



Business Interests Policy

THIS POLICY HAS BEEN DRAFTED IN ACCORDANCE WITH THE PRINCIPLES OF HUMAN RIGHTS, PUBLIC DISCLOSURE IS APPROVED UNLESS WHERE OTHERWISE INDICATED AS JUSTIFIED

POLICY TITLE: Business Interests Policy
POLICY REF. NO.:

POLICY OWNERSHIP: Dyfed Powys Police
PORTFOLIO/BUSINESS AREA OWNERSHIP: Human Resources
DEPARTMENT RESPONSIBLE: Human Resources
PERSON RESPONSIBLE: Steve Cadenne De Lannoy, Head of Employee Relations
LINKS/OVERLAPS WITH OTHER POLICIES: Working Time Agreements – Police Staff, Police Officers (federated ranks), Superintendents Association.

POLICY DOCUMENT RATIFIED AT COG ON DATE: 24th September 2010
POLICY IMPLEMENTATION DATE: 1st January 2011
REQUIRED FREQUENCY OF REVIEW: Biannually
DATE POLICY LAST REVIEWED: October 2010
POLICY REVIEW DATE: October 2012

DIVERSITY SCREENING ASSESSMENT (DATE): 19th September 2010
PERSON RESPONSIBLE: Steve Cadenne De Lannoy, Head of Employee Relations
COMPLETED SCREENING ASSESSMENT SENT TO DIVERSITY OFFICER (DATE): 20th September 2010
SCREENING ASSESSMENT ATTACHED AT APPENDIX C. FULL IMPACT ASSESSMENT NOT REQUIRED.

CONSULTATION

Representatives Consulted	Date Approved
Chief Officer Group	24/9/2010
Police Federation, Branch Board	24/9/2010
Unison, Branch Secretary Joe Griffin	26/10/2010
Superintendents Association	8/11/2010
Police Authority HR & Staff Liaison Committee	11/11/2010

Document History

Version	Date	Author	Reason for Change

Equality Impact Assessment

(a) **Legislative Basis and Legitimate Aims**

Working Time Regulations 1998 and Working Time (Amendment) Regulations 2002.

Regulations 7 & 8 of Police Regulations 2003.

Legitimate Aims of this policy are to :

- Safeguard the Health & Safety of staff.
- Ensure Dyfed-Powys Police complies with it's obligations under the Working Time Regulations.
- Ensure staff shall at all times abstain from any activity which is likely to interfere with them carrying out their work, interfere with the impartial discharge of their duties or bring the Police Service into disrepute.

(b) **Equality Impact Assessment**

The policy proposal is designed to achieve:

The overriding objective is to ensure that Dyfed-Powys Police personnel shall at all times abstain from any activity which is likely to interfere with them carrying out their work, interfere with the impartial discharge of their duties or bring the Police Service into disrepute.

It complies with its responsibilities under the Working Time Regulations 1998 and Working Time (Amendment) Regulations 2002.

This policy does not need a full impact assessment.

Reason

The application of the policy will need to be monitored but there is no reason at present to take a view that it will leave adverse impact on any particular group.

Signed: Steve Cadenne De Lannoy Dated: 19th September 2010

CERTIFICATE OF COMPLIANCE

This policy has been drafted in accordance with the Human Rights Act and has been reviewed on the basis of its content and the supporting evidence and it is deemed compliant with that Act and the principles underpinning it.

Name: Samantha Walters

Department: **Legal Services Department**

Signed:.....**S. Waters**.....(Force Solicitor)

REVIEW

This policy is due for review by: October 2012

Management of Police Information Compliance

This policy has been reviewed to ensure accordance with our policy on the management of police information. I am satisfied to the best of my knowledge that it is now compliant with the requirements contained within that guidance and any necessary amendments have been made.

All police information will be dealt with in accordance with the Force policy on the Management of Police Information.

All records must be processed in accordance with the law and in compliance with the appropriate retention or disposal period laid out in the Force Retention and Disposal Schedules.

Signed: **Steve Cadenne De Lannoy**

Dated: 19th September 2010

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Business Interests Policy

This policy replaces all previous Business Interest policies and applies to all members of Dyfed Powys Police Service i.e. Police Officers, Police Staff, Special Constables and Volunteers.

