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# WEST MIDLANDS POLICE

## Force Policy Document

**POLICY TITLE:**

**VULNERABLE ASSOCIATION POLICY**

**POLICY REFERENCE NO:**

**PS/02**

### Executive Summary

The purpose of this policy document is to protect the integrity of all WMP officers and staff from an association with an individual or group that may be considered to be vulnerable and which has the potential to compromise WMP employees, Force investigations, and the trust and confidence of its communities.

WMP therefore expects and demands the highest levels of honesty from all its officers and staff who are expected to observe at all times the highest standards of conduct, on and off duty.

Where officers and staff, know or suspect that they or another may be vulnerable as a consequence of association, they must report their association or suspicions to the Head of Professional Standards Department.

*\*\*Any enquiries in relation to this policy should be made be made directly with that of the policy contact / department shown below.*

### Intended Policy Audience

This policy is primarily aimed at all police officers and staff of West Midlands Police.

<b>Current Version And Effective Date.</b>	<b>Version 1.1</b>	<b>23/05/2012</b>
<b>Business Area Owner</b>	<b>Professional Standards Department (PSD)</b>	
<b>Department Responsible</b>	<b>Prevention and Resolution Team (PSD)</b>	
<b>Policy Contact</b>	<b>CI Harper on extension 8800 3127</b>	
<b>Policy Author</b>	<b>Inspector 9024 Nevitt (PSD)</b>	
<b>Approved By</b>	<b>Mr Thompson – Deputy Chief Constable</b>	
<b>Policy Initial Implementation Date</b>	<b>15<sup>th</sup> October 2010.</b>	
<b>Review Date</b>	<b>01/04/2013</b>	
<b>Protective Marking</b>	<b>Restricted</b>	
<b>Suitable For Publication – Freedom Of Information</b>	<b>Yes. (no restrictions – see section 10)</b>	

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### Supporting Documents

Policy – directly supporting documents.

- Vulnerable Association Interpretation document.
- Vulnerable Association Reporting Procedure ([Appendix A](#)).
- Confidentiality Statement ([Appendix B](#)).

WMP Policy reference documents.

- Adverse Judicial Findings, Adverse Information and Taint.

### Evidence Based Research

Full supporting documentation and evidence of consultation in relation to this policy including that of any version changes for implementation and review, are held with the Force Policy Co-ordinator including that of the authorised original Command Team papers.

**Please Note.**

**PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UP TO DATE VERSION OF ANY POLICY, GUIDANCE or FORCE DIRECTIVE – ORDER, CAN BE FOUND ON THE INTRANET A to Z POLICIES SITE.**

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**Force Diversity Vision Statement and Values**

“Eliminate unlawful discrimination, harassment and victimisation. Advance equality of opportunity and foster good relations by embedding a culture of equality and respect that puts all of our communities, staff and officers at the heart of everything we do. Working together as one we will strive to make a difference to our service delivery by mainstreaming our organisational values”

“All members of the public and communities we serve, all police officers, special constables and police staff members shall receive equal and fair treatment regardless of, age, disability, sex, race, gender reassignment, religion/belief, sexual orientation, marriage/civil partnership and pregnancy/maternity. If you consider this policy could be improved for any of these groups please raise with the author of the policy without delay.”

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**Acronyms**

<b>ACC</b>	Assistant Chief Constable
<b>EQIA</b>	Equality Impact Assessment
<b>FOI</b>	Freedom of Information Act 2000
<b>LPU</b>	Local Policing Unit
<b>PCSO</b>	Police Community Support Officer
<b>PSD</b>	Professional Standards Department
<b>WMP</b>	West Midlands Police

## 1. INTRODUCTION

- 1.1 All forms of police corruption are damaging. Corruption undermines investigations, prosecutions, endangers members of the service and impacts on the trust and confidence that our communities have in the West Midlands Police.
- 1.2 West Midlands Police (WMP) therefore expects and demands the highest levels of honesty and integrity from all police officers (\*including that of special constables / PCSOs) and police staff who are expected to observe at all times the highest standards of conduct, on and off duty. It is of fundamental importance that our communities have confidence in our ability to discharge our functions with fairness and total impartiality.
- 1.3 As such, vulnerable associations are likely to have an adverse impact on the integrity of individuals and the effectiveness and reputation of the WMP.
- 1.4 The Force recognises that the vast majority of its officers and staff behave honestly and with absolute integrity and any referral of a vulnerable association made by or about an individual should not be considered as detrimental. There are however, personnel who associate with individuals, groups or organisations whose character or history makes an association undesirable. This policy is intended to protect the integrity of all WMP officers and staff, and to ensure adherence to Force values for the benefit of the Force and the communities we serve.

