

GWENT POLICE BUSINESS INTERESTS/SECONDARY EMPLOYMENT PROCEDURE FOR POLICE OFFICERS AND POLICE STAFF



Heddlu
Gwent
Police

1.1 Introduction

This procedure applies to Police Officers and Police Staff. Police Regulations govern the process in relation to Police Officers Appendix A.

Accordingly under their terms and conditions of employment police staff must not engage in any other employment honorary or otherwise without the consent of Gwent Police. It is emphasised that there is no requirement for police staff to seek approval for business interests/secondary employment in relation to family members.

“In order to protect the organisation and any possible risks to individuals, Police Officers and Police Staff might consider using this procedure to seek approval to undertake voluntary work. If any Police Officer or Police Staff member is in any doubt about whether they should seek approval for voluntary work they should take appropriate advice having regard to the principles of the force’s Licence to Lead and should also refer to the force’s Inappropriate Association Procedure. In relation to acting as a School Governor, Police Officers in particular should remind themselves of their obligations under Regulation 6 of the Police Regulations relating to the Restrictions on the Private Life of Members (see Appendix A of the Business Interest Procedure)”.

To register a business interests Police Officers and Police Staff must submit a notification of business interest/secondary employment form as outlined in Appendix B. The flow chart following this introduction outlines the process.

Applications must be submitted via the line manager to the Head of Professional Standards (PSD). He/she will forward to the Human Resources Advisor for the respective area who will make a recommendation to the Head of Service Area. Wherever possible, use of e-mail in respect of initial application and onward transmission should be made in order to ensure that the application is processed in a timely manner and within the 28 day deadline.

The Deputy Chief Constable (DCC) will decide whether or not the application is to be approved.

See section 1.2 for further information.

1.2 Procedure

PROCEDURE FOR APPLICATIONS FOR BUSINESS INTERESTS / SECONDARY EMPLOYMENT / VOLUNTARY WORK

Police Officers

1. A police officer is required to seek approval for a Business Interest which he/she proposes to have, or has, in accordance with Police Regulations 2003 – Regulations 6, 7 and 8. These regulations are shown in full at (Appendix A).

Furthermore Regulation 6 Schedule 1 allows a Chief Officer to place restrictions on an officer with an external Business Interest so long as those restrictions are to 'secure the proper exercise of the functions of a constable' and to prevent 'any activity which is likely to interfere with the impartial discharge of his duties' or likely to give the impression that it may so interfere.

Police Staff

2. Under their Terms and Conditions of Employment, police staff must not engage in any other employment or business activity, honorary or otherwise, without the consent of Gwent Police. There is no requirement for police staff to seek approval for Business Interests / Secondary Employment in relation to family members.

Authority to Approve requests for Police Officers and Police Staff

3. The Chief Constable has delegated authority for decisions on these matters to the Deputy Chief Constable.

Registering a Business Interest / Secondary Employment for Police Officers and Police Staff

4. Police officers and police staff wishing to register a Business Interest/ Secondary Employment must submit a Notification of Business Interest / Secondary Employment Form attached at Appendix B. Wherever possible, applications should be e-mailed in order to ensure that the application is processed in a timely manner and within the 28 day deadline.

5. Applications must be submitted to the line manager in the first instance. He/she must note their comments and recommendation and e-mail immediately to the Head of Professional Standards Department.

6. The role of PSD will be to advise on whether or not the proposed Business Interest / Secondary Employment would breach the Standards of Professional Behaviour, Schedule to the Police (Conduct) Regulations 2008

and Regulation 6, Schedule 1, The Police Regulations 2003 in relation to police officers, or the Disciplinary Procedure in relation to Police Staff.

The application will then be e-mailed to the relevant HR Advisor and he/she will make a recommendation to the Head of Service Area, who will then e-mail the DCC.

7. The DCC (or ACC/Director of Resources in his/her absence) will decide whether or not the application is to be approved.

8. Once the request has been submitted to the line manager for a decision, the officer/ member of police staff must receive written notification of the decision within **28** days. This time-frame is as stated in Police Regulations and **must** be adhered to in relation to police officers. The same time frame will be adopted in respect of police staff.

