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WEST MIDLANDS POLICE

Force Policy Document

POLICY TITLE:

Business Interest Policy

POLICY REFERENCE NO:

PS/07

Executive Summary.

It is essential that the public has confidence in the integrity and impartiality of the police service. This guidance does not constrain police officers or staff from holding a business interest or secondary occupation but allows chief officers to provide a consistent approach to only authorising those business interests and secondary occupations which do not conflict with the work of the police and which will not adversely affect the reputation of the individual, his or her force, or the wider service.

**Any enquiries in relation to this policy should be made directly with the policy contact / department shown below.

Intended Policy Audience

All police officers, police staff and special constables

Current Version And Effective Date.	Version 9.1	06/05/2015
Business Area Owner	Professional Standard Department	
Department Responsible	Professional Standard Department	
Policy Contact	– Professional Standards Department	
Policy Author	(HR) &	(PSD)
Approved By	Ch. Supt. S. Goosen	
Policy Initial Implementation Date	27/01/2014	
Review Date	06/05/2016	
Protective Marking	Restricted	
Suitable For Publication – Freedom Of Information	No	

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Supporting Documents

- Form
- Ineligible occupations
- Code of Ethics (http://www.college.police.uk/docs/Code_of_Ethics.pdf)

Evidence Based Research

Full supporting documentation and evidence of consultation in relation to this policy including that of any version changes for implementation and review, are held with the Force Policy Co-ordinator including the authorised original Command Team papers.

Please Note

PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UP TO DATE VERSION OF ANY POLICY OR DIRECTIVE CAN BE FOUND ON THE EQUIP DATABASE ON THE INTRANET.

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Force Diversity Vision Statement and Values

“Eliminate unlawful discrimination, harassment and victimisation. Advance equality of opportunity and foster good relations by embedding a culture of equality and respect that puts all of our communities, officers and staff at the heart of everything we do. Working together as one we will strive to make a difference to our service delivery by mainstreaming our organisational values”

“All members of the public and communities we serve, all police officers, special constables and police staff members shall receive equal and fair treatment regardless of, age, disability, sex, race, gender reassignment, religion/belief, sexual orientation, marriage/civil partnership and pregnancy/maternity. If you consider this policy could be improved for any of these groups please raise with the author of the policy without delay.”

Code of Ethics

West Midlands Police is committed to ensuring that the Code of Ethics is not simply another piece of paper, poster or laminate, but is at the heart of every policy, procedure, decision and action in policing.

The Code of Ethics is about self-awareness, ensuring that everyone in policing feels able to always do the right thing and is confident to challenge colleagues irrespective of their rank, role or position

Every single person working in West Midlands Police is expected to adopt and adhere to the principles and standards set out in the Code.

The main purpose of the Code of Ethics is to be a guide to "good" policing, not something to punish "poor" policing.

The Code describes nine principles and ten standards of behaviour that sets and defines the exemplary standards expected of everyone who works in policing.

Please see http://www.college.police.uk/docs/Code_of_Ethics.pdf for further details.

The policy contained in this document seeks to build upon the overarching principles within the Code to further support people in the organization to do the right thing.

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1. INTRODUCTION

- 1.1 It is essential that our communities have trust and confidence in the delivery of our policing service ensuring that there is integrity and impartiality at all times.
- 1.2 The force recognises that Regulation 7 of the Police Regulations 2003 applies certain restrictions on the private lives of police officers and whilst police staff are not covered by Police Regulations, the same definition of business interests now applies to **all** staff.
- 1.3 This policy will apply to ALL police staff that embark on a new business interest or additional occupation from 1st January 2014. All police staff that have current business interests or additional occupation will be required to declare the information from 1st February 2014.
- 1.4 This policy takes into account the ACPO Guidelines on the Management of Business Interests and Additional Occupations for Police Officers and Police Staff. (October 2012.)
- 1.5 It is the force's intention to encourage an open culture where people are able to disclose their business interests or additional occupation. This policy does not prevent police officers, police staff or police volunteers from holding a business interest or additional occupation. It is designed to help promote consistent decision-making in determining whether the business interest or additional occupation do not conflict with the work of the police, undermine public confidence or adversely affect the reputation of a police officer, police staff member or West Midlands Police.

