

Inappropriate and Notifiable Associations

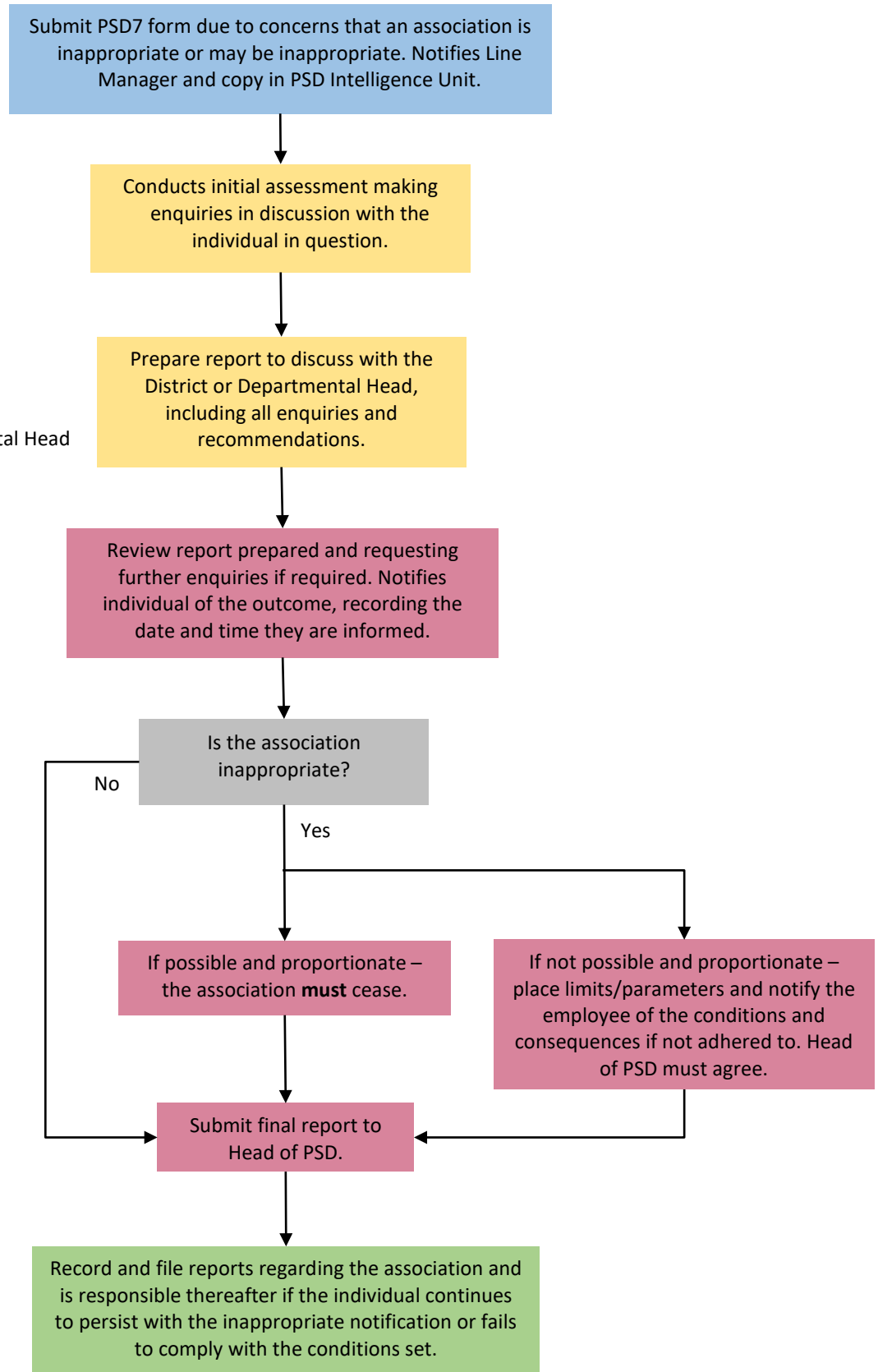
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Flowchart – Reporting Procedure for Inappropriate and Notifiable Associations

Key:

- Individual
- Line Manager
- District / Departmental Head
- Head of PSD



Policy Statement

Summary

West Yorkshire Police (WYP) relies on the honesty and integrity of its officers and staff. As public servants, officers and staff are expected to observe the highest standards of conduct, in both their private lives and at work, adhering to the Code of Ethics.

The Force recognises that some associations with persons, groups or organisations may be inappropriate as they have the potential to compromise the individual, the operations, the activities or the reputation of the Force.

