

Witness Name: **Catherine Crawford**

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Exhibits: **CC30**

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THE LEVESON INQUIRY

Exhibit CC30 to the
Witness Statement of **Catherine Crawford**



Subject: MPS Standard Operating Procedure re Business Interests, Secondary Employment and Political Activities

Human Resources SOP (Standard Operating Procedure)

Human Resources SOP : Business Interests, Secondary Employment and Political Activities SOP

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Branch/ OCU:	PeopleStrategy Employment Relations Human Resources Directorate
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Policy contact: PeopleSupport Advisory Centre on extn. 1555 (external: 0300 123 1555).

Business Interests, Secondary Employment and Political Activities

Standard Operating Procedure (SOP)

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Introduction

The following Standard Operating Procedure supports the Work Life Balance Policy and is applicable to all members of the Metropolitan Police Service (MPS) who have or who wish to have a business interest, secondary employment or who wish to undertake a political activity.

Application

This Standard Operating Procedure (SOP) takes immediate effect.

All police officers and police staff, including the extended police family and those working voluntarily or under contract to the Mayor's Office for Policing and Crime (MOPC) or the Commissioner must be aware of, and are required to comply with, all relevant Metropolitan Police Service (MPS) policy and associated procedures.

However, this standard operating procedure applies in particular to officers and police staff in the following roles:

- Police officers (including special constables)
- Police staff
- Line Managers
- Senior Management Teams
- Nominated Assistant Commissioner
- BOCU Commanders
- OCU Commanders
- Heads of Branches
- Business Group Business Managers
- Strategic Director (Employee Relations, Health and Well-being)
- ACPO
- Senior Pay Bands 4 and above (SPS4 and above)
- Chief Executive of the Metropolitan Police Authority
- **PeopleSupport** Employment Relations
- **PeopleSupport** Advisory Centre

N.B. This list is not intended to be exhaustive.

Standard Operating Procedure Details

This standard operating procedure sets out the processes and procedures to be followed by police officers, police staff and management when a member of the MPS wishes to seek authority to undertake a business interest, secondary employment or political activity (see [Annex C](#) for the roles and responsibilities and [Annex B](#) for the restrictions on political activities). In addition it gives examples of business interests and secondary employments that may be found to be compatible and incompatible (see [Annex A](#)) and also sets out the process for submitting an appeal should an application not be deemed compatible (see [Annex D](#)).

Definition of a Business Interest

The business interests of police officers are regulated by Regulations 7-8 of The Police Regulations 2003. The Regulations only apply to police officers.

It is important that officers understand the definitions that are contained in Regulations 7-8 of The Police Regulations 2003. It is not just their own personal business interests that need to be notified, but also those of spouses, civil partners and/or relatives living with the officer, where appropriate.

Regulation 8 defines a business interest in two ways:

- firstly as it applies to a serving police officer (paragraph 8(a));
- secondly, as it relates to licences or permits (paragraph 8(c)).

Regulation 8(a) defines a business interest as:

"the member holds any office or employment for hire or gain (otherwise than as a member of a police force), or carries on any business";

This means that there must be an element of profit in the activity for it to qualify as a business interest as defined. Profit would include money or barter. Consequently, voluntary activities (not involving profit or barter) and activities for which the officer is reimbursed expenses only, need not be notified as a business interest.

Regulation 8(c) refers to the holding of certain licences and permits:

"the member, his spouse or civil partner (in each case not being separated from them) or any relative included in his family living with him holds, or possesses a pecuniary interest in, any such licence or permit as mentioned in paragraph (2)";

and a reference to a relative included in a member's family shall include reference to his spouse, parent, son, daughter, brother, sister, civil partner or any person living with the member as if they were his spouse or civil partner.

The reference to a licence or permit refers to one 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.

Police staff are not subject to any laid down regulations or legislation in respect of business interests or secondary employments. However, it is considered that the definition of a business interest as set out in Police Regulations is also appropriate and suitable for police staff. Under the circumstances the definition as set out in Police Regulations will apply to police staff in all respects.

Definition of Secondary Employment

The definition of secondary employment is such that it includes any activity whereby there is an element of profit in the activity and this would include money or barter.

