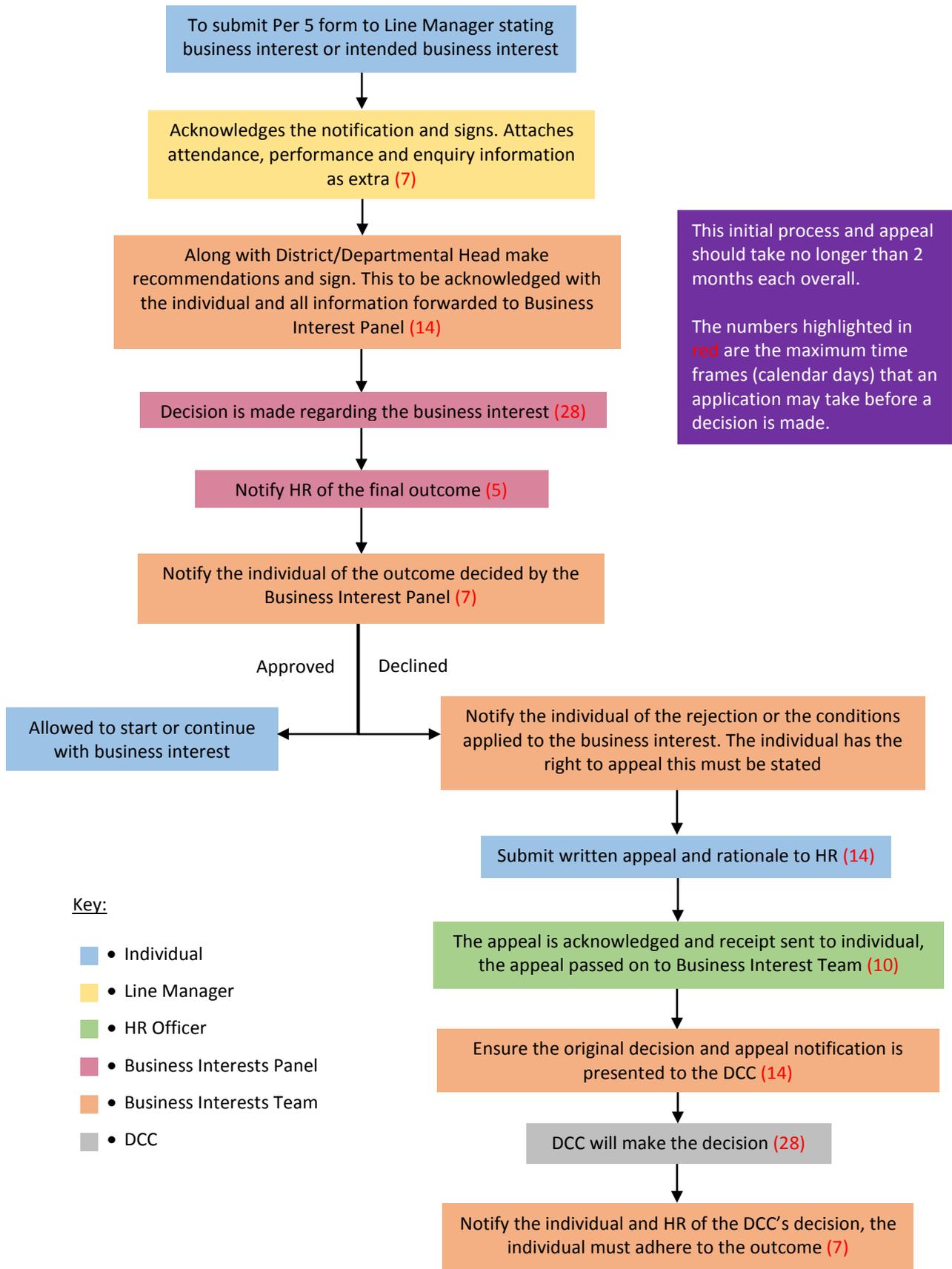


Business Interests and Voluntary Working

Contents

Flowchart - Notification and Appeals Process	2
Policy Statement	3
Principles	3
Notification.....	4
Decision	5
Appeal Process	6
Responsibilities.....	6
Individual	6
Other.....	6
Additional Information.....	8

Flowchart - Notification and Appeals Process



Policy Statement

Summary West Yorkshire Police (WYP) officers and staff who have or wish to pursue a business interest must ensure that it is compatible with their continued employment at WYP and will not affect the reputation and integrity of the Force, and themselves.

