

# Lincolnshire Police

## Policy Document



## Business Interest and Additional Employment Policy

### PD 23

### Code of Ethics

All staff involved in carrying out functions under this policy and associated procedures and appendices will do so in accordance with the principles of the Code of Ethics. The aim of the Code of Ethics is to support each member of the policing profession to deliver the highest professional standards in their service to the public.

Reference Number:	PD 23
Policy Sponsor:	DCC
Policy Owner:	Head of PSD – Supt Suzanne Davies
Author:	PSD Inspector – Insp Dave Robertson
Publication Date:	August 2020
Review Date:	May 2022

Version:	Date:	Reason For Issue:
9	October 2019	Amendment to App 1 – Sick leave (p 3,4 & 10)
10	May 2020	Biennial Review
11	June 2020	Addition of NPCC (formerly ACPO) document (appendix 6)
12	August 2020	Amendment to policy Wording ref volunteers

## Legislative Compliance

This document has been drafted to comply with the principles of the Human Rights Act. Proportionality has been identified as the key to Human Rights compliance, this means striking a fair balance between the rights of the individual and those of the rest of the community. There must be a reasonable relationship between the aim to be achieved and the means used.

Equality and Diversity issues have also been considered to ensure compliance with the Equality Act 2010 and meet our legal obligation in relation to the equality duty. In addition, Data Protection, Freedom of Information and Health and Safety Issues have been considered. Adherence to this policy or procedure will therefore ensure compliance with all relevant legislation and internal policies.

### ***Other legislation/law which this document has been drafted to comply with:***

- [Human Rights Act 1998 \(in particular A.14 – Prohibition of discrimination\)](#)
- [Equality Act 2010](#)
- [Crime and Disorder Act 1998](#)
- [H&S legislation](#)
- [Data Protection Act 2018](#)
- [Freedom Of Information Act 2000](#)
- [NPCC Guidance on the Management of Business Interests and Additional Occupations for Police Officers and Police Staff](#)
- [The Police Regulations 2003, 7,8,9](#)
- [The Police \(Amendment 3\) Regulations 2012](#)

**Security Classification**

**Policy to be published on Intranet: Yes**

**Policy to be published on Force Website: Yes**

## **Authorised Professional Practice (APP)**

This Policy has been checked against APP. Lincolnshire Police has adopted the APP provisions, with supplementary information contained therein, which reflects local practice and the needs of the communities served by Lincolnshire Police.

### **Professional Standards – Governance – Internal Monitoring**

#### **1. Policy Aims: (purpose)**

- 1.1.
- To have a fair and transparent process for managing Applications for Business Interests and Additional employment.
  - To ensure that any Business Interest or Additional Employment held by Lincolnshire Police Officers and Staff are not incompatible with the role of being an employee of Lincolnshire Police.
  - To ensure all staff are aware of the relevant Police and Staff Regulations and that their failure to comply with this policy will be assessed under the relevant Force Misconduct and Disciplinary proceedings.
  - To ensure the Public have confidence in the way Lincolnshire Police conducts its business.

#### **2. Policy Statement: (Key information)**

##### **2.1. Definitions**

2.1.1. Regulation 7 of the Police Regulations 2003 (as amended by the Police (Amendment No.3) Regulations 2012) provides that a person has a business interest if:

- A. Being a member of a police force, the person holds any office or employment for hire or gain (otherwise than as a member of the force) or carries on any such business, or;
- B. 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.

A relative is defined under The Police (Amendment 3) Regulations 2012 as:

- a spouse or civil partner who is not separated from you,
- a person living with you as if they were your spouse or civil partner or
- a parent, son, daughter, brother or sister of the member. Although police staff are not covered by Police Regulations, the same definition of business interest

and relative applies to police staff and police support volunteers. The term “member” is used in this policy to refer to police officers, police staff and police support volunteers.

A Business Interest may also be when a relative has or proposes to have a business which interferes with or could be seen as interfering with the impartial discharge of your duties.

## 2.2. **Scope**

2.2.1. This policy applies to all Lincolnshire Police Officers, Police Staff including those employed by G4S, and Volunteers (whether employed Full time or Part time).

Please note that G4S have their own application process and advice can be sort from a line manager or Human Resources.

Special Constables are not required to submit Business Interests under this policy because separate procedures exist within those roles.

Please refer to Appendix 1 for full explanation of :

1. Roles and responsibilities;
2. Checklist;
3. Timescales;
4. Decision making process;
5. Appeals;
6. Monitoring and review; this includes long term sickness, performance, Career breaks.
7. Working Time Regulations.

