



### Business Interests and Additional Occupations

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Policy No.	46

#### Approved by

Legal Services	
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JJNCC	✓ 14.06.16.

**Note:** By signing the above you are authorising the policy for publication and are accepting responsibility for the policy on behalf of the Chief Constables.

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**Note:** Please send the original Policy with both signatures on it to the Norfolk CPU for the audit trail.

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**Legal Basis**

*(Please list below the relevant legislation which is the legal basis for this policy). You must update this list with changes in legislation that are relevant to this policy and hyperlink directly to the legislation.*

**Legislation specific to the subject of this policy document**

<b>Section</b>	<b>Act (title and year)</b>
	European Working Time Regulations 1998
	Police Regulations 2003 (Regulations 7, 8 & 9)

**Other legislation which you must check this document against (required by law)**

<b>Act (title and year)</b>
Human Rights Act 1998 (in particular A.14 – Prohibition of discrimination)
Equality Act 2010
Crime and Disorder Act
H&S legislation
Data Protection Act 1998
Freedom Of Information Act 2000

**Other related Documents:**

- ACPO Guidance on the Management of Business Interests and Additional Occupations for Police Officers and Police staff – July 2012.
- Home Office Circular 002/2007 (Amendments to 2003 Regulations).
- Police Staff Council, Joint Circular No. 86 – March 2016
- NPIA Circular 01/2011 – Special Constables: Eligibility for Recruitment – March 2011

- College of Policing Code of Ethics
- Norfolk and Suffolk Constabularies' Standards of Professional Behaviour

## 1 Introduction

1.1 The aim of this policy is to:

- Provide a structured and consistent approach to dealing with requests for approval for business interests or additional occupations and improve parity of decision making and processes between Police Officers, Police Staff, Police Volunteers, Special Constabulary Officers and zero hours contract employees.
- Ensure that any approved business interests or additional occupations do not conflict with the work of a Police Officers, Police Staff, Police Volunteers, Special Constabulary Officers and zero hours contract employees and their ability to not only discharge their duties impartially, but to be seen to be doing so by the community.
- Ensure the maintenance of the professional image and integrity of the Police Service, the health, safety and welfare of Police Officers, Police Staff, Police Volunteers, Special Constabulary Officers and zero hours contract employees and compliance with the Working Time Regulations.

1.2 This policy applies to:

- Police Officers,
- Police Staff (including Police Community Support Officers),
- Police Volunteers\*,
- Special Constabulary Officers\*, and
- Zero hours contract employees.

**Please Note:** For ease of reference, from here on in, these roles will be referred to collectively as 'employees'.

1.3 Whilst the policy is owned by the Head of Professional Standards (PSD), every member of both the Constabularies has a responsibility to ensure compliance with the policy.

*\*Police Volunteers and Special Constabulary Officers must declare their primary occupation at the application stage of the recruitment process. Any changes to the primary occupation or business interest must be notified in line with this procedure.*

## 2 Declaring Business Interests and/or Additional Occupations

2.1 As part of its acknowledgement of the right to respect for private and family life afforded by Article 8 of the European Convention of Human Rights Act 1998, applications from employees to pursue additional employment or a business interest will be considered.

### Police Officers

- 2.2 The Police Regulations 2006 impose restrictions on the private lives of Police Officers. Both Norfolk and Suffolk Constabularies recognise that although it is important that certain restrictions are imposed on the private lives of Police Officers to ensure the efficient, legal and ethical provision of policing services, they must be applied sensibly and flexibly in all cases.
- 2.3 Requests for Police Officers to pursue a paid or unpaid business interest or additional occupation will be considered against conditions laid down in Police [Regulations 7](#) and [8](#) and the [Home Office Circular – 002/2007 Regulations 2 and 3](#). Police Officers should note that the duty to notify a relative's business interest is set out in the regulations.

### Police Staff

- 2.4 Members of Police Staff within certain areas or departments can occasionally be placed in a position where, within the normal scope of their duties, they may be faced with the problem of making official, professional decisions about matters in which they have an involvement. Such members of staff will not involve themselves in any business interest or additional occupation in which they could have a personal interest and which could otherwise conflict with their normal duties.
- 2.5 A member of Police Staff's off-duty hours are their own personal concern. However, a member of Police Staff should not compromise their duty when carrying out a private interest, either by breaching the EWTD or by putting themselves in a position where there is a conflict of interest.

### Special Constables

- 2.6 NPIA Circular 01/2011 imposes restrictions of the eligibility for recruitment for Special Constables (<http://recruit.college.police.uk/Special/Documents/npia-01-20112835.pdf>) Employees in certain occupations are ineligible to be appointed as Special Constables due to legislation. In the case of certain other occupations, employers have stated that they consider it to be inappropriate for their employees to become Special Constables, for example because they perform public facing uniformed roles. When considering a Business Interest application, Professional Standards will have due regard of these restrictions both at the point of recruitment and during service should there be change in the circumstances of a Special Constable.

### New Applicants to either Constabulary

- 2.7 New applicants are required to declare any existing business interest that they may intend to continue should they be appointed. Applicants will not be eligible for appointment if they intend to maintain a business interest that is not compatible with being a member of either Constabulary. If an applicant's existing business interest/additional occupation is deemed incompatible, then either the applicant will be required to cease their involvement with that business interest/occupation or their application will be rejected. There is no right of appeal for new applicants.

### 3 Notification of Business Interests and/or Additional Occupations

3.1 All employees are required to obtain approval for any business interest or additional occupation they may have, (financial, non-financial or voluntary), which is outside of their normal employment, and;

- Involves the provision of any service to the Police and Crime Commissioners (PCCs), paid or unpaid, by way of contract; or
- May give rise to a conflict of interest; or
- May infringe [Working Time Regulations](#)
- Which falls into one or more of the categories outlined in Appendix 1 or;
  - If you hold or intend to hold any office or occupation; paid, unpaid or voluntary (e.g. political office, formal election agent, director, school governor, reserve forces, parish councillor) or carry on any business (other than as a Police officer/Police staff) or
  - If you, your spouse, partner or civil partner (in each case not being separated from you) or any relative included in your family living with you, hold or intend to hold or possess a pecuniary interest in a licence or permit granted in pursuance of the law relating to liquor licensing, refreshment houses or betting & gaming or regulating places of entertainment in the area of the police force in question or
  - A situation when someone has competing professional or personal obligations or personal or financial interests that would make it difficult to fulfil his/her duties fairly.
  - A situation in which a person has private or personal interest sufficient to appear to influence the objective exercise of his or her official duties as, say a public official, an employee or professional.

3.2 If an individual is unsure whether they are required to make an application for their proposed business interest or additional occupation, [Flowchart 1](#) should be consulted or advice should be sought from the Professional Standards Department. Business interests or additional occupations should not be undertaken prior to approval of the application.

### 4 Applications

4.1 Applications for business interest or additional occupation should be submitted using the Form PSD10, which can be found on the Professional Standards Department intranet site.

4.2 Please note that if there is a particular deadline/time constraint for an applicant to undertake a Business Interest, this should be made clear on the PSD10/a and PSD will prioritise assessment of the application which will be fast tracked to meet the deadline.

4.3 All applications will be initially assessed by the Senior Complaints, Appeals and Policy Manager (SCAPM), PSD and rated as low, medium or high risk.

4.4 If an application is assessed as being a medium or high risk to the organisation, the SCAPM will request for the applicant to complete a form PSD10a.

## 5 Refusal of Permission

5.1 If the application is refused, the individual will be sent a letter from the Head of PSD within 14 days of PSD receiving the completed application. The letter will detail the reason(s) for the refusal. Please note that even if an applicant has lodged an appeal, the applicant must not undertake the Business Interest during this time, whilst a determination is being considered.

