



VICTORIA POLICE

Declarable Associations Form for External Personnel

Introduction

Personnel employed or engaged by an external organisation must not allow their private interests to conflict with their duties and obligations to Victoria Police where they are privy to an agreement between such organisation and Victoria Police.

Declarable Association

A declarable association includes any association that:

- is or may be considered to be incompatible with the role of a person and Victoria Police in upholding the law;
- gives rise or may be considered to give rise to a perception in the mind of a reasonable person that a person is not complying with his or her obligations which are set out under an agreement with Victoria Police; or
- adversely impacts or may be considered to adversely impact on the person's standing and reputation in the eyes of the community as a person working at Victoria Police.

Declarable Associations include, but are not limited to:

- an association with a person known or suspected of being known by the person employed or engaged by an external organisation and working at Victoria Police to be engaged in unlawful activity amounting to an indictable offence;
- an association with a person who has a criminal history the nature or recency of which is likely to raise, in the mind of a reasonable member of the community, a concern that the association is incompatible with the role of the person employed or engaged by an external organisation and working at Victoria Police;
- membership of a group or organisation known or perceived to be involved in unlawful activity amounting to an indictable offence; or
- an association with a person employed or engaged by an external organisation or Victoria Police who;
 - is currently facing charges relating to an indictable offence;
 - is currently suspended from performing their duties for either their organisation or Victoria Police; or
 - has resigned from their organisation or Victoria Police while under investigation for an indictable offence and continues to be suspected of having committed that indictable offence.

I,

[Full name]

declare that I am employed (contracted) by _____ and understand my role and duties whilst engaged by Victoria Police, on behalf of _____. I declare that to the best of my knowledge, I do not have:

- any personal bias or inclination which would in any way affect my ability to perform my duties for Victoria Police over the term of my engagement on behalf of _____;
- any personal obligation, allegiance or loyalty which would in any way affect my decisions in relation to Victoria Police; (a “**conflict**”), except as set out below:

1. _____
2. _____

3. _____

4. _____

List name of associate, contact details (if available) and details of declarable association below:

I confirm I have been provided with **Victoria Police Manual Policies and Guidelines** with respect to **Declarable Associations and Managing Conflicts of Interest** which I have read, and understand the requirements contained within.

I undertake to make a further declaration detailing any conflict, potential conflict or apparent conflict which may arise during the term of my engagement with Victoria Police, on behalf of _____. I agree to abstain from any decision where such a conflict arises.

Signed _____

Dated / / _____

Victoria Police Manager's Assessment

The manager to whom this report is made to, is required to conduct a risk assessment of the summary provided by the person (engaged under an agreement with the organisation), determine the risks that are apparent and develop a plan to manage that risk. In order to undertake a risk assessment, information about the associate and the association must be obtained. The manager's use of LEAP and other information holdings within policy guidelines are appropriate tools when determining the overall risk.

The risk assessment should include whether the:

- *associate is known or suspected to be involved in unlawful activities*
- *associate may be perceived to be involved in unlawful activities by the community*
- *association may lead to the employee misusing or being perceived to misuse their position within Victoria Police*
- *associate or employee may be perceived to be gaining a personal benefit contrary to the public interest due to the association*
- *employee may, or may be perceived to, ignore or be complicit in criminal behaviour, aid criminal behaviour or fail to be seen to act justly*
- *association may reflect poorly on the good reputation and/or integrity of employees or the Victoria Police*
- *length of the association*
- *nature of the association*
- *whether the employee was, or should have been, aware of the background of the associate*
- *whether a reasonable person would view the association as being declarable, and*
- *could the association be avoided?*

The risk should be determined on the basis of the associate's current activities or likelihood to be involved in future unlawful activities. The supervisor may determine that the association is to be terminated immediately, managed through risk mitigation strategies or appropriately monitored.

Summary of Risk: *(a clear statement of what the risk is to the person (engaged under an agreement with the organisation) and Victoria Police?)*

Risk Mitigation Strategies / Management Plan / Termination / Monitoring

(What management action is to be taken to mitigate or eliminate the risk?)

I have been provided with the outcome of the risk assessment regarding this association and understand and agree to implement the management plan.

Endorsed by Area
Command or delegate: Name:
Rank/Level:

Victoria Police Manual – Procedures and Guidelines

Declarable associations

Source Policy

These Procedures and Guidelines support and must be read in conjunction with the following:

- Professional and ethical standards
- VPMP Managing conflict of interest

Application

Procedures and Guidelines are provided to support the interpretation and application of rules and responsibilities. They include recommended good practices and assessment tools to help employees make lawful, ethical and professional decisions. Employees should use the **Professional and ethical standards**.

