

- 2.1 An association will be considered inappropriate and will not be tolerated where it has the potential to, or is likely to:
  - Compromise the individual staff member, or
  - Compromise the operations or activity of Merseyside Police, or
  - Compromise the reputation of Merseyside Police.

## 3. Process

- 3.1 Where a member of Merseyside Police knows, considers or suspects that they may have a personal association with an individual, group or organisation, which is or may be notifiable they must report the matter to a Police Officer of the rank of Inspector or above or alternatively, to the Head of Department, in those cases where there is no Police Officer management. This officer will be known as the Receiving Officer.
- 3.2 The member of Merseyside Police must not conduct research on Force systems for the purpose of seeking to substantiate or rebut the concerns or suspicions at issue. The Receiving Officer will ensure that research appropriate to the circumstances reported is undertaken in order to substantiate or rebut those concerns. The Receiving Officer will apply strict confidentiality to the requirement for the research to be undertaken. The Receiving Officer will not inform the member of Merseyside Police who is reporting the concerns of the outcome of that research; but will submit a report to the Departmental Head or Functional Lead.
- 3.3 In those cases where the department does not have access to the relevant systems to conduct research they will refer the matter to the Head of The Anti-Corruption Unit who will ensure that appropriate research is conducted.
- 3.4 The Functional Lead or Departmental Head will then risk assess the identified risk and ensure that an initial Risk Management Plan is implemented. The Functional Lead or Departmental Head will then refer the report to the Head of the Anti-Corruption Unit.
- 3.5 The Head of the Anti-Corruption Unit will then risk assess the action and decisions, which have been taken to that point. If the Head of the Anti-Corruption Unit is satisfied that appropriate control measures have been implemented; he or she in liaison with the Functional Lead or Departmental Head will ensure that where it is appropriate the Risk Management Plan is kept under regular review until such time

as any identified risk has been reduced to an acceptable level; or alternatively until the matter is referred to a Service Confidence case conference.

- 3.6 The onus will be on individuals to report any change of circumstances about the association, in order that the Risk Management Plan can be reviewed.
- 3.7 If the Head of the Anti-Corruption Unit is not satisfied that adequate control measures have been implemented, he or she will refer the matter to an Assistant Chief Constable for consideration of invoking the Service Confidence procedure.
- 3.8 Appeals –If you do not agree with the decision, you do have the right to appeal. Your appeal must be in a written report and submitted to the Head of the Anti-Corruption Unit for the information of the Deputy Chief Constable, either directly by you or by your staff association representative and within 14 days of the original decision having been communicated to you.

The report must include:

- Details of the decision and the date it was made
- Set out, in clear and concise terms, why you disagree with any aspect or aspects of the decision.
- Be signed (including electronically) and dated by you.
- After considering your appeal, the Deputy Chief Constable will inform all parties to the original decision of the result within 14 days. The appeal decision is final.

- 3.9 Where a member of the organisation is aware of an association between another member of the organisation and an individual, group or organisation, which falls to be reported under this policy, the member of the organisation who has identified the possible concern has a responsibility to report the matter in accordance with the 'Doing the Right Thing Whistle blowing Policy'
- 3.10 Where an association is judged by the individual concerned or a senior manager to be inappropriate because it carries any of the risks outlined, the individual and management will agree the steps to be taken for the association to cease or be subject to limitations. Where advice has been given that such an association must cease yet it persists or the limitations are not observed, then the inappropriate association will be considered under the Police (Conduct) Regulations 2020 or as a disciplinary matter in respect of police staff.
- 3.11 The Notifiable Association will be reviewed at least every 12 months

## 4. Acknowledgement

- 4.1 Merseyside Police acknowledges:
- The rights of its staff to respect for private and family life afforded by the Human Rights Act 1998, Article 8
  - The rights of its staff to Freedom of Expression afforded by the Human Rights Act 1998, Article 10
  - The rights of its staff to freedom of peaceful assembly and to freedom of association afforded by Article 11 of that Act
  - The rights of its staff to marry afforded by Article 12 of that Act

- 4.2 The existence of these articles does not prevent the imposition of lawful formalities, conditions, restrictions or penalties on the exercise of these rights by citizens, including officers and staff of Merseyside Police which may be necessary for a number of reasons to prevent the work of the Force being undermined, and in particular:
- For the prevention of crime or disorder
  - For the prevention of the disclosure of information received in confidence
  - For the protection of the reputation or rights of others.
- 4.3 Merseyside Police has a duty to ensure so far as is possible, that staff members comply with the provisions of the Data Protection Act 1998. Police staff must not breach confidentiality in respect of the work of the police service, either during the course of employment or subsequently.
- 4.4 The Police Service is committed to full compliance with the duty to promote race equality established in the Equality Act 2010. Merseyside Police also has a duty under this act as a specified public authority, to promote racial equality. It is unacceptable to the service for any police officer or police staff to be an active member of an organisation that encourages discrimination.
- 4.5 Such activity will lead to an investigation as to whether any discipline offence has been committed under the Police (Conduct) Regulations 2020 and/or the Police Staff Discipline Procedure

