

NOT PROTECTIVELY MARKED

Published

Event History

Policy owned by People Services**Notifiable Associations for Persons Serving with the Force****1. Policy Purpose and key drivers****Introduction**

1.1 Unauthorised disclosure of information and criminal association have been identified as one of the greatest threat to the Police Service in England and Wales .

1.2. Some counter corruption enforcement measures are well established and defined in legislation e.g. lawful business monitoring of telecommunications and covert activities controlled under the Regulation of Investigatory Powers Act (RIPA). This policy and associated procedure introduces practical measures that are preventative in nature and are intended to enable staff to avoid entering into or continuing associations with other people or organisations that would damage or which have a strong potential to be damaging to the force , its members, or the public. It is also intended to protect members of the force by enabling them to avoid , discontinue or limit contacts or relationships that would be likely to cause them to breach the respective 'Standards of Professional Behaviour' for police officers issued under the Police (Conduct) Regulations 2012 or those for police staff issued with effect from 1st December 2008 by the Police Staff Council Joint Circular No 54. In particular, but not necessarily solely, 'discreditable conduct'.(Please also see paragraph 4.6 below). This policy and its related procedure provides clarity to members of the force and to others who have an interest in the Policy , as to the approach and measures implemented by the force in order to protect itself , its members, the public or bodies or organisations with which it has a commercial or professional relationship e.g. custody service providers or other police forces from actual and potential corrupt influences and/or actual or potential loss of public confidence through damage to its reputation as a result of inappropriate associations between members of the force and other persons . It is reasonably believed that even if there was not a written policy and procedure on these matters , if a member of the force was a participant in an inappropriate association , the force has the right to take necessary and proportionate measures as applicable in the circumstances , as are now set out herein. In short, the contents of this policy and procedure simply document legitimate action that was already available to the force but which has not been previously published. This is considered to be consistent with the provisions of the European Convention on Human Rights and the Human Rights Act 1998.

1.3 Staffordshire Police relies on the honesty and integrity of its members who , as public employees, are expected to observe the highest standards of conduct , both in the course of their employment and in their private lives . It is essential that the community has the highest levels of trust and confidence in the force as a whole and in its individual members.

1.4 In practice, the vast majority of staff behave with complete integrity . However, it is recognised that there is a risk of some staff associating with inappropriate persons, groups or organisations. It is important that staff understand the procedure to be observed to ensure that no doubt is cast on the integrity of the force or its members. This document and its related procedure sets out introductory background and procedural requirements concerning notifiable associations .

1.5 An association will be considered notifiable and will not be acceptable to Staffordshire Police where it has compromised or has the potential to , or is likely to:

- Compromise the individual staff member; or
- Compromise the operations or activity of Staffordshire Police; or
- Compromise the assets of Staffordshire Police; or
- Compromise the reputation of Staffordshire Police; or
- Undermine confidence in Staffordshire Police; or
- Damage or have an adverse impact on persons or organisations with which the force has commercial or professional relationships, for example; providers of custody services, other police forces or police organisations and organisations with which the force shares information

Aims of this Policy

- To protect/deter/prevent members of the force from, knowingly or otherwise entering into or continuing associations with persons or organisations that are or would be regarded as inappropriate;
- To enable members of the force to understand the terms 'notifiable' 'inappropriate' and 'association(s)' as defined under this policy and procedure and be able to determine the persons and organisations with which the development or continuance of an association would be inappropriate ;
- To provide information to enable members of the force and the public to understand the approach taken by the force in respect of notifiable and inappropriate associations and the measures that can be taken by the force in response to same;
- To reassure members of the force that actions taken in respect of inappropriate associations will be proportionate and fair;
- To encourage members of the force to report notifiable associations , on their own part and where it is suspected that another member has a notifiable association ;
- To protect the reputation of the force , its members and assets from compromise as a consequence of inappropriate associations involving members of Staffordshire Police;
- To inform staff of methods by which notifiable associations can be reported .

Scope

This Policy applies to all persons serving with Staffordshire Police as defined :

- Police officers of all ranks;
- Special constables;
- Police staff of all grades who are employed by Staffordshire Police under the direction and control of the Chief Constable ;
- Contracted out escort and detention officers designated under S 39 of the Police Reform Act 2002.
- The procedure also applies to temporary , agency, casual and voluntary staff working for Staffordshire Police.