Procedures and Guidelines are not mandatory requirements on their own. However, where rules and responsibilities state that employees must have regard to Procedures and Guidelines, the **Professional and ethical standards** must be used to help make decisions in support of the rules.

Procedures and Guidelines

1. Overview

- The **Professional and ethical standards** outlines the responsibilities of employees. It emphasises that the conduct of employees, whether during or outside working hours, impacts on the reputation of Victoria Police. Employees should therefore always conduct themselves in a manner that, if the conduct were to be made public, would maintain Victoria Police's standing in the community.
- **VPMP Managing conflict of interest** require employees to:
 - assess their personal associations and identify associations that could be or could reasonably be seen to be a declarable association
 - notify a supervisor of any declarable associations and to discontinue or ethically manage these relationships.
- These Procedures and Guidelines support **VPMP Managing conflict of interest** by providing further guidance on what might constitute a

declarable association, and how these associations can be appropriately managed.

2. Scope and interpretation of policy

2.1 Definitions

- **Association** – is any interaction between employees and members of the community that is unrelated to the duties of an employee of Victoria Police. This includes association with:

- friends and close personal acquaintances (not including immediate family members)
- people the employee meets regularly outside of work, even if the interaction is casual (e.g. friend of a friend, team mate, former employees)
- clubs, societies and other organisations the employees is socially involved in (e.g. as member of a club or second employer)
- any club, society or other organisation that employees may become involved in (even if not a member).

It does not include associations which arise in the course of employees' duties, e.g. arrest of offenders; contact with a registered human source in accordance with **VPMP Human sources**.

- **Contractors / consultants** – relates to those contractors and consultants who have access to Victoria Police information and systems and who have unescorted access to work centres.
- **Immediate family member** – includes a husband, wife, life partner, brother, sister, step brother, step sister, parent, step parent, child or stepchild.
- **Improper association** – is a declarable association which has not been reported or which has been reported but is continued despite a direction to discontinue the association or which is not being managed in line with an agreed management plan. Conducting an improper association may attract disciplinary action.
- **Declarable association** – any association that:
 - is incompatible with the role of the employee and Victoria Police in upholding the law; or
 - may give rise to a perception in the mind of a reasonable person that an employee is not upholding his or her obligations as a Victoria Police employees; or
 - may reflect adversely on the employee's standing and the reputation in the eyes of the community as a Victoria Police employees.
 - declarable associations include, but are not limited to:

- an association with a person suspected of, or known by the employee to be engaged in, unlawful activity amounting to an indictable offence.
- an association with a person who has a criminal history if the nature or recency of the offending would be likely to raise in the mind of a reasonable member of the community a concern that the association is incompatible with the employee's position within Victoria Police.
- membership of a group or organisation known to be or perceived to be involved in unlawful activity amounting to an indictable offence.
- an association with an employee who are currently facing charges relating to an indictable offence.
- an association with employees who are currently suspended.
- an association with employees who have resigned while under investigation for an indictable offence and the continue to be suspected of having committed that indictable offence.

2.2 Further explanation of declarable associations

- Declarable associations will generally be ongoing relationships. Contact which is unplanned, unexpected, or one-off is unlikely to be considered declarable. However, one-off contact may be regarded as declarable where the contact was avoidable and is obviously improper, for example, involvement in an event organised by an outlaw motorcycle gang.
- The fact that the association has a criminal past does not make the association declarable unless, as indicated above, the nature or recency of the associates offending would be likely to raise in the mind of a reasonable member of the community a concern that the association is incompatible with the employee's position as a Victoria Police employee. Generally, an association with a person who has recently been convicted of an indictable offence or who has a history of serious offending will be declarable. EPSOs can provide advice on this aspect of the instruction.
- Where the facts or circumstances which make an association declarable are not known to the employee and the employee could not reasonably be expected to have known those facts or circumstances no action will be taken.

2.3 Immediate Family Members

- Although employees are not required to declare association with immediate family members, employees are strongly encouraged for their own protection and welfare, to report a declarable association with an immediate family member so that the employees can be guided in the

management of that relationship. If the conduct of the family member is subsequently perceived as having compromised the employee or the operation of Victoria Police, the employee will have the reassurance of having utilised the procedures set out in this document.

- Where an employee reports an association with an immediate family member, that association is to be managed in accordance with the procedures set out in this Instruction.

3. Declarable association reporting process

3.1 *Acknowledgment of obligations regarding declarable associations*

As stated in **VPMP Managing conflict of interest**, all employees must complete a Declarable Associations Instruction Acknowledgement Form [Form 1324]. This form requires employees to acknowledge that they have read or have had read to them, and that they understand the obligations contained within **VPMP Managing conflict of interest** and these Procedures and Guidelines. This acknowledgement will be fulfilled when the employee signs and submits this form to their Personnel Unit for attachment to their personnel file. The completed Form 1324 form remains on the personnel file.