9. Police Officer Transferees who already have a business interest approved by their previous Force need to declare this prior to their transfer. New recruits should also declare their business interests at the application stage.

10. Voluntary Work must also be considered under this procedure.

Guiding Principles

11. Each application will be decided on its own merits. However, in considering the application, the Head of Service Area and ultimately the DCC will examine the following:

12. **Police officers:** As a result of the interest in question whether the member's conduct fails or would fail, to meet the appropriate standard set out in the Standards of Professional Behaviour, Schedule to the Police (Conduct) Regulations 2008 and Regulation 6, Schedule 1, The Police Regulations 2003 .

13. Schedule 1 provides that: *'A member of a police force shall at all times abstain from any activity which is likely to interfere with the impartial discharge of his duties or which is likely to give rise to the impression amongst members of the public that it may so interfere. Reg 6 (2) provides that, No restrictions other than those designed to secure the proper exercise of the functions of a constable shall be imposed by the police authority or the chief officer on the private life of members or a police force...*

14. **Police Staff:** whether the proposed Secondary Employment / Business Interest would lead to a breach of the Disciplinary Procedure for Police Staff. Police Staff must not engage in any other employment or business activity, honorary or otherwise, without the consent of Gwent Police. If the member of police staff has or intends to engage in any other employment or business activity, he/she must make a written application to the DCC via the line manager.

15. The following relates to both Police Officers and Police Staff

The following is a non exhaustive list that Chief Officers may consider as relevant factors in determining approvals.

- a) The potential to use for personal benefit police equipment, information or intellectual property (e.g. ideas, designs, writings, images).
- b) Whether the fact that the individual is a member of the police force could be used to promote the business or would allow another organisation to do so.
- c) Whether the health and well-being of the individual could be affected. The Business Interest / Secondary Employment could involve a risk of injury or stress and tiredness which may impact upon the individual's ability to perform their role to a satisfactory standard.
- d) The extent to which training, skills and experience provided by the force are to be relied upon.
- e) Whether the business interest has the potential to cause embarrassment or bring disrepute to the force.
- f) Whether a conflict of interest could arise where an individual may compromise their impartiality, or whether the public may believe this to be the case.
- g) Whether the Business Interest / Secondary Employment is merely an extension of the officer's function as a constable / the police staff member's role.
- h) Whether the Business Interest / Secondary Employment will enhance /improve the individual's skills and performance.
- i) Whether the Business Interest / Secondary Employment will involve other staff in Gwent Police. The Force will not generally permit networking (canvassing for business recruitment) during duty time.

16. Business Interests which involve the offer of sale, or endorsement, of products or services to Gwent Police will not be approved.

17. Police Officers are prohibited by the Fire Service Act 1947 from being employed as retained Firefighters.

Conditions applicable to the Business Interest / Secondary Employment for Police Officers and Police Staff

18. Any approval given will be subject to the following conditions. (Further conditions may be applied in individual cases, where appropriate, and these will be included in the letter granting approval) The purpose of any such conditions are to ensure the proper exercise of the functions of all police personnel and to prevent any activity which is likely to interfere with the impartial discharge of their functions or likely to give the impression that they are likely to so interfere.

- (a) Individuals must not subordinate their duty / employment to their private interest and put themselves in a position where duty /employment and private life conflict.
- (b) Individuals must not use the fact that they are a police officer / member of police staff to promote their Business Interest / Secondary Employment.
- (c) Individuals must inform their line manager in the form of a report, of any changes in the information that they supplied at the time when they originally applied for approval of the Business Interest / Secondary Employment. The report will be processed via the same route as a new application. A written decision will be provided to the individual by the HR Advisor within 28 days of submission. The report will be retained for future reference by People Services.
- (d) The individual is responsible for compliance with the Working Time Regulations and individual health and safety. Individuals are asked to agree to sign an "Opt Out" agreement where their total working hours will exceed the maximum working week of 48 hours. Individuals who make themselves unfit for duty due to the number of hours worked in their Business Interest / Secondary Employment may be subject to unsatisfactory performance procedures or disciplinary action. Information regarding Working Time Regulations can be found on the HR intranet site. The Opt out form can be found in Appendix C.
- (e) If an individual has reported sick then they must not pursue the Business Interest/Secondary Employment without the express permission of their Head of Service Area and breach of this provision would be viewed seriously by Gwent Police and appropriate disciplinary action may be taken.
- (f) Where lecturing is involved, it should be made clear that the views expressed are personal opinions and not those of the police service.
- (g) While on duty, no communications, written or oral, will be sent or received by the individual or on his/her behalf relating to the Business Interest / Secondary Employment.
- (h) Police Officers Only: Where approval is given to a spouse's /civil partner's or relative's Business Interest, the officer must play no part in the day to day running of the business unless this has been expressly

approved.

