



Notifiable Association Procedure

Procedure Statement

North Yorkshire Police (NYP) is reliant on the honesty and integrity of all its staff. They are expected to observe the highest standards of conduct, in both their private lives and their employment. The Community must have confidence in NYP. Police Officers have some restrictions on their private life. These restrictions are laid down in Police Regulations. These restrictions, as with all staff, have to be balanced against the right to a private life. In practice, the vast majority of staff behave with complete integrity. However, the Force recognises that there is a risk of some staff improperly associating with notifiable persons, groups or organisations. It is clearly desirable that staff understand the rules to be observed to ensure that no doubt is cast on the integrity of NYP.

The principal focus of this procedure will be upon guidance and prevention, rather than on the implementation of sanctions, including guidance on relationships with the media.

This procedure applies to all Police Officers, Police Staff, PCSOs, Special Constables and Volunteers:

- to protect the police service and in particular NYP from individuals or organised groups who would, through association, benefit in any way from corrupting staff
- to protect staff from being subjected, through a notifiable association, to unnecessary or unwarranted pressures from individuals to compromise professionalism
- to alleviate any public perception that the staff of NYP are anything other than honest, fair and impartial in carrying out their responsibilities
- to establish an ethical framework whereby all staff members of NYP are familiar with what constitutes a notifiable association and how to deal with those situations should they arise
- to establish the need to apply fairness, objectivity and proportionality in the application of this procedure. Concerns about achieving a balance between the needs of the police service and the rights of the individual have been addressed by:
 - adopting an open and transparent system within legal constraints
 - allowing individuals to make representation together with the adoption of an appeals process
 - maintaining a clear position that the use of the procedures within this procedure is about the protection of staff and the organisation by management action.

Procedures:

Service Confidence Procedure

Gifts, Gratuities and Hospitality Procedure

Confidential Reporting and Whistleblowing Procedure

Other Documents:

Notifiable Association Referral Form

Process

An association will be considered notifiable where there is a likelihood that it could :-

- compromise the individual staff member, and/or
- compromise the operations or activity of NYP, and/or
- compromise the reputation of NYP

Where an individual member of staff considers that a personal association they have with an individual, group or organisation relates to any of the above, then that association must be reported to a supervisor (it should be noted that this Procedure also relates to those circumstances where the association is with a family member). The referral should be submitted through the completion of a Notifiable Association Referral Form, which is located on the Professional Standards subsite. The employee is asked to provide a summary of the association in as much detail as possible, including:

- How they are associated:
 - Friend
 - Relative
 - Acquaintance
 - Third-party association
- The reason why the association may be notifiable:
 - Known or suspected involvement in criminality
 - Private investigator or involvement in private security
 - Media or journalistic association
 - Extremist / proscribed groups
 - Former officers / staff dismissed from the service
 - Other
- The nature and extent of their contact with the associate:
 - Regularity (daily, weekly, monthly, infrequently or no contact)
 - Contact in-person, through social media, instant messaging, through another.

Under no circumstances should the individual perform checks on Force Systems him/herself in order to confirm or negate their concerns, or to ascertain further information concerning their association.

This report should then be forwarded to the supervisor who must then conduct a review including:

- A review of available NYP / National systems with regards to the associate.
- A discussion with the staff member submitting the report (if required)
- An assessment of the risk posed to the employee and NYP by the association, this will, where appropriate, include systems checks on the associate.
- A recommendation as to whether the association is notifiable (as defined by the procedure)

The supervisor should then forward the report onto the Anti-Corruption (ACU). They **should not** copy the person submitting the association in on this report as there is the potential to disclose information to which they are not entitled.

The ACU will then conduct a review of the information disclosed by the submitting person and their supervisor. They will review available NYP & ACU systems with regards to the associate and conduct audits on them. Any relevant information will be recorded on ACU systems. The ACU Intelligence Development Officer will then forward the results of their enquiries and recommendations to the ACU Manager.

Should the ACU Manager believe the association fits the definition of 'notifiable', then it will be forwarded to the Head of PSD for an additional review. The Head of PSD will:

- Review all the information contained on the Notifiable Association Referral Form
- Taking into account the rights of the organisation balanced against the rights of individuals in line with the law, and in particular The Human Rights Act, determine whether the employee should be instructed to cease the association.
- Determine whether the association requires ongoing monitoring, and if so, for what period.
- Contact the employee and notify them of their decision

Where a member of staff becomes aware of an association between another staff member and an individual, group or organisation, which may be notifiable, they can report this either to a supervisor, to the ACU, or via a range of other reporting mechanisms outlined in NYP's Confidential Reporting and Whistleblowing Procedure.

The Head of the PSD will, in considering all reports ensure fairness, a corporate standard, adherence to policy and procedure and that no police business is compromised. All decisions will be proportionate and take into account the rights of the organisation balanced against the rights of individuals in line with the law, and in particular The Human Rights Act.