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 case and circumstances will need to be considered in their own right so that the action taken is

appropriate and proportionate to the need to protect the integrity of individuals and the force.

Staffordshire Police accepts that there are occasions when staff have little or limited control over some relationships and associations, for example, through marriage of a close relative, or where a relative commits a crime or becomes involved with criminals.

Where it is not practicable for an association to cease altogether, the determination may set limits, parameters or conditions to which the staff member will be required to adhere. Examples of this could include; prohibiting access to intelligence/incident records relating to the person with whom the relationship exists; not being involved in investigations concerning that person; discontinuing or not entering into business relationships with a particular individual.

This Policy and its related procedure provides a framework within which the Force, in consultation with the member of staff concerned, can make sensible determinations based upon the individual circumstances of each case.

Rationale

Section 6 of the Police and Social Responsibility Act 2011 provides that the Police and Crime Commissioner for a police area must (a) secure the maintenance of the police force for that area' and (b) 'secure that the police force is efficient and effective'. It is believed that the requirements of this Policy are a proportionate response and the least intrusive necessary in order to support that requirement in the light of the evidence provided by the SOCA Assessment of 2010 which remains a valid indicator of the threat of corruption to the police service.

The Equality Act 2010 incorporates an Equality Duty which has three aims. The Duty requires public bodies, including Staffordshire Police to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act,
- advance equality of opportunity between people who share a protected characteristic and those who do not share it; and
- foster good relations between people who share a protected characteristic and people who do not share it.

Schedule 1 and regulation 6 of the Police Regulations 2003 as amended by the Police (Amendment) Regulations 2004, specifies the restrictions which applies to police officers and special constables as follows:

1(1) 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.

1(2) A member of a police force shall in particular:-

(a) not take any active part in politics (regular police officers)

(b) not belong to any organisation specified or described in a determination of the Secretary of State.

N.B. The Home Secretary has also issued a determination setting out the specific

organisations of which membership by police officers and special constables is banned. These are:

- (a) British National Party
- (b) Combat 18
- (c) National Front.

The HMIC review into police integrity 'Without fear or favour. A review of police relationships' published in December 2011 contained recommendations necessitating the development of force policy concerning notifiable associations, particularly in respect of relationships with private investigators, journalists and others working within the Media.

Whilst similar specific legal requirements are not yet in place for police staff, and the force acknowledges the constitutional difference between a sworn officer of the Crown and an employee, Staffordshire Police endeavours to create a common culture across the organisation. It also recognises that the reputation of the force and the level of public trust and confidence it commands depends in large measure on the conduct of all of its staff. Staffordshire Police believes that it is incompatible and unacceptable, not only as a matter of compliance with race relations legislation but also as an issue of force ethics, for any of its staff to be a member, whether active or passive, of any organisation that encourages discrimination against any person by virtue of their race, creed, colour or religion. It is therefore not acceptable to the force for members of police staff to be members of any of the above organisations that have been proscribed by the Home Secretary.

Under the Data Protection Act 1998, Staffordshire police has a responsibility to safeguard the personal information and sensitive personal information that it holds and to protect it from compromise.

The Standards of Professional Behaviour for police officers issued under the Police (Conduct) Regulations 2012 and the Standards of Professional Behaviour for police staff agreed and published December 2008 by the Police Staff Council in Circular 54.

Honesty and Integrity

'Police officers/police staff are honest, act with integrity and do not compromise or abuse their positions'.

Discreditable Conduct

'Police Officers (whether on or off duty) / Police Staff behave in a manner which does not discredit the police service or undermine public confidence in the police service'.

Confidentiality

'Police officers/police staff treat information with respect and access or disclose it only in the proper course of police duties/their work'.

Challenging and Reporting Improper Conduct

'Police officers/police staff report, challenge or take action against the conduct of colleagues which have fallen below the standards of professional behaviour expected'.