1 Policy Statement

The overriding objective is to ensure that Dyfed-Powys Police personnel shall at all times abstain from any activity which is likely to interfere with them carrying out their work, interfere with the impartial discharge of their duties or bring the Police Service into disrepute.

The Chief Constable wishes to encourage an open culture where members of Dyfed-Powys Police are not apprehensive about disclosing their business interests and where they are protected by having the opportunity to have their business interests approved.

2 Objectives

The objectives of this policy are to ensure:

- (a) The right to a private life is maintained wherever possible;
- (b) Any action taken by the Force to prevent an individual undertaking an activity is proportionate to the risk it might pose to the individual and the Force;
- (c) The Force is not brought into disrepute by the actions of members of Dyfed Powys Police Service.
- (d) The interests of members of Dyfed Powys Police Service are protected, particularly those who could be vulnerable to corruption due to the nature of activities or their personal circumstances, i.e. debt.
- (e) Members of Dyfed Powys Police Service with a second job, or undertaking any outside work on a self-employed basis comply with their responsibilities under the Working Time Regulations 1998.
- (f) The Force complies with its responsibilities under the Working Time Regulations 1998 and Working Time (Amendment) Regulations 2002.

3 Definition of a Business Interest

3.1 The nature of business interests are varied. It is not possible to produce a definitive list of activities that would be regarded as a business interest.

The general rule is that if an activity is undertaken for which payment in cash or kind is received or is intended to be received, it should be assumed this constitutes a business interest for which approval must be sought.

The carrying out of public duties are not included, neither are outside interests such as personal investments or being a member of a committee.

3.2 A declaration should also be made if a business activity of a family member could in any way be regarded or perceived as 'likely to weaken public confidence in Dyfed-Powys Police' or 'adversely influence the members of Dyfed Powys Police Service judgement on work matters.

4 Policy

4.1 Dyfed-Powys Police requires all members of Dyfed Powys Police Service who wish to be engaged in any other employment or have any outside business interest to first seek written approval.

A Police Officer is required by Regulations 7 & 8 of Police Regulations 2003 to make an application to register a business interest. Although these regulations do not apply to Police Staff or Volunteers, for the purposes of the Working Time Regulations 1998 and Working Time (Amendment) Regulations 2002, Police Staff and Volunteers are required to inform Dyfed-Powys Police of any other work undertaken.

- 4.2 Those applying to join Dyfed Powys Police Service who wish to retain other employment or outside business interests must seek written approval to do so on or before appointment. Such applications should be submitted as per paragraph 5 below.
- 4.3 Each business interest approved will be subject to an annual review by the Head of Department or Divisional Commander.
- 4.4 Any change in other employment or outside business interest previously approved must be notified to Head of Department or Divisional Commander.
- 4.5 Those given approval to be engaged in other employment or outside business interest must ensure they remain fit to undertake their role in Dyfed Powys Police. For example to make sure that they do not become over-tired as a result of the other employment or business interest resulting in being unable to effectively undertake their role in Dyfed Powys Police.
- 4.6 If in paid employment with the force i.e. primary employment, working in other employment or an outside business interest must cease if absent due to sickness.
- 4.7 If absent due to sickness for a continuous period of 28days or more approval of other employment or outside business interests may be temporarily revoked.
- 4.8 If there is evidence a period of sickness absence has resulted from other employment or an outside business interest Dyfed-Powys Police reserves the right to reclaim the cost of occupational sick pay.
- 4.9 Dyfed-Powys Police reserves the right, at any time, to rescind its approval of other employment or outside business interest if, in the forces view it is having an adverse impact on performance, attendance or timekeeping (or any other aspect of the duties carried out in Dyfed Powys Police).
- 4.10 Where the Head of Department or Divisional Commander identifies adverse impact on performance, believed to be the result of a business interest it should be referred to the Head of Human Resources. The Head of Human Resources will submit the circumstances of the case to the Business Interests Panel for a decision. (see paragraph 5.6 for reference to the Business Interest Panel).

If approval is rescinded, full reasons for the decision and reasonable notice will be given.

- 4.11 Any member of Dyfed Powys Police Service who acts in breach of this policy, for example by taking a second job (including self-employment) without first obtaining approval, failing to disclose the circumstances of a second job or continuing to work whilst absent due to sickness, may be subject to potential disciplinary action.
- 4.12 In line with Regulation 7 (6) of Police Regulations 2003 if a Police Officer applies submits an application for a business interest and has the application declined the Chief Constable may, subject to approval of the Police Authority dispense with the services of the officer if they engage in the business interest or other employment.