## 6 Appeals against Refusal of Permission or Conditional Approval

6.1 Should the applicant wish to appeal against a refusal or conditions, a written notice of appeal must be submitted as per;

- Police Officers (including Special Officers) – [Flowchart 4](#)
- Police Staff (including volunteers and zero hours contract employees) – [Flowchart 5](#)

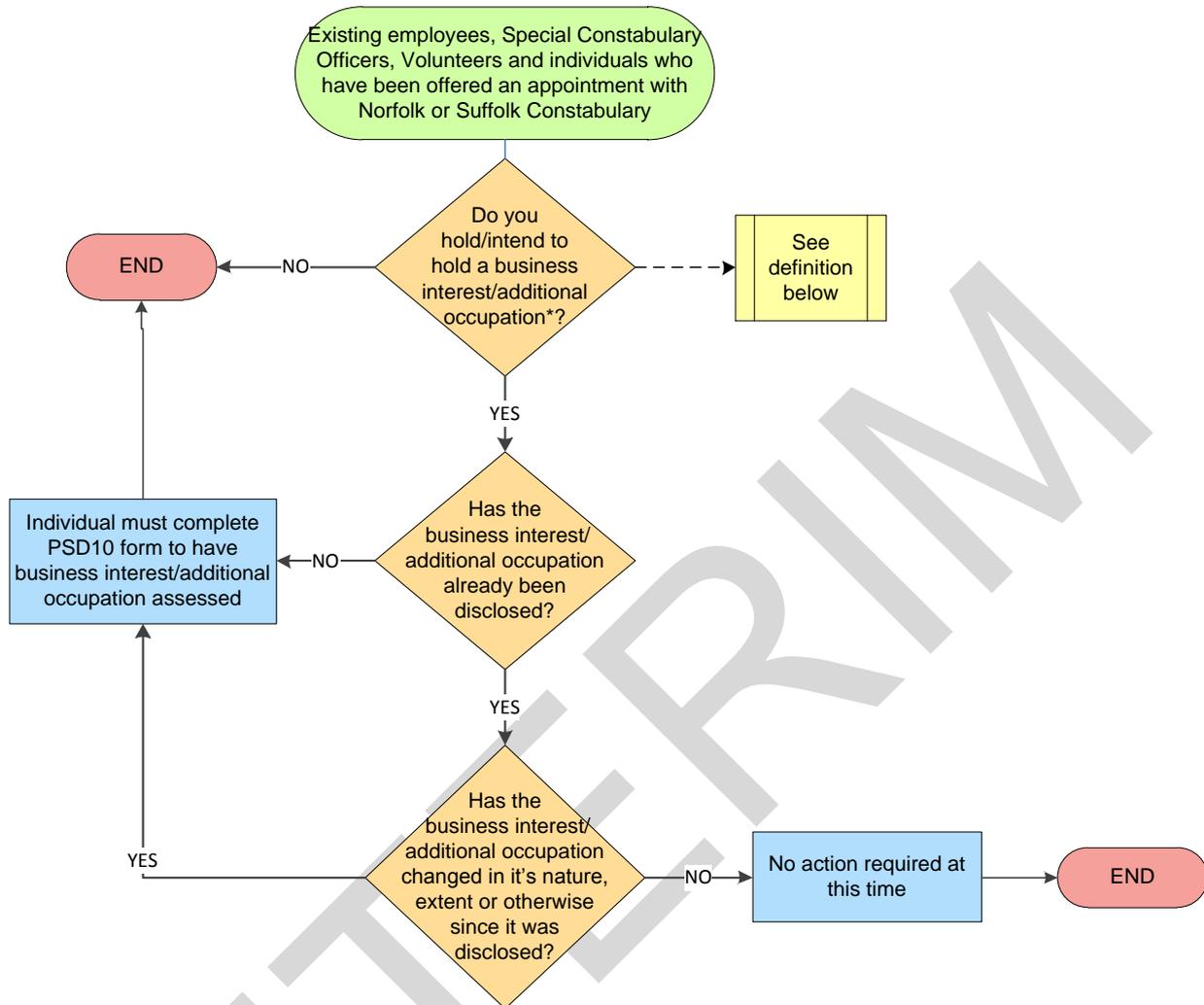
### Lodging an Appeal

6.2 Applicants must submit a written notice of an appeal to reach the Chief Constable within 5 days of being notified of the decision not to authorise an application. Appeals received outside of this period will be accepted only at the discretion of the CC. A notice of appeal should state briefly the reason for the appeal.

### Representation

6.3 At all stages of the appeal process, the applicant may be represented by a police friend or a UNISON representative.

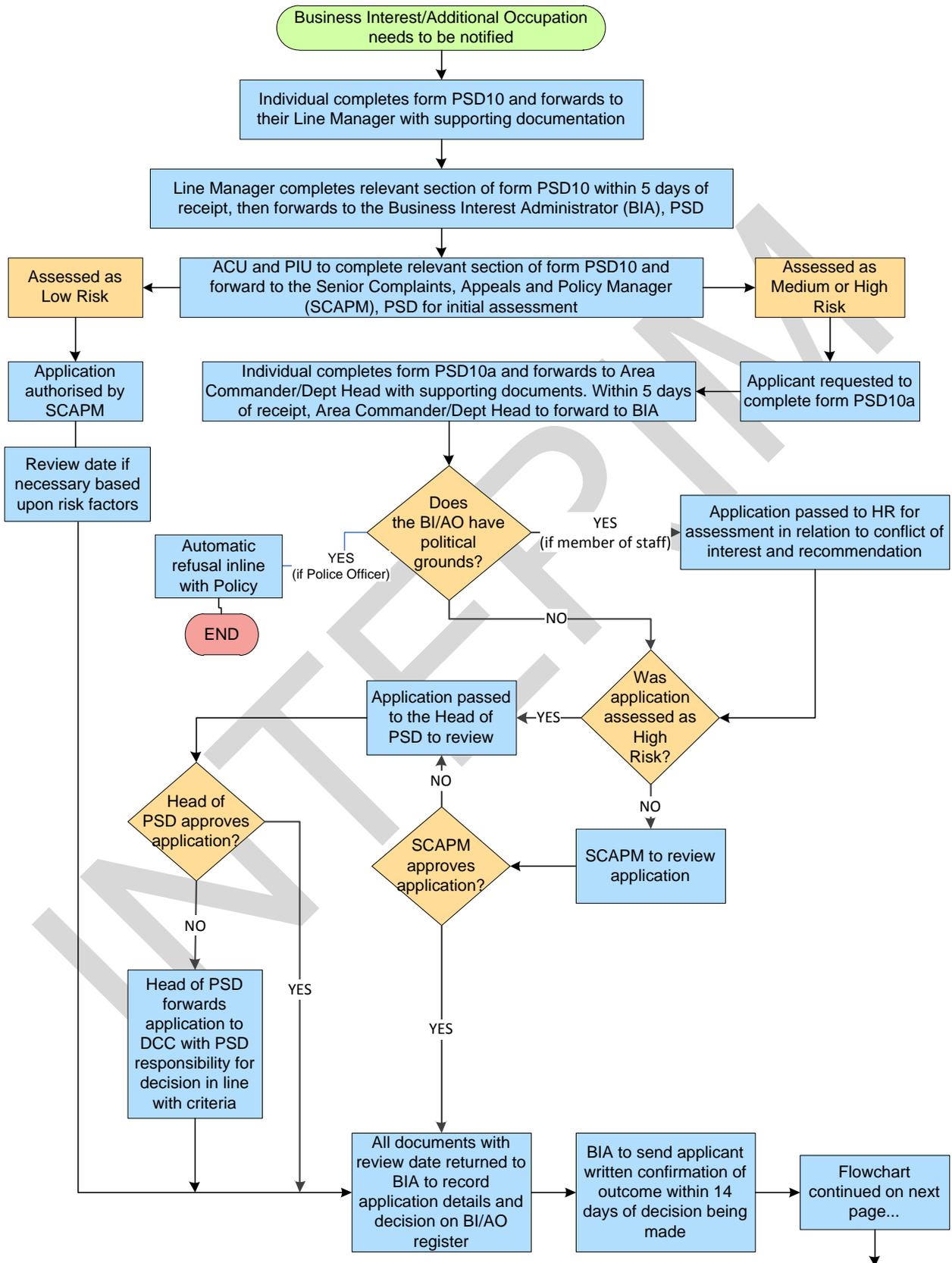
**7 Flowchart 1 – Determining whether a Business Interest or Additional Occupation is notifiable**



