



NOTIFIABLE ASSOCIATION

Executive Summary

The purpose of this policy is to safeguard the integrity of individual officers and staff, to prevent actual or perceived compromise to operations and intelligence belonging to law enforcement agencies and to maintain public confidence in policing.

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 West Midlands Police (WMP).

It is of fundamental importance that our communities have confidence in our ability to discharge our functions with fairness and total impartiality. As such, some notifiable associations are likely to have an adverse impact on the integrity of individuals and the effectiveness and reputation of the WMP.

The Force recognises that the vast majority of its officers and staff behave honestly and with absolute integrity and any referral of a notifiable 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 and a potential risk. This includes situations where officers/staff are unknowingly put in a vulnerable position or at risk due to the actions of others.

The intention of this policy is to create a culture where the declaration of notifiable associations is considered routine and positive, without negative inference. An open and transparent culture assists to eliminate the risks that associations can bring, both to the individual and the organisation.

Just because an association is notifiable, it does not necessarily mean it is inappropriate or that restrictions are required. Where concerns are identified, an open and supportive process should be adopted (subject to the harm test).

Authorised Professional Practice (APP):

- [Professional Standards: Counter Corruption](#)

DEFINITIONS

NOTIFIABLE

- *An association with any individual or group will be considered to be notifiable where a person is in contact with, in the presence of any individual / group or has a family member who has the potential to:*
 - *Compromise a member of WMP*
 - *Compromise investigations conducted by WMP or partner agencies*
 - *Jeopardise the trust and confidence that communities have in the police service*

There isn't a definitive list of Notifiable Associations, however the below scenarios will always meet the definition and require a referral.

An association with an individual or group:

- Known to have a criminal conviction(s)

- Charged with a criminal offence and subject of a current prosecution.
- Known to be subject to a criminal investigation but not yet charged.
- Known to be subject of criminal intelligence or are of interest
- Persons dismissed or required to resign from a police service (or other law enforcement agency) or persons who resigned/retired whilst under investigation for gross misconduct.
- Former police officers or other law enforcement officers now working in an investigative role (eg. Private investigators and legal firms).
- Private investigators (regardless of any specialism or whether they are licenced and/or registered).
- Individuals or groups acting as vigilantes (claiming to act in the public interest for no monetary gain), for instance an OCAG (Online Child Sexual Abuse Activist Group).
- Individuals or groups protesting against the police service or the rule of law
- Media representatives/journalists (television, radio, print and online)
- Individuals who are members of or have associations with extremist groups.
- Persons employed or engaged in any business or activity where there is a potential conflict of interest with the force
- Intimate relationships with any members of the public where contact was established through a policing purpose or on police business (even where the contact for a policing purpose has now ceased). This would include situations where a member of West Midlands Police forms a sexual relationship or a close friendship that could be seen as sexually motivated, with a current or former informant, a case officer with a victim or witness in a current or closed case or a Family Liaison Officer with a member of the deceased's family.

ASSOCIATION

Association will have its normal everyday meaning including:

- Meeting or uniting for a common purpose
- Keeping company or being familiar
- Being an ally, confederate, partner or colleague
- Having friendship, intimacy or connection
- Having a family connection (see definitions)
- Being a member of a group, organisation or society which is formed for the promotion of a common object or aims
- This also includes association via social media

It is accepted that officers/staff may not always be aware of information that would make an association notifiable, however where they suspect or know, they must comply with this policy.

EXCLUSIONS

Notifiable associations should not include individuals with whom the officer or staff member has a purely professional, on-duty relationship.

Notifiable associations will generally not include a person who the officer/staff member is purely on 'nodding terms' with or has a chance meeting with.

Protection under legislation (eg. The Public Interest Disclosure Act 1998)

Policy Statements:

- Where any police officer or staff member, suspects or become aware of a notifiable association, they must never conduct systems checks to confirm their beliefs.
- The officer/staff member must inform their line manager (or duty supervisor) of a potential notifiable association as soon as practicable. This allows for the manager to provide immediate advice/support and minimise any immediate risks.
- The officer/staff member must then ensure a Notifiable Association Report is submitted to PSD regarding the notifiable association. Manager comments and any advice/mitigation should be recorded by the manager.
- The officer/staff must identify the person or group whom they are associated to and why they believe their association or that of another meets the criteria for notifiable associations.
- Referrals must be seen as an opportunity to manage the risk to that individual and prevent them being a target or subject of corruption.
- Where officers/staff becomes aware of or suspect a notifiable association between another staff member and an individual or group, they must inform their line manager or PSD.

