



BUSINESS INTERESTS AND ADDITIONAL OCCUPATIONS

Executive Summary

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.

This guidance does not constrain or prevent police officers, staff or designated volunteers 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, WMP or the wider service.

It is WMP's intention to encourage an open culture where people are able to disclose their business interests or additional occupation.

Authorised Professional Practice (APP):

- This policy has been checked against APP and there is none in relation to the subject matter of this policy.

Policy Statements:

- All members of a police force must seek approval to undertake any business interest or additional occupation.
- This includes all police officers, police staff, special constables and designated volunteer roles.
- Regulation 7 of the [Police Regulations 2003](#) applies certain restrictions on the private lives of police officers and special constables.
- Whilst police staff are not covered by Police Regulations, the same definition of business interests applies to all staff and designated volunteers.
- 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.)
- The Chief Constable has delegated responsibility for the approval of business interests to the Professional Standards Department (PSD) Appropriate Authorities.
- The attached process must be followed for all business interest applications and appeals.
- PSD will hold the central repository for all registered business interests and additional occupations

DEFINITION OF A BUSINESS INTEREST

- [Regulation 7 of the Police Regulations 2003](#) (as amended by the Police (Amendment No 3) Regulations 2012):

A person has a business interest if:

- **being a member of a police force, the person holds any office or employment for hire or gain (otherwise than a member of the Force) or carries on any business** (*gain is not measured just in financial terms, it includes any other recognition – for example use of a vehicle, use of facility or opportunity*).
- **being a member of a police force or a relative included in your family life, the person holds or possesses a pecuniary 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**
- A family member/relative 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, children, siblings

WMP RECRUITMENT

- Applicants to WMP are required to declare any existing business interest or additional occupations they intend to continue should they be appointed.
- Applicants will not be eligible for appointment if the intention is to maintain a business interest or additional occupation that is incompatible with being a member of the police service.
- If PSD deem an applicant's existing business interest or additional occupation to be incompatible, then:
 - The applicant will be required to cease their involvement with that business interest/additional occupation or
 - Their application to join the police service will be rejected.
- When recruited, the member of staff must register the business interest or additional occupation in accordance with this policy.

VOLUNTARY WORK

- Voluntary work does not need approval under the Business Interest Policy.
- Where mileage or expenses are paid for voluntary work, the amount should be proportionate to the expense incurred (or less).
- You must avoid voluntary work that falls within the definition of ineligible occupations or where they may lead to a conflict of interests.
- Any concerns as to compatibility, working time directive or otherwise, must be reported to the department Appropriate Authority for further advice and guidance.

SPECIAL CONSTABULARY

- It is acknowledged that members of the Special Constabulary may be in employment while performing voluntary duties with WMP.
- At the recruitment stage, any business interest or employment must be declared and consideration given to any potential conflict with policing.
- The special constable is responsible for compliance with Working Time Regulations and Health and Safety requirements.
- Any changes to employment must be reported immediately to PSD following the change 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 PSD in consultation with the Special Constabulary and Citizens in Policing Manager if the employment is incompatible with the role of a special constable.
- Where PSD considers the role of a special constable is incompatible with their employment, the matter will be referred to the Citizens in Policing manager for a case conference with the special constable, to identify options, which may include the termination of service.

VOLUNTEER RESERVISTS

- If you wish to apply to the Volunteers Reserve Forces (or remain a reservist) you must submit a business interest application in line with this policy and the [Public Duties Policy](#).
- Approval will be sought through PSD in consultation with HR.
- WMP can approve and maintain 1% of the workforce applying for the Reserve Forces (the limit will periodically be reviewed under the Public Duties Policy).
- If WMP is below 1%, the business interest can be approved. When 1% is reached, the application will be refused until the level is below 1% again (you will be required to reapply as per this policy).
- PSD will monitor the numbers of applications via HR.