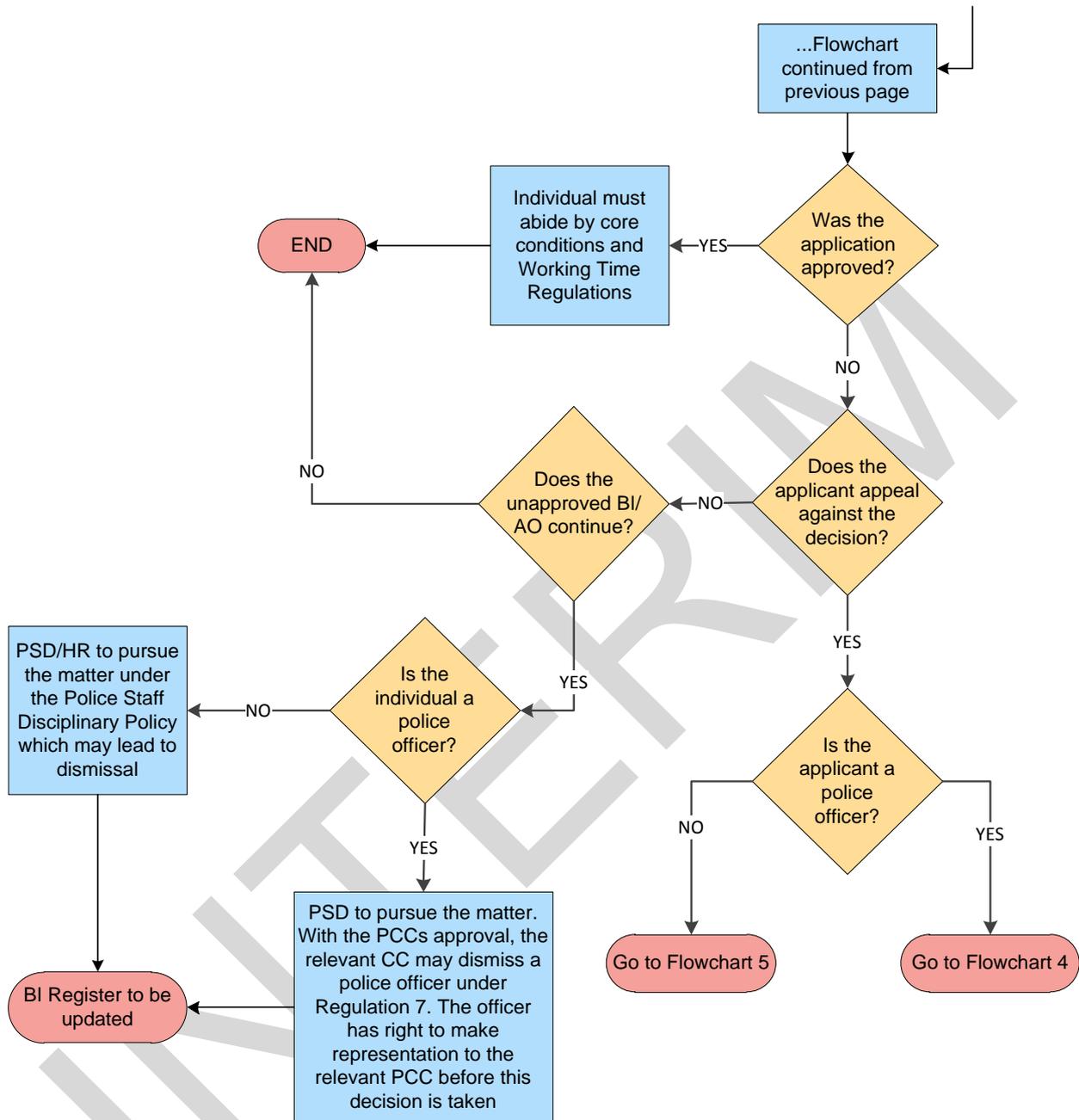
\*A Business interest/Additional occupation (or conflict of interest in a work environment) can be defined as;

- Outside their employment as a Norfolk or Suffolk Constabulary employee, Special Constabulary Officer or volunteer, the individual holds or intends to hold any office or occupation; paid, unpaid or voluntary (e.g. political office, formal election agent, director, school governor, Reserve Forces, parish councillor) or carry on any business (other than as an employee of Norfolk or Suffolk Constabulary); or
- The Norfolk or Suffolk Constabulary employee, Special Constabulary Officer, his/her spouse, partner or civil partner (in each case not being separated from him/her) or any relative included in his/her family living with the officer/staff member, hold or intend to hold a pecuniary interest in a licence or permit granted in pursuance of the law relating to liquor licensing, refreshment houses or betting or gaming or regulating places of entertainment in the area of the police force in question.
- A situation when someone, has competing professional or personal obligations or personal or financial interests that would make it difficult to fulfil his/her duties fairly.
- A situation in which a person has private or personal interest sufficient to appear to influence the objective exercise of his or her official duties as, say a public official, an employee or professional.

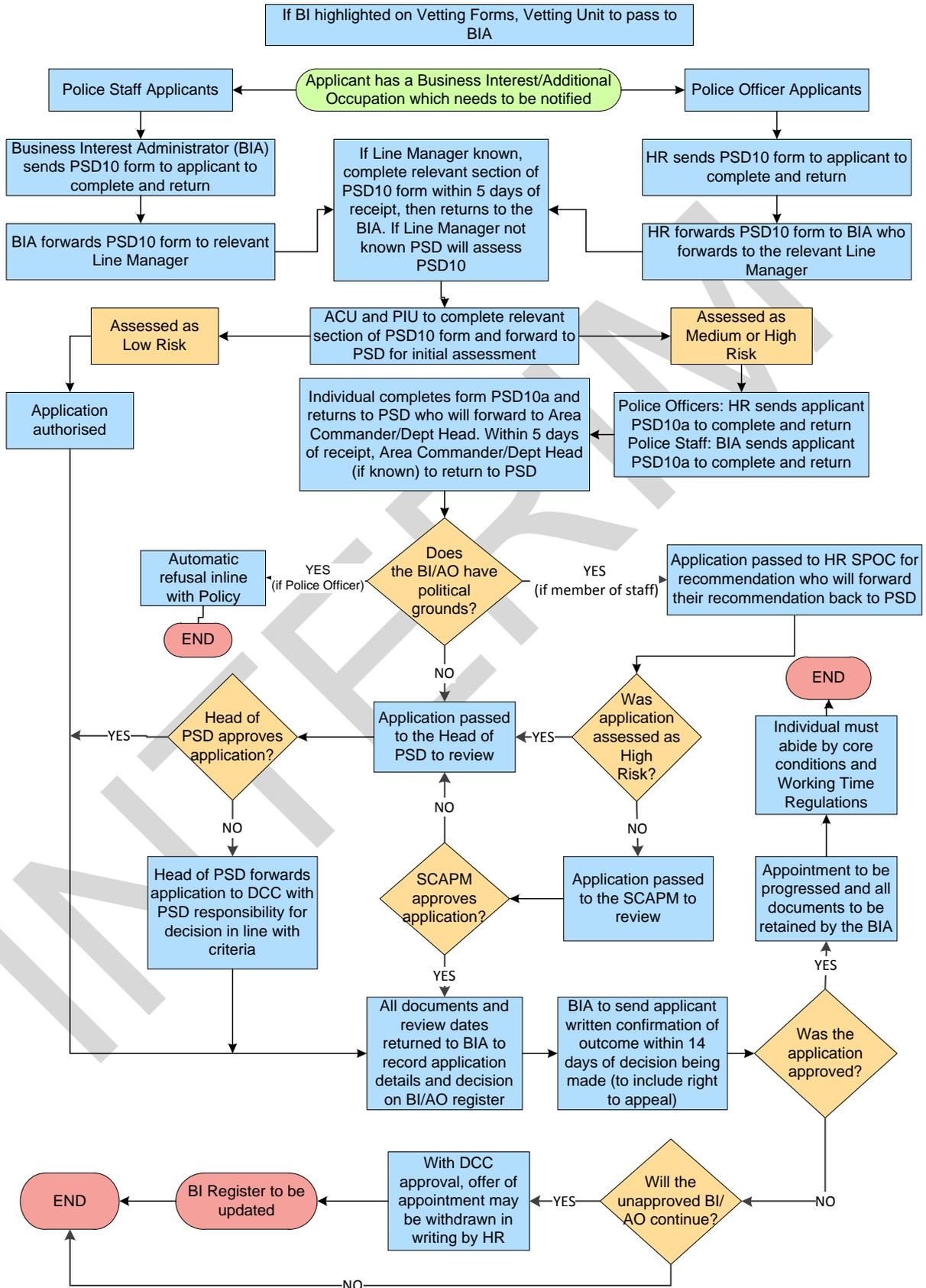
### 8 Flowchart 2 – Applying for Approval for a Business Interest or Additional Occupation (Existing Staff)