If at any stage during the procedure described above, it is believed that the association might constitute a substantive misconduct inquiry / disciplinary procedure, that officer should seek guidance from the Head of the PSD or the ACU Manager.

The decision to take any action whatsoever in accordance with the principles of this procedure shall be the decision of the Deputy Chief Constable as advised by the Head of the PSD.

In cases whereby associations are instructed to cease, the ACU will conduct follow up enquiries to ensure that this instruction is adhered to. Where, following a relevant instruction, any staff member persists in a notifiable association or fails to comply with the restrictions / limitations imposed, the matter should be referred to Professional Standards who will give consideration to the commencement of a Misconduct Inquiry in line with the respective rules pertaining to Police Officers and Police Staff.

Relationship with Members of the Media

Members of NYP are required to notify PSD of any associations that they, as individuals, have with members of the media which involve the provision or receipt of information.

Relationship with Private Investigators

Members of NYP are required to notify PSD of any associations, of any nature, that they have with Private Investigators or employees of Private Investigation companies or organisations.

Relationship with Extremist Groups

There is no definitive list, save those currently subject of Police Regulations shown below, of groups or organisations deemed notifiable. Therefore, this will, for all employees, include:

- Membership of the British National Party, Combat 18 and the National Front as prohibited by and contained within Police Regulations;
- Membership, or involvement with, any proscribed organisations;
- 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
- Association with groups or organisations involved in law breaking or criminal activity such as certain animal rights groups, football hooligans etc.

Members of NYP are required to notify PSD of any associations, of any nature, that they have with these groups or individuals linked to them.

Relationship with Former officers and staff who have been dismissed from the service

Members of NYP are required to notify PSD of any associations, of any nature, that they have with individuals who have either been dismissed, or who have resigned, retired or otherwise left the service whilst under investigation for gross misconduct offences.

Referrals to Vetting

Where appropriate, details of notifiable associations will be shared with Vetting.

Appeals

An individual member of staff subject to a decision under this procedure will have the right to appeal against that decision. Any appeal should be submitted within 14 days of receipt by the appellant of the original decision with that date counting as the first day, and should:

- state the date of the decision
- state the terms of that decision
- state the parties involved in the decision
- set out, in clear and concise terms, why the individual disagrees with any aspect or aspects of the decision.

The DCC will then consider the matter, liaising with relevant parties and those involved in the process. Following consideration of the appeal, the former will inform all parties to the original decision, in writing, of the result as soon as reasonably practicable.

It should be noted that there is not a two-stage appeal process. There is one right of appeal and the level at which that appeal is considered depends upon who made the original decision.

Responsibilities

Please refer to Notifiable Association Referral Form which details the responsibilities of those involved in the process.

It is the responsibility of the member of NYP to notify Line Management of any notifiable associations should they move departments or there be a change in line management.

Definition of Special Terms

'Association'

An association is not a chance meeting with a passing acquaintance which may be repeated from time to time. It includes but is not limited to friendships, meetings on a regular basis and being familiar with someone.

'Notifiable'

The following categories of association may be considered notifiable:

- Criminal associations
- Private investigators or those involved in the private security industry
- Media / Journalistic associations
- Extremist Groups
- Former officers and staff who have been dismissed from the service

A risk matrix will be used to score any associations. The matrix scoring and the assessment of the IDO, will assist in determining whether the association is recorded for no further action, as intelligence (using a 3x5x2 form) and / or entered onto the Notifiable Association Register held within ACU. It will generally be presumed that association with a person with an unspent criminal conviction(s), and in respect of whom intelligence exists relating to current or recent criminal activities, could be notifiable. This applies irrespective of whether these associations have been declared as part of any security clearance or vetting procedures.

'Monitoring'

Monitoring may include, but is not limited to, the full range of monitoring activities described in the Access, Monitoring and Interception of Internal Data Procedure.

'Compromise'

In the context of this procedure, compromise includes the likelihood or potential of both actual or perceived risk to the individual staff member, operations or reputation of the force.

Examples of activities amounting to 'compromise' include but are not limited to:

- passing information or intelligence in contravention of the Data Protection Act
- misuse of force IT systems including unauthorised additions/deletions to records held
- entering into an association involving the acceptance or granting of favours, benefits in cash or kind, or bribes which would place an individual (and by implication NYP) at risk of compromise as outlined in the procedure
- 'Turning a blind eye' to criminal or inappropriate behaviour by a person, group or organisation with whom the staff member has a notifiable association
- failure to record and submit intelligence in respect of a person, group or organisation with whom the staff member has an association
- giving evidence of character in criminal proceedings on behalf of a person with whom an association is deemed notifiable
- discussing operations, tactics and/or technical equipment in such a way, which, whether intentionally or not, could impact upon the operations or activity, or reputation of the force by revealing details which should remain confidential
- being regularly seen by members of the public in the social company of a person(s) known within a local area to have unspent convictions and be suspected of unlawful activities