## 2. AIMS

- 2.1 The aims of this policy are to:
- Protect the WMP from organised crime groups and individuals who are likely to corrupt all employees;
  - Protect individuals from unwarranted allegations of corruption;
  - Increase public confidence in WMP;
  - Provide an ethical framework that guides employees and their management where it is suspected that a police officer/staff member is subject to a vulnerable association;
  - Ensure fairness, objectivity and proportionality in the application of this policy.

## 3. VULNERABLE ASSOCIATION

- 3.1 An association with any individual or group<sup>1</sup> will be considered to be vulnerable where a person is in frequent / regular contact or in the presence of any individual / group who has the potential to:
- Compromise a member of the WMP
  - Compromise investigations conducted by the Force or partner agencies
  - Jeopardise the trust and confidence that communities have in the police service.

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<sup>1</sup> Group will include member of the press, private detectives their relations or any one connected to any other Social media outlet

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**4. REPORTING VULNERABLE ASSOCIATIONS**

- 4.1 Where any police officer or staff member, suspect's or become aware of a vulnerable association, they should never conduct systems checks to confirm their beliefs.
- 4.2 All WMP officers and staff, who know or suspect that they or another may be vulnerable as a consequence of an association, must report their association or suspicions to the Head of Professional Standards. They should identify the person or group whom they are associated to and why they believe their association or that of another makes them and/or the Force vulnerable.
- 4.3 If in any doubt, all personnel should discuss perceived vulnerable associations with an officer of the rank of or equivalent to that of an Inspector or should they prefer, discuss the issue with a member of the Professional Standards Department (PSD). The authority referred to will then make a decision as to whether system checks should be conducted to assess vulnerability, the results of which will not be disclosed to the Force member. A report of any vulnerability will then be submitted to the Head of Professional Standards.

**N.B.** Advice from a supervisor, the Police Federation, Superintendents Association, Unite and Unison, may be obtained prior to any further discussions, as above.

- 4.4 Vulnerable associations will be investigated by the Prevention and Resolution Team within Professional Standards who where necessary will conduct a vulnerability interview with the officer/staff member concerned. They will provide a report to the Head of Professional Standards outlining the circumstances of the association, the outcome of the investigation and a risk assessment.

*During the course of any vulnerability interviews, the individual police officer/staff member will be entitled to support and advice from the relevant staff association or trade union.*

- 4.5 Any referral of a vulnerable association made by or about an individual should not be considered as detrimental to the officer or member of police staff and should be seen as an opportunity to manage the risk to that individual and prevent them being a target or subject of corruption. PSD will record the fact that a disclosure has been made and the decision in relation to the disclosure; this being to protect the police officer/staff member and the Force.
- 4.6 With exception of allegations of corruption, where it is determined that an investigation into a vulnerable association is necessary, the officer/staff member will be notified within 14 days of the receipt of the referral and will be kept updated as to its progress every 30 days in line with contact counts.
- 4.7 All records and restrictions held in respect of vulnerable association investigations will be stored on the Centurion database held by PSD.