- (i) Membership of the Volunteer Reserve Forces is considered to be a Business Interest / Secondary Employment for which police officers and police staff must seek approval. Further information may be obtained by referring to the All Wales Policy-Armed Forces Reservists.

Administration

19. Where approval is granted to undertake a Business Interest / Secondary Employment, the Human Resources Advisor will send the letter shown at Appendix D. Where applications are refused, the letter shown at Appendix E will be sent by the Human Resources Advisor.

20. An individual will receive written notification of the decision within 28 days of submission of their request to the Line Manager-

21. The associated paperwork will be retained on the individual's personal file, including reports of changes.

22. A Central Register of approved Business Interests / Secondary Employment will be retained by HR Administration.

23. In addition to the responsibility of individuals to notify changes of circumstances as outlined in paragraph 18(c) above, People Services Administration will on an annual basis, be responsible for communicating with staff who have received approval for Business Interest/Secondary Employment, requiring them to confirm that the conditions/circumstances under which the approval was given, have not changed. An approved HR form will be used for this purpose which can be found in Appendix F.

Undisclosed Business Interests/ Secondary Employment

24. Disciplinary action may follow if Business Interests / Secondary Employment are found to be undisclosed, this relates to both police officers and police staff.

Additional Income

25. Individuals are reminded that any additional income received must be declared to the HM Revenue and Customs.

Suspension/ Removal of Business Interests Approval

26. Suspension/Removal of approved Police Officers Business Interests will be in accordance with Police Regulations and can only be suspended or removed with the Police Officers consent. The Force reserves the right to suspend or remove approval for Police Staff business interests where misconduct or gross misconduct is suspected.

Right of Appeal

27. The rights of appeal for Police Officers will be in accordance with Police Regulations outlined at Appendix A. Police staff may appeal to the ACC or Director of Finance and Administration by writing to the Head of People Services within 10 days of notification of the decision.

General

28. No special or preferential treatment will be given to individuals with Business Interests / Secondary Employment and the exigencies of duty will always take priority.

29. Line managers will monitor absences from duty and whether a Business Interest / Secondary Employment appears to impact on an individual's work performance.

30. Any adverse impact will be reported via the Head of Service Area to the DCC and the continuance of the Business Interest /Secondary Employment will be reviewed.

2.0 The Legal Basis and Legitimate Aims

Police Regulations 2003 – Regulations 6, 7 and 8
Police Staff Written Statement of Terms and Conditions of Employment
Standards of Professional Behaviour, Schedule to the Police (Conduct)
Regulations 2008 and Regulation 6, Schedule 1, The Police Regulations
2003.

3.0 Human Rights Certification of Compliance

The procedure has been checked for compliance with the Human Rights Act; with particular reference to the legal basis of its precepts: the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making process's and outcomes of actions.

4.0 Compliance with The Welsh Language Scheme

This procedure aims to comply with the organisations Welsh language Scheme in terms of dealing with the Welsh speaking public, impact upon the public image of the organisation and the implementation of the language scheme.

5.0 Risk Assessment and Health and Safety Considerations

The Gwent Police Service Dynamic Assessment should be applied as necessary. A training package in the use of risk assessment will be provided to all police personnel if requested or required.

6.0 Procedure Identification Section

Procedure Title: Business Interests Procedure

Reference: 101/15 b issue 4

ACPO Lead: DCC

Service Area Owner: People Services

Department Responsible: People Services

Links to other Policies/Procedure: Equal Opportunities, Information Security, Data Protection, Fairness at Work, Health and Safety, Personal Records, PDR

Procedure Implementation Date: 6th December 2010 amended 17th Dec 2010, amended July 2011 amended 10th Aug 2011.