Flowchart 2 continued...



### 9 Flowchart 3 – Applicants for Norfolk or Suffolk Constabulary Police officer/staff roles



## 10 Guidance on Considering Business Interest or Additional Occupation

<p><b>Core Authorisation Conditions</b></p>	<p>A copy of these authorisation conditions will be sent to the individual by the Business Interest Administrator together with confirmation of approval of an application.</p> <p>Police Officers, Police Staff, Police Volunteers, Special Constabulary Officers and zero hours contract employees:</p> <ul style="list-style-type: none"> <li>• Total hours involved to comply with Working Time Regulations (WTR).</li> <li>• No activity to be conducted during duty time, on police premises or on either Constabulary's communication systems.</li> <li>• No police information or systems to be used to support the activity.</li> <li>• The activity to be conducted in such a way as not to give the impression of affecting the member of staff's impartiality or bring the service into disrepute.</li> <li>• Not to use his or her position as a police employee to resolve any criminal or civil disputes.</li> <li>• Must not appear at the business interest or additional occupation in police/staff uniform.</li> <li>• Landlords must cooperate with the police, local authority and any other statutory bodies in the investigation of complaints of anti-social behaviour or criminal conduct against their tenants and must report any alleged criminal conduct and any criminal or civil proceedings taken against them or their tenants as the result of such conduct.</li> <li>• Must not rent accommodation to a member of staff who is in the same line management structure.</li> <li>• Must not use his or her position to attract trade/customers, etc.</li> <li>• When marketing a product or service, must say nothing which implies or infers that it has the support of the relevant Chief Constable of Norfolk or Suffolk Constabularies or the police service in general.</li> <li>• If advertisements are placed nationally or locally, must not make reference that the advertiser is a Police Officer, Police Staff, Police Volunteer or a member of their family. Contact details must not include any telephone numbers or addresses that relate to police premises, unless in police-provided accommodation, nor to any mobile telephones provided for police use.</li> <li>• Must not, whilst on duty, send or receive any communications, written or oral or use the constabularies' internets, Notice Board/Social Events or e-mail facilities in relation to the activity.</li> <li>• Will be responsible for statutory notices/payment of taxation/personal insurance/personal liability, etc. and no liability will be accepted by Norfolk or Suffolk Constabularies.</li> <li>• Must conduct the activity only during off-duty time – no special consideration will be given to rearranging duties. Police officers must be available for recall to duty if this were deemed necessary.</li> <li>• Pursuing the activity must not affect the individual's ability to perform their police role, including compliance with the working time regulations.</li> <li>• Must ensure that the activity complies with all relevant legislation – Norfolk and Suffolk Constabularies accept no liability for failure to comply with such legislation.</li> <li>• Must notify any change in circumstances relating to the activity.</li> <li>• If on sickness absence or recuperative duties, must not pursue the activity if it is likely to impede the individual's recovery and a return to</li> </ul>
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	<p>full duties.</p> <p>Other conditions maybe added depending on the nature of the BI application. A breach of any of the conditions may amount to misconduct and result in the authorisation being withdrawn.</p>
<b>Key Principles</b>	<p>Each case will be considered on its own merits; however there are a number of factors that may be considered in reaching a decision, as to whether the business interest or additional occupation may be compatible. The following criteria will be considered:</p> <ul style="list-style-type: none"> <li>• <b>Impartiality – predicted, expected or evidenced</b></li> <li>• <b>Impact on the Force – potential and perceptions</b></li> <li>• <b>Current performance of the individual applying for business interest or additional occupation</b></li> <li>• <b>Proportionality – in relation to seniority and role</b></li> <li>• <b>Equality &amp; Diversity</b></li> <li>• <b>Health, Safety and Well-being.</b></li> </ul> <p>Please note that if there is a particular deadline/time constraint for an applicant to undertake a Business Interest, this should be made clear on the PSD 10/a and PSD will prioritise assessment of the application which will be fast tracked.</p> <p>These 6 key areas are broken into specific impact factors.</p> <p><b>Impartiality</b> – relates to the risk of the business interest or additional occupation interfering with an individual’s ability to impartially discharge his or her duties or the extent to which the public would be likely to perceive or form an impression that it would so interfere.</p> <ul style="list-style-type: none"> <li>• Whether the activity is one regulated by the police or where the police are involved in enforcement or licensing.</li> <li>• Whether the activity is an extension of a member of staff’s duty or the extent to which the training, skills and experience provided by the constabularies are to be relied on. For example; working in private security.</li> <li>• Whether the fact of being a member of staff of the constabularies is a relevant consideration. For example; where the office of constable or being a member of Police Staff could be used to promote the activity or a product of the activity or would allow other organisations to do so.</li> <li>• Whether an individual’s fairness or impartiality in their dealings with the public or colleagues might be compromised.</li> <li>• Whether there is a likelihood of the activity interfering with the member of staff’s attendance for rostered duties.</li> <li>• The potential to use for personal benefit; duty time, equipment, information or intellectual copyright.</li> </ul> <p><b>Impact on the Force</b> – relates to the risk of the business interest or additional occupation discrediting the constabularies or undermining confidence in the police service.</p> <ul style="list-style-type: none"> <li>• The nature of the business interest or additional occupation – how reputable it is in its own right, in the eyes of the public and in association with the Police Service.</li> <li>• Whether the activity could lead to the public losing confidence in the</li> </ul>

honesty and integrity of the member of staff, either Force or the Police Service.

- Where the activity could lead to a member of staff being improperly beholden to any person, organisation or institution.
- Whether the activity could lead to conflicting contractual commitments to a third party, e.g. providing advice to a training company which is then contracted to work for either Force.

**Current Performance** – this relates to the risk for a reduction in performance of the individual coupled with evidence as to the individual's current suitability through performance monitoring.

**Attendance**

- Whether the member of staff's attendance record is within the current target set by the Constabularies and is in accordance with the standards set within the joint Sickness Management Policy.
- When an individual is absent from work on sick leave or returns to work on restricted or recuperative duties, consideration should be given to suspending approval of the business interest, providing the medical issue is related to the business interest or additional occupation so as to make it relevant.
- If a Force considers the Business Interest activity to have impacted on an individual's performance or sickness levels, consideration should be given to a full review of the activity.