INVESTIGATION AND INTERVIEWS

- The majority of notifiable associations will not result in any action required, except advice and guidance to safeguard the officer/staff member.
- However, where a notifiable association is identified (or suspected), it may be necessary to clarify circumstances with the officer/staff member.
- Line managers, local managers and PSD may contact the officer/staff member to seek clarification. This may include (but not limited to); the nature of the association and any knowledge of risk or vulnerability.
- Where there is an identifiable risk or intervention is required, a formal interview may be required.
- All notifiable association interviews will be at the direction of PSD, however may be carried out by local managers.
- The member of staff/officer has the right to seek advice from a police friend.

MANAGING THE RISK

- There will be times when simple mitigation can be agreed to prevent a notifiable association becoming a risk (such as reporting any contact with the notifiable association or postings restrictions).
- However, where more significant intervention is required, this will initially be discussed with the member of staff/officer during an interview, to give opportunity for the member of staff/officer to suggest mitigation and agree options.
- All voluntary/agreed mitigation, will require the approval of a PSD Appropriate Authority (AA).
- Where mitigation cannot be agreed, the matter will be referred to a PSD AA to consider.
- The PSD AA will decide if the notifiable association presents a risk, if suitable mitigation/restrictions need to be put in place or if the association must cease.
- In circumstances where the officer/staff member disputes the imposing of any conditions, the PSD AA will allow the officer/staff member and/or police friend to make representations.
- Where conditions are imposed, the officer/staff member will be provided with the conditions in writing, any relevant review period and the right to appeal.
- Where the officer/staff member is in possession of either management vetting, security clearance or developed vetting, the vetting department will review the identified risk in line with Vetting APP.
- Where the officer/staff member only holds Recruitment Vetting, the vetting department may review the identified risk in line with Vetting APP.

APPEALS

- Whilst subject to an appeal process, the individual will be served notice of any conditions in relation to the notifiable association.
- During the appeal period, the conditions must be adhered to by the officer/staff member.
- Any breach of the conditions during the appeal period will be referred to the relevant misconduct procedures.
- Where the officer/staff member seeks to appeal against a determination made by the PSD AA, they should submit an appeal to the Head of PSD (or deputy in their absence) within 14 days from receipt of the determination to impose conditions.
- Any appeal should be in writing and identify why the individual disagrees with the determination.
- Advice and support will be available from the police friend.
- Within 28 days of receipt of the appeal, the Head of PSD (or deputy) will chair a strategy meeting consisting of the officer/staff member's head of department (or representative) and PSD representatives.

- The Head of PSD (or deputy) may on review, decide to uphold the appeal, confirm the determination given in relation to the conditions or vary the conditions.
- Appeal decisions will be communicated within 14 days following the strategy meeting.

MISCONDUCT

- Failure to report a potential notifiable association by an officer/staff member may be referred to the relevant misconduct procedures.
- A failure to comply with conditions under this policy may breach of the Standards of Professional Behaviour.
- Where conditions are imposed, any breach of the conditions may be referred to the relevant misconduct procedures.

MONITORING AND REVIEW

- All records held in respect of notifiable associations and conditions will be stored electronically by PSD in a format that can produce management data.
- Regular reporting against recorded protected characteristics will be published internally.
- An annual review of individual conditions will be carried out by a PSD AA, where the officer/staff member will be invited to make representations and may seek support from a police friend.
- Following the annual review, the appropriate authority may make recommendations to vary, add or remove conditions, following consultation with the officer/staff member.
- Any variation or additional conditions will have a right of appeal.
- A review of the risk and any conditions can be carried out at any other time, where the PSD AA believes there has been a significant change in circumstances.

Definitions/Acronyms:

AA – Appropriate Authority

Family member – Parent, child, sibling (and second-degree relatives where there is regular contact)

Police friend – Staff Union, Police Federation or Staff Network representative

PSD – Professional Standards Department

WMP – West Midlands Police

Procedural Guidance Documents List:

**Referral & Decision Process
Appeals Process**

Publication Instructions:

- Suitable for publication to public

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Policy Author: Insp Jonathan Beach, Professional Standards

Any enquiries in relation to this policy should be made directly with the policy author shown above.

Force Executive Approval:



CHIEF CONSTABLE

Monitoring and Review

| Version | Date Reviewed | No change / Minor Changes / Major Changes (<i>detail</i>) | Amended / Agreed by | New review date |
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