Procedure Review Date: July 2013

POLICE REGULATIONS 2003 - REGULATIONS 6, 7 & 8 (Police Officers Only)

6. Restrictions on the private life of members

(1) The restrictions on private life contained in Schedule 1 shall apply to all members of a police force.

(2) No restrictions other than those designed to secure the proper exercise of the functions of a constable shall be imposed by the police authority or the chief officer on the private life of members of a police force except -

(a) such as may temporarily be necessary, or

(b) such as may be approved by the Secretary of State after consultation with the Police Advisory Board for England and Wales

(3) any restriction temporarily imposed under paragraph (2) shall be reported forthwith to the Secretary of State.

Schedule 1

1. A member of a police force shall at all times abstain from any activity which is likely to interfere with the impartial discharge of his duties or which is likely to give rise to the impression amongst members of the public that it may so interfere; and in particular a member of a police force shall not take any active part in politics.

2. A member of a police force shall not reside at premises which are not for the time being approved by the chief officer.

3. - (1) A member of a police force shall not, without the previous consent of the chief officer, receive a lodger in a house or quarters with which he is provided by the police authority or sub-let any part of the house or quarters.

(2) A member of a police force shall not, unless he has previously given written notice to the chief officer, receive a lodger in a house in which he resides and in respect of which he receives an allowance under Schedule 3 or sub-let any part of such a house.

4. A member of a police force shall not wilfully refuse or neglect to discharge any lawful debt.

7. Business interests incompatible with membership of a police force

(1) If a member of a police force proposes to have, or has, a business interest within the meaning of this regulation, the member shall

forthwith give written notice of that interest to the chief officer unless that business interest has previously been disclosed.

- (1A) If a member of a police force is or becomes aware that a relative included in his family proposes to have, or has a business interest within the meaning of this regulation which in the opinion of that member interferes, or could be seen as interfering, with the impartial discharge of his duties, then that member shall forthwith give written notice of that interest to the chief officer unless that business interest has previously been disclosed.
- (2) On receipt of a notice given under paragraph (1) or (1A) or a referral given under paragraph (5A), the chief officer shall determine whether or not the interest in question is compatible with the member concerned remaining a member of the force and, within 28 days of the receipt of that notice or, as the case may be, that referral, shall notify the member in writing of his decision.
- (2A) In making a determination under paragraph (2) the chief officer shall have regard to whether as a result of the interest in question the member's conduct fails, or would fail, to meet the appropriate standard set out in the Code of Conduct in Schedule 1 to the Police (Conduct) Regulations 2004¹.
- (3) Within 10 days of being notified of the chief officer's decision as aforesaid, or within such longer period as the police authority may in all the circumstances allow, the member concerned may appeal to the police authority against that decision by sending written notice of his appeal to the police authority.
- (4) Upon receipt of such notice, the police authority shall forthwith require the chief officer to submit to them, within the next following 10 days, a notice setting out the reasons for his decision and copies of any documents on which he relies in support of that decision; and the police authority shall send to the member concerned copies of such notice and documents and shall afford him a reasonable opportunity, being in no case less than 14 days, to comment thereon.
- (5) Where a member of a police force has appealed to the police authority under paragraph (3) the police authority shall, subject to paragraph (5A), within 28 days of receiving his comments on the notice and any other documents submitted by the chief officer under paragraph (4), or the expiration of the period afforded for making comments if none have by then been received, give him written notice of their determination of the appeal but, where they have upheld the decision of the chief officer and, within 10 days of being so notified or within such longer period as the police authority may in all the circumstances allow, the member makes written request to the police authority for the reference of the matter to the Secretary of

¹ S.I. 2004/645, to which there are amendments not relevant to these Regulations

State, the matter shall be so referred and, unless and until the determination of the police authority is confirmed by the Secretary of State, it shall be of no effect and in particular, no action in pursuance thereof shall be taken under paragraph (6).

- (5A) In a case where it appears to the police authority that:
- (a) the member has adduced substantive reasons why he or a relative included in his family should be permitted to have the business interest in question and those reasons have not been considered by the chief officer, or
 - (b) in reaching his determination under paragraph (2) the chief officer failed to apply fair procedures,

then the authority may refer the matter back to the chief officer for redetermination under paragraph (2).

