



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. Special constables who have a primary employment are not intended to be considered under the business interest policy. The NPIA Circular directs that a Chief Officer must decide whether any such employment is a conflict with the role of a Special Constable. A Chief Officer decision will form part of the recruitment process.

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 the applicant will be required to cease their involvement with that business interest if 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 Officer will consider 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.

3.1.1 Voluntary Sector Work

Cleveland Police sees the positive impact that voluntary work can have within a community. It is recognised that members of Cleveland Police may wish to give something back to the community that they serve and therefore may choose to volunteer for a non-profitable organisation.

All voluntary sector work is classed a business interest no matter if it is purely voluntary with zero pay or indeed expenses are recovered. The force must ensure safeguards considered in any business interest to ensure there are no conflicts with the direction in this policy. To be clear, it is still a business interest if you are volunteering for a charitable organisation, or you volunteer for a private organisation for example.

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.

Any applicants to Cleveland Police will be asked in their vetting form whether they intend to carry on a business interest. This policy will apply to those intending on joining the organisation and as such if there is a conflict, this could affect a vetting decision.

See [Appendix 2](#) for some frequently asked questions of what constitutes a business interest.

3.2.1 Request for Tenant details

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 or wish to continue to pursue a business interest, whilst in the employment of the Force.

When the force is deciding whether to approve a business interest or indeed there are relevant changes or a previously recorded BI is being reviewed, the force is then obligated to decide whether that business interest is compatible with the staff member remaining a member of the force.

The force can require the staff member to notify on an ongoing basis of any changes to the particulars of changes in the business interest. 'Changes' is defined very widely as the "nature, extent or otherwise" of the business.

The force is entitled to monitor a business interest to make sure that it continues to be a suitable and appropriate activity for one of its staff.

The ACPO guidance specifically states that this will provide the line management and the wider organisation with the opportunity to ensure that the arrangement can be accurately assessed and managed.

Further, the Vetting APP states that the force should consider the risk posed where adverse information is revealed concerning relatives and associates – associates including individuals with whom they have significant financial arrangements.

Where a member has declared a business interest, namely letting a property which they own. We consider this to be a financial arrangement and therefore to manage and monitor whether that remains a continued suitable and appropriate

activity and consider any risk connected with that, the Force requires members to provide details of the person who occupies their property.

Under GDPR Cleveland Police has a lawful basis to pursue the public interest – the public interest being the mitigating of risk to the community or wider workforce.

This is supported by the restrictions on the private life of members of police forces: Schedule 1 and regulation 6 of the Police Regulations 2003 as amended by the Police (Amendment) Regulations 2004 (SI 3216/2004), specifies the restrictions which apply to all members of a police force. These restrictions relate to Political activity, political party membership, restrictions on residential premises and lodgers. [this may only be relevant to those who sub-let their own property and so will not be relevant for all circumstances (although on the wider basis confirms the restrictions that can be placed on members of the police force).

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.

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 apply 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.

In the case of members letting out properties, you are required to disclose the full name and date of birth of the tenants. It is appreciated that this request may cause concern however, this policy further details the reasons for this in [3.2.1](#).

The SUM will add their comments (examining all issues highlighted under Basic Principles above and at [Appendix 3](#)) 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 special conditions*;
- be approved subject to special conditions; or
- should not be approved.

* Every approved business interest is subject to a set of standard conditions as per [3.5.3](#). These are issued to ensure any conflict or risk is identified and mitigated.

Depending on the nature of the business interest there may be cause to issue 'special conditions'. These special conditions will be specific to the business interest for example, if a member has a business interest selling goods, a special condition may be that the member is not permitted to sell any goods in a police building or during works time.

The Appropriate Officer will consider 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 and line manager, detailing the conditions that apply and the review date. Approval will not be valid until the line manager returns the document after the member has accepted the 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 suspended by mutual agreement until the applicant returns to his or her full duties.

Where a holder of a business interest is 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 2020 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 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, and their second line manager;

- The line manager and individual will have a discussion to understand any changes in circumstances and any concern that has arisen since the last review;
- The line manager and individual will endorse the file and submit to the CCU;
- The Appropriate Authority will process the file as if it were a new application;
- If the business interest has ceased the file will be marked accordingly and returned to Counter Corruption who will close the file.

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.