**Misconduct**

- Consultation with Forces Professional Standards Department (PSD) or HR (for Police Staff Misconduct Procedures) 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 or additional occupation. If it is considered that the misconduct relates directly to the business interest or additional occupation, approval may be modified or withdrawn.

**Performance**

- Where an individual is subject to Police Performance Procedures or Managing Performance Procedures for Police Staff, current approved or new applications for business interest or additional occupation should be reviewed by the Head of PSD for its continuance. Each application/review should be considered against the key principles and if applicable, the business interest/additional occupation be withdrawn pending the outcome of the managing performance/misconduct procedures.

**Proportionality in relation to Seniority and Role**

Relates to the requirements to take account of the seniority, role and nature of the duties of the employee. For example, it would be sensible to reflect on the nature of the work carried out by the member, the different employment status of Police Officers, Police Staff, and the public impact of their proposed business interest or additional occupation prior to making a decision.

**Equality and Diversity**

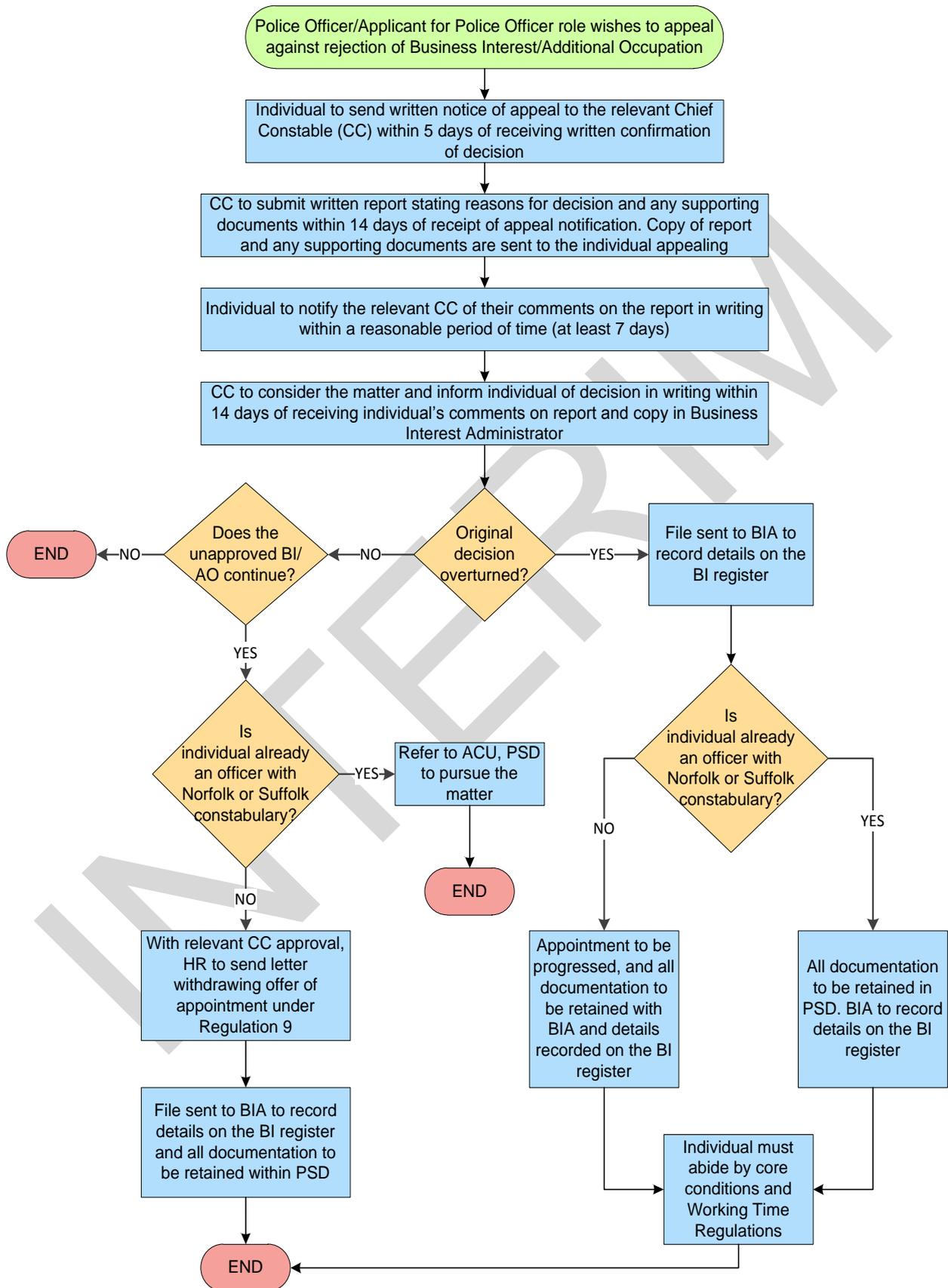
Decisions on business interests or additional occupations must take full cognisance of equality and diversity considerations. All decisions must be justified by reference to relevant equality legislation and the duty on Forces under the Equality Act 2010 to actively promote equality.