## 5. Meaning of Terms

- 5.1 '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) Contact, partly or solely on line, including telephone, through social media, email or internet.
  - f) Being a member of a group, organisation or society, which is formed for the promotion of a common object or objects.
- 5.2 'Association' does not include a chance meeting.
- 5.3 'Notifiable' - There is no definitive list of associations, which will be deemed to be notifiable. Whether or not an association is in fact notifiable will be for the individuals involved in this process to determine. However, for the purposes of this policy, unacceptable organisations include:
- 5.4 Active membership could involve activities such as: the participation in leaflet drops, meetings, fund raising, and speaking on behalf of or writing articles for the said organisation. These activities remain unacceptable, regardless of whether or not an individual is a formal member of the stated organisations. These activities are not exhaustive.
- 5.5 The schedule to the Police (Conduct) Regulations 2020 sets out 'Standards of Professional Behaviour' for police officers. A similar set of 'standards' has also been published for police staff. Under the heading 'Honesty and Integrity', it states that

police officers/police staff will be honest and act with integrity and will not compromise or abuse their position. Further, that police officers/police staff should always consider carefully the risk of becoming improperly beholden to a person or organisation. Under the heading 'Orders and Instructions' it also states that police officers/police staff will abide by police regulations, force policies and lawful orders/instructions.

- 5.6 Statutory Instrument 2004 No 3216, the Police (Amendment) Regulations, 2004 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 amongst members of the public that it may so interfere'.
- 5.7 A member of a police force shall, in particular:
- Not take any active part in politics
  - Not belong to any organisation specified or described in a determination of the Secretary of State.
- 5.8 Such determination has been made in respect of the British National Party, Combat 18 and the National Front.
- 5.9 In all cases; 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 with whom the member of the organisation has the association.
  - 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 notifiable 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.
- 5.10 A member of Merseyside 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 or other disposal method i.e. caution, cannabis warning, Fixed Penalty Notice.
  - c) Persons known to be under investigation but not yet charged with a criminal offence.
  - 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.
  - f) Former police officers or other law enforcement officers who are working in a related field of employment. This will include private investigators and legal employees.
  - g) Journalists and those that are employed in the private media arena.

- 5.11 Consideration or mere suspicion is sufficient to refer the concerns of the individual to the appropriate person. Under no circumstances should an individual conduct research of Force systems in order to substantiate or rebut their concerns or suspicions.
- 5.12 The obligation to report any such association applies irrespective of whether or not these associations have been declared as part of any security clearance or vetting procedure.
- 5.13 'Group or Organisation' - There is no definitive list to which this policy will apply. Whether or not a body amounts to being a group or organisation will be for the individuals involved in this process to determine.
- 5.14 '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.
- 5.15 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 Merseyside 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 notifiable 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 notifiable.
  - g) Standing surety for an individual in criminal proceedings.
  - h) Discussing tactics, operations or technical equipment inappropriately such that, whether intentionally or not, operational or other Merseyside Police activity could be compromised or sensitive tactics revealed.
  - i) Associating, without proper authority, with a person or persons who have criminal convictions or who are suspected of unlawful activities.
- 5.16 Merseyside Police considers it has a duty to see that the good name of the Force does not fall into disrepute and that the community it serves can be satisfied that the Force, its Police Officers, Special Constables and staff are managed in a proper manner to ensure that duty is discharged.
- 5.17 This policy does not seek to govern or unnecessarily restrict every aspect of an individual 's private life, nor does it attempt to prescribe what the determination or outcome should be in every case which comes under consideration. Each set of circumstances will need to be considered in its own right so that the action taken is appropriate and proportionate to the need to protect the integrity of individuals and Merseyside Police.
- 5.18 Merseyside Police accepts that staff sometimes have little or limited control over some relationships or associations, for example; through the marriage of a close relative, or where a relative becomes involved in criminal activity.
- 5.19 Where it is not practicable for an association to cease altogether for example; the determination may set limits, parameters or conditions to which the staff member will be required to adhere.

- 5.20 This policy provides the framework in which staff; their supervisors and the organisation itself can make sensible determinations based on the individual circumstances of each case.