3.5.1 The role of Command Line Management

Line managers are a crucial part of the business interest consideration and management. If a member of their team submits such an interest for consideration to line management, it is expected that the line manager has an honest conversation around the appropriateness of such an interest. Only when the line manager is satisfied that they understand the business interest and they have articulated their thoughts, should the form be forwarded to CCU.

Should the business interest be approved, the line manager has a responsibility to review the business interest in line with the EPDR to ensure there has been no change in circumstances. The line manager has the right to check if the issued conditions are being complied with during this review.

The CCU may ask line management to check compliance with the conditions at random intervals for the purpose of mitigating risk or the welfare of the member.

[Appendix 1](#) shows the process flow of an application.

3.5.2 Monitoring between approval stages

The business interest for a member of the force is linked to the EPDR process. It is expected that a line manager will address/revisit a recorded business interest at least every year in line with the EPDR timeline – this is in addition to the review period set by the CCU. It is crucial that line managers understand their role in this policy, line managers must be alive to any changes or compliance with any set conditions and report any adverse findings to the CCU.

The CCU will cause additional compliance checks to be conducted via line management at random intervals. For example, if a member has agreed that they will only work 5 hours in a business interest, the CCU could direct the line management to reality check this and ensure their team member is complying with this [all such business interests require a record to be kept of the hours worked].

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 Officer, providing it is relevant to the business interest or other employment.

The CCU have a number of tactics available to them to proactively monitor compliance.

3.5.3 Conditions for all approved Business Interests

All business interests are approved with the understanding that the below conditions must be adhered to by the member. The Appropriate Officer may additionally issue special conditions. Any breach of the below conditions may result in disciplinary proceedings.

1. Any identified conflict should be disclosed immediately. Any suggestion or mention of conflict must be brought to the attention of Command and Directorate of standards and ethics.
2. Police systems must not be carried out in relation to the business interest, this is to safeguard the individual from any potential conduct matters and equally the organisation from any reputational and public confidence concerns.
3. All profit however small, must be declared to the inland revenue. This is to ensure that the officer/member of staff adheres to rules and regulations assigned by the HMRC.
4. Your primary role is unreservedly that of a serving Police Officer/staff of Cleveland Police. This business interest should in no way interfere with your primary role and if so your command and Directorate of standards and ethics should be informed immediately to review the business interest.
5. As a member of Cleveland Police, you must not use your position to influence any part of this business interest. This is to ensure that at no time, adverse criticism can be directed towards yourself or the organisation.
6. You must not use any Police systems to advertise the business interest.

7. The member of staff has stipulated that the work will not exceed current working time regulations. That is no more than 48 hours a week averaged over 17 weeks. A record of hours worked must be recorded and accessible to Cleveland Police executive / DSE / Officers supervision. This maybe requested at any time to ensure the working hours undertaken in the business interest are not having a significant effect on your primary employment.

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 2020 and 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 a standalone system.

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.	Process Flow
2.	Frequently Asked Questions
3.	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

