



Altogether Better Policing

DURHAM CONSTABULARY POLICY

Durham Constabulary Freedom of Information Act Publication Scheme	
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All Durham Constabulary policies are drafted in accordance with Human Rights and Equality Legislation	

Version Control

Version	Date	Reason for Change	Produced / Amended by
1.0	13/03/12	Reflect ACPO guidance and legislation	B.Maudling, PS&LS
2.0	14/11/12	Legislation	B.Maudling, PS&LS
3.0	22/12/15	Change in Appeal authority	S Galloway, PS &LS
4.0	21/11/18	Early review, change in process	S Galloway, PS&LS
5.0	9/10/19	change in process	F. Huntington, PSD

BUSINESS & PRIVATE INTEREST POLICY

1. Terminology

- 1.1. For the purpose of this document the terms 'employees' and 'staff' shall be used to refer to Police Officers, Police Staff, Special Constables and Volunteers.
- 1.2. Voluntary business interest is that which is unpaid.

2.0 Policy Statement

- 2.1 It is essential that the public has confidence in the integrity and impartiality of the police service. As public servants there is a requirement that staff within Durham Constabulary disclose whether they have a Business Interest, or wish to continue to pursue a Business Interest, whilst in the employment of the Constabulary.
- 2.2 Approval for a business interest will only be granted if it does not conflict with the values and ethos of the police service. This will also determine whether conditions are attached to any approval and reasoning behind any conditions imposed or indeed any outright rejection must be fully recorded.
- 2.3 This policy is intended to support those who will make decisions to approve or refuse business interests or additional employment applications by staff as defined above in 1.1.
- 2.4 Special constables are dealt with separately in terms of their employment outside the service as detailed in NPIA Circular 01/2011. The considerations in this circular are broadly similar to those contained within this policy and will be decided on a case by case basis.
- 2.5 Only where a member of staff is currently employed by Durham Constabulary and is a Special Constable for another force other than Durham will it constitute a Business Interest that needs registering.
- 2.6 This policy must be applied fairly, equally, and consistently to all staff irrespective of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation or any other unjustifiable grounds.
- 2.7 Applicants to the police service are required to declare any existing business interest they may intend to continue should they be appointed. However, they will not be eligible for appointment if they intend maintaining a business interest that is incompatible with being a member of the police service. Decisions on compatibility will be based on this policy. If the Business Interest

panel members deem an applicant's existing business interest to be incompatible, then either the applicant will be required to cease their involvement with that business interest or their application to join the service will be rejected. There is no right of appeal for such applicants.

2.8 Durham Constabulary is committed to maintaining a professional image, protecting the health, safety and wellbeing of its staff.

3.0 Purpose and Scope

3.1 The purpose of this policy is to raise awareness of all Police Officers, Police staff, volunteers or anyone under contract to Durham Constabulary of the requirement to disclose, and to seek approval for a Business Interest.

3.2 Durham Constabulary is obliged to maintain and is entitled to expect high standards of business conduct amongst its employees in order to ensure that public confidence is not undermined.

3.3 This policy is not intended to constrain officers or staff from holding or pursuing a Business Interest or Secondary Occupation but seeks to ensure a consistent approach to only authorise those Business Interests and Secondary Occupations which do not conflict with the work of the Constabulary and which will not adversely affect the reputation of the individual, the Constabulary, or the wider service.

4.0 Aims

4.1 The aims of the policy are to ensure:

- a) The right to a private life is maintained wherever possible
- b) Any action taken by the Constabulary to prevent an individual undertaking an activity is proportionate to the risk it might pose to the individual and the Constabulary.
- c) The Force is not brought into disrepute by the actions of members of Durham Constabulary.
- d) Members of Durham Constabulary with a second job, or undertake any outside work on a self-employed basis comply with their responsibilities under the Working Time Regulations 1998.
- e) The force complies with its responsibilities under the Working Time Regulations 1998 and Working Time Regulations (Amendment) 2002.

