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Transport
Police

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REPORTING OF INAPPROPRIATE AND COMPROMISING ASSOCIATIONS STANDARD OPERATING PROCEDURE (SOP)

STANDARD OPERATING PROCEDURE			
REFERENCE.	Policy/231/10		
PROTECTIVE MARKING	NOT PROTECTIVELY MARKED		
PORTFOLIO	Deputy Chief Constable (DCC)		
OWNER	Head of Professional Standards (PSD)		
START DATE	24 December 2010		
REVIEW DATE	24 December 2011		
THIS POLICY REPLACES:	N/A		
VERSION	DATE	REASON FOR AMENDMENT	AMENDED BY
0.2	October 2010	This is a new policy.	Jo Whiting, Employee Relations Case Officer, PSD.
0.3	15.11.10	Amendments made.	Policy Team, SDD.
0.4	21.12.10	Further Amendments	Policy Team and PSD.



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REPORTING OF INAPPROPRIATE AND COMPROMISING ASSOCIATIONS SOP

1 INTRODUCTION

- 1.1 This SOP enforces and is subject to the conditions of Policy/231/10.
- 1.2 This SOP applies to England, Wales and Scotland.
- 1.3 This SOP applies to all British Transport Police (BTP) employees. Within this SOP, except where categories are specifically excluded, the term employee, or employees will include all members of British Transport Police, namely police officers, police community support officers (PCSOs), special constables, contractors and all categories of non-warranted employees. This will not apply to community volunteers.
- 1.4 This procedure covers the reporting and monitoring of inappropriate associations. BTP officers and employees are required to act with honesty and integrity and refrain from activities which could compromise the reputation of BTP in its ability to prevent and detect crime. These include associating with persons or organisations that have the potential to corrupt or place employees of BTP in a vulnerable position and/or undermine public confidence in BTP. This SOP and the related policy (Policy/231/10) seek to protect both BTP and its employees.
- 1.5 Reference should be made to the Reporting of Inappropriate and Compromising Associations policy (Policy/231/10) and Appendix A of this SOP 'Frequently Asked Questions' for more detailed guidance on what constitutes an inappropriate or compromising association.

2 KNOWLEDGE

- 2.1 Inappropriate and compromising associations are defined as those that are going to or have the potential to:
 - Compromise the individual employee's integrity and/or ability to fulfil their role with BTP
 - Compromise the operations or activity of BTP
 - Compromise the reputation of BTP.



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- 2.2 The Professional Standards Department (PSD) will assess the impact and risk of the association and implement appropriate action. Employees should refer to the Reporting Inappropriate and Compromising Associations Policy (Policy/231/10) for more detailed guidance on what constitutes an inappropriate or compromising association, but if in doubt always seek advice from PSD.
- 2.3 The term 'association' will have its normal everyday meaning including:
- Meeting or uniting for a common purpose
 - Keeping company or being familiar (on regular basis)
 - 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 purpose or purposes.
- 2.4 For an association to be deemed such there must be one of the above elements that is a relationship relating to the employee.
- 2.5 Association does not include chance encounters, or where an employee is on casual or 'nodding' terms. However, should employees feel themselves to be placed in a difficult or vulnerable position through chance or casual contact, then they should submit a report to PSD in order to safeguard themselves and BTP.
- 2.6 This SOP does not relate to associations made and retained for policing purposes, such as undercover and covert operations, and the use of informants. Employees are referred to BTP policies and guidance in these areas and the Home Office Code of Practice for the use of Covert Human Intelligence Sources (CHIS).
- 2.7 It is accepted that on occasions employees will have limited control over certain relationships or associations, for example through the marriage of a close relative or where a relative becomes involved in criminal activity. Where it is not practical for a relationship or association to cease altogether, BTP may set limits and or conditions to which the employee concerned must adhere. This may include redeployment where necessary.



2.8 Reporting an association does not automatically mean it will be prohibited or subject to control measures. Only where absolutely necessary will PSD recommend restrictions to or prohibit an association (see Appendix A).