## 2.3. **Authorising Principles**

2.3.1. Members may only operate a business interest or undertake an additional occupation with the permission of the force. Conduct of a business interest or an additional occupation without permission should be dealt with as a breach of standards of professional behaviour under the misconduct procedures.

2.3.2. There are specified activities which should never be permitted. These are the holding of a license or permit granted in pursuance of the law relating to liquor licensing, refreshment houses, or betting and gaming or regulating places of entertainment with the force area (all of which are activities specifically covered by Regulation 7 of Police Regulations 2003).

2.3.3. The Fire Services Act (2004) prohibits police officers from being employed as members of the Fire Service. Police Officers should not, therefore, submit Business Interest Applications to be retained Fire Fighters.

2.3.4. Decision-makers should start from the presumption that an application to register a business interest or additional occupation should be granted if there are no adverse reputational matters or conflict with the values and ethos of the police service. This will also determine whether conditions are attached to any approval and the reasoning behind any conditions imposed or indeed any outright rejection must be fully recorded.

### **3. Other Related Documents/Appendices:**

- 3.1.
- Appendix 1 – Business Application Procedure
  - Appendix 2 – Application Form
  - Appendix 3 – Renewal Form
  - Appendix 4 – Working Time Regulations opt out form
  - Appendix 5 – Working Time Regulations record sheet
  - Appendix 6 - ACPO Guidelines on the Management of Business Interests and Additional occupations for Police Officers and Police Staff.

### **4. Monitoring/Review:**

- 4.1. The Professional Standards Department are responsible for review of this policy. The biennial review will assess the policy and any necessary revisions to the appendices.

### **5. Other Related Documents/Appendices:**

- 5.1. This policy is owned by the Professional Standards Department. Any enquiries about this policy should be directed to the Professional Standards Department on extension 8472.

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### PRO-FORMA FOR THE INITIAL EQUALITY IMPACT ASSESSMENT (EIA)

This screening document is the first stage in a two-stage process to take a systematic approach to assessing the impact of an activity on equality. An activity may mean a:

- policy or policy review,
- a business case
- a business plan
- a project initiation
- a decision to implement a service
- a decision to decommission a service.

This screening should be completed by the lead person for the activity with assistance from any of the following departments:

- Human Resources (Where appropriate)
- Equality and Diversity

<b>Department:</b>	Professional Standards	<b>Section:</b>		<b>Person responsible for initial assessment:</b>	Supt Davies
<b>Name of the Policy to be assessed:</b>	<b>Business Interests and Additional Employment</b>	<b>Date of Assessment:</b>	June 2020	<b>Is this a new or existing policy?</b>	Existing
1. Briefly describe the aims, objectives and purpose of the policy.		To have a have a fair and transparent process for managing Applications for Business Interests and Additional employment.  To ensure the public have confidence in the integrity and impartiality of the Police Service.			
2. Are there any associated objectives of the policy? Please explain.		To promote consistent decision-making when authorising business interests and additional occupations.  To ensure public confidence in and the reputation of policing. Ensure the health, safety and wellbeing of members of staff.			

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3. Who is intended to benefit from the policy and in what way?	Lincolnshire Police as an organisation and individuals undertaking secondary employment / business interests who are employed by them. Furthermore the public.		
4. What outcomes are wanted from this policy?	There is a legal requirement for employees to notify the Chief Constable of secondary employment / business interest.  The policy outlines the processes and requirements of the application and authorisation process.		
5. What factors/forces could contribute/detract from the outcomes?	There are no identified factors.		
6. Who are the main stakeholders in relation to the Policy?	Officers and staff working for Lincolnshire Police		
7. Who implements the policy and who is responsible for the activity?	The policy is implemented by the Professional Standards Department. The Head of PSD deals with all applications and is the authorising officer. The CC deals with appeals. The DCC is the Strategic Lead.		
8. Is there any likelihood the policy <b>could</b> have a differential impact on racial groups? (including Gypsies and Travellers)	Y	N	<b>Please explain</b> The policy relates to staff working for Lincolnshire Police. The policy applies equally to all staff and is accessible by all staff. There is no likelihood that it could have a differential impact.
What existing evidence (either presumed or otherwise) do you have for this?			
9. Is there any likelihood the policy <b>could</b> have a differential impact due to gender?	Y	N	<b>Please explain</b> The policy relates to staff working for Lincolnshire Police. The policy applies equally to all staff and is accessible by all staff. There is no likelihood that it could have a differential impact.

