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**Notifiable Associations  
Standard Operating Procedure**

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## 1. Purpose

1.1 This Standard Operating Procedure (SOP) supports the Police Service of Scotland, (hereafter referred to as Police Scotland) Anti-Corruption Policy.

1.2 This SOP will provide support, guidance and instruction in relation to 'Notifiable Associations'.

1.3 The core objective of this SOP is to protect the integrity of:

- Police Scotland Officers,
- Scottish Police Authority (SPA)/Police Staff,
- Special Constables,
- Staff working voluntarily under contract to Police Scotland

from the threat posed by notifiable associations. Throughout this SOP the above groupings will be referred to as '**individuals**'.

1.4 This SOP is also designed to protect the information, assets and reputation of Police Scotland.

1.5 The requirements detailed in this SOP are mandatory for Police Officers and Special Constables. Any breaches of this SOP could result in the consideration of misconduct proceedings under the Police Service of Scotland (Conduct) Regulations 2014, Police Service of Scotland (Special Constables) Regulations 2013 and Police (Conduct) (Senior Officers) (Scotland) Regulations 1999.

1.6 Whilst there is no mandatory requirement for Authority/Police staff to comply with the terms of this SOP, all Authority/Police staff are encouraged to engage with the process outlined to enable suspected notifiable associations to be appropriately risk assessed and the necessary support and guidance given.

1.7 The contents of this SOP are in keeping with Article 8 and 11 of the European Convention on Human Rights (ECHR) and are not intended to restrict the reasonable exercise of any individual's rights and freedoms in a democratic society, such as private/family rights or freedom of assembly and association.

## 2. Definitions

2.1 For the purposes of the SOP the following definitions apply:

### 2.2 Notifiable Association:

An association which has the potential, or is likely to:

- **Compromise the individual**

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- **Compromise the operations, activity or reputation of Police Scotland**
- **Compromise members of the public.**

2.2.1 For an association to be deemed 'Notifiable' there must be at least one of the above elements.

### **2.3 Association:**

Will have its everyday meaning and includes:

- Contact or relationships with family members;
- Meeting or uniting for a common purpose;
- Keeping company or being familiar;
- Being an ally, confederate, partner or colleague;
- Having friendship, intimacy or connection;
- Being a member of a group, organisation or society which is formed for the promotion of a common object or objects e.g. member of football team or sports club.
- Relationships with individuals undertaken in part, or wholly, through social media or other online platforms

2.3.1 Association may not only be with a person but also any group or organisation which may be deemed notifiable.

2.3.2 The term 'association' is not intended to include a person whom individuals have a passing acquaintance with such as a chance meeting with a person which may be repeated from time to time.

### **2.4 Compromise:**

2.4.1 The likelihood or potential of actual or perceived risk to the individual, operations or reputation of Police Scotland and the public namely:

- To place in a position of difficulty or danger;
- To expose to risk of failure, frustration or disgrace;
- To cast doubt on one's integrity.

## **3. Guidance**

3.1 The following provides basic guidance on the different types of associations and is an indication of when a Report of Notifiable Association should be declared.

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3.2 Where an association exists with any person who falls into the following categories it will **always** be declared:

- Persons with criminal convictions and/or charged with a criminal offence where matters remain unresolved (including offences involving dishonesty, disorder, sexual conduct and serious crimes against person and property. Does not include minor road traffic offences);
- Persons known to be under investigation for, but not yet charged with, a criminal offence;
- Persons subject of criminal intelligence;
- Former police officers, law enforcement officers or individuals now working in a related field (defined as any investigative role where there is a potential conflict of interests with Police Scotland operations/investigations e.g. private investigators and legal firms). Note: Individuals working for a partnership organisation where there is no potential conflict of interest would not meet the criteria for a Notifiable Association e.g. Her Majesty's Revenue and Customs, Police Investigations and Review Commissioner;
- Member of the Media/Press and those working in active investigatory research, or information presentation fields of the press. This would include but is not limited to: journalists; researchers for news/gossip publications and/or internet resources; internet, television or radio presenters where there may be a potential conflict with Police Scotland Operations/Investigations;
- Member of the Legal Profession working in a related field, where they are working within the field of criminal law and could present a potential conflict with Police Scotland operations/investigations.
- Members of any political party where the membership involves playing an active part in politics