Examples of potentially compatible and incompatible business interests and secondary employments are at Annex A.

Police Staff Senior Pay Bands (4 and above) and ACPO Ranks

Any member of police staff who falls within the Senior Pay Bands (SPS4 and above) and officers of ACPO rank must not engage in any other occupation, profession, business or work, whether paid or unpaid, for any other organisation, company, firm or person without the written permission of the Chief Executive of the Metropolitan Police Authority (MPA). Any proposed business interest or secondary employment must be proposed, via the nominated Assistant Commissioner, to the Chief Executive of the MPA.

Political Activities

Police officers are not permitted to engage in any form of political activity (Schedule 1 of The Police Regulations 2003).

Broadly, most MPS police staff are free to engage in limited political activities subject to the restrictions contained in the MPA Employment and Restrictions on Political Activities (Annex B), provided they:

- observe the Official Secrets Act;
- confine his/her activities to times when he/she is not on duty;
- observe the following guidance; and
- comply with relevant legislation.

Business Interests and Secondary Employment in the Metropolitan Police Service

Members of the MPS cannot carry out a business interest or secondary employment or advertising of such on police premises, or during working hours, nor may he/she use MPS equipment such as telephones, faxes, computers, paper supplies, transport or other technical equipment and so on, to further the business interest or secondary employment, nor should any undue pressure be placed upon colleagues to buy or rent. All members of the MPS are reminded that, as part of the proper management of the MPS, its public functions and its resources, MPS information and communication systems are monitored to the extent permitted by law. For further details refer to the corporate Standard Operating Procedure (SOP) – 'Personal Use of MPS Information, Communication and Technology Systems', enquiries about this SOP should be directed to the Directorate of Information, Information Assurance Unit on 785084.

Regulation 7 of The Police Regulations 2003 provides clear legal authority for the exercise of a power to find a business interest compatible or incompatible.

In addition, in deciding upon the compatibility in respect of an application from a police officer, the Director of Human Resources or in the Director's absence a nominated AC will also have regard to the Code of Conduct set out in Schedule 1 to The Police (Conduct) Regulations 2008 which sets out the principles which guide police officers' conduct. The Code of Conduct applies to police officers whilst both on and off duty. If the conduct of an officer whilst off duty is serious enough to indicate that the officer is not fit to be a police officer then appropriate action will be taken under the Regulations.

When a decision is made in respect of a business interest or secondary employment it will be within the framework of the Human Rights Act 1998. Article 8 provides that '*Everyone has the right to respect for his private and family life, his home and his correspondence*'. A restriction on these rights can only be justified if it is aimed at protecting one of the interests set out in Article 8(2), is in accordance with the law and is necessary in a democratic society (that is,

proportionate to the legitimate aims being pursued).

A restriction may be necessary and in some instances, the placing of a condition on a business interest may be appropriate, as it would be a less restrictive alternative to a member of the MPS having to choose between retaining the business interest or ceasing to be a member of the MPS.

Health and Safety at Work Act 1974

Under The Health and Safety at Work Act 1974 (HSWA) the Commissioner has a duty to secure the health, safety and welfare at work of members of the Service under his command and the health and safety of others who might be affected adversely by any unsafe performance of duty by his members. Individual officers and police staff also have a responsibility to take reasonable steps to secure their own health and safety.

Whilst a member of the MPS is free to make whatever use he/she may choose of his/her own time, consistent with the position held as a member of the MPS, this is subject to an individual responsibility not to do so in such a way, or to an extent, that he/she is not able to attend when required for duty in a fit state, or to be able to discharge that duty as required in a safe manner and without detriment to his/her own health or the health of others. Accordingly, when a member of the MPS notifies a proposed business interest or secondary employment and seeks a declaration of compatibility, he/she will be required to sign to the effect that he/she is aware of these responsibilities and agree not to engage in the business interest or secondary employment in a manner or degree incompatible with his/her compliance with the MPS Health and Safety Policy. This declaration is incorporated within the notification Form 6005 which can be found on the MPS Forms Database Intranet site. If any member of the MPS is unable to provide such an assurance, the proposed business interest or secondary employment will be deemed incompatible with continued service with the MPS.