Definition of a Business Interest

- 1.6 The definition of a Business Interest is provided in 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 if:

- A police officer, police staff or police support volunteer holds any office or employment for hire or gain (otherwise than a member of the Force) or carries on any business where gain is not measured just in financial terms as it includes any other recognition – for example use of a vehicle, use of facility or opportunity. For example a sleeping partner in a company, Treasurer or Company Secretary.
- A police officer, police staff, police support volunteer or a relative included in your family life, the person holds or possesses a pecuniary (financial/economic) interest in a licence or permit granted in pursuance of the law relating to liquor licensing, refreshment house, or betting and gaming or regulating places of entertainment in the West Midlands Police Force area

Definition of a family member/relative

- 1.7 A relative of member of the family includes:
- A spouse or civil partner who is not separated from you
 - A person that is living with you as if they were your spouse or civil partner
 - A parent, son, daughter, brother or sister

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Declaration

1.8 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. If an appropriate 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 police service will be rejected.

1.9 When recruited the member of staff should register the business interest or additional occupation in accordance with this policy.

http://intranet2/hq_departments/human_resources/hr_guidance/recruitment_and_leavers/recruitment.aspx

1.10 Separate reference (section 6) is made to members of the Special Constabulary as some occupations and business interests may be incompatible with the role of Special Constables. To enable the force to determine capability applicants must provide employment details when making an initial recruitment application and ensure that any changes of employment or role are reported.

Application Process

1.11 All police officers, staff and police volunteers must seek approval to undertake any business interest or additional occupation. Application forms may be obtained from the Force Intranet and forwarded to Professional Standards for the following circumstances:-

- Outside their police employment they carry on any business or employment for hire or gain
- The business is one that could conflict with the functions of policing
- The business or its association is or could be in contract with the PCC
- They, their partner, spouse, or any family member holds, or possesses a pecuniary interest in a liquor licence, public house, off licence or betting/gaming establishment within the Force area, regardless of the post they hold

2. CONSIDERATIONS IN RELATION TO BUSINESS INTERESTS

2.1 When considering the application/declaration the following factors will be taken into account. This list is not exhaustive:

- Whether the activity is one regulated by the police, or where police are involved in licensing.
- Whether the business interest has the potential to cause embarrassment or bring the Force into disrepute.
- Whether a conflict of interest could arise where an officer/staff may compromise their impartiality, or where the public may believe that to be the case.
- Whether the business interest is merely an extension of the officer's/staff's function as a constable/member of staff.
- Any risk to the personal health and well-being of the officer/staff or where a business interest could involve a risk of injury or increased stress and tiredness that may impact upon the ability to perform duties safely.

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- Compliance with Working Time Regulations, specifically the total hours worked (in relation to employment within the Force and their business interest) and the resultant risks to the health and safety of the officer/staff and others in the work place.
- Compatibility with any future roles will also be considered and reviewed.
- Applicant's current performance.
- Applicant's attendance record.

NOTE: Any business interest or additional occupation which may compromise police operations (especially those of a covert nature) or which may cast doubt on the individuals impartiality must be declared, although is most unlikely to be approved.

3. POLICY REVIEW

- 3.1 The Chief Constable has delegated responsibility for the approval of Business Interests to the Head of Professional Standards Department, who will decide whether a business interest is compatible with an individual's position as a police officer/staff, taking into account all items contained within Point 2.0 and any others necessary.
- 3.2 Professional Standards Department will hold the central repository for all registered business interests and additional occupations. They will arrange for the publication of a register of types or categories of business interests or additional occupations being undertaken by staff to provide transparency and public confidence in the process. The published information will provide ranks of police officers and grades of police staff and police support volunteers but not details that could identify individuals. This published document will be updated annually.
- 3.3 Business interests and additional occupations should be declared in all applications for promotion, specialist posts, secondments and training courses requiring commitment in terms of private study, and attendance on residential modules out of force. They will also be declared in all change of postings or role. This should not prejudice any application but, for successful applications, the implications of a business interest may require further consideration.

4. PROCESS

- 4.1 The officer/staff will meet with their line manager to discuss their application/declaration. This provides applicants with the opportunity to demonstrate that the business interest or additional occupation is compatible with their role and policing.
- 4.2 The applicant should then complete the application form and submit to their line manager. It is the line manager's responsibility to comment on issues in point 2 of this policy, making particular reference to the applicant's performance, attendance, applicant's role and working time directive.

http://intranet2/hq_departments/human_resources/hr_guidance/working_hours_and_practices.aspx

Note: Even applications that are not supported must still be submitted to PSD.