5 Seeking Approval for a Business Interest

- 5.1 Approval for a business interest should be sought by completion of an 'Application to Register a Business Interest' form (**Appendix A**). This form should be submitted to the applicants Head of Department / Divisional Commander for consideration.

- 5.2 When reviewing an application the following issues will be considered:
- Is it likely the activity will adversely influence the individual's judgement on organisational matters?
 - Is it likely the business interest will weaken public confidence in Dyfed-Powys Police?
 - Are the hours of work likely to interfere with the applicants performance, attendance and/or timekeeping? (refer to paragraph 6.0 below)
 - Are the total number of hours worked likely, to impact on health and safety? (refer to paragraph 6.0 below)
 - Is the activity likely to cause a conflict of interest for the individual between the Dyfed-Powys Police and the proposed activity?
- 5.3 As set out in Paragraph 3.2 above restrictions also apply to family members (i.e. spouse, partner, parent, siblings and dependants). In addressing any issues arising from perceived conflict, consideration will be given to implementing other force policies such as Service Confidence.
- 5.4 The Head of Department / Divisional Commander will submit the application, with recommendations to the Head of Human Resources. The Head of Human Resources will review all applications to ensure consistency in decision making.
- 5.5 The final decision on an application will be made by the Head of Human Resources, however if necessary the decision may be remitted to a 'Business Interests Panel'.
- 5.6 The business interest panel will consist of the Head of Professional Standards, Head of Human Resources and be chaired by the Deputy Chief Constable.
- 5.7 Advice and guidance may be sought from the Professional Standards Department at any stage of the application process.
- 5.8 An application for a business interest may result in :
- Approval;
 - Approval with conditions; or
 - Refusal.
- 5.9 Written confirmation of the outcome of the application for a business interest will be provided within 28days of submission. If it is not possible for a decision to be made within this timescale the applicant will be informed and the reason for the delay confirmed.

6 Working Time Directive

- 6.1 The Working Time Regulations 1998 contain provisions relating to hours of work, rest periods, night working and annual leave.
- 6.2 Although the Working Time Regulations 1998 do not contain specific provisions covering workers with more than one job, reg. 4(2) requires employers to take all reasonable steps, in keeping with the need to protect the health and safety of workers, to ensure that workers adhere to the 48-hour limit on weekly working hours.

Therefore to fulfil it's obligations under the Working Time Regulations 1998 the force requires members of Dyfed Powys Police Service who wish to engage in other employment or have any outside business interest to provide details on the 'Application to Register a Business Interest

Form', of the number of hours that will be spent on the business interest and when they are likely to be worked.

- 6.3 The total hours worked will be taken account of when considering a business interest application. Specific consideration being given to:
- Are the hours of work likely to interfere with the applicants performance, attendance and/or timekeeping?
 - Are the total number of hours worked likely, to impact on health and safety?
- 6.4 When additional hours are likely to be worked will also be taken account of when considering an application for secondary employment, i.e. the time of day and day of the week. This is because to comply with Working Time Regulations 1998, reg. 10(1) there must be a rest period of at least 11 consecutive hours in each 24 hour period [this does not apply to self employed activities].
- 6.5 If the business interest is approved and total hours worked in both jobs (including any overtime) is likely to exceed 48 hours per week (averaged over 17 weeks) the applicant must sign a Working Time Regulations opt-out agreement, (see Appendix B).
- 6.6 If the applicant is unwilling to sign an opt-out agreement, the force will be under a duty to take steps to ensure the total hours worked (in both jobs combined) do not exceed 48 hours per week on average.

7 Conditions

If an application for a business interest is approved the individual must comply with the generic conditions detailed below:

- 7.1 Duties/commitments in connection with the business interest must be carried out in the individual's own time, away from Dyfed Powys Police premises and must not involve Dyfed Powys Police property or information.
- 7.2 Contact details must not include any Dyfed Powys Police premises, telephone numbers, fax numbers or email addresses.
- 7.3 Whilst on duty with Dyfed Powys Police no communications, written or oral, will be sent or received relating to the business interest.
- 7.4 Private insurance cover must be taken out and Dyfed Powys Police must be indemnified from any claim or loss or absence from work as a result of any activities associated with the business interest.
- 7.5 The individual is responsible for notifying the Inland Revenue of any income they receive through the business interest.
- 7.6 Any change in the business interest must be notified to Head of Department or Divisional Commander.
- 7.7 The individual must ensure there is 11 consecutive hours break between finishing secondary employment and starting work with Dyfed Powys Police [this does not apply to self employed activities].
- 7.8 The individual must remain fit to do their job, for example to make sure that they do not become over-tired through working long hours.
- 7.9 The individual must notify their Head of Department or Divisional Commander if a period of sickness absence has resulted from other employment or an outside business interest. In these

circumstances Dyfed-Powys Police reserves the right to reclaim the cost of occupational sick pay from the private insurance provider or secondary employer.

7.10 If absent due to sickness in primary employment with Dyfed Powys Police the individual must cease working in other employment or an outside business interest.

8 Right of Appeal

8.1 An applicant may appeal a decision relating to an application for a business interest. The appeal should be exercised within fifteen working days of receipt of the letter confirming the outcome of the application.

8.2 The appeal should be in writing addressed to the Head of Human Resources stating the grounds of appeal.

8.3 The appeal hearing will be chaired by a Chief Officer. The panel will consist of a Chief Officer a Senior Officer or member of police staff and a member of the Police Authority.

8.4 In the event of the original decision being made by the Business Interests Panel, chaired by the Deputy Chief Constable the appeal panel will be chaired by a Chief Officer not previously involved with considering the application.

Dyfed-Powys Police

Application to Register a Business Interest

Name:		
Rank / Grade:	Pay Ref:	Post:
Station:	Division:	

Nature of Business Interest to be registered:
.....
Do you have any other business interests registered? Yes / No
If yes, please state nature of business interest and date authorised:
.....
.....
.....

Please indicate if you have obtained this skill / these skills during police staff in-service training:
Yes / No

Section 1 – Business Outline
Description of the nature of work:
.....
.....
.....
.....
.....

Description of product:
.....
.....
.....
.....
.....

Section 2 – Target Market
Description of target customers:

Description of advertising medium (if applicable, include titles of publications)

Section 3 - Time Commitments			
Please indicate an estimate of time to be spent on business interest:			
Self	Hours per Week	Family Member	Hours per Week
	Under 2		Under 2
	Over 2 – Under 6		Over 2 – Under 6
	Over 6 – Under 15		Over 6 – Under 15
	Over 15		Over 15
(family member includes partner and close family members, i.e. parent, son, daughter, brother, sister)			
Please also describe when additional hours are to be worked i.e. the time of day and day of the week:			

Section 4 – Employer details:
Name or Organisation (Please include business address):

Job Title / Position within Organisation (please include brief job description)

Section 8 – Head of Human Resources Comments and Decision :	
Comments:	
<ul style="list-style-type: none"> • Application Approved* 	
<ul style="list-style-type: none"> • Application Approved with conditions* 	
<ul style="list-style-type: none"> • Application Refused* 	
*(delete as applicable)	
Signature:	Date:

Note: Section 9 below is only completed if the application is remitted to the 'Business Interests Panel' by the Head of Human Resources.

Section 9 – Business Interests Panel Comments and Decision :	
Comments:	
<ul style="list-style-type: none"> • Application Approved* 	
<ul style="list-style-type: none"> • Application Approved with conditions* 	
<ul style="list-style-type: none"> • Application Refused* 	
*(delete as applicable)	
Signature:	Date:
Deputy Chief Constable	

Section 10 – Appeal Panel Comments and Decision :

Appeal Panel Members : 1)

2)

3)

Comments:

- Application Approved*
- Application Approved with conditions*
- Application Refused*

*(delete as applicable)

Signature 1): Date: _____

Signature 2): Date: _____

Signature 3): Date: _____

Working Time Regulations Opt-Out Agreement

Name of employee:

Pay Reference:

Job title:

Contractual Hours of Work per week (with Dyfed Powys Police):

Estimated Hours of Work per week (secondary employment/business interest):

As a consequence of taking up secondary employment / business interest I agree that in total (including any overtime) I may voluntarily work more than an average of 48 hours per week (averaged over 17 weeks).

An 'application for business interest' in relation to this secondary employment / business interest has been approved.

Signed:

Date:

DIVERSITY SCREENING ASSESSMENT

For completion by Policy and Procedure Owners

Please see separate 'Screening Assessment Guidance' for notes to help you complete this Screening Assessment.