Where an individual is unsure whether a person falls into the above categories, they should not search police systems for confirmation, but should inform a supervisory officer or contact the Professional Standards Department (PSD) (see section 4.1.1).

3.3 There is no definitive list of groups or organisations deemed **notifiable** however the following should be considered:

- Association with groups or organisations involved in criminal activity such as certain animal rights groups, football casuals, etc;
- Association with organisations or groups which support discrimination against any group, or encourages racial, religious or homophobic behaviour;
- Association with a group or activity, whether in person, by any means of correspondence or on a particular internet website, which would

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have the potential to compromise the employee, operations, activity or reputation of Police Scotland.

- Membership of any political party where membership involves the individual playing an active part in politics as defined in the Police Service of Scotland (Special Constables) Regulations 2013 Schedule 1(2) and Police Service of Scotland (Conduct) Regulations 2014
- 3.4 It is not intended to prohibit or limit all of the associations listed in Section 3.2 and 3.3. These are listed as categories of association, which should be declared to allow any potential risk to be assessed.
- 3.5 The requirement to submit a Notifiable Association form applies irrespective of whether an association has been declared as part of an initial application to the police or any other vetting procedures.
- 3.6 It is understood that the submission of a Notifiable Association form is based upon a snapshot in time. As such, any change of personal circumstances in relation to a Notifiable Association submitted should be highlighted to the PSD by email, in order that the risk to the individual, the organisation and the public can be reassessed.
- 3.7 Under **no** circumstances should an individual carry out checks of Police ICT systems to establish whether an associate falls into the category of being 'notifiable'. Any misuse of police systems by an individual may lead to criminal investigation of contraventions of the Data Protection Act 2018 and/or Misconduct proceedings under the Police Service of Scotland (Conduct) Regulations 2014, Police Service of Scotland (Special Constables) Regulations 2013, Police (Conduct) (Senior Officers) (Scotland) Regulations 1999 and Code of Conduct (Authority/Police Staff). Further information can be obtained from the Data Protection SOP.

## 4. Notification Procedure

### 4.1 Procedure for reporting a Suspected Notifiable Association

4.1.1 Where an employee becomes aware of, or suspects, an association (as listed in Sections 3.2 or 3.3) exists between an individual within Police Scotland and any person, group or organisation, which may be notifiable they must report this without delay by one of the following means:

- Speak with a line manager;
- **Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 30 Prejudice to Effective Conduct of Public Affairs**
  - Submit a confidential referral via "Integrity Matters" and PSD will respond accordingly

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- Scottish Intelligence Database (SID) marked for the PSD Gateway Unit
- **Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 30 Prejudice to Effective Conduct of Public Affairs**

### 4.2 Procedure for Self-Referral

4.2.1 Where an individual is aware or suspects that their **personal association** with a person, group or organisation is notifiable they should **personally** complete Section 1 of the Report of Notifiable Association form 037-001 and forward it to their line manager.

### 4.3 Procedure for Supervisor/Line Manager

4.3.1 Upon receipt of a Report of Notifiable Association form, the individual's supervisor or line manager should complete Section 2 of the Report of Notifiable Association form. This should only be completed if the criteria for a notifiable association is met.

4.3.2 The supervisor/line manager is responsible for making or arranging for appropriate enquiries/checks to be completed on the notifiable associate. This will include, but is not limited to, legacy crime recording systems, SID, PNC and CHS. Where the supervisor or first line manager does not have access to the necessary computer systems, the Divisional LIO can complete the necessary checks/enquires. Formal recording of these checks must be placed on the Notifiable Association form.