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- 4.3 Fully completed application forms endorsed by line manager will then be submitted to Professional Standards Department who will complete relevant checks prior to submission to Head of Professional Standards for consideration.
- 4.4 Although there are generic control measures, other measures should be considered taking into account the applicants policing role and the specific business interest or additional occupation. Additional control measures may facilitate the granting of a business interest or additional occupation which otherwise might not be approved, or can set an appropriate framework that the business interest or additional occupation must operate. In such cases the rationale for each control measure imposed will be recorded.
- 4.5 The Head of Professional Standards will communicate in writing the decision and any control measures to the applicant within 28 days of initial receipt by Professional Standards. Notification will also be sent will also be sent to the applicant's LPU or Department.
- 4.6 On receipt of the decision, the applicant should:
- Agree with the decision, sign the form and return to Professional Standards Department
- OR
- Follow the appeals procedure below at point 7.
- 4.7 On receipt of the signed form Professional Standards Department will be responsible for recording the approved business interest or additional occupation.
- 4.8 Professional Standards will review all business interests annually but will also review if any of the below applies.
- 4.9 Following the approval of an individuals' business interest there may be circumstances that lead to a review of the approval prior to the annual review date set. These may include but are not limited to, performance and attendance issues, conduct, health, welfare or well-being issues or any changes in role. This may result in the business interest being rescinded.
- 4.10 All changes to circumstances surrounding the business interest or role must be notified to Professional Standards Department immediately using the review form.
- 4.11 Approved business interests will be declared in all recruitment processes and the implications of which may require further consideration.

5. APPROVAL OF BUSINESS INTERESTS – CONTROL MEASURES

- 5.1 All business interests, where approval is sought, are subject to acceptance and compliance with policy and include the following generic control measures where appropriate (including any made specifically within the application):
- The officer/staff must not be in uniform whilst carrying out any aspect of their business interest.
 - The officer/staff should make no reference to their role in West Midlands Police to promote the business, any product of the business, nor should they allow other organisations to do so.

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- The officer/staff must not use any police systems, equipment or police assets (this includes email, telephone, photocopying, scanning or computer etc) for any aspect of managing, promoting or developing the business. This includes the use of any other officers/staff contact lists, or any other information that is not in the public domain.
- All business interest work must be carried out away from and external to policing and police establishments. Misappropriation of force property is a disciplinary offence. Breaches of data protection can occur where use of information is used for a non-police purpose i.e. the use of police data of police data systems or other sources of police assets used for a business interest.

Breaches of Data Protection are a criminal and/or discipline offence.

- Duties/ commitments in connection with the business interest must be carried out in the applicants own time and away from police premises.
- The officer/staff is responsible for compliance with working time regulations and Health and Safety requirements. Officers/staff who make themselves unfit for duty may be subject to Unsatisfactory Performance or Capability Procedures.
- No special consideration will be given regarding tours of duty and the requirement to perform a duty will take precedence over any prior commitment to the business interest.
- Where approval or declaration is given to a spouse or relative's interest, the officer/staff must play no part in the day to day running of the business unless this has also been expressly approved.
- The officer/staff is responsible for any notifications to HMRC
- Whilst the control measures and policy prevents officers/staff from using police systems there are a number of police publications containing classified publications e.g. Newsbeat. If an officer/staff pays for an advertisement in such a publication, the control measures regarding no disclosure as an officer/staff still applies.
- Officers/staff are required to declare to the Head of Professional Standards via the review part of the application form, any changes concerning the nature of the business interest or their personal circumstances or change of role. A review will then take place by Professional Standards Department, whereby revised conditions, continued approval or withdrawal may result. The applicant will be informed in writing, systems updated and a copy placed with the original documentation.
- Any other specified control measures will be communicated in writing to the applicant by the Head of Professional Standards Department.

6. MEMBERS OF SPECIAL CONSTABULARY

- 6.1 Whilst this policy refers to business interests it is acknowledged that members of the Special Constabulary may be in employment while performing voluntary duties with West Midlands Police. At recruitment stage any employment should be declared and consideration given to any potential conflict with policing.
- 6.2 The special constable is responsible for compliance with Working Time regulations and Health and Safety requirements.

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- 6.3 Consequently it is accepted that over time members of the Special Constabulary may change employment. These changes must be reported immediately to HR Department using the change of circumstances of circumstances procedure. Particular attention will be taken to ensure that the change of employment does not conflict with policing. A decision will be made by the Head of HR if the role of a special constable is compatible with the employment. Termination of voluntary services may be an option in these circumstances.

