

Business Interests and Additional Occupations

Policy and Procedure

Greater Manchester Police

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1. Introduction

Policy Statement

It is essential that the public has confidence in the integrity and impartiality of the police service. This policy and procedure allows GMP to provide a consistent approach to only authorising those business interests and secondary occupations which do not conflict with the work of the police and which will not adversely affect the reputation of the individual, GMP or the wider service.

This document supplements the 'ACPO Guidance on the Management of Business Interests and Additional Occupations for Police Officers and Staff'. GMP adopts the principles contained in that document in determining the registration of a relevant business interest or secondary occupation.

Aims

The aim of this policy and procedure is to give you a clear understanding of additional work undertaken outside the role you perform for GMP and how to declare such a business interest and the procedures to be followed.

2. Scope

This policy applies to police officers, police staff, their immediate relatives and those working voluntarily or under contract to GMP.

Where we refer to 'staff' in this policy, it also applies to all those in scope unless we say otherwise.

3. Terms and Definitions

3.1 Business Interest and Additional Occupation (BIAO)

Business Interest and Additional Occupation (Definition as per ACPO Guidance)

You:

- Holding any office or employment for hire or gain (other than in your role of a member of a police force) or carries on any business (*work*) outside normal police role or employment;

OR

- Being a member of a police force or a relative included in such a member's family the person holds, or possesses a pecuniary interest in 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 and the staff member has knowledge of this business interest.

A relative in relation to a member of a police force means:

- A spouse or civil partner who is not separated from the member;
- A person living with the member as if they were the member's spouse or civil partner; or;
- A parent, child or sibling of the member.

3.2 Examples of BIAO

- Any activity that incurs expenses, even if there is no profit. For example, refereeing football matches for which payment is received to cover mileage;
- Any activity that could be seen as 'work' by the public even if there is no payment at all. For example, volunteering at a charity shop or for Mountain Rescue;
- Any activity that assists a third party with their business; for example, delivering leaflets advertising a business.

If any doubt at all, staff should contact Professional Standards Branch or submit an application for consideration.

4. Roles & Responsibilities

4.1 Responsibility of Staff

If you have, or propose to have, a BIAO which has not previously been disclosed, you must submit a Form 1192 - Application for Approval of Business Interest.

If your spouse (not being separated from you) or any relative/family member living with you and operating within Greater Manchester Force area:

- Keeps or intends to keep a shop, or,
- Carries on or intends to carry on a business at premises, or,
- Possesses or intends to possess a pecuniary interest in licensed premises (liquor licensing, refreshment houses, betting/gaming or entertainment) or,
- Carries on or intends to carry on any other business that may be seen as interfering with your ability to impartially discharge your duty;

then you must submit a 1192 - Application for Approval of Business Interest.

4.2 Responsibility of Line Manager

Managers are responsible for considering BIAO applications and appending their recommendation to the form.

Managers should take into consideration, or clarify the following:

- Role, working hours (including any regular overtime);
- Current performance including any sickness absence;
- Health and safety concerns;
- Whether the business interest is likely to interfere with the officer's ability to perform their role;
- Consider if they already have a business interest;
- The role and seniority of the individual should be considered.

The line manager should record their rationale and decision making in relation to supporting or objecting to the business interest before forwarding to the Professional Standards Branch.

4.3 Responsibility of the Professional Standards Branch

The 'appropriate authority' for BIAO within the Professional Standards Branch has the delegated authority of the Chief Constable to review all BIAO applications. They will ensure the application is compatible with their service in GMP and so it doesn't have any adverse impact on the staff members' workplace effectiveness, integrity, or any associated risk to their reputation or the reputation of the Force.

The appropriate authority may request further information, or request a meeting with the staff member to discuss the application in more detail.

The appropriate authority may approve an application unreservedly, approve an application with conditions imposed, or reject an application.

Approval may be subject to written conditions to reduce or mitigate any risks or concerns associated with the application.