	<p><b>Health, Safety and Well-being</b> – this relates to the duty of care to the member of staff.</p> <ul style="list-style-type: none"> <li>• The risk of injury or increased stress and fatigue which could impact on the member of staff's ability to perform duties to a satisfactory standard.</li> <li>• It is essential that the Force's monitor the total number of hours a member 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 member concerned or his or her ability to work safely, either as an individual or part of a team.</li> </ul> <p><b>Number of hours worked</b> – this is related directly to EWTR</p> <ul style="list-style-type: none"> <li>• The number of hours, times of day, frequency and overall commitment required by the activity. Consideration will be given to the need to comply with European Working Time Regulations and Working Time Regulations. Please note that this also applies to Special Constables.</li> </ul>
<p><b>Criteria for considering Business Interest or Additional Occupation</b></p>	<p>When considering whether a business interest or additional occupation is compatible with the role of the employee, the following criteria will be considered:</p> <ul style="list-style-type: none"> <li>• Is there reason to object to the application on the grounds of ethics or integrity?</li> <li>• Is the activity likely to interfere with the individual's impartiality in undertaking their role? In particular, is the activity regulated by the police or is it an activity in which the police are involved in enforcement or licensing?</li> <li>• Is the activity incompatible with the image, dignity and status of the individual's role or would it give such an impression? Would it compromise either the individual or Norfolk or Suffolk Constabularies?</li> <li>• Will it have an effect on the individual's energy or health, for example, are there any health and safety and/or duty of care issues?</li> <li>• Is the activity dangerous? Is it likely to cause unnecessary stress to the individual, for example, does it involve working unregulated or excessive hours?</li> <li>• Is the individual's role to be used to advantage the activity? In particular, is the activity one where police involvement would be particularly useful to a company?</li> <li>• Does the activity involve investigations for other than a police purpose?</li> <li>• Does the activity mirror police activity, for example, close protection, surveillance, security, etc.?</li> <li>• Is the activity connected with the lending of money or recovery of debts?</li> <li>• If the individual is in a frontline role, would the activity conflict with the individual's primary duty in an emergency, for example, retained firefighter?</li> <li>• Does the nature of the activity involve the individual appearing before a court or tribunal in his/her own Force?</li> <li>• Does the nature of the activity involve being active in politics, for example, councillor, agent to prospective candidate, canvassers, etc?</li> </ul> <p><b>Appendix 1</b> to this policy provides more specific guidance on those</p>
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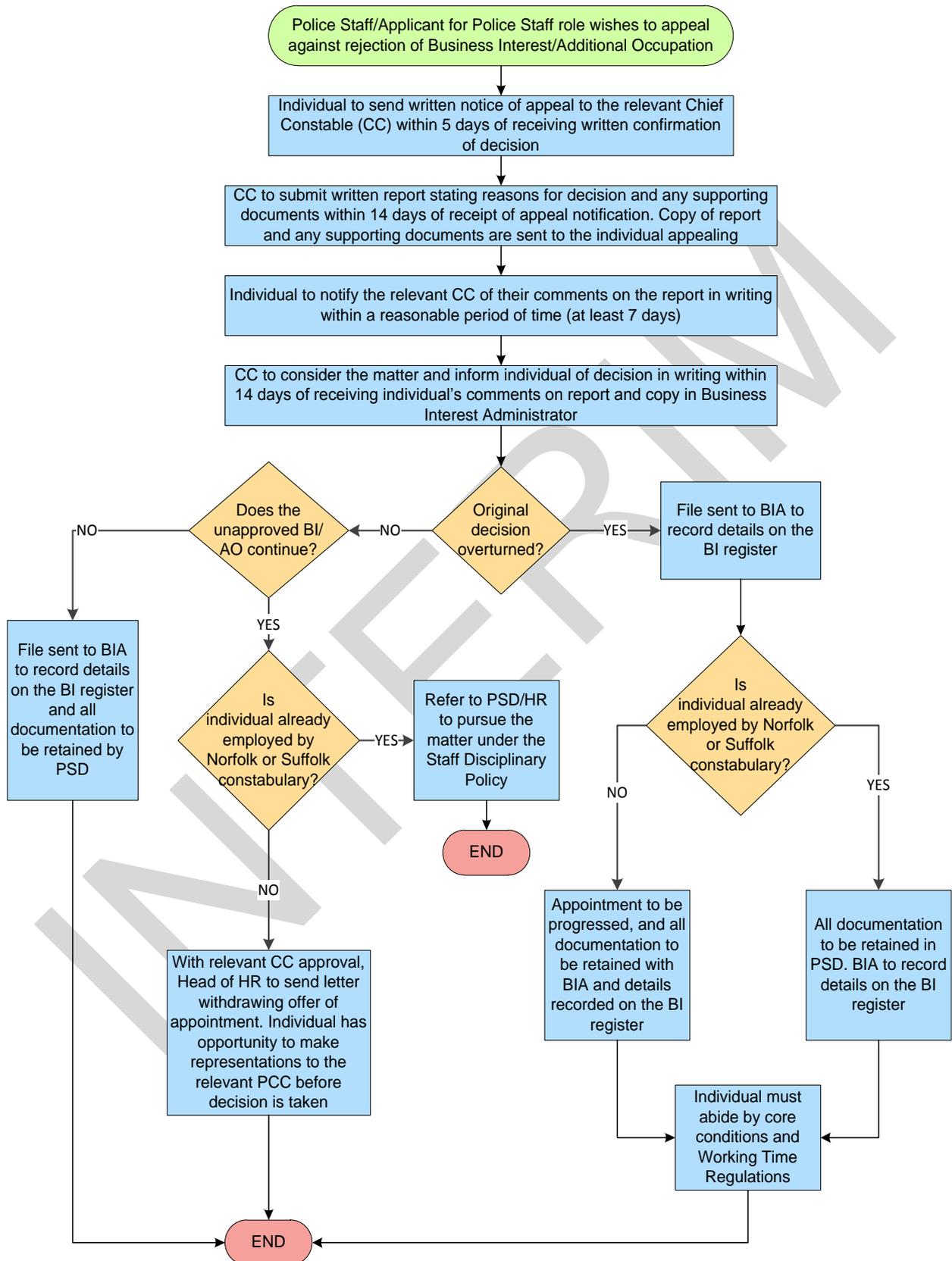
	<p>business interests or additional occupations which are likely to be incompatible with the interests of the Police service and which will have a high probability of raising questions as to the ability of that member of the Force to discharge duties with impartiality and the standard of integrity expected. This list is by no means exhaustive. The fact that an activity for which approval is sought is on this list may not in itself justify rejection without full consideration of the risk and impact factors. Equally, the absence of any proposed interest or occupation from this policy should not give rise to an assumption of reasonableness. These are examples only and do not exclude others decided relevant to any particular circumstances.</p>
<b>Advertising Business Interests on Police Systems</b>	<p>It is the applicant's responsibility to ensure that they hold a fully approved Business Interest prior to advertising their interest on either Norfolk or Suffolk Constabularies Police Systems (For Sale Board/Noticeboard). Excessive use is wholly unacceptable and advertisements should only be administered in an applicant's own time (meal breaks). Excessive use will be pursued by PSD/HR as necessary under the Acceptable Use Policy.</p>
<b>Political Posts &amp; Activities</b>	<p>Joint Circular No. 86 – Provides guidance on the role which police staff, can play in the elections 5 May and 23 June 2016.</p> <p>Individual police staff can play a role in the elections for:</p> <ul style="list-style-type: none"> <li>• Police and Crime Commissioners;</li> <li>• Local Government;</li> <li>• Mayors for London, Bristol, Liverpool and Salford</li> <li>• National Assembly for Wales;</li> <li>• European Referendum</li> </ul> <p>Staff will not be prohibited from campaigning for, or supporting particular candidates in these elections. However, members of Norfolk and Suffolk Constabularies shall at all times abstain from any activity which is likely to interfere with the impartial discharge of their duties or which is likely to give rise to the impression amongst members of the public that it may so interfere. This is not extended to political activity in the member of staff's own free time, unless an individual holds a post which is classed as 'politically restricted'. Details of a politically restricted post will be detailed within the forthcoming Politically Restricted Post Policy.</p> <p>For those posts that are classed as 'politically restricted'; there is a requirement for, and responsibility on, members of police staff who are interested in taking on a political position in any capacity to seek advice from PSD/HR in the first instance who will advise on the application process to be followed. Applications will be judged on their own merits.</p> <p>Whilst police staff are free to be members of political parties and to be active in those parties as private citizens, PSC circular 39 endorses the restriction on and disciplinary consequences of any member of Norfolk or Suffolk Constabularies being a member of any of the following organisations;</p> <ul style="list-style-type: none"> <li>• The British National Party (BNP)</li> <li>• Combat 18</li> <li>• National Front (NF)</li> <li>• English Defence league</li> </ul>

	<p>Additional organisations may be added to this list if they are similar in nature or operation to those above.</p> <p>All police officer posts are classed as politically restricted.</p>
<b>Working Time Regulations</b>	<p>There should be compliance with the European Working Time Regulations (EWTR) ensuring that any individual undertaking a business interest or additional occupation has regard to the total number of working hours permitted within a week over a specified reference period (48 hours in an 'average' working week (as per the 48 hour rule), including daily rest periods of 11 hours, and weekly rest periods of 24 hours). This will reflect the Health &amp; Safety of the member of staff concerned together with others in the workplace. This also applies to Special Constables.</p> <p>Where hours worked through a business interest or additional occupation would potentially exceed the number of hours identified by the EWTR, the individual should sign an opt out/waiver agreement. The signing of such an agreement is voluntary, however if the individual refuses to sign the potential impact of the Regulations and associated risks to the Police service and individual will need to be considered when determining whether the business interest or additional occupation is compatible.</p> <p>Individuals are responsible for keeping records of hours worked and these records must be made available if requested.</p>
<b>Reviews</b>	<p>Most authorised activities will be reviewed annually or bi annually, according to the risk to the organizations and to ensure compliance with the policy. High risk activities may be reviewed within a shorter time frame as determined by the SCAMP or HPSD. This process will be administered by the Business Interest Administrator.</p>
<b>Change of Circumstances</b>	<p>It is the responsibility of the employee to ensure that any changes to their business interest or additional occupation are notified immediately using the PSD10 form. This is of particular importance in relation to Special Constables who should take due regard of NPIA Circular 01/2011 in relation to eligibility for recruitment and continued service.</p> <p>Failure to notify changes will result in the approval for the business interest or additional occupation being automatically withdrawn and the employee would be required to submit a new application.</p>