<p>Policy / Procedure Title – Business Interest Policy</p> <p>FPP number</p> <p>Brief Description / Aims: to ensure that Dyfed-Powys Police personnel shall at all times abstain from any activity which is likely to interfere with them carrying out their work, interfere with the impartial discharge of their duties or bring the Police Service into disrepute.</p>

<p>Policy / Procedure owner signature</p> <p>Steve Cadenne De Lannoy</p>	<p>Date Completed</p> <p>20th September 2010</p>
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1.0 Screening assessment

When completing this assessment, please ensure you take account of the 7 strands of Diversity: Race, Gender, Disability, Religion or Belief, Sexual Orientation, Age, and the Welsh Language.

2.0 Equality Schemes

Please answer the following questions that relate to the Police Service's obligations under the Sex Discrimination Act 1975, Race Relations Act 1976, Amended 2000, Disability Discrimination Act (DDA) 1995, DDA 2005, Employment Equality (sexual orientation) Regulations 2003, Employment Equality (Religion or Belief) Regulations 2003, Employment Equality (Age) Regulations 2006, and the Welsh Language Act 1993.

Does the policy, procedure OR activity involve or impact upon:

Eliminating discrimination?

No

Promoting equality of opportunity?

No

Promoting good relations between diverse groups?

No

Is there any reason to believe that some diverse groups (relating to all the strands of diversity) could be differently affected by this policy?

No

If your answer is 'Yes', please specify _____

Please forward the completed Screening Assessment to the Force Diversity Officer and Welsh Language Advisor, who will review your assessment for Quality Assurance purposes.

3.0 Diversity questions (the 7 strands of Diversity are: Race, Gender, Disability, Religion or Belief, Sexual Orientation, Age, and the Welsh Language).

NATURE OF ACTIVITY	POTENTIAL IMPACT (Yes/No)
3.1 Does this activity impact directly on the public?	No
3.2 Does this activity impact directly or indirectly on police officers / staff? For example, extending shifts	Yes
3.3 Does this activity involve the use of police powers or fulfilment of legal obligations?	Yes
3.4 Can discretion be exercised during the use of this police power or legal requirement? Is there the opportunity to treat people differently based on personal bias?	No
3.5 Is this activity likely to affect equality of opportunity for staff? (For example, access to enhanced rates of pay, career development.)	No
3.6 Is this activity likely to present an opportunity for improving relations between diverse groups?	No
3.7 Please list the diversity monitoring undertaken with regard to this activity. Is there a requirement to develop this monitoring? (If no monitoring currently takes place, it is likely that this will be a 'yes', please seek advice from the Force Diversity Officer)	Yes Current collation of data but monitoring needs to be developed.
3.8 Review the current data. Is there any apparent disproportionality between groups? (the Force Diversity Officer will ask for details of the data that has been examined)	Not aware of disproportionality between groups although more detailed analysis should be undertaken.
3.9 Is there public / political concern in relation to any of the strands of diversity or any community issue attached to this activity? (Consider the national picture as well as local issues, taking account of environmental scanning and recent media concerns.	No
3.10 Do people that belong to the different strands of diversity have any different needs, experiences, issues and/or priorities in relation to this policy (If you are unsure about this, please contact the Force Diversity Officer)	No
<p>Nature of potential impact on public or staff: Low, Medium or High?</p> <p>Total Score of Yes 1 to 3 = low impact; Yes 4 or 5 = medium impact; Yes 6 to 10 = high impact.</p> <p>Please highlight any of the above sections that you feel are of high significance (use an asterisk) and may result in the policy being rated as policy of medium or high relevance, even if the score does not achieve that rating. This applies particularly to 3.9 and 3.10. Please be aware that the Force Diversity Officer will Quality Assure these Assessments, and may alter the score as deemed appropriate.</p> <p>If you have a medium or high-rated policy, you will need to complete the Full Impact Assessment. The Full Impact Assessment template and accompanying Guidance can be found on the Intranet site, on the Human Resources and Diversity pages.</p>	<p>Number of 'YES' answers: 3</p> <p>Assessment for relevance: Low Impact</p>

NOTE: Policies or procedure with activities that register low potential impact, fall outside of those deemed “relevant” in terms of equality duties and need not be fully assessed.