4.3.3 These enquiries should in all cases be conducted in a manner that maintains the confidentiality of the individual submitting the form.

4.3.4 The submitting individual **should not** be made aware of the results of enquiries/checks carried out. This ensures personal information about an associate is not unnecessarily disclosed to the submitting individual. (See section 5 for potential outcomes)

4.3.5 The supervisor/line manager is then responsible for forwarding the completed Report of Notifiable Association form to the Local Area Commander/Head of Department.

### 4.4 Procedure for Local Area Commander/Head of Department

4.4.1 The Local Area Commander/Head of Department is responsible for assessing the information detailed within Sections 1 and 2 of the form and completing Section 3 of the Report of Notifiable Association form. This includes a risk assessment based on the information provided, together with any proposals

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and recommendations relative to managing the risk(s) identified. This form should then be submitted to:

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### **4.5 Procedure for PSD**

- 4.5.1 On receipt of a Report of Notifiable Association form, the PSD will carry out a full assessment of the information provided, to identify whether the Division can manage the association or prevention/intervention work is required by the PSD. The PSD will thereafter complete Section 4, Report of Notifiable Association form.
- 4.5.2 In order to protect the information held by Police Scotland the PSD may audit and/or the individual's usage and access of Police IT systems in relation to the subject of their Notifiable Association. This will be done under terms of the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000.

## **5. Potential Outcomes**

### **5.1 No Risk Identified – Divisional Feedback**

- 5.1.1 Where no risk is identified and no PSD action is required, intimation of this fact will be communicated to the individual through their Local Area Commander/Head of Department via the completed Report of Notifiable Association form. This outcome will also be recorded by the PSD.
- 5.1.2 The individual will be responsible for notifying the PSD should there be any changes to their circumstances via email.
- 5.1.3 This outcome may be reviewed at a later date if new intelligence or information comes to light and it is necessary to safeguard the individual or Police Scotland from the risk of compromise/reputational damage.

### **5.2 Potential Risk Identified - Advice and Guidance Briefing**

- 5.2.1 If a potential risk is identified to the individual and/or Police Scotland, the PSD will seek to organise an Advice and Guidance Briefing (AGB) with the individual.
- 5.2.2 An AGB will be provided where there is an identified or potential risk of vulnerability or compromise to an individual or the organisation and the PSD

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assess that there is a need to protect and provide advice on how best to mitigate and manage the situation.

- 5.2.3 An AGB will assist with the provision of information and support to individuals by highlighting potential integrity vulnerabilities and provide preventative & supportive advice.
- 5.2.4 AGB's also ensure support and wellbeing mechanisms are in place timeously with proportionately agreed outcomes provided to each individual. Further information can be found in the Advice and Guidance Briefing Procedure document.
- 5.2.5 AGBs will be conducted in accordance with the Police Scotland Code of Ethics.
- 5.2.6 Once the AGB has been carried out and the risk to the individual and Police Scotland is assessed, a full briefing paper will be submitted to the individual's Divisional Commander/Head of Department.
- 5.2.7 Where a risk to Police Scotland has been identified, the individual may be subject to a determination as detailed within Section 5.3.

### **5.3 Risk Identified - Determination**

- 5.3.1 Where, following an initial assessment or as a result of information obtained during an AGB, the risk to the individual or Police Scotland is assessed to be significant, the PSD, in consultation with the Divisional Commander/Head of Department, may impose instructions in relation to that association.
- 5.3.2 The PSD will liaise with the Divisional Commander/Head of Department and agree an action plan to meet the welfare needs of the individual and to mitigate/reduce the risk to Police Scotland and the individual.
- 5.3.3 The PSD will provide full details of the association, relevant risks and written confirmation of the individual's AGB (Section 1 Report of Notifiable Association - Determination Stage form) to the Divisional Commander/Head of Department .
- 5.3.4 The PSD Superintendent or their deputy will approve a written statement agreed by Police Scotland's Legal Services Department which will be provided to the individual via the Divisional/Area Commander/Head of Department (Section 2 Report of Notifiable Association - Determination Stage form).
- 5.3.5 The rights of the individual will always be considered in relation to the specific circumstances, balanced against the aims of this SOP and Police Scotland