3.2 *Reporting a declarable association*

- As stated in **VPMP Managing conflict of interest**, if an employee believes they have a declarable association they are also required to complete and submit an Association Assessment Report [Form 1325]. If the employee is in doubt as to whether an association may be regarded as declarable, they should complete the Form 1325 and discuss the matter with a supervisor.
- An employee is required to complete the 1325 if they:
 - are unable to avoid a declarable association;
 - are unsure whether their association is a declarable association; or
 - become aware of a change of circumstances in relation to a previously declared association.
- A Form 1325 is not required where the employee has contact with an employee who is charged or is suspended and the contact is for legitimate welfare or operational matters. Where it is established that an employee wishes to maintain an ongoing association for other reasons, the employee is required to submit a Form 1325.
- Completed Form 1325s are confidential documents and are only to be provided electronically to the assessing supervisor, Local Area Commander and the chair of the Local Professional Standards Committee (LPSC) where the employee is attached.

- Where employees who is the subject of an active plan contained in a Form 1325 transfers to another Region, Command or Department, the employee is to ensure that the receiving LPSC chairperson is provided with an electronic copy of the Form 1325 to enable the plan contained within it to be reviewed and managed within the context of the new work location.

3.3 *Declaring an association to another supervisor*

- Where an employee does not feel comfortable discussing an association with their supervisor, the employee should contact their EPSO for advice. The EPSO will consider whether a Form 1325 is required and if so, in consultation with the employee and the relevant LPSC, select a suitable supervisor to manage the plan.
- The assessing supervisor is to ensure that a copy of the Form 1325 is provided to the relevant LPSC chairperson. The relevant LPSC chairperson is the one that operates in the Region, Command or Department where the employees is currently employed.

4. Responsibilities of supervisors

- Where a supervisor becomes aware that an association may be declarable, they should discuss the matter with an EPSO in the first instance.
- If it is determined that the association is not a declarable association, the date and type of interaction, details of the associate and action taken are to be entered in the supervisor's diary and officially noted by the employees.
- In all other cases, the risk assessment process is to be applied by ensuring that employees complete the Form 1325.
- Where a supervisor becomes aware that an employee has not fulfilled their requirements under this instruction, they should report the matter to PSC for attention.

5. Risk assessment process

5.1 *Considerations*

- In order to undertake a risk assessment, the supervisor may require information about the associate and the association. The supervisor is to consider this information in terms of whether the association may give rise to a conflict of interest between the interests of the employee in maintaining the association and the public interest and reputation and integrity risks the association may pose to the employee and Victoria Police.

- The risk assessment should include consideration of whether the:
 - associate is known or suspected to be involved in unlawful activities
 - associate may be perceived to be involved in unlawful activities by the community
 - association may lead to the employee misusing or being perceived to misuse their position within Victoria Police
 - associate or employee may be perceived to be gaining a personal benefit contrary to the public interest due to the association
 - employees may, or may be perceived to, ignore or be complicit in criminal behaviour, aid criminal behaviour or fail to be seen to act justly
 - association may reflect poorly on the good reputation and / or integrity of employee or the Victoria Police.
- Supervisors are to record all details of enquiries undertaken, outcomes of the risk assessment, reason for decision, and action taken on the Form 1325.

6. Use of LEAP and other Victoria Police databases

- In order to complete the risk assessment, supervisors may need to check an associate's background on LEAP and other Victoria Police databases. The use of LEAP and other databases for this purpose is appropriate as it is directly related to law enforcement functions and activities and community policing functions. However, the supervisor is required to justify and account for its use on each occasion.
- A supervisor may only disclose personal information about an associate to an employee to allow the supervisor and employee to identify potential risks arising from an association and to develop a suitable management plan. Such disclosure is only permissible if it is reasonably necessary for the prevention, detection and investigation or remedying of misconduct. Under no circumstances are employees to disclose to an associate, any details provided by the supervisor that have been discovered through the LEAP check.
- The supervisor is to account for the use of LEAP and record this on the Form 1325. This record should not include specific details obtained during the LEAP check. There is no requirement to attach copies of the LEAP checks conducted.
- Where the supervisor completing the risk assessment does not have access to the LEAP system, advice and access can be arranged by contacting your EPSO.
- Individual employees submitting an Association Assessment Report are not to check or be asked to check their own associates on LEAP.

7. Guidance on assessment and management of a declarable association

7.1 *General considerations*

Supervisors should consider the following factors when considering appropriate management action:

- length of the association;
- nature of the association;
- whether the employee was, or should have been, aware of the background of the associate;
- whether a reasonable person would view the association as being declarable;
- can the association be avoided?