Section 98(1) of Employment Rights Act 1996 makes provisions for an employer to dismiss an employee for 'some other substantive reason which may result should they compromise their duty to their private interest or put themselves in a position where duty and private interests conflict'.

Human Rights

As identified below, the requirements of this Policy and its related procedure might be considered to engage the following articles of the European Convention on Human Rights:

Article 8 - right to private and family life

Article 10 - freedom of expression

Article 11 - right to freedom of association and assembly .

This is because the procedure places certain restrictions and requirements upon persons serving with Staffordshire Police, affecting both their private and professional lives, preventing them from becoming members/continuing membership of certain organisations or having associations with certain organisations . Also, preventing or limiting their association with certain other persons .

5.2 By implication, this Policy and its related procedure may also be seen as engaging the rights of certain members of the public by preventing /limiting them from developing/continuing an association with a person serving with Staffordshire Police.

The rights specified are all 'qualified' rights and it is reasonably believed that the measures contained in the procedure are necessary , have a legal basis (as identified in this procedure), are proportionate and are the least intrusive necessary to achieve the legitimate aims provided under each of the above rights :

Legitimate Aims in respect of all of the articles

- interests of national security or public safety ;
- prevention disorder of crime ;
- protection of the rights, reputation and freedoms of others
- preventing the disclosure of information received in confidence
- Article 11 provides that 'This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces , of the police or of the administration of the state '.

Appeals

The Procedure which is associated with this Policy contains details of how to appeal against decisions under the procedure , providing a system for addressing human rights issues and any perceived unfairness or discrimination .

Related Documents

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| Links to related documents: | Notifiable Associations for Persons Serving with the Force (Procedure) |
| Gatekeeper - the Author suggested the following Procedure document(s) to link to. | Notifiable Associations for Persons Serving with the Force |

Relevant Dates and Review Period

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| Effective Date: | 06/10/2017 |
| Review Date: | 09/10/2018 |
| Review Frequency: | Annually |

Policy Basis and Implications

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| 2. Legal Basis: | Section 6 Police Reform and Social Responsibility Act 2011 - |
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Requirement on a police and crime commissioner to maintain an efficient police force.
 Race Relations (Amendment) Act 2000 requirement to have policies to eliminate unlawful discrimination and promote good community relations.
 Schedule 1 and regulation 6 of Police Regulations 2003 as amended by the Police (Amendment) Regulations 2004 prohibiting membership of certain organisations.
 Police (Conduct) Regulations 2012 which set Standards of Professional Behaviour for police officers.
 Standards of Professional Behaviour for police staff as agreed by the Police Staff Council.

3. Management of Police Information (MoPI):

MoPI Policing Purpose:
 Protecting Life and Property, Preserving order, Preventing the commission of offences, Any duty or responsibility arising from common or statute law
MoPI Review, Retention and Disposal addressed as follows:
 This policy and its related procedure will remain valid for an indefinite period and will be reviewed annually. Information created under this policy regarding a notifiable association involving a member of staff will be retained for an indefinite period, for so long as it is necessary, relevant and proportionate to that person's employment with Staffordshire Police within the Policy aims.

- 4. **Associated Benefits:** As set out at paragraph 2 above - Policy aims
- 5. **Consultation:** This Policy and its related Procedure has been the subject of circulation and consultation with:
 Divisional Commanders
 Heads of Organisational/Operational Support
 Trade Union and Staff Association Meeting (TUSAM)
 HR
 Unison
 Police Federation
 Legal Services
 Staff Associations
- 6. **Financial Implications:** Nil
- 7. **Human Resources / Training:** There is no requirement for specific training but this policy and its related procedure will be notified to all members of the force by Everybody to Everybody email and to new members of the force as part of their induction.
- 8. **Associated Policy:** None

FOI, Human Rights and Equality Impact Assessment Indicators

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|-------|-------------------------------------|---|
| FOIA: | Release to Public | |
| ECHR: | Compliant with proportionality test | Articles engaged: Article 8 Right to respect for Private and Family life; Article 10 Freedom of Expression; Article 11 Freedom of Assembly and Association |
| EIA: | Compliant | Compliant with Code of Ethics: Yes |

Indexing

Categories: Anti Corruption Unit
 Professional Standards