BUSINESS INTEREST APPLICATION CONSIDERATIONS

- Each application will be considered on a case by case basis.
- For applications, the following factors will be considered (this list is not exhaustive):
 - Whether the activity is one regulated by the police, or where police or partner agencies 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.
- 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.
- Current misconduct investigations or live sanctions relevant to the applicant

CONTROL MEASURES

- All business interests and additional occupations are subject to acceptance and compliance with WMP policy and include the following generic control measures (where appropriate):
 1. WMP uniform must not be worn whilst carrying out any aspect of their business interest.
 2. No reference must be made to your role in WMP to promote the business, any product of the business, nor should they allow other organisations to do so.
 3. You must not overtly, or by inference, use your position to influence any business transaction or resolution.
 4. Police systems, equipment or police assets (email, telephone, photocopying, scanning, mobile device, laptop or computer etc.) must not be used for any aspect of managing, promoting or developing the business. This includes the use of any contact lists or any other information that is not in the public domain.
 5. All business interest work must be carried out away from and external to policing and police establishments/premises.
 6. Duties/commitments in connection with the business interest must be carried out in the applicants own time.
 7. Officers/staff are responsible for any notifications to HMRC or other relevant agency of any additional income and to appropriately discharge any liabilities and/or satisfy any requirements..
 8. Officers/staff are required to inform PSD of any changes concerning the nature of the business interest/additional occupation or their personal circumstances (in relation to the business interest).
 9. Officers/staff are responsible for compliance with working time regulations and Health and Safety requirements.
 10. Officers/staff who make themselves unfit for duty may be subject to Unsatisfactory Performance or Capability Procedures.
 11. 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.
 12. 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.



- Additional control measures may appropriate, considering the applicant's policing role and the specific business interest or additional occupation.
- Additional control measures may assist to facilitate the granting of a business interest or additional occupation which otherwise might not be approved.
- In such cases the rationale for each control measure imposed will be recorded and communicated in writing to the applicant.

DECISION AND APPEALS

- Where PSD considers that an application for a business interest or additional occupation should not be authorised, they may contact the applicant to discuss the concerns and may give opportunity for any representations.
- Where approval is not granted, the reasons will be recorded and the individual informed of the decision in writing.
- Within 10 days of receiving written notification of the decision, the individual may appeal to the Head of PSD (or Deputy in their absence), by sending written notice to PSD, outlining the reasons for the appeal.
- The appeal will be considered by the Head (or deputy) of PSD.
- Notification of the result of the appeal will be forwarded in writing within 28 days.
- There is no further right of appeal following the Head of PSD decision.

REVIEWS

- An annual review of business interests is required for continued authorisation.
- 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
 - Attendance issues
 - Conduct
 - Change of circumstances
 - Health
 - Welfare
 - Well-being
 - Changes in role.
- A review can result in revised conditions, continued approval or withdrawal of the business interest.



MISCONDUCT

- It may be a breach of the Standards of Professional Behaviour and could be referred to the relevant misconduct procedures where officers/staff:
 - Fail to submit a business interest request
 - Carry on a business interest without authorisation
 - Do not comply with conditions under this policy.

BUSINESS INTEREST REGISTER PUBLICATION

- PSD will arrange for the publication of a register of types or categories of business interests or additional occupations being undertaken by officers/staff to provide transparency and public confidence in the process.
- The published information will provide ranks of police officers, grades of police staff and police support volunteers but not details that could identify individuals.
- The published document will be updated annually.
- PSD will undertake internal monitoring of business interest against recorded protected characteristics.

Definitions/Acronyms:

WMP – West Midlands Police
PSD – Professional Standards Department

Procedural Guidance Documents List:

Application & Appeal Process

Publication Instructions:

- Suitable for publication to public

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Policy Author: Insp Jonathan Beach, Professional Standards

Any enquiries in relation to this policy should be made directly with the policy author shown above.



Force Executive Approval:

Daniel Thompson

CHIEF CONSTABLE

Monitoring and Review

Version	Date Reviewed	No change / Minor Changes / Major Changes (<i>detail</i>)	Amended / Agreed by	New review date