5.0 The Legal Basis and Legitimate Aims

5.1 Durham Constabulary is required to comply with the requirements of the Police Act of 1996, Police Conduct Regulations of 2008, The Police (Amendment No.3) Regulations 2012, Local Government Act 1972, Police Reform and Social Responsibility Act 2011, Equality Act 2010 and the Police Staff Council of England & Wales Pay and Conditions of Service Handbook.

5.2 Durham Constabulary is also required to comply with the Young People Working Law which provides rules to protect young workers aged 16 and 17 against working too long each week. Young workers should not work:

- More than eight hours a day
- More than 40 hours a week
- Have a rest period of 48 hours in every seven-day period (single break)

6.0 Objectives

6.1 The main objectives of this policy are to –

- a) Ensure that business interests are declared at the earliest opportunity, and prior to entering into any external contractual agreements.
- b) Ensure that applications are checked and processed in a realistic time period.
- c) Provide information on activities considered to be incompatible with the applicant's role with the Constabulary.
- d) Ensure applicant aware of conditions in relation to their primary role within the Police Force.
- e) Ensure consistency openness and fairness in the consideration of applications.

7.0 Monitoring and Review

7.1 To achieve the required level of assurance the following methods of review and evaluation will be used in respect of this policy:

- a) Three yearly reviews in line with Human Rights & Equality legislation.

- b) Or sooner due to review or change in legislation, case law, best practice or Force Management.

8.0 Availability of Policy

- 8.1 The policy and associated guidance will be published on the Force Intranet site.
- 8.2 The policy will be made available to the public via the Durham Constabulary internet site.

9.0 How to Appeal

- 9.1 If an individual wishes to appeal against any decision made by Durham Constabulary in connection with the policy they should write to the Deputy Chief Constable via PS&LS within 14 days of receiving the decision.
- 9.2 Form Misc 216 (Appeal against Decision to Refuse Business Interest) is available on the Force intranet for this purpose.
- 9.3 The Deputy Chief Constable will consider the appeal and consult with the appropriate Head of Command and/or Head of Professional Standards and Legal Services Department to establish all facts before making their decision. He/she will then respond to the individual within 4 working weeks of receipt of the appeal. Should this period not be achievable the Deputy Chief Constable will notify the individual in writing and advise them when the decision will be communicated
- 9.4 There is a right of appeal to the Police & Crime Commissioner and ultimately the Secretary of State against the decision of the Chief Constable in cases where the business interest has been held to be incompatible with the duties of a police officer.
- 9.5 Complaints of alleged unlawful discrimination may be registered with an employment tribunal within 3 months less one day of the alleged act of discrimination subject to the appeal procedure being exhausted.
- 9.6 In addition, Durham Constabulary operates the “Achieving Fairness at Work Policy”.
- 9.7 The main purpose of this policy is to ensure that individual members of staff who feel aggrieved about the way they have been treated either by management or by their colleagues are given every opportunity to have their grievances resolved in a fair and just manner. It is a flexible means of resolving problems at work and intended to resolve issues as quickly as possible.

- 9.8 Complaints about the overall policies and procedures of the Force as well as a number of other issues relating to quality of service or operational decisions should be made to the Chief Constable of Durham Constabulary at the following address:-

The Chief Constable,
Professional Standards Department
Peterlee Police Office
St Aidans Way
Peterlee
SR8 1QR
Tel: 101 (Ask for the Supervisor on duty, in the area where the incident took place)
Email: complaints@durham.pnn.police.uk

10 **Personal Data**

- 10.1 In order to carry out our policing purpose, Durham Constabulary may obtain, use and disclose personal information relating to a wide variety of data subjects.

For example sickness data is considered as part of the panel's decision making process.

Durham Constabulary takes the security of all personal information under our control very seriously. We will comply with the relevant parts of the legislation relating to security, and seek to comply with the College of Policing Information Assurance authorised practice, and relevant parts of the ISO27001 Information Security Standard.

For more information on how Durham Constabulary processes and handles information, please visit our website: <https://www.durham.police.uk/About-Us/Freedom-of-information/General/Pages/Privacy-Notice.aspx>