2.9 **Individuals** - Examples of inappropriate or compromising associations with individuals include but are not limited to:

- Persons with unspent criminal convictions
- Persons charged with a criminal offence where matters remain unresolved
- Persons known to be under investigation but not yet charged
- Persons who are the subject of criminal intelligence or the subject of an interest marker
- Persons dismissed or required to resign from a police service or other law enforcement role for reasons of misconduct which may have a bearing on the work of BTP
- Persons working in the Media industry - for clarification, the term 'member of the media' refers to those working in active investigatory, research, or information presentation fields of the media. This would include but is not limited to, journalists; researchers for news/ gossip publications and/ or internet resources; internet, television or radio presenters
- Persons working in a related field defined as any investigative role with a potential to conflict with BTP operations, for example private investigators, investigative journalists and legal firms (this will include former police or law enforcement employees now working in these areas)
- Persons involved in the discrimination of any person or group on the grounds of their race, religion, gender, sexual orientation, age or disability
- Public figures or celebrities whose activities or reputation may have the potential to bring BTP or its employees into the disrepute or compromise the work of BTP.

2.10 **Organisations** - There is no definitive list of prohibited organisations, but the following have been prohibited by the Secretary of State:

- BNP
- Combat 18
- The National Front.



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2.11 In addition the following could be considered as inappropriate:

- Membership by a police officer of any political party which involves the officer playing an active part in politics in contravention of the BTP Regulations
- Association with groups or organisations involved in law breaking or criminal activity for example animal rights groups, protest organisations, football hooligans, etc
- Association with groups or organisations that could bring BTP into disrepute, including but not limited to:
 - Groups or organisations that encourage discrimination against any person on the grounds of their race, religion, gender, sexual orientation, age or disability
 - Groups or organisations with aims which contravene the statement of common purpose and values of the police service or the intent or effect of any legislation governing BTP.
- Associations with groups or organisations which advocate either active or passive non-compliance with the law.

This list is not exhaustive.

2.12 Inappropriate or compromising associations with organisations or groups as set out in section 2.9 will include, but are not limited to, the following activities:

- Leaflet drops
- Attendance at meetings
- Fundraising activities and organisation
- Speaking on behalf of or writing for any such organisations regardless of whether an individual is a formal member of the organisation
- Association with a group or organisation through any means of communication or correspondence including through internet websites, blogs and chat rooms.

3 RESPONSIBILITIES

3.1 **All employees** have a duty to report any (or potentially) inappropriate or compromising, associations that they develop with members of the public, organisations or contractors to PSD. This includes existing associates, friends and family members whose circumstances change such as to make them potentially inappropriate or compromising



and/or give them a corrupting, or potentially corrupting influence. Employees are required to provide as much detail as they can about the association and to submit the information as soon as possible once they have become aware of the inappropriate and/or compromising nature of their association. **Under no circumstances should employees conduct police/intelligence checks on associations over whom they may have concerns. Employees are reminded of the provisions of the Data Protection Act and BTP policy governing the use of intelligence systems.**

- 3.2 **Line Managers** have a responsibility to report any suspicion they have that employees have inappropriate and/or compromising associations, or may be placing themselves or BTP in a vulnerable position through an acquaintance or organisation. They have a duty of care to their employees and a responsibility to ensure they abide by BTP policies and the Police Regulations.
- 3.3 **All employees** have a duty to report any suspicion they may have that colleagues have inappropriate and/or compromising associations, or may be placing themselves or BTP in a vulnerable position through an acquaintance or organisation. They have a duty to abide by BTP policies and the Police Regulations.
- 3.4 **Employee Support Groups** including Transport Salaried Staff Association (TSSA), the Police Federation and the Superintendents' Association representatives should encourage employees who may be engaging in inappropriate or compromising associations, to seek assistance in accordance with the provisions of this SOP and related policy.
- 3.5 PSD will be responsible for accepting notification of, recording, reviewing and taking appropriate action regarding inappropriate or compromising associations. This will include:
- Setting management plans and restrictions
 - Where necessary passing the information to the Vetting Unit for reassessment against the employee's current role within BTP
 - Making regular checks on employees subject to restrictions or action plans



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- Where necessary they will give instructions to redeploy employees, or terminate employment. PSD will consult with the employee's line manager and/or HR Business Partner as necessary and they will be kept updated and informed of the process and the instructions as appropriate.