This policy clearly states what is expected of all individuals who find themselves in an inappropriate relationship and provides a support mechanism to them. It is recognised that some people are knowingly engaging in such relationships where others are unaware of them but could still be placed in a vulnerable position due to the actions of others. The policy sets out clear principles in regards to inappropriate relationships and the considerations that all individuals must take into account before joining a group or association which might involve a relationship with an inappropriate person or persons.

Scope

This policy applies to all police officers and police staff.

Principles

General

- **Under no circumstances must an individual conduct checks or research using WYP systems or request another to complete checks on their behalf, if there is any uncertainty regarding an association guidance must be sought from either a Line Manager or the Professional Standards Directorate.**
- If an individual becomes aware that an association which they have maybe inappropriate, they have a duty to report this to the force by way of submission of a PSD 7 to their second line manager and copy in the PSD Intelligence Unit.
- If an individual becomes aware that a colleague may have an inappropriate relationship, they have a duty to report this to the force.
 - This can be done via Line Managers;
 - Representatives of the Police Federation, Trade Unions or Superintendents Association;
 - The confidential reporting telephone line; or
 - The anonymous messenger system.
- The Force recognises that people have a right to a private life and does not seek to unnecessarily restrict that unless it is to protect the integrity of the

force. Each case will be considered on its own merits and any action taken will be appropriate and proportionate.

- The Force accepts that individuals sometimes have little or limited control over their associations. Where it is not practicable for an inappropriate association to cease altogether, the Force may:
 - Offer guidance as to the association; and
 - Put in place certain conditions which must be adhered to.
 - Individuals must not form relationships with victims, witnesses, offenders or their family members whilst an investigation in which they are involved is ongoing.
 - Any potential inappropriate associations with family members (estranged or otherwise) third parties or external businesses that the Force may buy services from must be reported.
 - The Force intends to restrict associations with certain categories of people, (the list is not exhaustive, and any concerns must be reported):
 - Those who have a criminal background, those currently under investigation or those subject of criminal intelligence;
 - Any current victim, offender or witness, or persons closely connected with that individual, where as a result of professional contact there is a developing or existing physical, intimate, emotional or co-dependent relationship (Inappropriate Relationships);
 - Anyone dismissed from the Force due to misconduct or who resigned whilst under investigation;
 - Any persons who could cause a potential conflict of interest to the Force;
 - Any persons who undertake work for the media; and
 - Any persons working in a private investigator capacity;
 - The associations aforementioned will require declaration even if already done so through any security or vetting procedure. The Force recognises that the persons listed may be employees and it's not prohibited to have contact with such persons, those contacting must be vigilant at all times to ensure their integrity and it's advisable to record all contact made or inform a Line Manager or the enquiry team.
 - Failure to disclose or report a known or suspected inappropriate or notifiable association may amount to a breach of the Police (Conduct) Regulations or the Code of Conduct for police staff resulting in disciplinary proceedings.
 - The Force acknowledges that the Police Federation, Superintendents Association and Trade Unions will have to maintain confidential contact with individuals who are suspended or dismissed. Any contact will be recorded by representatives to ensure transparency and integrity.
 - Line Managers may make contact for welfare purposes.
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Inappropriate Relationships

Principles

- Officers and staff should be aware that it is probable that there will be an imbalance of power in their dealings with victims, witnesses and offenders; and that an attempt to establish a relationship beyond the purely professional may be deemed an abuse of that power which is unacceptable. The Standards of Professional Behaviour for both officers and staff clearly states this.
 - **Officers and staff must not use their professional position or volunteer role to establish or pursue a sexual relationship or improper emotional relationship with any current or former victim, witness or offender, or use their contact with them to pursue a relationship with someone close to them.**
 - Officers and staff must not give any personal telephone numbers or other personal contact details, such as social media details to any victim, witness or offender or any member of their family.
 - Inappropriate communication with a victim, witness, offender or a member of their family, including the use of text message and social media, is prohibited.
 - Officers and staff are responsible for reporting immediately to a line manager if a victim, witness, offender or member of their family displays any inappropriate sexualised behaviour towards them. Control measures can then be put in place.
 - Safety of the public is of paramount importance, therefore if there are concerns that a colleague or volunteer may be involved in an inappropriate relationship and/or sexualised behaviour with a victim, witness, offender or a member of their family, this must be reported to a line manager immediately for an investigation to take place and the necessary protective arrangements to be implemented.
 - Careful consideration must be taken if future social contact unconnected to work leads to the possibility of a relationship with a **former** victim, witness or offender. The following will be taken into account:
 - The nature of the previous relationship;
 - The nature of the intended relationship, such as one conducted in a secretive manner which is likely to be a result of an abuse of power;
 - The length of the professional relationship and when it ended; and
 - If the individual was particularly vulnerable at the time, and if they are still vulnerable.
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Work Relationships

- All staff should feel that they work in a fair, inclusive and transparent environment.
- Recruitment, promotion and development opportunities must be merit-based and not influenced by any intimate relationship with another member of staff.