### Flowchart 4 – Appeals against Rejection of Business Interest or Additional Occupation (Police Officers)



### 11 Flowchart 5 – Appeals against Rejection of Business Interest or Additional Occupation (Police Staff)



## 12 Roles and Responsibilities

<p><b>All staff</b></p>	<ul style="list-style-type: none"> <li>• You must give written notification using form PSD10 or PSD10a as appropriate; <ul style="list-style-type: none"> <li>▪ If you hold or intend to hold any office or occupation; paid, unpaid or voluntary (e.g. political office, election agent or canvassing, director, school governor, Reserve Forces, parish councillor) or carry on any business (other than as a Police officer/Police staff).</li> <li>▪ If you, or (in the case of Liquor Licensing, Refreshment Houses, Betting &amp; Gaming or regulating places of entertainment) your spouse, partner, civil partner, parent or relative living with you holds or intends to hold or possesses a pecuniary interest in a licence or permit.</li> <li>▪ If there is a situation when someone has competing professional or personal obligations or personal or financial interests that would make it difficult to fulfil his/her duties fairly.</li> <li>▪ A situation in which a person has private or personal interest sufficient to appear to influence the objective exercises of his or her official duties as, say a public official, an employee or professional.</li> </ul> </li> <li>• Comply with the conditions of the Business Interest/Additional occupation.</li> <li>• You are responsible for compliance with the European Working Time Regulations.</li> <li>• You have a duty to take reasonable care for the health &amp; safety of yourself and other persons who may be affected by your acts or omissions.</li> <li>• You must give notification if an existing approved business interest or additional occupation has changed in its nature, extent or otherwise since it was approved.</li> <li>• Failure to notify and gain approval for a business interest or additional occupation, and/or failure to comply with a final decision in relation to carrying out such interests, could result in disciplinary/misconduct procedures being instigated against you.</li> <li>• Where the individual wishes to appeal against a decision, they must: <ul style="list-style-type: none"> <li>▪ Submit a written notice of appeal to the relevant Chief Constable within ten days of being notified of the decision.</li> </ul> </li> <li>• Respond to requests for annual reviews from Business Interest administrator.</li> <li>• Responsible for engaging with line manager at an early stage to discuss the proposed Business Interest/Additional Occupation.</li> </ul>
<p><b>Police Officers</b></p>	<p>The Police Regulations 2003 and Police (Amendment) (No.2) Regulations 2006 require serving Police Officers to notify their Chief Officer, in writing, of additional occupations and/or business interests they have or propose to have, unless that additional occupation or business interest has previously been disclosed.</p>

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	The Regulations also require Police Officers to notify the Chief Officer in writing if their spouse, partner, civil partner, parent or relative living with them holds or possesses a pecuniary interest in any 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, which in the opinion of the officer interferes or could be seen as impartial discharge of their duties.
<b>Professional Standards</b>	Responsible for completing the relevant section on Form PSD10/PSD10a and ensuring that the relevant checks are completed.
<b>Applicant to join Constabularies</b>	Responsible for providing details on their application form and informing HR of any relevant business interest or additional occupation before commencing work with the organisation.
<b>Line Manager</b>	<ul style="list-style-type: none"> <li>Responsible for completing the relevant section on Form PSD10 and ensuring it is signed by themselves and by the individual within ten days of receipt.</li> <li>Responsible for ensuring that the applicant's attendance and performance are considered as part of any endorsement.</li> <li>Responsible for forwarding the completed form to the Business Interest Administrator.</li> </ul>
<b>Local Policing Commander/Dept Head</b>	<ul style="list-style-type: none"> <li>Responsible for completing the relevant section on Form PSD10a and ensuring it is signed by themselves and by the individual within ten days of receipt.</li> <li>Responsible for liaising with the applicant's line manager to consider attendance and performance.</li> <li>Responsible for forwarding the completed form to the Business Interest Administrator.</li> </ul>
<b>Business Interest Administrator</b>	<ul style="list-style-type: none"> <li>Ensures all information relating to business interest or additional occupations is included in the Business Interest Register.</li> <li>Where an applicant has informed them of a business interest or additional occupation, sends them the form PSD10 before they commence work, and to forward the completed form to the Policing Commander/Departmental Head for their recommendation.</li> <li>Send out confirmation/rejection of application (where successful, this will include a list of <a href="#">core conditions</a>) to the individual within 14 days of the Head of PSD receiving the form PSD10.</li> <li>Record details of the application and decisions made on the <a href="#">business interest register</a>.</li> <li>Retain all documentation and confirm decision to the relevant Policing Commander/Dept Head in writing.</li> <li>Inform HR of requests for Volunteer Reserve Forces and Regular Force Reservists.</li> <li>Initiate review of applications annually.</li> </ul>
<b>Senior Complaints, Appeals and Policy Manager (SCAPM)</b>	<ul style="list-style-type: none"> <li>Responsible for initial assessment decision on the appropriate level of Business Interest (i.e. low, medium or high).</li> <li>Responsible for the decision making on all low and medium applications and where these are approved, sending the form to the Business Interest Administrator to progress.</li> <li>Where the application is not approved, the SCAPM must state reasons</li> </ul>

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	for this on the form PSD10/PSD10a and forward it to the Head of PSD for consideration.
<b>Head of PSD</b>	<ul style="list-style-type: none"> <li>Responsible for making decisions on high risk applications and, where this is approved, sending the form to the Business Interest Administrator to progress.</li> <li>Where the application is not approved, the Head of PSD must state reasons for this on the form PSD10a and forward it to the Deputy Chief Constable (with PSD responsibility) for consideration.</li> <li>Will make a final determination where the SCAPM does not approve a BI/Additional Occupation.</li> </ul>
<b>Deputy Chief Constable (with PSD responsibility)</b>	<ul style="list-style-type: none"> <li>Will make decision on whether additional occupation or business interest is compatible where the Head of PSD does not approve.</li> <li>If the Deputy Chief Constable approves the application they will send the Form PSD10a to PSD to progress.</li> <li>Where the Deputy Chief Constable does not approve the application, they must state the reasons for this on the form PSD10a and send it to PSD to progress.</li> </ul>
<b>Chief Constable</b>	<ul style="list-style-type: none"> <li>Where an individual has appealed against a decision not to approve an application, the Chief Constable must submit a written report stating reasons for this decision and any supporting documents within 5 days of receipt of appeal notification.</li> </ul>
<b>Police and Crime Commissioners</b>	<ul style="list-style-type: none"> <li>Deals with all matters relating to the approval and recording of additional occupations &amp; business interests for the Chief Constable.</li> </ul>
<b>HR</b>	<ul style="list-style-type: none"> <li>Ensures all offers of appointment are conditional on the approval of a additional occupation/business interest.</li> <li>Where an application has been unsuccessful for an applicant to either Norfolk or Suffolk Constabulary; with the approval of the DCC, an offer of employment may be withdrawn in writing by HR.</li> <li>Advise Business Interest Administrator on requests for Volunteer Reserve Forces and Regular Force Reservists.</li> </ul>