7. APPEALS

- 7.1 Where the Head of Professional Standards Department considers that an application for a business interest or additional occupation should not be authorised, the applicant should be provided with an opportunity to make oral and written representations and in doing so may be assisted or accompanied by a Trade Union representative or Staff Association, before a final decision is made.
- 7.2 Where approval is not granted the reasons will be recorded and the individual informed of the decision in writing, within 28 days of the application reaching the Head of Professional Standards
- 7.3 Within 10 days of receiving written notification of the decision the individual may appeal to the Deputy Chief Constable delegated by the Chief Constable, by sending written notice to the Head of Professional Standards Department.
- 7.4 Within a further 10 days the Deputy Chief Constable will require a report from the Head of Professional Standards Department setting out the reasons for the decision not to approve the business interest, together with copies of any relevant documents.
- 7.5 The Deputy Chief Constable will send copies of the report, any attachments and documents to the individual allowing 14 days for any comments in writing to be made.
- 7.6 The appeal will be considered by the Deputy Chief Constable who will be advised by Legal Services and a HR representative. This will be on the basis of written representations only and the individual will be not be in attendance.
- 7.7 Notification of the result of the appeal will be forwarded in writing within 28 days of the Deputy Chief Constable receiving the written comments of the individual (reference 7.5)
- 7.8 There is no further stage following the Deputy Chief Constable decision.

8. VOLUNTARY WORK

- 8.1 Colleagues should avoid voluntary work that comes within the definition of ineligible occupations or where they may lead to a conflict of interests. If a colleague has any concerns as to compatibility, working time directive or otherwise they should report these to the Professional Standards Department for further advice and guidance.

9. RESERVISTS

9.1 Any person who wishes to apply to the British Reserve Forces must complete a business interest application form in order that the force can monitor the number of such requests. Approval will be through Professional Standards who will monitor the numbers of applications via HR. The force is only able to approve and maintain 1% of the workforce with applications for the Reserve Forces. If the force is below 1%, then the business interest will be approved. When the 1% has been reached, the application will be refused until the level has dropped below 1% and then the officer/ staff will be required to re-apply as per this policy.

10. EQUALITY IMPACT ASSESSMENT (EQIA)

10.1 The policy has been reviewed and drafted against all protected characteristics in accordance with the Public Sector Equality Duty embodied in the Equality Act 2010. The policy has therefore been Equality Impact Assessed to show how WMP has evidenced 'due regard' to the need to:

- Eliminate discrimination, harassment, and victimisation.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Supporting documentation in the form of an EQIA has been completed and is available for viewing in conjunction with this policy.

11. HUMAN RIGHTS

11.1 This policy has been implemented and reviewed in accordance with the European Convention and principles provided by the Human Rights Act 1998. The application of this policy has no differential impact on any of the articles within the Act. However, failure as to its implementation would impact on the core duties of values of WMP (and its partners), to uphold the law and serve/protect all members of its community (and beyond) from harm.

Please note failure to comply with this policy may result in disciplinary action and/or misconduct proceedings.

12. FREEDOM OF INFORMATION (FOI)

12.1 Public disclosure of each policy document is determined by the Force Policy Co-ordinator in agreement with its owner. Version 8 of this policy document has been GPMS marked as Restricted

12.2 Public disclosure does not automatically apply to supporting Force policies, directives and associated guidance documents, and in all cases the necessary advice should be sought prior to disclosure to any one of these associated documents.

Which exemptions apply and to which section of the document?	Whole document	Section number
No public disclosure - Restricted		

13. TRAINING

- Supervisor Briefings
- Shared Service Briefings

14. PROMOTION / DISTRIBUTION & MARKETING

14.1 The following methods will be adopted to ensure full knowledge of the policy:

- Policy document and associated documents on the Force Intranet (noticeboard) for the attention of all WMP officers and staff;
- Recording and audit entry on the Force policy library (EQUIP);
- Intranet marketing via Newsbeat

15. REVIEW

15.1 The policy business owner, PSD, will maintain outright ownership of the policy and any other associated documents and in-turn delegate responsibility to the department/unit responsible for its continued monitoring.

15.2 The policy should be considered a 'living document' and subject to regular review to reflect upon any Force, Home Office/ACPO, legislative changes, good practice (learning the lessons) both locally and nationally, etc.

15.3 A formal review of the policy document, including that of any other potential impacts i.e. EQIA, will be conducted by the date shown as indicated on the first page.

15.4 Any amendments to the policy will be conducted and evidenced through the Force Policy Co-ordinator and set out within the version control template.

15.5 Feedback is always welcomed by the author/owner and/or Force Policy Co-ordinator as to the content and layout of the policy document and any potential improvements.



CHIEF CONSTABLE

16. VERSION HISTORY

Version	Date	Reason for Change	Amended/Agreed by.
1	14/5/12	Revised	
2	23/5/12	Revised	
3	01/8/12	Revised	
4	21/1/13	Revised	
5	07/3/13	Revised	
6	12/3/13	Revised	
7	13/3/13	Revised	
8	08/10/13	Revised	
9	03/12/2013	Revised formatting	Vicki Couchman
9	30/01/2014	Added cc signature	Vicki Couchman
9.1	06/05/2015	Removal of last two bullet points in section 1.11. Code of Ethics paragraph included	Vetting 56408 Couchman