This policy covers the process on notifying when individuals have or wish to pursue a business interest and the considerations which will aid in determining if the interest is acceptable or not. Also what individuals must do when their interests change and the right of appeal if an interest is declined. There are variations between officers and staff.

Scope This policy applies to all police officers and police staff.

Principles

- General**
- A business interest for police officers and staff is to carry out another role within another organisation, paid or unpaid.
 - For warranted officers, this extends to relatives (those in the same household) with any business interests that could affect with the impartial discharge of duties or where members of the public may perceive it to be an interference must be notified to prevent any breach of the Code of Conduct set out in the Police (Conduct) Regulations 2003.
 - When considering if an individual can hold a business interest, the integrity of the Force will take precedence. There must be no adverse impact on the reputation of the individual or the Force.
 - Additional guidance must be sought if individuals are unsure if their activities constitute a business interest. Individuals must not become improperly obligated to any persons, group or organisation.
 - The Force does not attempt to preclude individuals from undertaking additional employment, but the additional employment must not:
 - Conflict with or react detrimentally to the Forces interests;
 - Weaken public confidence in the way the Force conducts business;
 - Affect the individuals or teams performance;
 - Take precedence over work duties as part of the WYP role; and
 - Conflict with the Police (Conduct) Regulations 2012 for officers.
 - Generally individuals will not be allowed to sell the skills or knowledge acquired through or at the expense of WYP to outside interests. It is inappropriate to use the contacts developed in Force at a private business interest.
 - If an individual holds a post within WYP as a result of their current rank or role, this does not need to be disclosed as a business interest or voluntary

work. This is as long as it is a result of the role they undertake, it's on behalf and will benefit other staff members and isn't for personal gain. Examples include being a secretary for the sports society, tea funds.

- It is not possible to produce a definitive list of specific occupations, interests or activities that may or may not be an acceptable business interest. Each notification must be considered separately and on its own risks and merits.
 - Police officers are prohibited from holding a licence or permit granted in pursuance of the law as stated by the Police Regulations 2003, Regulation 7, this related to:
 - Liquor licencing;
 - Refreshment houses;
 - Betting and gaming; or
 - Regulating places of entertainment.
 - It is important to take into account the contributing factors such as impartiality, equality and diversity, health and safety and wellbeing and other personal circumstances relating to the individual.
 - HR Officers will conduct annual reviews and all individuals must state if they still have a business interest or if there are change changes.
-

Notification

Principles

- For all business interests or intentions of pursuing a business interest, a notification must be completed and submitted to the Business Interests Team (BIT) in order to be considered by the Business Interests panel, via the Per 5 form.
- If you undertake new role and you hold or intend to hold a business interest you are not required to complete anymore forms.
- For new officers or members of staff, any business interest must be declared to ensure it's compatible for the role applied for. This will be considered before any application is accepted by the Business Interest Panel.
- Conditions may need to be attached to certain business interests before approval or during the life of the interest. They must be adhered to as they are imposed to protect the reputation of the Force and/or the individual. If an individual fails to comply with the conditions, disciplinary action may be required.
- If the individual disagrees with the conditions set, they may appeal the same as if the business interest was rejected. However until an appeal decision is made, the conditions must be adhered to in that time.
- Individuals must notify the BIT of any changes to business interests. Failure to notify of any changes may result in rescinding approval of the business interest. This also applies when on sick leave or suspended.
- Officers must notify the BIT if a relative has a new business interest, or a change to a current one, as it may interfere with the impartiality of the role.

Decision

Approved

- Individuals must keep a record of all the hours worked on their business interest and these should be made available if requested. Working hours must comply with the SI 1883/1998 Working Time Regulations 1998.
 - If an officer's role is driving, and other employment is also driving, the hours must not exceed the legal obligations and requirements for rest periods.
 - Police staff while working for the Force are except from the Road Transport (Working Time) (Amendment) Regulations 2007, but must meet the EC Drivers Hours Regulations if the business interest requires driving.
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Continuing an interest when on Sick Leave or Suspended