3.6 In most cases line managers or Area management will be tasked with implementing management plans and restrictions, but in exceptional circumstances, PSD will manage this directly. Employees who fail to abide by instructed action plans or restrictions may be subject to disciplinary action.

4 PROCEDURES

4.1 Notifying PSD

4.1.1 Employees reporting their own associations should do so in writing direct to the Head of PSD. Line managers or employees reporting team members or colleagues should do the same.

4.1.2 Employees can also notify PSD of any concerns they have about their own or colleagues' associations through the confidential reporting network, CARS, or the integrity line. If employees are unsure about whether a particular association falls under this SOP, they should contact their line manager or PSD for advice. **If in doubt, always report the association.**

4.1.3 The report should include all relevant details including where possible:

- Known details of the associate (name, address, employment etc)
- Reason for their potential to be considered an inappropriate association
- Context of the association (for example, member of football team/close friend, brother)
- Regularity of the associations (for example meet once a week, regular social meetings as close friends, at family gatherings for Christmas, Easter and birthdays, not close and would not meet outside of, *for example*, the football matches)
- Any other relevant information or circumstances that may offer an insight in to the affects of the association on your role (for example, this association does not



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affect my role as I have no access to intelligence systems and work in a non-operational department).

4.1.4 Employees who do not have access to all of this information should just include as much detail as they can. Employees should not seek information from the individual concerned and as stated above; no intelligence checks should be completed. PSD may request further information before they are able make their assessment.

4.1.5 When PSD have been informed of a possible inappropriate or compromising association, this will be acknowledged in writing to employees reporting their own associations, as soon as is practical. The report will then be passed to PSD Integrity Unit (PSDIU) for assessment. Employees reporting their own associations will be kept updated as to the progress of their assessment at regular intervals. In the case of an association being reported by a third party no confirmation of receipt or further correspondence will be sent to the reporting party unless further information is required.

4.2 Assessment of the association

4.2.1 Upon notification of a possible inappropriate or compromising association PSD will assess the risk to the individual and the BTP taking into account a number of factors including:

- The nature of the relationship and the extent and closeness of the association
- The antecedents and history of the person, group or organisation with whom the employee has the association
- The criminal convictions or history of the person, group or organisation with whom the employee has the association, in particular the number of convictions, the seriousness and frequency of criminal activity, the time since the last incident of criminal activity
- The suspected involvement in crime or inappropriate activity of the person or persons within the group or organisation with whom the employee has the association, in particular:
 - How serious, based upon intelligence, that suspicion is
 - How recent that intelligence is



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- How much weight attaches to the intelligence based upon the 5x5x5 matrix.
- The criminal associations of the person, or persons within the group, or organisation with whom the employee has the association and whether those associations are serious and/or current
- The nature and object of the group or organisation to which the employee is associated.

This process may include passing the information to the Vetting Unit in order that the individual be re-vetted for their current post within BTP.

4.2.2 Based on the risk assessment the PSDIU will set restrictions where required, these could include:

- Restriction on location of work
- Restrictions of levels of access to Police systems and information
- Restrictions on the kind of work an employee may undertake (for example, administration work not connected with operational policing)
- Restriction on access to BTP buildings and locations.

This list is not exhaustive.

4.2.3 In some cases it will be considered untenable that the individual remains in employment with BTP. This could be because their vetting clearance has been removed; because the association compromises the integrity of their function within BTP or the integrity of BTP itself; or that the association significantly damages or has the potential to damage the reputation and/or public confidence of BTP.