If a member of the MPS attends for duty in an unfit state or he/she is unable to discharge his/her duty as required in a safe manner and without detriment to his/her own health or the health of others, the matter will be fully investigated. If, as a result of the investigation, it is found that he/she is unable to undertake his/her duties as a result of his/her business interest or secondary employment the finding of compatibility, previously made, is likely to be rescinded and disciplinary action **may** follow.

When considering whether a business interest or secondary employment is compatible, consideration should be given to The Working Time Regulations 1998 in relation to working an average of 48 hours per week over a 17-week period. If the business interest or secondary employment is likely to place a member of the MPS in breach of the Regulations, there is a need to consider the implications to the MPS if that member of the MPS is involved in an incident involving a

fatality or serious injury and the MPS has found compatible the business interest or secondary employment.

Failure to Notify a Business Interest, Secondary Employment or Political Activity

Failure to notify a business interest, secondary employment or political activity or to continue with such activity when it has been deemed incompatible may result in formal disciplinary action being taken, which may ultimately result in dismissal from the MPS. This is applicable to both police officers and police staff.

Intellectual Property Rights

The following relates to any works of intellectual property (IP) and like rights, including (but not limited to) any patents, patent applications, works of copyright, registered and unregistered designs and trademarks:

Police Officers

1. Any IP created by a police officer in the course of his/her duties as a servant of the Crown, are Crown Copyright and are owned by the Crown.
2. Where a police officer believes he/she has created IP falling under Paragraph 1, he/she must inform his/her Line Manager of such creation without delay in writing.
3. Any IP created by a police officer other than in the course of his/her duties, but whose subject matter relates to policing, will be exclusively the property of the Metropolitan Police Authority (MPA).
4. Where a police officer believes he/she has created IP falling under Paragraph 3 herein, he/she must inform his/her Line Manager of such creation without delay in writing.
5. Where a police officer has created IP falling under Paragraph 3 herein, he/she must take any necessary steps as requested by the MPA to perfect the ownership of the MPA's rights in the IP.
6. If a police officer wishes to use an IP covered by Paragraphs 1 and 3 above, he/she must first ensure that any necessary licences are obtained and report to the MPA, giving full details of the use which the police officer wishes to make of the IP. For the avoidance of doubt, "use", will cover any dealings with the IP whether or not those dealings are expressly set out by Statute.

Police Staff

1. Any IP (as defined in the first paragraph above) created by a member of police staff in the course of his/her employment, will be exclusively the property of the MPA. Any IP created by an employee of the MPA relating to matters of policing shall be deemed to be created in the course of that employee's employment with the MPA.
2. Where a member of police staff believes he/she has created IP falling under Paragraph 1 herein, he/she must inform his/her Line Manager of such creation without delay in writing.
3. Where a member of police staff has created IP falling under Paragraph 1 above, he/she must take any necessary steps as requested by the MPS to perfect the ownership of the MPA's rights in the IP.
4. If a member of police staff wishes to use IP covered by Paragraph 1 above, he/she must first ensure that any necessary licences are obtained and report to the MPA, giving full details of the use to which the member of police staff wishes to make of the IP. For the avoidance of doubt, "use", will cover any dealings with the IP whether or not those dealings are expressly set out by Statute.

Annexes

Annex A – Examples of Compatible and Incompatible Business Interests and Secondary Employment

Annex B – MPA Employment and Restrictions on Political Activities

Annex C – Roles and Responsibilities

Annex D – Appeals Process Responsibilities

Responsibilities

This standard operating procedure is owned by HR Board.

This standard operating procedure was developed and will be maintained by the **PeopleStrategy** Employment Relations.

This standard operating procedure will be reviewed by the **PeopleStrategy** Employment Relations.

Associated Documents and Policies

Work Life Balance Policy

Health and Well-being Policy

The MPS Health and Safety Policy

The Police Regulations 2003

The Police (Amendment) (No. 2) Regulations 2006

The Police (Conduct) Regulations 2008

The Human Rights Act 1998

The Health and Safety at Work Act 1974

The Local Government Housing Act 1989 (as amended)

The Local Government Officers (Political Restrictions) Regulations 1990 (as amended)

This Standard Operating Procedure supersedes all relevant entries in the Civil Staff Personnel Manual and the Police Personnel Manual, which have now been decommissioned.

