



Business Interests & Additional Occupations Policy

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Business Interests & Additional Occupations Policy

1. Policy statement

It is essential that the public has confidence in the integrity and impartiality of the police service. As public servants there is a requirement that police officers and police staff within Cleveland Police disclose whether they have a Business Interest or Additional Occupation (hereafter simply termed 'business interest' for ease of reference), or wish to continue to pursue a business interest, whilst in the employment of the Force.

This policy is intended to support those who will make decisions to approve or refuse business interest applications by police officers, police staff and police support volunteers.

Approval for a business interest will only be granted if it does not conflict with the values and ethos of the police service. Approval may be conditional, and where conditions are attached to any approval, the rationale behind any conditions imposed, or indeed any outright rejection of the application, must be fully recorded.

Special constables are dealt with separately in terms of their employment outside the service as detailed in NPIA Circular 01/2011. The considerations in this circular are broadly similar to those contained within this policy and will be decided on a case-by-case basis.

This policy must be applied fairly, equally, and consistently to all police officers and police staff irrespective of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation or any other unjustifiable grounds.

Applicants to the police service are required to declare any existing business interest they may intend to continue should they be appointed. However, they will not be eligible for appointment if they intend maintaining a business interest that is incompatible with being a member of the police service. Decisions on compatibility will be based on this policy. If an appropriate officer (on behalf of the chief officer) deems an applicant's existing business interest to be incompatible, then either the applicant will be required to cease their involvement with that business interest or their application to join the service will be rejected. There is no right of appeal to a chief officer for such applicants.

2. Purpose

The purpose of this policy is to raise the awareness of all police officers and police staff of the requirement to seek approval for a business interest.

This policy is not intended to constrain officers or staff from holding a business interest but seeks to ensure a consistent approach to only authorising those business interests which do not conflict with the work of the police and which will not adversely affect the reputation of the individual, the Force, or the wider service.

This procedure allows the Counter Corruption Detective Inspector, (acting as the Appropriate Officer as described in the Police (Amendment No. 3) Regulations 2012 with delegated powers from the Chief Constable), to determine whether a business interest or the taking of employment outside of Cleveland Police could conflict with the work of the Force or adversely affect the reputation of the Force and the ability of an officer or member of staff to discharge his or her duties impartially (including where members of the public might consider such a business interest or additional occupation as a barrier to impartiality).

In making approval decisions, the Appropriate Authority will take into account the views of the applicant's line management and Service Unit Management.

This procedure fully adopts the provisions set out in the ACPO Guidance on Business Interests and Additional Occupation (October 2012) and ensures compliance with the Police Regulations (2003), as amended by the Police (Amendment No. 3) Regulations 2012; the Police Staff Council and Conditions of Service Handbook (2004), as reinforced by Joint Circular No.74 (December 2012) whereby the Police Staff Council endorsed the aforementioned ACPO Guidance; Article 8 of ECHR as provided by the Human Rights Act 1998; and the European Working Time Regulations (1998).

3. Underpinning procedures

3.1 Definition of a Business interest

Regulation 7 of the Police Regulations 2003 (as amended by the Police (Amendment No. 3) Regulations 2012) provides that a person has a business interest (business interest) if:

- Being a member of the police force, the person holds any office or employment for hire or gain (otherwise than as a member of the force) or carries on any business; or
- Being a member of the police force or a relative included in such a member's family, the person holds or possesses a pecuniary interest in a licence or permit granted in pursuance of the law relating to liquor licensing, refreshment houses or betting and gaming or regulating places of entertainment in the force area.

"Relative" in relation to a member of a police force means:

- (i) a spouse or civil partner who is not separated from the member;
- (ii) a person living with the member as if they were the member's spouse or civil partner;
- (iii) a parent, son, daughter, brother or sister of the member.

The same definition of a business interest and relative applies to police staff and police support volunteers. The term "member" in this regard is used to refer to police officers, police staff and police support volunteers.

There is no further specific guidance on exactly what constitutes a business interest, but the generally held perception is that the definition rightly extends to those positions that attract some degree of remuneration, no matter how insignificant. The rationale quite properly extends to such positions in clubs or societies or where a reasonably informed objective person might be led to believe that there is, in fact, remuneration, even though there is none, or the office holder declines to accept such remuneration.