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policy. Any determination will involve consultation with relevant parties i.e. the individual, relevant staff associations, support groups and where applicable the Head of People and Development/Head of Department/Divisional Commander.

5.3.6 A determination may include, but not exclusive to:

- Instruction on the nature of the relationship, e.g. if part of a team sport, individual must not socialise with the notifiable associate outside of that environment or wherever possible contact must be limited to group situations;
- Specific instructions on when an individual can meet e.g. family / social events;
- Conditions that any unplanned meeting must be reported to the PSD via email as soon as practicable;
- Temporary or permanent redeployment;
- Direction to an individual that a relationship must cease.

5.3.7 A copy of the determination will be recorded by the PSD .

5.3.8 Should an individual disagree with a determination they can appeal (Section 7).

## **6. Failure to Act in Accordance with Determination**

6.1 Where an individual fails to comply with the determination imposed consideration will be given to progressing the matter in terms of Formal Disciplinary Procedures for Authority/Police Staff (see Disciplinary SOP) or for Police Officers, The Police Scotland (Conduct) Regulations 2014, The Police Service of Scotland (Special Constables) Regulations 2013 or The Police (Conduct) (Senior Officers) (Scotland) Regulations 1999.

## **7. Appeals Process**

7.1 If an individual disagrees with a determination they have the right of appeal. Any appeal must be submitted in writing to the Head of PSD

7.2 Upon receipt, the Head of PSD will forward the appeal letter to the Assistant Chief Constable (ACC) with oversight of that individual's policing/business area and the Deputy Chief Constable Designate (DCC (D)).

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- 7.3 An appeal submitted by an Authority/Police Staff member will be forwarded by the Head of PSD to the Head of People Management (HoPM) or a nominated deputy for their consideration.
- 7.4 Any Notifiable Association will continue to be managed in accordance with the original determination(s) pending the outcome of the appeal.
- 7.5 An appeal must be submitted by formal letter in writing in accordance with the guidance below:
- Be submitted within 14 calendar days of the original determination, with that date counting as the first day;
  - State the date of the determination;
  - State the terms of the determination;
  - State the parties involved in the determination;
  - Set out in clear and concise terms justifying why the individual disagrees with any aspect or aspects of the determination;
  - Be signed and dated by the individual appealing the determination.
- 7.6 The HoPM (or nominated deputy) or nominated ACC will consider the matter and communicate the result in writing to all parties involved in the original determination within 14 calendar days of the date on which the appeal was received.
- 7.7 Should the appeal be rejected and the original determination upheld there is no further right of appeal. The notifiable association will continue to be managed in accordance with the original determination.
- 7.8 If the HoPM (or nominated deputy) or nominated ACC upholds the appeal they will inform the Head of PSD who will review the original determination.
- 7.9 The Head of PSD may recommend a full or partial determination review based on the HoPM (or nominated deputy) or nominated ACC's instruction.
- 7.10 The individual submitting the Notifiable Association may appeal any revised determination following the procedure outlined under Section 7.5.

## **8. Record Retention / Protective Marking**

- 8.1 All documentation produced in line with this SOP will be protectively marked and retained securely in accordance with the Government Security Classification SOP, and for the length of time dictated by the Record Retention SOP.