- Relationships must be conducted with complete professionalism in order not to impact negatively on service delivery or public confidence.
 - Individuals involved in a workplace intimate relationship must consider if there is an actual or apparent conflict of interest.
 - In determining whether or not a current or previous relationship creates any negative impact on the legitimate aims of policing, the following factors must be considered:
 - A power imbalance is not used to initiate, control or maintain the personal relationship;
 - Physical and intimate relations do not take place on duty, or off duty on police premises including police vehicles;
 - The relationship does not have an adverse impact on the workplace e.g., by creating division and/or friction between those in the relationship or amongst work colleagues;
 - There is no fear, fraud or workplace decisions driving the relationship;
 - The relationship has no influence on workplace decisions or activities and is not being used to gain or provide some workplace advantage; and
 - Lines of reporting are not abused or compromised.
 - Individuals who engage in an intimate relationship in the workplace and believe it may create a conflict or perceived conflict of interest, must report the matter to their, or another line manager to assist in managing the relationship in a sensible and proportionate way.
 - If a previous intimate relationship becomes relevant to the workplace this must also be reported in the same way.
 - Conflicts can occur in the following ways, but this list is not exhaustive:
 - Line management responsibility;
 - Recruitment, promotion or selection processes, including tutoring, mentoring and coaching;
 - Decisions relating to disciplinary, Unsatisfactory Performance Procedures (UPP) or grievance procedures.
 - Decisions relating to pay or remuneration including overtime;
 - Decisions regarding access to training, coaching or Continuous Professional Development (CPD); and
 - Decisions (including work allocation) which may lead to perceptions of unfairness by those involved in the relationship or by others.
 - The Force recognises that people have a right to a private life and does not seek to unnecessarily restrict that unless it is to protect the integrity of the force. Each case will be considered on its own merits and any action taken will be appropriate and proportionate.
 - Please refer to the College of Policing guidance on Appropriate Personal Relationships and Behaviours in the Workplace for more information.
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Restrictions

Principles

- There is no definitive list of groups or organisations deemed inappropriate, but the Force prohibits active membership of the British National Party, Combat 18 and the National Front. This is in accordance with Regulation 6, Schedule 1 of the Police Regulations 2003.
 - The force prohibits any association with a proscribed organisation as defined under the Terrorism Act 2000.
 - Active membership is unacceptable on all levels. Activities can involve, but are not limited to:
 - Participating in leaflet drops, meetings or fundraising; or
 - Speaking on behalf of or writing articles for the organisation.
 - Police officer membership of any political party where membership involves them playing an active part in politics contravenes Police Regulations 2003.
 - Police staff will have no restrictions on their involvement in political activity whilst off duty unless they are employed in a politically restricted post as defined by legislation.
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Considerations**Assessing an Association**

When assessing if an association is inappropriate or not, these considerations must be taken into account:

- The nature of the relationship, the extent and closeness of the association;
 - The nature and object of the group or organisation to which the individual is associated;
 - The likelihood of being put into a compromising position that will have an actual or perceived risk to the individual, the operations, activities or reputation of the Force.
 - The antecedents and history of the person, group or organisation;
 - The criminal associations of the person or persons within the group or organisation and if known:
 - Whether those associations are current; and
 - Whether those associations are serious;
 - The suspected involvement in crime or inappropriate activity of the person or persons within the group or organisation, in particular:
 - How serious is the suspicion, based on intelligence;
 - How recent is that intelligence; and
 - How much weight is attached to the intelligence, based on the Intelligence Report (replaces 5x5x5) matrix.
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Considering Associating or Membership

When deciding whether to associate with a person or become a member of a group or organisation that may be inappropriate, the following considerations must be taken into account:

- If the association or membership will bring the Force into disrepute. This could include, but is not limited to, racist groups, political parties or activist

groups whose aims contravene the values of the police service and relevant legislation. Organisations with national or international political agendas.

- The likelihood of being put into a compromising position that will have an actual or perceived risk to the individual, the operations, activities or reputation of the Force.
- If the association or membership, whether in person, by any means of correspondence or by a particular internet website, has the potential to compromise the individual, the operations, activities or reputation of the Force; or
- If the group or organisation is involved in law breaking or criminal activity, or if its advocates either active or passive non-compliance with the law.