Each application will therefore be considered independently and impartially, on a case-by-case basis.

3.2 Requirement to Declare a Business Interest or Additional Occupation

A police officer is required by Police Regulations to make an application, in writing, to register a business interest and/or approved occupation they have or propose to have.

Members of police staff are also required to register a business interest and inform their employer of any other work undertaken under the 'Working Time Regulations'. In addition, the Police Staff 'Code of Conduct' states that individuals must ensure that there is no 'clash of interest' between any private work and their work with the Force.

A member of Police Staff must seek written approval of external work or of a 'business interest' if this applies. Police Staff Council Joint Circular No.74 (December 2012) provides for the adoption of the ACPO Guidance to ensure equity and parity of approach.

Approvals will be subject to biennial review; however, the review period is at the discretion of the Appropriate Authority and may occur more frequently depending upon the existence of any perceived risk. Where approvals subject of conditions is granted, the applicant must sign to agree the imposition of conditions before approval is complete.

3.3 Deciding Applications: Basic Principles

When considering the appropriateness of a business interest, the starting point will be that only interests or occupations that are not incompatible with the ethos and values of the police service will be permitted. Careful consideration must be given to the potential for adverse reputational damage to the Force arising from

any perception of any shortfall in the integrity or impartiality of a member of the Force being associated with the prospective interest or additional occupation.

Whilst each case will be considered on its own merits, there are a number of factors which should be taken into account in determining whether to approve (and when reviewing) an application for a business interest or additional occupation:

3.3.1 Impartiality

This relates to the risk of whether the business interest could interfere with an individual's ability to impartially discharge his or her duties or the extent to which a member of the public would be likely to form an impression that it would so interfere. Relevant factors might include:

- Whether the activity is one regulated by the police or where police are involved in the licensing of the activity;
- Whether the activity is merely an extension of an individual's duty or the extent to which any training, skills and experience provided by the Force will be relied upon;
- Whether the office of constable or being an employee of the Force could be used to promote the business or a product of the business or would allow other organisations or commercial interests to do so;
- Whether an individual's fairness or impartiality in their dealings with the public or colleagues might be compromised.

3.3.2 Impact on the Force or Service

This relates to the risk of the business interest either discrediting the police force or undermining confidence in the police service. Relevant factors might include:

- The nature of the business interest – how reputable it is in its own right in the public eyes and in association with the police service;
- Whether the activity could lead to the public losing confidence in the honesty and integrity of the individual or of the police service or if it would likely cause confusion in the minds of the public as to whether the individual was operating in an official or unofficial capacity;
- Whether the activity could lead to the individual being improperly beholden to any person, organisation, or institution;
- Whether the business interest could lead to conflicting contractual commitments to a third party, e.g. provision of advice to a training company which is then contracted to work for the police force.

3.3.3 Current Performance

Relates to the risk of a decline in performance coupled with evidence as to the individual's current suitability through performance monitoring. Unsatisfactory attendance and misconduct should not necessarily be a reason for refusal unless either has a direct bearing on the business interest. An example of an

activity that may be accommodated with performance issues is allowance for a rental accommodation that provides additional income without incurring additional work pressures:

- **Performance:** Where an individual is subject to Unsatisfactory Performance Procedures consideration should be given to the impact on their performance of any business interest that has previously been approved or that is being sought.
- **Attendance:** When an individual is absent from work on sick leave or returns to work on restricted or recuperative duties, consideration will be given to suspending approval of the business interest.
- **Misconduct:** Consultation with the Force's Director of Standards and Ethics or Human Resources Department should take place to consider any current or previous misconduct and the impact or risk of any relevant misconduct on the approval of any business interest. Care should be taken to ensure any misconduct can be shown to directly relate to the business interest or additional employment, and the rationale for this should be fully evidenced.

Where an individual with an existing approved business interest is subject to police performance procedures, police misconduct procedures or managing performance procedures for police staff, current approved business interests should be reviewed by the Appropriate Authority, providing it is relevant to the business interest or other employment.