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**List of Associated Legislation**

- Data Protection Act 2018
- Human Rights Act 1998
- Health and Safety at Work Act 1974
- Police and Fire Reform (Scotland) Act 2012
- Police Service of Scotland (Conduct) Regulations 2014
- Police Service of Scotland (Special Constables) Regulations 2013
- Police (Conduct) (Senior Officers) (Scotland) Regulations 1999

## **List of Associated Reference Documents**

### **Policy**

- Anti-Corruption Unit Policy

### **Standard Operating Procedures**

- Data Protection SOP
- Disciplinary SOP
- Record Retention SOP
- Government Security Classification SOP

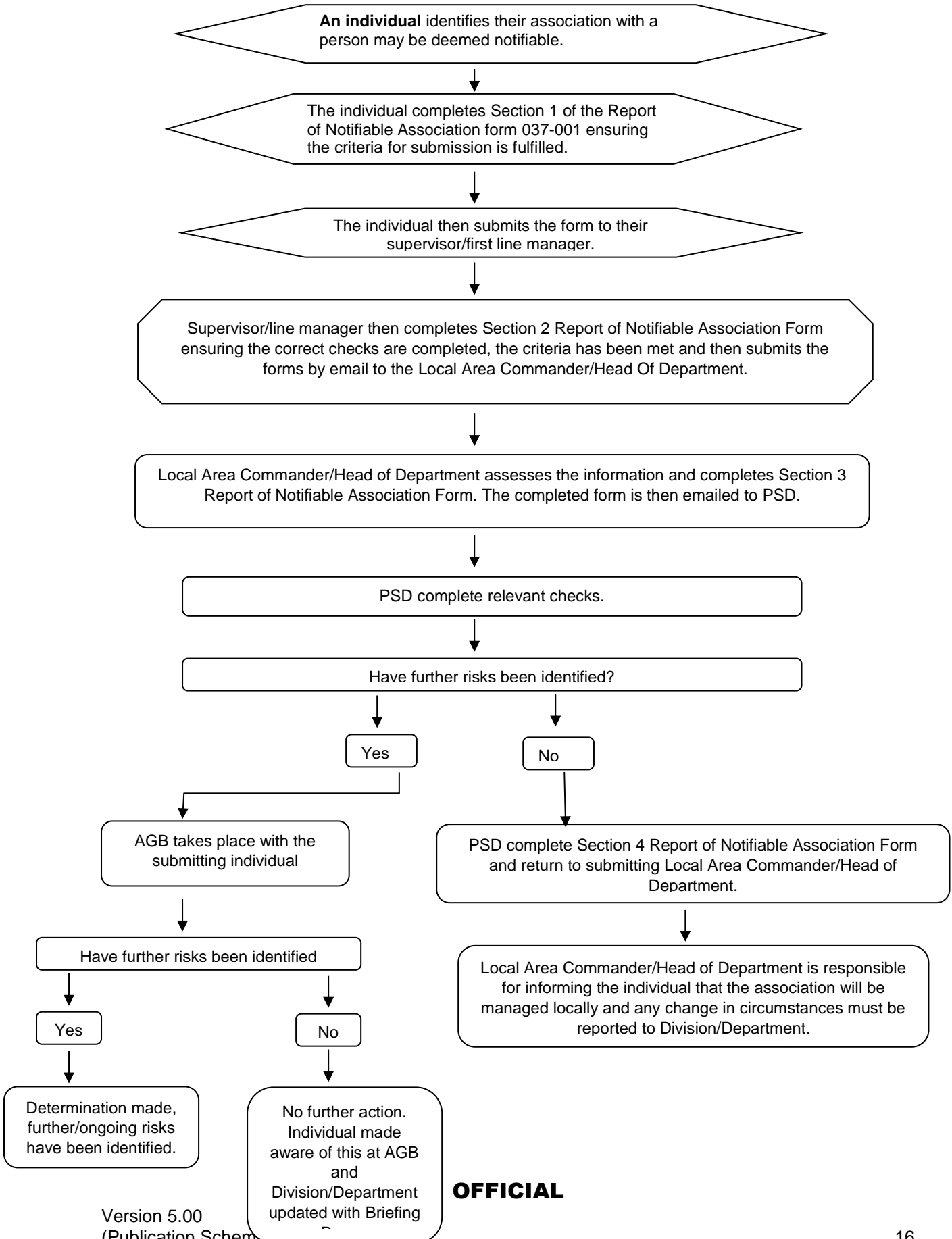
### **Guidance**

- Advice and Guidance Briefing Document
- Code of Conduct
- Police Scotland Code of Ethics
- Integrity Matters referral
- Online Safety Guidance for Police Officers and Members of Police Staff

**List of Associated Forms**

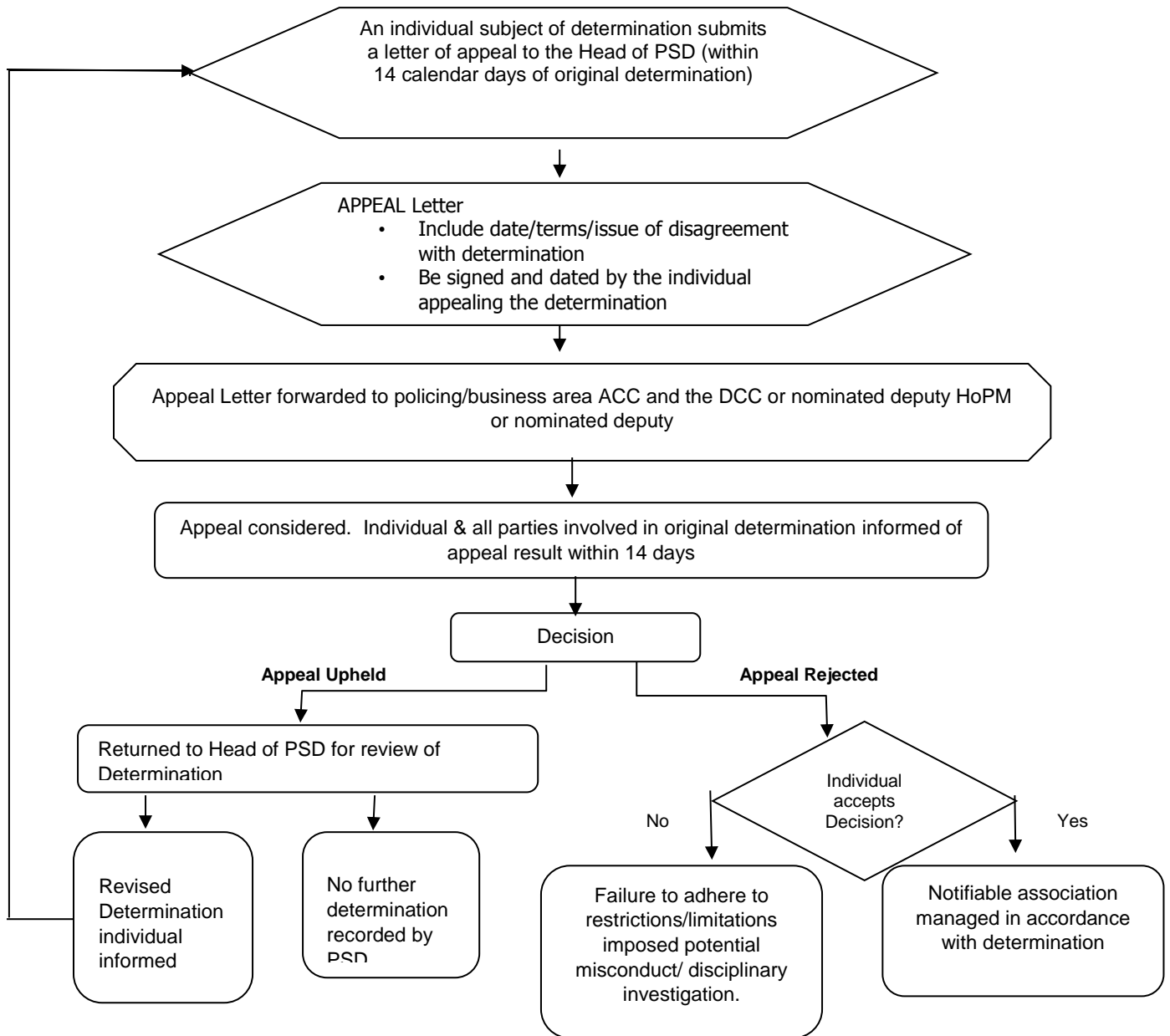
- Report of Notifiable Association Form (037-001)