**Failure to report a potential vulnerable association by a police officer is a breach of the standards and will render them liable for misconduct proceedings.**

**Failure of police staff to report would trigger disciplinary proceedings.**

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### 5. DECISION PROCESS

- 5.1 Prior to making a decision in relation to vulnerability and when considering imposing any restrictions; consultation will take place with the officer/staff member, Federation and Legal Services. In circumstances where the individual disputes the imposing of any of the restrictions, then the Head of Professional Standards will allow the officer, member of staff and/or staff association or union official to make representations.
- 5.2 At the conclusion of the decision making process, the officer/staff member will be advised as to whether the association is deemed inappropriate. Where the Force believes that an association makes the individual vulnerable, they will either be advised as to what restrictions are considered necessary and will be imposed to minimise their vulnerability or alternatively that their association must cease.
- 5.3 Whilst subject to an appeal process, the individual will be served notice of any direction to restrict an association that makes a person or the organisation vulnerable.
- 5.4 Where the officer/staff member is in possession of either management vetting, security clearance or developed vetting, the Force's vetting unit will review their vetting status and advise the Head of Professional Standards accordingly.
- 5.5 Any officer/staff member who is subject of any restrictions and who is considering applying for a new post, role or promotion, will not routinely be required to declare the vulnerable association on the [WP761](#) application form unless the restrictions imposed impacts upon the post applied for or forms part of their restrictions.

### 6. APPEALS

- 6.1 Where the officer/staff member seeks to appeal against a determination made by the Head of Professional Standards, they should submit an appeal to an Assistant Chief Constable (ACC) within 14 days from receipt of the determination to restrict a vulnerable association.
- 6.2 The ACC will chair a strategy meeting consisting of the individual's LPU commander/ Head of Department, accompanied by representatives from Legal Services, Human Resources (headquarters), PSD and the relevant staff association or union. The ACC may on review, decide to uphold the appeal, confirm the determination given in relation to the association or vary its conditions.
- Please Note:  
In order to minimise the officer being subject of [taint](#), all Force members will be required to sign a confidentiality statement ([Appendix B](#)).
- 6.3 Any appeal should be in writing and identify why the individual disagrees with the determination. Advice and support will be available from the member's staff association or union representative.
- 6.4 The individual has a final right of appeal to the Deputy Chief Constable, who may on review decide to uphold the appeal, confirm the direction given in relation to the association or vary its conditions.

\*All appeals will be submitted via the Head of Professional Standards

## 7. MISCONDUCT

- 7.1 Subject to a determination in relation to a vulnerable association and restrictions been served on any individual police officer or staff member. Any failure to comply with the restrictions is a breach of the Professional Standards of Behaviour (Orders and Instructions) or police staff misconduct procedures and could result in the individual being made subject to misconduct proceedings.

## 8. EQUALITY IMPACT ASSESSMENT (EQIA)

- 8.1 The Policy has been reviewed and drafted against all protected characteristics in accordance with the Public Sector Equality Duty embodied in the Equality Act 2010. The policy has therefore been Equality Impact Assessed to show how WMP has evidenced 'due regard' to the need to:

- Eliminate discrimination, harassment, and victimisation.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

*Supporting documentation in the form of an EQIA has been completed and is available for viewing in conjunction with this Policy.*

## 9. HUMAN RIGHTS

- 9.1 This policy has been implemented and reviewed in accordance with that set out with the European Convention and principles provided by the Human Rights Act 1998. The application of this policy has no differential impact on any of the articles within the Act. However, failure as to its implementation would impact on the core duties and values of WMP (and its partners), to uphold the law and serve/protect all members of its community (and beyond) from harm, effecting that of:

- Right to respect for private and family life (*Article 8 – section 2*):
  - There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
- Freedom of Thought, Conscience and Religion (*Article 9 – section 2*):
  - Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedom of others.
- Freedom of Expression (*Article 10 – section 2*):
  - The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.



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- Freedom of Assembly and Association (*Article 11 – section 2*):
  - No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of health or morals or for the protection of the rights and freedom of others. 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.

9.2 The Force does not seek to unnecessarily restrict a police officer/staff's right to privacy and any decision-making will be undertaken in a lawful, proportionate and reasonable manner, ensuring that the individual or other affected persons Human Rights are considered in each and every case.

9.3 Whilst WMP will always consider the Human Rights of its personnel in determining whether an association makes them or the Force vulnerable, these articles do not prevent the existence of lawful conditions or restrictions on officers/staff where these are necessary to prevent crime or disorder, to prevent a breach of confidence or to prevent the aims of the service from being achieved.