If a business interest is affecting the performance at work of an individual or the availability for work, then any previous approval will be withdrawn and action may be taken through the Force discipline/capability procedures.

If an individual is currently on long term sick, consideration will be given to temporarily suspend approval of a business interest. This will be reviewed in the first instance by the Appropriate Authority.

3.3.4 Health, Safety and Well-being

Relates to the duty of care to the individual and the risk of injury or increased stress and fatigue which could impact on their ability to perform duties to a satisfactory standard. As part of any consideration of a business interest the force will monitor the total number of hours an individual will be working to comply with the duty to protect their health and safety and to ensure that the total demands of the jobs do not pose a risk to the health of the individual concerned or their ability to work safely. A sensible starting point for these purposes would be to examine the requirements of the Working Time Regulations (1998), a copy of which can be accessed via the hyperlink [here](#)

3.4 Application Procedure

Any individual requesting approval of a business interest should submit an application on Force template A07-03 electronically, to their Service Unit Manager outlining the details. Applications should include as much detail as possible as to the nature and scope of the proposed interest or occupation.

The SUM will add their comments (examining all issues highlighted under Basic Principles above and at Appendix 1) before passing the file via Counter Corruption for consideration by the Counter Corruption Detective Inspector, who in the capacity of Appropriate Officer as delegated by the Chief Constable, is responsible for giving fair consideration to applications for business interests in line with individual circumstances and wider reputational matters of integrity and compatibility with the reputation of the force and the wider police service.

In considering whether an application for a business interest should:

- be approved without condition;
- be approved subject to conditions; or
- should not be approved.

The Appropriate Authority will take into account the principles and considerations outlined in Sections 3 to 7 and Appendix A of the ACPO Guidance on Business Interests and Additional Occupations (October 2012).

Where the Appropriate Officer approves an application for a business interest, a certificate of approval will be forwarded to the applicant, detailing any conditions that may apply and the review date. Approval will not be valid until the applicant returns the document signifying agreement.

Counter Corruption is responsible for administering and maintaining accurate records of the business interest procedure.

3.5 Review/Renewal of Business interest

It is the responsibility of the business interest holder to inform the Counter Corruption of any cessation or change to an approved business interest.

If the holder of a business interest is on a period of long-term sickness absence or subject of restricted or recuperative duties, then the business interest will be reviewed. In some cases, this may result in the business interest being temporarily suspended by mutual agreement until the applicant returns to his or her full duties.

Where a holder of a business interest appears to be abusing the business interest procedure whilst on long term sickness absence, restricted or recuperative duties or reduced hours, the circumstances will be reviewed in accordance with either Police (Conduct) Regulations 2012 or in line with Police Staff Managing Attendance Procedure.

Where a holder of a business interest is subject to Police Unsatisfactory Performance Procedures, Police Conduct Procedures or Managing Performance Procedures for Police Staff, current approved business interests will be reviewed by the Appropriate Authority. Each application will be considered individually and in some cases the business interest may need to be temporarily suspended, subject to conditions, or withdrawn pending an outcome of the managing performance or misconduct procedures.

All approved business interests will be re-assessed every second year, or sooner if necessary, to ascertain whether or not they remain compatible with the principles outlined in this policy. To assist this process the Appropriate Authority may request any additional, relevant information from the individual to assist in determining whether approval should remain in place or be revoked or whether any conditions imposed should be amended.

The following process will apply every second year, or more frequently in some cases, from the date of approval/last review:

- Counter Corruption will forward the file to the relevant individual for any changes in the business interest;
- If there are no changes the file will be returned to Counter Corruption stating, 'no change'. The record on IBASE will be updated and condition reset;
- If the business interest has ceased the file will be marked accordingly and returned to Counter Corruption who will close the file;
- If significant changes have taken place a new application should be made.

An individual is required to notify the Force of any changes to the business interest e.g. hours/premises etc. at the earliest opportunity, using Force template A07-03C.

A breach of any of the agreed conditions would automatically revoke approval.

Following the approval of a business interest, there may be circumstances that lead to a review of the approval outside of the agreed review process. These may include performance and attendance issues; conduct; health, welfare and well-being issues; or any change in role.