For applications matching those described in Appendix B, as conditional or non-compatible, the appropriate authority will be of a rank no less than Superintendent. For compatible Business Interests and renewals with amendments the appropriate authority will be of a rank no less than Inspector. An Inspector may, for any reason, decide that the appropriate authority for an application should also be an officer of a rank no less than superintendent. Reviews submitted for renewal of BIAO with no amendments the appropriate authority will be of a rank no less than sergeant.

4.4 Responsibility of the Chief Constable

The Chief Constable is responsible for considering any appeal in the event the appropriate officer determines that an application for a BIAO is incompatible with service in GMP, or is only compatible if conditions are imposed.

4.5 Responsibility of the Head of Recruitment

The Head of Recruitment is responsible for ensuring new recruits are appointed in line with the provisions of the Business Interest and Additional Occupations Policy and Procedure.

Any staff declaring a BIAO during the recruitment process will have the matter referred to the Professional Standards Branch for advice.

5. Procedure

5.1 Principles

The principles in determining a business interest have been set out in the ACPO Guidance on the Management of Business Interests and Additional Occupations (BIAO) and which apply equally to police officers and police staff.

Any application must be in line with the Standards of Professional Behaviour as set out in the Police (Conduct) Regulations 2012, the Police Staff Council Handbook(2017) and the College of Policing's Code of Ethics (2014).

When considering an application for a BIAO each case will be decided on its own merit. The officer with responsibility for authorising a BIAO will start from the premise that only those interests or occupations that are compatible with the ethos and values of the police service should be approved.

Consideration of any business interest or additional occupation will, as a minimum; cover the following:

- Impartiality - predicted/expected or evidenced;
- Impact on the force;
- Current performance of the individual applying for business interest;
- Proportionality;
- Equality and diversity;
- Health, safety and well-being.

These six areas are expanded on in more detail within the ACPO guidance and should be referred to by those asked to support or approve your application.

The above list should not be considered exhaustive.

5.2 Stage 1 (Submit your application)

You should complete the following form:

1192 - Application for Approval of Business Interest

Provide as much detail as possible of what your role in the business or occupation specifically entails, as opposed to a general description such as 'Fitness Consultant'. Clarify where the activity is based, the hours you will be intending to work and the details of any business partners. You should also confirm that HMRC is informed of any income generated.

Where applications relate to property letting, the relevant address(es) should be provided, and confirmation should be given that any related mortgage is on a buy to let basis (or confirmation in writing that the mortgage lender is aware of the property being let), and that appropriate landlord insurance is in place.

The application form includes a list of general conditions for allowing a business interest.

Submit the application to your manager for comment and endorsement.

5.3 Stage 2 (Line Manager)

Your manager will append their comments to your application and forward it to the Professional Standards Branch for consideration by an appropriate officer.

5.4 Stage 3 (Appropriate Authority PSB)

The appropriate authority will consider your application and take into consideration the recommendations made by your manager.

The appropriate authority will either approve the application, which may be subject to written conditions, or will refuse your application. Where the appropriate authority is considering refusing your application, you will be given the opportunity to make representations orally, in writing, or both. In all cases you will receive written notification of the decision within 28 days of receipt of your application. Where the BIAO is complex and the timescales will not be met, you will be kept updated as to the progress every 28 days.

If a BIAO is rejected on the basis of your current well being, attendance, performance or a misconduct related issue, then you will be given a set timescale after which you can reapply. That timescale should be proportionate to addressing the issue of concern and will ordinarily be no longer than 18 months.

Any re-application would go through the same process as outlined above.

5.5 Career Breaks

If you intend to undertake work during a career break or you are already working whilst undertaking a career break, you must submit a 0119R - Application for Approval of Business Interest.

If your BIAO is approved for the duration of the career break the review date will reflect this to ensure the authority is continuous. Any amendments to your business interest during this period must be forwarded to PSB as per the amendments section of this policy.