4.3 **Redeployment Due to an Inappropriate and/or Compromising Association**

4.3.1 In some cases it will be assessed that an individual will no longer be able to fulfil their role. This could be because their current level of vetting clearance has been removed, or because the association interferes with the integrity of their function within BTP. In these instances permanent or temporary redeployment will be considered. In cases where temporary redeployment is offered it will usually be expected that either the association will decrease or cease to exist, or the influence of the association will



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decrease or cease to exist at the end of the redeployment. This will be subject to review before an individual is allowed to return to their substantive post. Both permanent and temporary redeployment will be done with consultation with the employee concerned, local management, relevant employee associations, support groups and the HR Business Partner(s). In cases where suitable redeployment positions are not available, restricted duties will be considered.

4.3.2 Redeployment positions and/or restricted duties will need to be signed off by the Vetting Unit and PSDIU for suitability. In cases where there are no viable redeployment options, it may be necessary to consider termination of employment as set out in 4.4.4 below.

4.4 Implementation of Restrictions and/ or Redeployment

4.4.1 Following the consultation (as set out in 4.3.1), any restrictions and/or requirement to redeploy will be confirmed to the employee, Area Management and the HR Business Centre in writing.

4.4.2 It will be the responsibility of line managers and Area management to ensure that restrictions, action plans and redeployments are applied according to PSD instruction. Failure to take adequate action to this end may result in disciplinary action.

4.4.3 All redeployment and restrictions based on inappropriate and/or compromising associations will be subject to regular review by PSD. This is to ensure the association does not continue to have a detrimental impact on the integrity of the individual or BTP. The same responsibilities will apply to employees and line managers to report any change in the association or any additional associations to PSD (as described in section 2.2 above).

4.4.4 Where individuals refuse to accept suitable redeployment options and it is not viable for them to continue in their current post, then provisions may have to be made for terminating employment. This is covered Section 98 (1) of the Employment Rights Act 1996 which gives provision for employers to dismiss an employee for 'some other substantive reason' which can be met by the employee placing themselves in a position



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where their duty and private interests are in conflict and/or they damage the integrity or reputation of BTP.

4.5 Right of Appeal against Redeployment or Restrictions

4.5.1 Employees have 14 days from the receipt of the letter outlining their restrictions and/or requirement for redeployment to appeal to the Deputy Chief Constable (DCC) in writing. A full outline of why they feel the restrictions or redeployment are unwarranted will be required. The DCC will respond to appeals within 28 days of receipt of the form. The DCC will have the option to rescind, alter or confirm the directions of PSD. The decision of the DCC is final.

4.6 Disciplinary Action Based on Inappropriate Associations

4.6.1 In some cases an association will be in direct contravention of the Standards of Professional Behaviour and disciplinary procedures will need to be instigated. This is especially likely where associations are reported by third parties and employees are liable to be in breach of their responsibility to report such associations. Action will also be taken in the event that employees fail to comply with restrictions placed upon them by this process.

4.6.2 Standard disciplinary procedures will apply (see related policies and SOPs in section 5) and employees will have access to all the support and provisions normally afforded by this process and will be subject to the same possible sanctions.

4.7 Prison Visits

4.7.1 Employees associating with people currently serving prison sentences should report these associates to PSD as per the procedure set out in this SOP.

4.7.2 If an employee is planning on visiting an associate in prison, they need to seek authorisation for each visit from PSD. Each request will be assessed on its merits taking into account factors including the nature of the associations and the reason for imprisonment.

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4.7.3 While visiting an associate in prison, employees should not identify themselves as being employed by BTP and should not discuss their work with BTP.

5 RELATED DOCUMENTS

- Movement of Officers Policy
- Force Information Security Policy
- Force Vetting Policy
- Business Interests, Secondary Employment and Voluntary Work SOP
- Confidential Reporting SOP
- Misconduct and Unsatisfactory Performance or Attendance Policy

6 MONITORING AND COMPLIANCE

6.1 PSD will monitor this SOP for compliance and effectiveness. This SOP will be reviewed annually and will take account of the following criteria:

- Changes in legislation
- Human Rights challenges and rulings in domestic and European Human Rights Courts
- Changes to ACPO guidance/policy
- Examples of good practice from other Forces or other organisations
- Changes in Home Office Circulars
- Representations made by individuals and relevant organisations.

7 APPENDICES

7.1 Appendix A – Frequently Asked Questions