- Individuals must notify District or Departmental Heads if they wish to pursue an approved business interest when on sick leave. It must be done on the first day of sick leave and at any time there is a change. Non-disclosure may be a disciplinary offence.
 - District and Departmental Heads will approve continuing on sick leave if it's clear that the proposed activity would not impede recovery and the business interest is different from the role.
 - Further evaluation on sickness absence statistics and consideration may be given to review the business interest if individuals are on restrictive or recuperative duties. This is to ensure the continuing will not impact on the individual's ability to fully perform their role.
 - If District and Departmental Heads decline the continuation when on sick leave. Individuals must adhere to this decision and not pursue the interest.
 - If individuals wish to continue with a business interest or voluntary work when suspended, the Deputy Chief Constable (DCC) will make the decision.
 - If individuals wish to apply for a business interest or voluntary work when suspended, the same process must be followed in this policy as normal, submitting a notification.
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Declined and/or Undisclosed

- If a business interest is declined, individuals must cease or not start the interest.
- Police officer may have their services dispensed by the Chief Constable, and police staff be subject to disciplinary action if they:
 - Fails to disclose a business interest;
 - Fails to comply with the conditions attached;
 - Fails to cease the interest if declined; or
 - Start a declined interest.
- Officers will have the opportunity to make representations before the Chief Constable makes their decision, and staff members will follow the discipline procedure policy being involved in the required steps along with District or Departmental Heads.
- All officers and staff who have a declined business interest have the right of appeal.

Appeal Process

Principles

- All appeals must be sent in writing stating the grounds for the appeal to HR Officers who will acknowledge the appeal and forward it to the BIT who will forward the initial rationale to the DCC for a decision.
 - All individuals will be given written notification of the appeal decision once the DCC has considered it.
 - The DCC has the responsibility to be the appeal body for officers as the consent has been given by the Chief Constable under the Police Reform and Social Responsibility Act 2011, Section 41. This is also the same for staff members as the scheme of delegation post stage two transfer states the DCC. This excludes those under the direction and control of the PCC.
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Responsibilities

Individual

Individuals

Individuals are responsible for:

- Submitting a notification on the Per 5 form to Line Managers stating all the relevant details of the business interest;
 - Ensuring the request states the items required to be used for the business interest as the copyright and/or intellectual property of WYP and data records and other materials owned by the Force is not permitted to be used;
 - Completing an indemnity waiver form, waiving all rights to salary and other payments if as a result being absent from work, prior to playing a professional sport if this a business interest; and
 - Complying with legislation, licences, insurances, health and safety requirements, HM Revenue and Customs, and any other regulations in relation to the business interest, as any breach has the potential to bring the Force into disrepute and may lead to disciplinary proceedings.
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Other

Line Manager

Line Managers are responsible for:

- Recording that a notification has been made, attaching additional information regarding sickness absence over the last two years and any current performance or conduct issues; and
- Reviewing the business interest notification and making enquiries where appropriate to assess whether there is or will be an impact on the Force, forwarding all information to the BIT.

**Business
Interests Team
(BIT)**

The BIT are responsible for:

- Consulting with the District or Departmental Head, making any recommendations where necessary, forwarding all information to the Business Interests Panel; and
 - Informing the individual of the decision in writing that the Business Interests Panel has made, recording all information on the Centurion system and personal files;
-

HR Officer

HR Officers are responsible for:

- Ensuring that all appeal notifications have been forwarded onto the BIT when made by the individual; and
 - Conducting annual reviews of the approved business interests to ensure that all individuals are not in any breach of the guidelines stated in this policy.
-

**Business
Interests Panel**

The Business Interests Panel, who is chaired by the Deputy Head of the Professional Standards Department (PSD) and consists of members of PSD, the HR Department and the Vetting Unit, who are responsible for:

- Making the decision as to whether the business interest is appropriate to have or continue with, based on the criteria and considerations and the integrity of the Force.
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Additional Information

Compliance

This policy complies with the following legislation, policy and guidance:

- Police Reform and Social Responsibility Act 2011
 - Police (Conduct) Regulations 2012
 - Police (Amendment)(No 3) Regulations 2012
 - Police (Amendment)(No 2) Regulations 2006
 - Police Regulations 2003, Regulation 7
 - College of Policing – Code of Ethics
 - Health and Safety at Work Act 1974
 - SI 1883/1998 Working Time Regulations 1998
 - EC Drivers Hours Regulations
 - Police Staff Council Terms and Conditions and Agreements
 - Code of Conduct Police Staff Policy
 - ACPO Guidelines on the Management of Business Interests and Additional Occupations for Police Officers and Police Staff
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Supporting Information

The supporting information for this policy can be accessed via [this link](#).

Further Information

Further guidance in relation to this policy can be sought from:

- The Professional Standards Department Business Interests intranet page accessed via this [link](#)
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Policy Database Administration

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