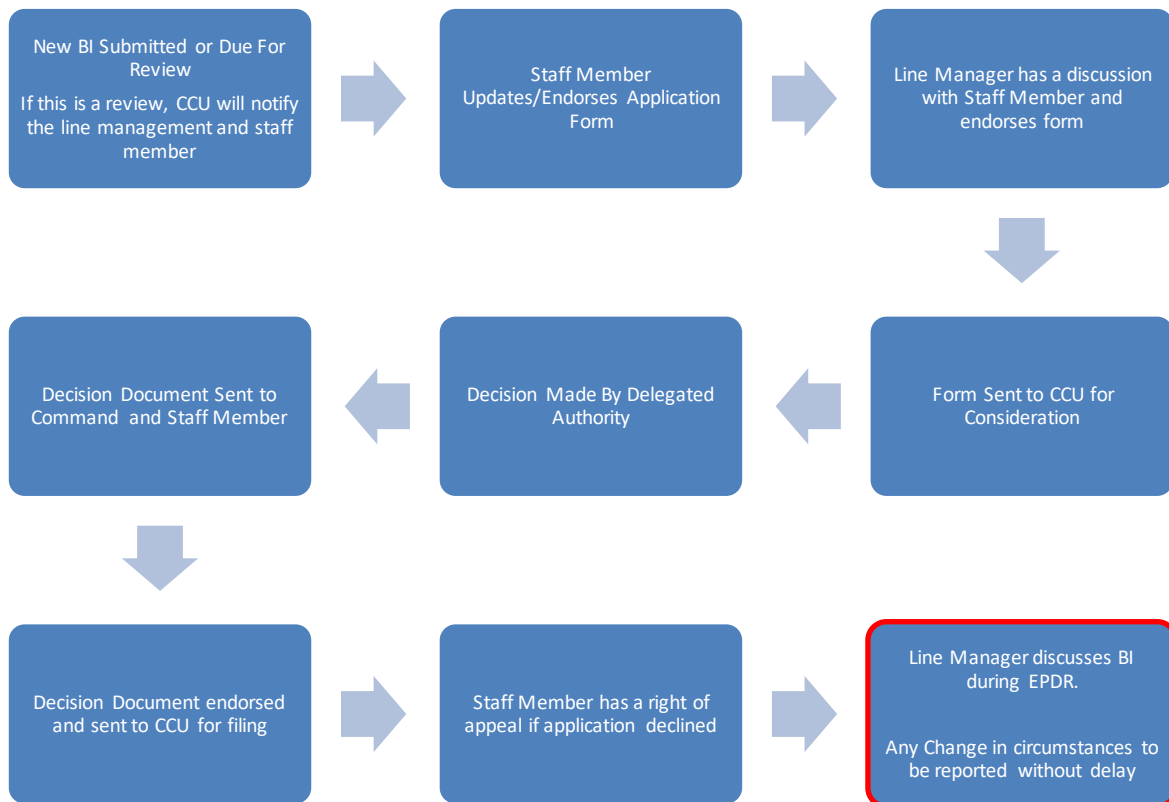
This policy will be reviewed and updated at least every three years by the owner, and more frequently if necessary.

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.	██████████
2.11	Dec 2022	Policy reviewed to make the existing process clearer for staff	██████████

		members. 3.1.1 Voluntary Sector Work 3.2.1 Tenants 3.5.1 Line Management 3.5.2 Compliance Checks 3.5.3 Conditions as standard Addition of Appendix 1 & 2 (Process Flow and FAQs)	
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Process Flow

Frequently Asked Questions

The below frequently asked questions and answers are designed to assist those in the decision-making process with their understanding. These are a general overview and not a fit for all set of guidance. All business interests are different and require bespoke assessment.

Q. I am fully employed as a police staff member in Cleveland Police. I make my own jewelry and bring it to work to sell – I don't make a profit I just cover my costs. Do I need to submit a business interest?

A. Yes this is a business interest. If this business interest is authorised, you would have to adhere to the standard conditions but it is likely you would also be issued with special conditions. For example, a special condition may be that you cannot sell any goods during duty time or in a police premises.

Q. I am a police officer fully employed by Cleveland Police. I also volunteer as a referee at a children's football event on a Sunday. Is this a business interest?

A. Yes this is a business interest. Whilst this is a non-paid role, it still falls under the business interest definition. You would have to adhere to the standard conditions.

Q. I let a property out that I own and have an agent who handles everything to do with it. Do I have to tell you who the tenants are?

A. Even though an agent handles your property, this is a business interest and there is still risk to be mitigated in respect of your tenants. We would require the names and dates of birth.

Q. I am fully employed by Cleveland Police in the Control Room as a civilian staff member. I am also a Special Constable for Cleveland Police, do I have to submit a business interest?

A. No, as you are employed by Cleveland Police and volunteer for Cleveland Police, there is no requirement to submit a business interest. This would be covered by a recruitment/vetting process.

Q. I run a social media company and have many customers who are Cleveland Police employees. I am a part time police officer for Cleveland Police. Is this a business interest?

A. Yes this is a business interest under this policy. All of the standard conditions apply but you would also have special conditions applied for example, no reference to Cleveland Police on any marketing.

Q. I have been successful in applying to go on television to raise money for charity. I will be taking part in a 24-hour cycle ride. Is this a business interest?

A. The organisation would always seek to support any business interest that will benefit the community however, this would be classed as a business interest.

Q. I make cakes every month and bring them to work to sell for charity. I use some of the money taken to buy ingredients and only sell them during my lunch break and in a communal area inside a police premise. Is this a business interest?

A. Again, the organisation would seek to support this excellent work, but this would need to be considered under this policy.

Q. My line manager is asking me about my already authorised business interest, are they allowed to do that?

A. Yes, your line manager is a key part in ensuring compliance with the policy and also ensuring your welfare is safeguarded.