



Business Interests & Additional Occupations Policy

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Compliance with Legislation	<input checked="" type="checkbox"/>
Equality Impact Assessment	<input checked="" type="checkbox"/>
Freedom of Information issues	<input checked="" type="checkbox"/>
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Risk Management	<input checked="" type="checkbox"/>

Business interests & Additional Occupations

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 Force Vetting Manager, (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 Force Vetting Manager 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.

The force does not expect or require its officers and staff to register business interests for purely voluntary posts – such as school governors, scouting leaders, or helpers at sports clubs (minis rugby, netball etc.). To do so would militate against the clear and often stated force commitment to playing an active role in the communities it polices. This policy therefore does not apply to such voluntary community based positions.

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 Force Vetting Manager 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:

- **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

- **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.

- **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 Force Vetting Manager, 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 Force Vetting Manager.

- **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 below.

<http://www.hse.gov.uk/contact/fags/workingtimedirective.htm>

3.4 Application Procedure

Any individual requesting approval of a business interest should submit an application on Force template A07-03 electronically (see Appendix 2), 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 the Directorate for Standards and Ethics for consideration by the Force Vetting Manager, 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 Force Vetting Manager 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.

The Directorate for Standards and Ethics 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 Directorate of Standards and Ethics 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 Fore Vetting Manager. 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 Force Vetting Manager 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:

- The Directorate of Standards and Ethics 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 the Directorate of Standards and Ethics stating 'no change'. People Services will update ORACLE;
- If the business interest has ceased the file will be marked accordingly and returned to the Directorate of Standards and Ethics who will close the file and forward to SSC to update the individual's personal 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, attached to this document as Appendix 4.

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 Force Vetting Manager 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 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 The Directorate of Standards and Ethics to confirm whether the applicant holds a business interest that may present a conflict of interest.

3.8 Record Keeping

The Directorate of Standards and Ethics is responsible for the administration associated with this policy, and will maintain business interest records on Centurion.

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.

Police officers and members of police staff who undertake voluntary, community based duties or responsibilities are under no obligation to seek approval as a business interest under this procedure. Where any doubt exists as to such a role should be approved under this procedure, the test to apply will be whether a member of the public might reasonably believe or expect the post holder would be in receipt of payment for carrying out such work.

4. Appendices

Appendix	Description
1	ACPO Guidance on Business interests and Additional Occupations. Follow the link Here
2	A07-03 Application for business interest / additional occupation
3	A07-03B Outcome Letter – approval or non-approval
4	A07-03C Business Interest Update

5. Compliance and monitoring

All information relating to business interests and additional occupations will be kept by The Directorate of Standards and Ethics / People's Services 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.

6. Version control

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

The Performance, Quality and Review Team 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	Head of PSD
1.3	July 2012	Amended Following Consultation	Head of PSD
2.0	July 2012	Approved at CBM	Head of PSD
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	Head of PSD
2.4	Jan 2015	Amended to reflect the removal of template A07-03A	Ch. Insp. PSD
2.5	Jan 2015	Amendment to Paragraph 3.5.2	Ch. Insp. PSD
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	████████████████

**REQUEST FOR CONSIDERATION OF BUSINESS INTEREST / ADDITIONAL
EMPLOYMENT**

Name:	
Admin Number:	
Job Title:	
Post Held:	
Service Unit:	

Section 1 – Business Interest Request (To be completed by individual)

Please provide all relevant information relating to your business interest request.

You must comply with the Working Time Regulations 1998. Please provide details of the proposed number of hours worked connected to business interest.

Any income generated must be declared to the Inland Revenue, consideration must be given to Income Tax, Corporation Tax and Capital Gains Tax. Please confirm this notification has been made.

Do you manage your business from your home address? Yes No

If yes, has the council and local authority been informed? Yes No

Are you letting a property? Yes No

If yes please provide the property address and details of letting agent if applicable.

Do you have landlords insurance? Yes No

If yes, through which company

Do you have a buy to let mortgage?	Yes	No
If no, have you notified your mortgage lender that you are renting the property	Yes	No

All of the information provided is true and accurate

Signed:		Date:	
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Section 2 – To be completed by SUM *(Please tick one of the boxes below)*

Please provide a detailed rationale why you do or do not support this application.

Please also confirm that you have considered the following points and note any relevant detail. Please refer to the Policy for additional guidance if required.

1)Performance

2)Attendance

3)Misconduct

4)Health, Safety and Well-being

Signed:		Date:	
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**THIS FILE SHOULD NOW BE FORWARDED TO THE FORCE VETTING
MANAGER**

Section 3 – Vetting manager comments

Signed:		Date:	
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FILE TO BE RETURNED TO Directorate of Standards and Ethics mailbox.

FOR OFFICE USE ONLY

Noted at People Services

Signed:		Date:	
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Logged on Oracle

Signed:		Date:	
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Appendix 3

Business Interest and Additional Occupation: Approval or Non-approval letter

Employee
Home Address

Date

Dear

(Delete below response as appropriate)

(Either)

I am writing to inform you that your request for recognition of a Business Interest or Additional Occupation, namely [insert brief title of business interest] has been approved.

[If approval is subject of conditions, set out the conditions of approval here].

I would be grateful if you could sign the enclosed documents and return these to me as soon as possible. I must remind you that as part of the Business Interest and Additional Occupation Policy an annual review will take place with you and your line manager to discuss whether the circumstances surrounding the approval have altered.

Equally, if any of the circumstances that supported the Force to approve your Business Interest request change during the next 12 months, it is your responsibility to submit details of changes to the Force Vetting Manager accordingly.

If you have any further questions please do not hesitate to contact your Human Resources Business Partner (insert name and contact details)

(Or)

I am writing to inform you that your request for recognition of a Business Interest or Additional Occupation, namely [insert brief title of business interest] has not been approved. The rationale for this decision is as follows:

(Insert rationale)

You have the right to appeal my decision to not approve your application. The appeal officer is the Chief Constable. Your grounds for appeal should be in writing and submitted to the Directorate of Standards and Ethics within 10 working days from the date of this letter. In line with the Appeal Procedure set out in Regulation 7 of Police Regulations 2003 the appeal is considered by the Chief Constable within a 28 day period.

Yours sincerely

Force Vetting Manager

Business Interests and Additional Occupations Policy

BUSINESS INTEREST/ADDITIONAL OCCUPATION DECLARATION FORM (UPDATE)

Name	
Admin Number	
Job Title	
Service Unit	

Section 1 Type of Update (To be completed by individual, please tick one of the boxes below)

- Amendment to business interest
- Termination of business interest
- Additional information to business interest
- No change to business interest

Section 2 Supplementary Information (To be completed by the individual)

Please provide additional information concerning section 1 ticked box

Signed Date.....

Section 3 Completed by SUM (provide comments below with reference to Force Policy)

Signed Date

Section 4 Completed by Force Vetting Manager

Signed..... Date

The individual should be advised of the outcome by the SUM with the application being returned to Directorate of Standards & Ethics.

FOR OFFICE USE ONLY

Recorded on Oracle

Signed Date

Filed by Standards & Ethics/People Services

Signed Date

If BI amended – People Services update Oracle; document passed to Directorate of Standards & Ethics

If BI terminated – People Services update Oracle and retain on individual’s personal file

If additional info received – People Services update Oracle; document passed to Directorate of Standards & Ethics