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What existing evidence (either presumed or otherwise) do you have for this?			
10. Is there any likelihood the policy <b>could</b> have a differential impact on due disability?	Y	N	<b>Please explain</b> The policy relates to staff working for Lincolnshire Police. The policy applies equally to all staff and is accessible by all staff. There is no likelihood that it could have a differential impact.
What existing evidence (either presumed or otherwise) do you have for this?			
11. Is there any likelihood the policy <b>could</b> have a differential impact on people due to sexual orientation?	Y	N	<b>Please explain</b> The policy relates to staff working for Lincolnshire Police. The policy applies equally to all staff and is accessible by all staff. There is no likelihood that it could have a differential impact.
What existing evidence (either presumed or otherwise) do you have for this?			
12. Is there any likelihood the policy <b>could</b> have a differential impact on people due to their age?	Y	N	<b>Please explain</b> The policy relates to staff working for Lincolnshire Police. The policy applies equally to all staff and is accessible by all staff. There is no likelihood that it could have a differential impact.
12a Is there any likelihood the policy <b>could</b> have a differential impact on Young People and Children?	Y	N	<b>Please explain</b> The policy relates to staff working for Lincolnshire Police. The policy applies equally to all staff and is accessible by all staff. There is no likelihood that it could have a differential impact.
What existing evidence (either presumed or otherwise) do you have for this?			

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12b Is there any likelihood the policy <b>could</b> have a differential impact on Older People?	Y	N	<b>Please explain</b> The policy relates to staff working for Lincolnshire Police. The policy applies equally to all staff and is accessible by all staff. There is no likelihood that it could have a differential impact.
What existing evidence (either presumed or otherwise) do you have for this?			
13. Is there any likelihood the policy <b>could</b> have a differential impact on people due to their religious belief?	Y	N	<b>Please explain</b> The policy relates to staff working for Lincolnshire Police. The policy applies equally to all staff and is accessible by all staff. There is no likelihood that it could have a differential impact.
What existing evidence (either presumed or otherwise) do you have for this?			
14. Is there any likelihood the policy <b>could</b> have a differential impact on people due to them having dependants/caring responsibilities?	Y	N	<b>Please explain</b> The policy relates to staff working for Lincolnshire Police. The policy applies equally to all staff and is accessible by all staff. There is no likelihood that it could have a differential impact.
What existing evidence (either presumed or otherwise) do you have for this?			
15. Is there any likelihood the activity <b>could</b> have a differential impact on people due to Marriage or Civil partnership?	Y	N	<b>Please explain</b> The policy relates to staff working for Lincolnshire Police. The policy applies equally to all staff and is accessible by all staff. There is no likelihood that it could have a differential impact.
What existing evidence (either presumed or otherwise) do you have for this?			

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16. Is there any likelihood the policy <b>could</b> have a differential impact on people due to them being Transgender or Transsexual?	<b>Y</b>	<b>N</b>	<b>Please explain</b> The policy relates to staff working for Lincolnshire Police. The policy applies equally to all staff and is accessible by all staff. There is no likelihood that it could have a differential impact.	
What existing evidence (either presumed or otherwise) do you have for this?				
17. If a differential impact has been identified in 8-16, will this amount to there being the potential for an adverse impact in this policy?	<b>Y</b>	<b>N</b>	<b>Please explain</b> N/A	
18. Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason?	<b>Y</b>	<b>N</b>	<b>Please explain for each equality heading (question 8-16) on a separate piece of paper</b> N/A	
19. If Yes, is there enough evidence to proceed to a full EIA?			<b>YES</b>	<b>NO</b>
20. Date on which Full impact assessment to be completed by.			24 <sup>th</sup> June 2020	

Signed (completing officer) \_\_\_\_\_ D/Supt Davies \_\_\_\_\_

Signed (Lead officer) \_\_\_\_\_

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### Groups Affected

Please identify the anticipated impact this activity will have on the following population groups.

- Tick the appropriate box and give explanation if so required,
- Please note that there are both likely benefits and adverse impact within the same group
- Any groups highlighted as likely to be adversely affected should be consulted in the second stage Full Impact Assessment if one has been identified as being needed.

	Likely to Benefit	No Impact	Adverse Impact
<b>Disability</b> - Physical ,Sensory, Learning Disability, Mental Health, Carers		✓	
<b>Gender</b> - Male , Female		✓	
<b>Transgender</b>		✓	
<b>Race</b> - Traveller and Gypsy etc		✓	
<b>Sexual Orientation</b> - Lesbian, Gay , Bisexual		✓	
<b>Religion and Belief</b>		✓	
<b>Age</b> - Young and Old		✓	
<b>Marriage and Civil Partnerships</b>		✓	