**Process Flow Chart**





**Appeals Process**



**Frequently Asked Questions and Answers**

**Q. I attend a gym which is owned by a reputable company. Some criminals frequent the gym. I know some of them sufficiently to acknowledge their presence and no more. Should I declare this as a notifiable association?**

A. You cannot account for those who may frequent any reputable establishment. Providing you do not enter into an association (as outlined in this SOP) then it is extremely unlikely that a compromise is possible. If you have a closer relationship then you must declare it for your own protection. If during the course of your attendance at the gym you are witness to, or have cause to suspect that criminal activity is taking place either at that location or elsewhere involving other customers or gym individuals, consider SID submission.

**Q. My child is involved in a sports team run by an individual who it is commonly known has previous criminal convictions. Should I declare this as a notifiable association?**

A. That depends on how close your relationship is with the individual. The closer you are (e.g. do you socialise with them outside of their professional role) the more relevant it becomes to declare it. If you do not have anything to do with them outside of the competitive environment (matches/training) then it is unlikely to satisfy the association requirements.

**Q. I previously submitted a Notifiable Association in respect of my ex-partner's father who was known to be involved in criminality. However, I've since broken up with my partner. Do I need to tell anyone?**

A. You should notify PSD of any significant change in circumstances relating to a submitted Notifiable Association in order that the risk to you, the organisation and the public can be reassessed.

**Q. I have a friend/relative who I know/suspect has convictions in another country and/or their country of origin, do I need to report this?**

A. Yes. To ensure your integrity and the reputation of Police Scotland is not at risk.

**Q. I own and rent out a property. I've been advised by colleagues that one of my tenants is suspected of being involved in criminality? I have submitted a Business Interest form. What should I do next?**

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A. Submit a Notifiable Association form along with background information including contact frequency. This tenant-landlord relationship has the potential to impact on your integrity and potentially damage the reputation of Police Scotland. Consider SID submission. If the tenant moves on and the association ceases notify PSD.

**Q. I am friends with a former police officer/authority/police staff member who was dismissed from Police Scotland or another police service/force. Do I need to declare this?**

A. If you are aware that the person was involved in criminality then yes you are required to submit a Notifiable Association Form. It is important for PSD to confirm there is no risk to you or to Police Scotland. Otherwise there is no requirement to submit a form.

**Q. A colleague was recently dismissed following a PSD investigation. I am friends with them on a social networking site and we still occasionally comment on each others' updates. Do I need to report this?**

A. Similar to the example above, if the person was dismissed for being involved in criminality then yes, you are required to submit a Notifiable Association form. The individual circumstances of the contact you have will be taken into account. It is still important to report this to protect your own integrity and enable Police Scotland to monitor any risks connected with this association. Whilst there is no particular bar on individuals possessing personal profiles on social networking sites, in terms of professional advice and guidance, individuals should consider the 'Online Safety Guidance for Police Officers and Members of Police Staff'.

**Q. What if it transpires that an associate/friend has intelligence or a criminal conviction recorded against them, which I was unaware of?**

A. Unless it can be shown that you knew or intentionally overlooked this knowledge then there are no issues to address. A common sense approach will be adopted.

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