- (6) Where a member of a police force, or relative included in his family, has a business interest within the meaning of this regulation which the chief officer has determined, under paragraph (2), to be incompatible with his remaining a member of the force and either the member has not appealed against that decision under paragraph (3) or, subject to paragraph (5), on such appeal, the police authority has upheld that decision, then, the chief officer may, subject to the approval of the police authority, dispense with the services of that member; and before giving such approval, the police authority shall give the member concerned an opportunity to make representations and shall consider any representations so made.

8. Business interests: supplementary

- (1) For the purposes of regulation 7, a member of the police force or, as the case may be, a relative included in his family, shall have a business interest if:
- (a) the member holds any office or employment for hire or gain (otherwise than as a member of a police force) or carries on any business; or
 - (c) the member, his spouse or civil partner (in each case not being separated from him) or any relative included in his family living with him holds, or possesses a pecuniary interest in, any such licence or permit as is mentioned in paragraph (2);

and a reference to a relative included in a member's family shall include a reference to his spouse, parent, son, daughter, brother, sister, civil partner or any person living with the member as if they were his spouse or civil partner.

- (2) The licence or permit referred to in paragraph (1)(b) is 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 area of the police force in question.
- (3) If a member of a police force or a relative included in his family has a business interest within the meaning of regulation 7 and, on that interest being notified or disclosed as mentioned in regulation 7(1) or (1A), the chief officer, has, by written notice, required the member to furnish particulars of such changes in that interest, as respects of its nature, extent or otherwise, as may be mentioned in the notice then, in the event of any such change in that interest being proposed or occurring, regulation 7 shall have effect as though the changed interest were a newly proposed, or newly acquired, interest which has not been notified or disclosed as aforesaid.
- (4) In its application to a chief constable, deputy chief constable or assistant chief constable, regulation 7 and this regulation shall have effect as if:
 - (a) for any references therein to the chief officer there were substituted a reference to the police authority;
 - (b) for any reference in regulation 7(3), (5) or (6) to an appeal there were substituted a reference to a request for reconsideration; and
 - (c) the references in regulation 7(6) to the approval of the police authority were omitted;

but a police authority shall not dispense with the services of a chief constable, deputy chief constable or assistant chief constable under regulation 7 without giving him an opportunity of making representations and shall consider any representations so made.

- (5) In its application to a member of the metropolitan police force, regulation 7 and this regulation shall have effect as if for any reference to the chief officer there were substituted a reference to an assistant commissioner of police of the metropolis; except that nothing in this paragraph shall affect the power of the commissioner, subject to the approval of the police authority, to dispense with the services of a member of the metropolitan police force in pursuance of regulation 7(6).

NOTIFICATION OF A BUSINESS INTEREST / SECONDARY EMPLOYMENT OR VOLUNTARY WORK

Name.....
Staff Number..... Collar Number.....
Post /titleService Area/Dept.....

Nature of proposed Business Interest / Secondary Employment /Voluntary Work
.....
.....
.....
.....
Will you be self-employed? Yes* / No* (*Delete as appropriate)
Will you receive any additional income or payment? Yes*/No*
If yes, it is incumbent on you to inform HM Revenue & Customs
Details of any other approved Business Interests / Secondary Employment /Voluntary Work.....
.....
.....

Does the proposed Business Interest / Secondary Employment /Voluntary Work use a skill or qualification you have acquired during your career with the police service?
Yes * / No* (* Delete as appropriate)
If yes, please give details
.....
.....

.....
.....

Give full details of the work to be undertaken

.....
.....
.....
.....
.....
.....
.....
.....

Give full details of the days and hours that you intend to work on the Business Interest / Secondary Employment/ Voluntary Work

.....
.....

By undertaking the above, will the hours you work exceed 48 hours per week?

Yes*/No* * Delete as appropriate

(If your intended hours of work do exceed 48 hours per week, please complete the Opt out form in Appendix C).

Signed..... Date.....

NOTE – INDIVIDUAL MUST RECEIVE WRITTEN NOTIFICATION OF CHIEF OFFICER’S DECISION WITHIN 28 DAYS OF APPLICATION

Application form to be e-mailed to line manager for comment and recommendation, who will forward to Head of PSD. Comments and recommendation to be made by HR Adviser and Head of Service Area in turn and to DCC for final decision. HR to notify individual of final decision.