## 10. FREEDOM OF INFORMATION (FOI)

10.1 Public disclosure of this policy document is determined by the Force Policy Co-ordinator in agreement with its owner. Version 1.1 of this policy document is fully disclosable to members of the public and via the Force WMP internet website.

10.2 Public disclosure does not automatically apply to supporting Force policies, directives and associated guidance documents, and in all cases the necessary advice should be sought prior to disclosure to any one of these associated documents.

There are no exemptions to the disclosure of this policy (see below):-

Which exemptions apply and to which section of the document?	Whole document	Section number
<b>No issues – version 1.1</b>	n/a	n/a.

## 11. TRAINING

11.1 All relevant training to ensure compliance with the policy will be co-ordinated by PSD with that of its individual units

11.2 Supporting guidance entitled 'Vulnerable Association Interpretation' has been produced as an aide-memoir to assist with the policy.

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**12. PROMOTION / DISTRIBUTION & MARKETING**

12.1 The following methods will be adopted to ensure full knowledge of the Policy:

- Policy document and associated documents on the Force Intranet (noticeboard) for the attention of all WMP officers and staff;
- Recording and audit entry on the Force policy library;
- Intranet marketing and publication via [PSD](#) website.

**13. REVIEW**

- 13.1 The Policy business owner PSD will maintain outright ownership of the policy and any other associated documents and in-turn delegate responsibility to the department/unit responsible for its continued monitoring.
- 13.2 The policy should be considered a 'living document' and subject to regular review to reflect upon any Force, Home Office/ACPO, legislative changes, good practice (learning the lessons) both locally and nationally, etc.
- 13.3 A formal review of the Policy document, including that of any other potential impacts i.e. EQIA, will be conducted by the date shown as indicated on the first page.
- 13.4 Any amendments to the Policy will be conducted and evidenced through the Force Policy Co-ordinator and set out within the version control template.
- 13.5 Feedback is always welcomed by that of the author/owner and/or Force Policy Co-ordinator as to the content and layout of the policy document and any potential improvements.



**CHIEF CONSTABLE**

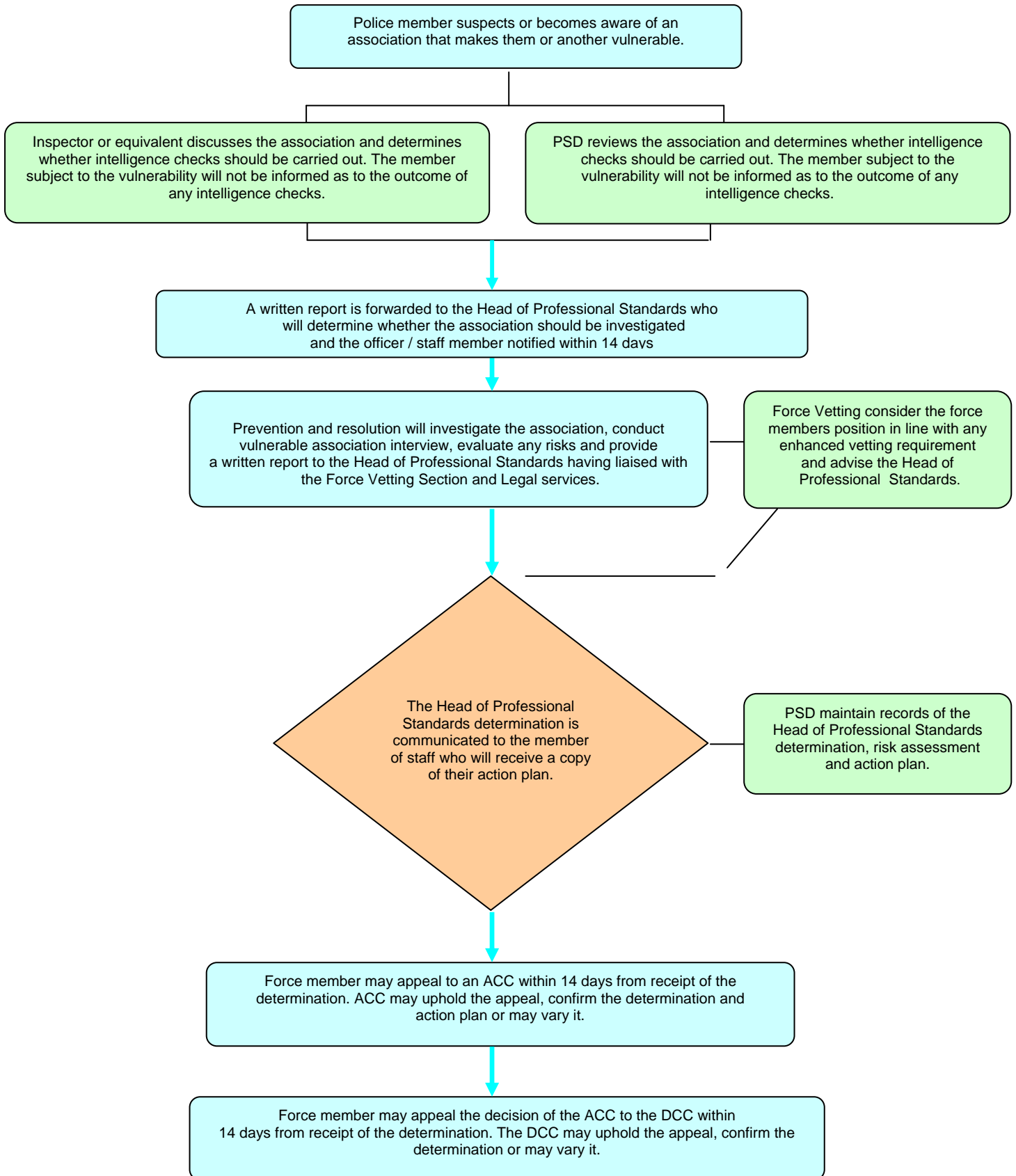
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**14. VERSION HISTORY**