### 13 Definitions

<b>Additional Occupation/ Business Interest</b>	<p>A Business interest/Additional occupation (or conflict of interest in a work environment) can be defined as;</p> <ul style="list-style-type: none"> <li>Outside their employment as a Norfolk or Suffolk Constabulary employee, the individual holds or intends to hold any office or occupation; paid, unpaid or voluntary (e.g. political office, formal election agent director, school governor, Reserve Forces, parish councillor) or carry on any business (other than as an employee of Norfolk or Suffolk Constabulary); or</li> <li>The Norfolk or Suffolk Constabulary employee, his/her spouse, partner or civil partner (in each case not being separated from him/her) or any <a href="#">relative</a> included in his/her family living with the officer/staff member, hold or intend to hold a pecuniary interest in</li> </ul>
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	<p>a licence or permit granted in pursuance of the law relating to liquor licensing, refreshment houses or betting or gaming or regulating places of entertainment in the area of the police force in question.</p> <ul style="list-style-type: none"> <li>• A situation when someone has competing professional or personal obligations or personal or financial interests that would make it difficult to fulfil his/her duties fairly.</li> <li>• A situation in which a person has private or personal interest sufficient to appear to influence the objective exercise of his or her official duties as, say a public official, an employee or professional.</li> </ul> <p>See <a href="#">Flowchart 1</a> for full details.</p>
<b>Business Interest Register</b>	<p>This register is administered by PSD and contains details of all successful and unsuccessful applications for additional occupations &amp; business interests for all employees except for Chief Constables (details of which are kept by the relevant Office of Police and Crime Commissioner (OPCC).</p> <p>The register may be used when making a decision on whether to approve a business interest or additional occupation by way of comparison with previous decisions.</p>
<b>Form PSD10</b>	<p>This form requires the applicant to provide adequate details of the intended Business Interest in order to undertake an initial assessment. The form will be required to be completed by all applicants wishing to undertake a Business Interests. Those who hold a Business Interest that has been assessed as being low risk to the organisation will <u>not</u> be required to complete an additional PSD10a.</p>
<b>Form PSD10a</b>	<p>This form requires the applicant to provide comprehensive details of the intended Business Interest in order to adequately assess the risk to the organisation. The form will be required to be completed by applicants who are applying to undertake a Business Interest which has been assessed as medium or high risk.</p>
<b>Licence or Permit</b>	<p>This refers to 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 relevant police force in question.</p>
<b>Regulation 7</b>	<p>Regulation 7 of the Police Regulations 2003 describes the process of business interests incompatible with membership of a police force. For more details, <a href="#">click here</a>.</p>
<b>Regulation 8</b>	<p>Regulation 8 of the Police Regulations continues (from regulation 7) with supplementary (explanatory) provisions regarding business interests which are incompatible with being a member of a police force.</p>
<b>Regulation 9</b>	<p>Regulation 9 of the Police Regulations 2003 describes the process of business interests precluding appointment to a police force. For more details, <a href="#">click here</a>.</p>

<b>Supporting Documentation</b>	<ul style="list-style-type: none"> <li>Any Contract or Terms &amp; Conditions connected with Additional Occupation or Business Interest.</li> <li>Sickness record for the last 12 months.</li> <li>PDR (last 12 months).</li> </ul>
<b>The Police (Amendment) Regulations 2006</b>	<p>These Regulations amend the Police Regulations 2003.</p> <p>Regulations 2 and 3 relate to the prohibition on Police officers from having business interests which are incompatible with membership of a police force. Regulation 2(3) provides that where the business interest concerned is held by a relative of the officer, then the duty to notify this arises only in cases when officer believes that this interest could interfere with the discharge of his duties. Regulation 2(5) provides that in determining whether a business interest is incompatible, the chief officer must have regard to the statutory Code of Conduct. Regulation 2(7) provides that in certain circumstances a Police authority may remit a decision to a chief officer for redetermination, rather than themselves determining an appeal. Regulation 3 extends the category of persons whose interests may be incompatible with an officer's membership of a police force so as to include a civil partner or a co-habitee of the officer.</p>
<b>Volunteer Reserve Forces</b>	<p>Existing Police Officer approvals for serving in reserve forces will continue to be supported subject to the Police Officer continuing to meet the criteria specified. Only a limited number of Police Officers at any one time are permitted to serve in the Volunteer Reserve Forces:</p> <p style="margin-left: 40px;">Norfolk: 12 officers Suffolk: 4 officers</p> <p>Existing Police Staff approvals for serving in reserve forces will continue to be supported subject to the individual member of Police Staff continuing to meet the criteria specified. Requests to participate in the Volunteer Reserve Forces will take into account the "reserve" nature of the role. Requests to participate in such organisations may be supported, depending on the circumstances.</p>
<b>Regular Force Reservists</b>	<p>Regular Forces Reservists still have a liability after leaving the regular forces up to the age of 45. In addition, some individuals may also have training liabilities for up to 6 years after leaving the Regular Army. Individuals must inform HR of any liability.</p>
<b>Working Time Regulations</b>	<p><b>Maximum Weekly Working Hours</b></p> <p>The maximum average permitted working hours are set by Regulation 4 (1) at 48 hours (including overtime and time in lieu) per week. This is averaged out over a 17 week period. Please note that the 48 hour rule applies to an 'average working week' and not a single week. E.g. Some staff such as CCR or detention officers work 54 hours in a week, this does not violate the WTR. EWTR relates to pre-planned-scheduled hours but allows for situations where employees work later as agreed</p> <p><b>Daily Rest Breaks</b></p> <p>If shift rotas with less than 11 hours consecutive rest are produced then</p>

it must be ensured that the short fall of rest is incorporated into the shift pattern within 14 days. This also applies to Special Constables.

#### **Rest Breaks during Work**

If a worker is required to work for more than 6 hours at a stretch, he or she is entitled to a rest break of a minimum 20 minutes. The break should be taken during the 6 hour period and not at the beginning or end.

#### **Weekly Rest Breaks**

The WTR provide for a minimum of 24 hours uninterrupted rest per 7 day period or 48 hours uninterrupted rest in a 14 day period. (As a guide a worker should have an average of 90 hours rest per week.)

#### **Average Night Work**

Night workers should not work more than an average of 8 hours in any 24 hours, over the reference period. The average should be calculated over the length of the reference period, which is 17 weeks.

#### **Keeping Records**

Responsibility to keep “adequate records” of compliance with the regulations in the case of “each worker”. The records should be kept for two years.

## Appendix 1 – Examples of Business Interests or Additional Occupations and Compatibility

Example of Business Interest or Additional Occupation	Risk assessed Area: Hours Worked, Impartiality, Impact, Current performance and Health, Safety & Well-being
Working in a Licensed Premises	Hours Worked/Impartiality
Holding a licence or permit – Liquor licensing, refreshment houses or betting and gaming.	Impartiality
Regulating places of entertainment	Impartiality
Steward at a Major Sporting Event	Hours Worked/Impartiality/Impact
Media Editing Service for Legal Profession	Impartiality
Taking evidential statements for an Insurance Company	Impartiality/Impact
Retained Fire-Fighter*	Hours Worked/Impartiality/Impact/Health, Safety & Well-being
Mirrors Police activities (e.g. Security, close protection, surveillance)	Hours Worked/Impartiality/Impact
Security Guard or running a Security Guard Company	Hours Worked/Impartiality/Impact/Health, Safety & Well-being
Licensed Taxi driver	Hours Worked
Using skills obtained through Police Training**	Impartiality/Impact
Counselling Victims of Rape & Abuse	Impartiality/Impact
Agent for Financial consultants	Impartiality/Impact
TASER “Private” Instructor	Impartiality/Impact
Media Presenter - TV & radio	Impartiality/Impact
Letting property or running a letting agency where this involves multiple tenants’ or properties	Hours Worked/Impartiality/Impact
Involves “hard selling” techniques i.e. Door to Door Salesman, or recruiting others to sell on their behalf	Hours Worked/Impartiality/Impact
Lending of money or debt recovery	Impartiality/Impact/Health, safety & Well-being
Political posts/office	Impartiality/Impact
Reserve Forces	Impact
Investigation (e.g. Loss assessor, private detective)	Impartiality/Impact/Health, safety & Well-being
Property rental – renting accommodation from or to a member of staff in the same Line Management structure	Impartiality/Impact
Commercial filming – portraying a Police Officer, PCSO or other uniformed role	Hours worked/impact/Impartiality
Writing & publications of books	Impartiality/Impact

\*Police Officers may not be employed by a fire & rescue authority for the purpose of discharging any of the authority’s functions under this Act. (Fire & Rescue Service Act 2004, Part 4, Section 37). Police Staff may be considered for employment as a retained fire-fighter.

\*\*This is an example where a Police Officer/Police Staff member has used specialist skills obtained through the Police Service for an external Business Interest/Additional Occupation.