A BIAO will not be authorised if this is the main reason for taking a career break, other than in exceptional circumstances, and career break decisions will continue to be made in line with Chief Constable's Order 04/24.

5.6 Appeals

You can appeal the decision to refuse a business interest application or a decision to impose conditions.

You should send written notice of your appeal to the Professional Standards Branch Business Internet email address within 10 working days of being notified of the decision. You should include the rationale for appeal, as follows:

- Why you believe you should be permitted to have the business interest, or;
- Why conditions should not be imposed, or;
- Where you believe procedures have not been fairly applied.

The superintendent PSB will consider your appeal and can at this stage approve the BIAO. If they still believe the BIAO is not compatible with your service with GMP they will refer it to the Chief Constable with their comments and rationale, and inform you of this outcome.

You are entitled to request a meeting with the Chief Constable who will make a decision within 28 days of receipt of the notification of the appeal. The Chief Constable can extend this time period (but must give written notice if this occurs).

There is no right of appeal against the decision of the Chief Constable.

5.7 Review

You will be sent a request for an update on your BIAO each year on the anniversary of the approval. You will be asked to respond and confirm whether or not any of the details or circumstances of the business interest have changed.

If you fail to respond to the review request within 28 days your business interest authority will be suspended. If no review documentation has been received by 56 days after the request, the business interest authority will be cancelled.

Confirmation of continuation or a request for review and/or conditions to be imposed will be forwarded to you. For review applications, without changes, the appropriate authority will be of a rank no less than sergeant.

If the decision is to reject your continued BIAO, the appeals process will apply as outlined in Section 5.6 above.

In considering your financial and contractual commitment to any business interest you should consider that you will be subject to this annual review process.

The appropriate authority may also review the continuing authorisation of any BIAO if they receive information that would give rise to concern over the justification for the authority or any other material change in circumstances.

The review should be submitted using form 1192 - Application for Approval of Business Interest

5.8 Amendments

Following approval of a business interest if there is any change whatsoever to the approved activity then an amendment to Business interest should be submitted via the form 1192 - Application for Approval of Business Interest.

For police staff a change of role or position may also affect the approval of the business interest and this should be treated as an amendment for the purposes of this policy.

6. Associated Documents

Sections 6,7,8,9 of the Police Regulations 2003

Police (Amendment No. 3) Regulations 2012

ACPO Guidance on the Management of Business Interests and Additional Occupations for Police Officers and Staff (2012) – attached as an associated document to the Force Policy, Business Interests Policy and Procedure home page.

Appendix A - Principles in the determining of Business Interests and Additional Occupations

Appendix B – Guide to Incompatible Occupations

Appendix C – Appropriate Authority Scheme of Delegation

Appendix D - Appeals Process

7. Statutory Compliance

7.1 Data Protection Act (1998)

No changes are required. The Information Compliance Unit has confirmed the policy & procedure is compliant with the Act.

7.2 Freedom of Information Act (2000)

This policy and procedure can be disclosed to the public as it does not contain sensitive information.

Whenever a related request is made under FoI, it will be assessed by the Information Compliance Unit for disclosure, and the policy & procedure owner (Superintendent PSBi) would be consulted.

7.3 Equality Act 2010

Decisions on business interests must take full cognisance of equality and diversity considerations. Forces must ensure that all decisions can be justified by reference to relevant equality legislation and the duty on police forces under the Equality Act 2010 to actively promote equality.

Consideration has been given to the protective characteristics under the Equality Duty throughout the development of this policy and procedure. This document applies equally to all police officers, irrespective of any of these protective characteristics. No potential adverse impacts for any protected group under the Equality Act have been identified.

8. Appendices

The relevant appendices to the ACPO guidance are available below:

Appendix A - Principles in the determining of Business Interests and Additional Occupations

Appendix B - Guide to Incompatible Occupations

Appendix C – Appropriate Authority Scheme of Delegation

Appendix D - Appeals Process