<b>Version</b>	<b>Date</b>	<b>Reason for Change</b>	<b>Amended/Agreed by.</b>
1.0	15/10/2010	New Part One Order 25/2010	Order approved by CC Sims
Version 1.1 23/05/2012		<p style="text-align: center;">Revised and updated policy into new Force policy template Part One Order 25/2010 superseded by new policy and withdrawn.</p> <p style="text-align: center;">DI 9024 Mark Nevitt – PSD Martin Keating – Force Policy Coordinator.</p> <p>Amendments to Policy: &gt; removal of wording throughout, from inappropriate to vulnerable; &gt; Section 3; reference to and clarification of the meaning of 'group'. &gt; S.4.4; update to the investigation by Prevention and Resolution team &gt; Sections 4.5, 4.6 &amp; 4.7 all new additions that seek to clarify the time limits and the use of the Centurion database. &gt; S5.5; new section with reference to staff members not routinely required to declare restrictions unless required. &gt; Appendix A – Reporting Procedure; general updates to mirror amendments shown above. &gt; APPEALS; confidentially statement (Appendix B) which is new to the policy.</p>	



### Vulnerable Association Reporting Procedure





## Vulnerable Association Policy Confidentiality Statement

This meeting is called in circumstances where it is felt that there is a vulnerability to an employee of West Midlands Police.

The purpose of this meeting is to:

- 1) Identify any vulnerability/risks to the individual subject to the vulnerable association policy and/or any risks to West Midlands Police.
- 2) Identify a risk management plan that will reduce/negate any future risks or vulnerabilities.

### Confidentiality

All information that is relevant to the meeting should be shared. However, certain information/evidence may not be shared if it sensitive in nature or may result in issues of 'Taint'.

Information shared at the meeting is confidential and should not be shared outside the meeting.

If further disclosure is felt essential, permission should be sought from the Chair of the meeting, or their designated representative and a decision will be made (share on a need-to-know basis, share information which is proportionate and necessary) as to what information can be shared.

The meeting will be minuted and the minutes will be kept within PSD marked restricted.

By signing below you are agreeing to the issues of confidentiality.

Name	Role/reason for attendance	Signature