3.6 Refusal of approval of a Business Interest or Additional Occupation

Where the Appropriate Officer considers that an application should not be authorised they should arrange for the individual making the application to be informed and the reasons for refusal given. The individual should then be provided with the opportunity to make written representations.

An applicant may appeal against a decision of the Appropriate Authority not to approve a notified business interest. The appeals process is set out in Regulation 9 of the Police Regulations 2003 (as amended by the Police (Amendment No. 3) Regulations 2012 and also by Appendix B of the ACPO

Guidance on Business Interests and Additional Occupation (October 2012). At all stages of the appeals procedure, an appellant may be represented by a police friend, staff association or trade union representative.

If an appeal against non-approval is lodged, the file is forwarded to the Deputy Chief Constable who will consider the appeal within a 28-day period.

3.7 Promotion and Changes of Role

Postings, promotions and secondments to some posts will require Counter Corruption to confirm whether the applicant holds a business interest that may present a conflict of interest.

3.8 Record Keeping

Counter Corruption is responsible for the administration associated with this policy and will maintain business interest records on Ibase.

All records relating to business interest applications and procedures must be sent to the appropriate departments highlighted in the policy. Under no circumstances will copy files be kept by individual service units.

It is the responsibility of the individual holding a business interest to notify HMRC or other relevant agency of any additional income or occupation.

3.9 NPCC Policy

Cleveland Police Business interest Policy reflects the NPCC policy on business interests and additional occupation.

3.10 Freedom of Information

A Register of Business Interests is included within the freedom of information publication scheme minimum standards as approved by NPCC and the Information Commissioner. The force's Register of Business interests is published on its website and details the nature of the Business Interest and number of officers and members of staff who are engaged in each type of business interest. The identity of individuals holding a Business Interest is not disclosed.

4. Appendices

Appendix	Description
1.	ACPO Guidance on Business interests and Additional Occupations. Follow the link Here

5. Compliance and monitoring

All information relating to business interests and additional occupations will be kept by Counter Corruption and processed in accordance with the Data Protection Act 1998 and disclosed in accordance with Force statutory obligations under the Freedom of Information Act 2000.

The Head of Directorate of Standards and Ethics is responsible for the accuracy and integrity of this document. This policy will be continuously monitored, and updated when appropriate, to ensure full compliance with legislation.

The Head of Directorate of Standards and Ethics will review this process to ensure that all aspects are being adhered to in accordance with the framework of this policy.

6. Version control

This policy will be reviewed and updated at least every three years by the owner, and more frequently if necessary.

The Corporate Services Department will ensure this document is available on the Force intranet, including any interim updates.

The following identifies all version changes.

Version	Date	Reason for update	Author
0.1	01.12.11	Policy Review	████████
0.2	Nov 2011	Policy amended following consultation	████████
1.0	Dec 2011	Approved at SDG	████████
1.1	16.05.12	Updated in line with Regulations as a result of Winsor Part 1	████████
1.2	July 2012	Revised policy	██████████
1.3	July 2012	Amended Following Consultation	██████████
2.0	July 2012	Approved at CBM	██████████
2.1	Nov2012	Policy amended to reflect introduction of PCC, statement only	██████████
2.2	Apr 2013	Policy amended to include guidance on non-paid/voluntary work	██████████

2.3	May 2013	Policy amended to reflect ACPO Guidelines on the Management of Business interests & additional Occupations for Police Officers & Police Staff. Also updated to reflect change from Police Authority to PCC	██████████
2.4	Jan 2015	Amended to reflect the removal of template A07-03A	██████████
2.5	Jan 2015	Amendment to Paragraph 3.5.2	██████████
2.6	Sept 2017	Change to owner department name	██████████
2.7	Sept 2017	Reviewed and updated as part of Transforming Professional Standards	██████████
2.8	March 2018	Review period amended	██████████
2.9	Oct 2019	Policy review – no changes required	██████████
2.10	Nov 2021	Policy reviewed and amended to reflect Counter Corruption now hold responsibility to record and review. Appendix 2 – 4 removed.	██████████