WORKING TIME REGULATIONS

APPENDIX C

INDIVIDUAL AGREEMENT TO DISAPPLY THE 48 HOUR AVERAGE WORKING WEEK

I confirm that I have read and understand the main provisions of the Working Time Regulations.

I note that the Regulations limit the working week (including overtime and voluntary or paid secondary employment) to a maximum average of 48 hours. I would like to make an individual agreement to disapply this limit.

Details of my additional hours of work are as follows:

.....
.....
.....
.....

Should I no longer wish to work in excess of 48 hours per week, I agree to give 3 months notice of my intention to cancel this agreement.

I understand that, whilst I am not required to exceed the 48 hour working week, I wish to do so.

Signed..... Date.....

(Print name).....

Service Area/Department.....

Collar/staff number

PLEASE RETAIN A COPY OF THIS AGREEMENT AND RETURN THE ORIGINAL TOGETHER WITH YOUR BUSINESS INTEREST APPLICATION IN ORDER THAT IT MAY BE PLACED ON YOUR PERSONAL FILE.

APPENDIX D

**LETTER – APPROVAL OF BUSINESS INTEREST / SECONDARY
EMPLOYMENT**

PERSONAL

Dear.....

**APPLICATION FOR APPROVAL OF BUSINESS INTEREST /
SECONDARY EMPLOYMENT/VOLUNTARY WORK**

I refer to your recent application to undertake a Business Interest /
Secondary Employment/ Voluntary Work, requesting permission
to.....

I can confirm that your application has been approved by
.....

I have enclosed a copy of the force's procedure on Business Interests /
Secondary Employment. You must ensure that you read this document and
that you fully understand the conditions that apply to the approval of this
Business Interest / Secondary Employment.

Where applicable – I note from your application that you have decided to opt
out of the Working Time Directive and you have signed an agreement to
confirm this.

Where applicable:

In addition the following conditions apply:

(Insert any additional conditions as determined by the Head of Service Area
/ DCC).

Please note that you must inform your Head of Service Area, via your line
manager, of any changes in the information supplied at time that you
originally applied for approval for this Business Interest / Secondary
Employment.

Should you have any queries in relation to the above, then please do not
hesitate to contact me.

Yours sincerely,
Human Resources Advisor

**LETTER – NON APPROVAL OF BUSINESS INTEREST / SECONDARY
EMPLOYMENT/ VOLUNTARY WORK**

PERSONAL

Dear.....

**APPLICATION FOR APPROVAL OF BUSINESS INTEREST /
SECONDARY EMPLOYMENT/VOLUNTARY WORK**

I refer to your request to undertake a Business Interest / Secondary
Employment/ Voluntary Work, dated.....Unfortunately, your
application to.....has not been approved. The reasons
for this are:

You have the right of appeal against this decision. Should you wish to
exercise this right then you must do so in writing to the Chief Executive of
the Police Authority (police officers) / Head of People Services (police staff)
within 10 days of receipt of this letter.

Yours sincerely,

Human Resources Advisor.

APPENDIX F

**REQUEST FOR CONTINUATION OF A BUSINESS INTEREST /
SECONDARY EMPLOYMENT/ VOLUNTARY WORK**

Name..... Employee Number.....Collar Number..... Post titleLocation.....
Nature of agreed Business Interest /Secondary Employment/Voluntary Work Details of any other approved applications
1. Do you wish for approval to be granted to continue your Business Interest / Secondary Employment/ Voluntary Work? Yes * / No* (* Delete as appropriate) 2. If yes , are there any changes to the conditions/circumstances as outlined in your initial application? Yes * / No* (* Delete as appropriate) 3. When did /will the changes occur?..... 4. If yes, please state details and e-mail to your line manager. Changes will be processed in the same way as new applications, i.e., form to be e-mailed to line manager in the first instance, and thereafter Head of PSD, HR Adviser, Head of Service Area and DCC for final decision. If no changes , or you no longer have the business interest/secondary employment/voluntary work, please return this form straight to your HR Adviser. Signed..... Date.....