Responsibilities

Individuals

Individuals are responsible for:

- Completing a PSD7 form to notify of a potential compromise or concern regarding a potential inappropriate association relating to themselves and discussing this with a Line Manager. Under **no** circumstances should they make enquires into the antecedents of the person using any police computer;
 - Reporting any associations with family members, estranged or otherwise, and third parties that are related to the individual that may be potentially inappropriate; and
 - Reporting an association between a colleague and another individual, group or association, when made aware that it is potentially inappropriate, via the most suited communication channel to the scenario.
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Line Managers (Inspector/SO Grade and Above)

Line Managers are responsible for:

- Conducting the initial assessment using the guidance notes on the PSD 7 form, discussing with the individual in question and making enquiries, where appropriate, upon reviewing a report or referral of a potential inappropriate association;
 - Analysing police computer systems for information, only for this purpose, liaising with the Force Intelligence Unit or Professional Standards Directorate (PSD) if unable to gain access;
 - Recording enquiries made and the rationale for them, together with their outcomes and the assessment on the PSD 7 form;
 - Providing a report with recommendations as to what action may be required to the District or Departmental Head (or own Line Manager and Head of PSD if no District or Departmental Head).
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**District or
Departmental
Head**

District or Departmental Heads are responsible for:
(These responsibilities can be delegated to their nominated deputy if required)

- Reviewing the enquiries and relevant facts in the report, making a decision about whether the association is inappropriate or not. If the initial report doesn't contain sufficient enquires, Line Managers will need to be directed to conduct further research;
 - Notifying the employee of the decision if the association is deemed inappropriate:
 - *If it is possible and proportionate*: Then the association must cease.
 - *If it is not possible or proportionate*: Placing limitations, parameters or conditions on the association (consulting with the Human Resources if appropriate) and notifying the employee what the conditions are and the consequences if they are breached; this potentially being disciplinary action.
 - Recording the fact the employee has been notified with the relevant details and how if they continue to associate or fail to comply with the conditions the matter will be referred to the Head of PSD; and
 - Submitting a final report to the Head of PSD.
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**Head of
Professional
Standards
Directorate
(PSD)**

The Head PSD is responsible for:

- Ensuring there is fairness and consistency with decision making, Force policies are adhered to, corporate standards are maintained and business is not compromised throughout the process;
 - Reviewing the actions and decisions taken by Line Managers and the District and Departmental Heads, agreeing the parameters or conditions set if an association cannot cease altogether;
 - Recording all reports and information on the individuals personal file; and
 - Taking action under the Police (Conduct) Regulations or Discipline procedure for police staff where individuals fail to report associations or do not comply with the decision made or conditions and parameters set.
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Appeals**Principles**

- All individuals have the right to appeal any decision made about the conditions imposed. This must be done in writing to the Head of PSD stating the details of the original decision and a rationale explaining the reasons for disagreement. This must be sent within 14 days of receiving the original decision.
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Additional Information

Compliance

This policy complies with the following legislation, policy and guidance:

- Equality Act 2010
 - Police (Conduct) Regulations 2012
 - Police Regulations 2003 – (Specifically Regulation 6, Schedule 1)
 - Police Reform Act 2002
 - Data Protection Act 2018
 - Human Rights Act 1998
 - NPCC – National Strategy to address the issue of police officers and staff who abuse their position for a sexual purpose or to pursue an improper emotional relationship
 - NPCC – Guidance for maintaining a professional boundary between police and members of the public
 - College of Policing guidance – Appropriate personal relationships and behaviours in the workplace
 - Public Interest Disclosure Act 1998
 - College of Policing – Code of Ethics
 - Protection from Harassment Act 1997
 - Criminal Procedure and Investigations Act 1996
 - Employment Rights Act 1996
 - Criminal Justice and Public Order 1994
 - Criminal Justice Act 1988
 - Health and Safety at Work Act 1974
 - Code of Conduct Police Staff policy
 - Whistleblowing policy
 - Politically Restricted Posts Police Staff policy
 - Force Web and Social Media Sites policy
 - Information and Technology Usage policy
 - Information and Data Management policy
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Supporting Information

The supporting information for this policy can be accessed.

Further Information

Further guidance in relation to this policy can be sought from:

- The Professional Standards Directorate intranet site.
 - The Police Federation, Superintendents' Association and Trade Unions representatives can provide support, advice and guidance to their members in these circumstances.
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