7.2 *Human rights considerations*

These Procedures and Guidelines have regard to an employee's right to privacy and to freedom of association generally. There is no absolute right to associate with persons who are or have been engaged in criminal activity. Particular consideration should be given to whether the human rights of the employee may be engaged including whether the association is one to which particular rights attach including:

- family members, not limited to immediate family members (section 13 and 17 of the *Victorian Charter of Human Rights and Responsibilities Act 2006* [the Charter]);
- cultural connections and, in respect of Aboriginal and Torres Strait Islander employees, kinship ties (section 19 of the Charter);
- religious affiliations (s.14 & 19 of the Charter).

Interference with these relationships should be no more than is reasonably necessary in the circumstances to protect the integrity and reputation of the individual employee and/or Victoria Police.

7.3 *Determining appropriate management action*

- Management action to address the conflict of interest should be proportionate to the risk:
- Where other management action will not be sufficient to mitigate the risk, the supervisor is to direct the employee to discontinue the association;

- Where the association is to be managed, risk mitigation strategies are to be considered for inclusion in the management plan, including;
 - managing any future interactions
 - minimising employee involvement with the associate
 - reporting further interactions
 - advising of change of circumstances;
 - providing advice to the employee about how unavoidable contact is to be managed.

7.4 Circulating the Form 1325

The Form 1325 is to be electronically circulated as follows:

- The supervisor sends the Form to the Work Unit, Local Area Commander or Senior Manager to ensure compliance with the Management Plan, who then forwards the Form 1325 to the relevant LPSC Chair.
- The relevant LPSC upon approval of the Form 1325 forwards the report to Professional Standards Command (PSC) via PBEA, PSC-DECLARABLE-ASSOC-MGR

7.5 Supervisors requiring further advice

Supervisors requiring advice on the risk assessment process or management plans contained within the Form 1325 should refer to the Declarable Associations Practice Guide or consult their EPSO.

8. Role of Local Professional Standards Committees

8.1 General Responsibilities

- The LPSC chairperson will be responsible for:
 - providing guidance to supervisors about developing management plans
 - endorsing management plans provided by supervisors
 - retaining a copy of all forms electronically submitted by employees;
 - undertaking trend and risk analysis with respect to these Reports;
- Each LPSC should conduct a re-assessment of all active management plans at least every six months to ensure and maintain the relevancy and accuracy of all management plans.
- Where an employee who is subject of an active plan contained in an Association Assessment Report transfers to another Region, Command or Department, the LPSC is to ensure that the receiving Region, Command or Department's LPSC chairperson is provided with an electronic copy of the Report to enable the plan contained within it to be reviewed and managed by the new work location.

8.2 LPSC Reporting Requirements

The LPSC chairperson is also responsible for providing the following reports on a quarterly basis to the Assistant Commissioner, PSC:

- numbers of Form 1325 submitted;
- number of management plans implemented;
- the steps taken to monitor the implementation of the management plans;
- any discrepancy between the number of Form 1324 forms submitted and the number of employees working in the Region, Command or Department;
- any trends or risks which should be addressed in order to protect a workplace or employees from attempts to corrupt them.

8.3 Maintaining a Register of Associations

The Chair of each LPSC is to maintain a Register of Associations, which should include:

- an electronic copy of each Association Assessment Report submitted by Region/Department employees;
- a list showing the employees within the Region, Command or Department who have provided Declarable Associations Instruction Acknowledgement Form [Form 1324].

9. Reporting of Improper Associations by other Employees

Where an employee becomes aware that another employee is engaging in an improper association, they are required to report the matter to:

- their supervisor
- PSC
- IBAC.

10. Breaches

Any breaches of this policy are to be referred to PSC including where:

- employees do not report a declarable association;
- employees who breach a management plan contained within the Association Assessment Report; or

- a supervisor does not act on the submission of an Association Assessment Report.

11. Confidentiality and Privacy Provisions

The collection, storage, access and use of information including the forms and reports related to this instruction are to be treated with the utmost confidentiality and in accordance with **VPMP Information access, VPMP Appropriate use of information** and **VPMP Information use, handling and storage**.

12. Grievances

If an employee is not satisfied with a supervisor's assessment of an association or of any management plan put in place in accordance with this instruction, they may submit a grievance in accordance with the established grievance process, see **VPMP Grievances**.

Further Advice and Information

For further advice and assistance regarding these Procedures and Guidelines, contact your supervisor or local EPSO.

Update history

Date of first issue	22/2/10	
Date updated	Summary of change	Force File number
10/04/12	Removal of employee from definitions, so VPM Dictionary applies.	065664/10
21/01/13	Updated to reflect organisational governance and structural changes.	FF-074790
01/07/2014	Legislative references updated due to commencement of <i>Victoria Police Act 2013</i> and minor changes to update organisational structure.	052168/08