For further enquiries on this Standard Operating Procedure please contact **PeopleSupport** Employment Relations.

Annex A

Examples of Compatible and Incompatible Business Interests and Secondary Employment

Examples of business interests and secondary employments, which may be found compatible, are as follows. The list is not exhaustive and each case will be considered on its merits.

- working in a retail outlet;
- working in a garage;
- working for a building firm, electrical contractor or heating company;
- working for a catering company;
- working at a garden centre;
- working at a riding stables;
- soft selling to colleagues, e.g. Avon, Tupperware, etc.;
- letting a room within his/her accommodation, providing it is not a property owned by the MPA/MPS, and the letting is not to a subordinate;
- some work as a TV/film extra. However, police officers, special constables, police community support officers and police staff must not appear in any commercial filming production, which mirrors their role in the MPS and/or whilst off duty in MPS issue uniform, or part uniform, or any other MPS issue clothing, or with any other MPS equipment. Neither must officer safety/personal protection equipment be utilised in these circumstances;
- writing books or articles which are not related to policing activities for publication for which payment will be received. Reference must not be made to the fact that the author is a member of the MPS; or
- directorship of a company unless the company is involved in business activities which are incompatible.

The following is only applicable to members of police staff:

There may be occasions when members of police staff are offered a private commission which is related to the work they undertake in the MPS (e.g. professional and technology roles). In such cases this should be treated as a business interest or secondary employment:

- *partial commission for working drawings only;*
- *full commission for an adaptation, extension or addition to a private dwelling;*
- *structural survey of a private dwelling; or*
- *property valuation not involving negotiations with a government department or local authority*

There is no objection to a member of police staff volunteering to serve as a presiding officer or poll clerk at a parliamentary or local election, provided he/she can be spared. The time off should be taken as annual leave.

Examples of business interests and secondary employments, which may be found to be incompatible, are as follows. The list is not exhaustive and each case will be considered on its merits.

- holding 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 within the MPS;
- working in licensed premises where there would be a conflict of interest (applicable to police officers, police community support officers, special constables or any other members of the MPS who have a front line interface with members of the public);
- would present a conflict of interest, e.g. magistrate, practising solicitor/barrister;
- would bring the police service into disrepute by publicity or otherwise;
- involves investigation for other than police purposes, e.g. loss assessor (applicable to police officers, police community support officers, special constables or any other members of the MPS who have a front line interface with members of the public);
- mirrors police activity, e.g. close protection, security or surveillance, club doorman, private detective;

- is connected with the lending of money or recovery of debts for others;
- involves "hard selling" to colleagues by placing undue pressure upon them to buy or rent, including recruiting others to sell on his/her behalf;
- steward at a sporting event (applicable to police officers, PCSOs and special constables or any other members of the MPS who have a front line interface with members of the public);
- consultant/instructor on firearms/taser (applicable to police officers or any other members of the Service who have received MPS firearms/taser training);
- renting accommodation from or letting accommodation to a subordinate;
- the writing of books by serving members of the MPS about his/her policing/work experiences;
- any employment where there is a degree of confidentiality expected that may conflict with the interests of being a police officer, e.g. nursing, counselling, etc.; or
- any other business interest or secondary employment which may be determined.

All members of the MPS must identify any business interest, secondary employment, directorship or share holding in a company, he/she and/or his/her spouse or civil partner (in each case not being separated from them) or any relative included in their family living with them, may have.

In the event that a member is aware that any external organisation, in which the member of the MPS and/or their spouse or civil partner (in each case not being separated from them) or any relative included in his/her family living with them has a commercial interest, is seeking to enter a commercial arrangement with or win a contract from the MPS as a result of a procurement process, they must inform their B/OCU Commander or Head of Branch immediately. The B/OCU Commander or Head of Branch should subsequently inform the Directorate of Procurement, or any other directorate as the case may be, who will then consider the appropriate steps to be taken. In any such case, the member of the MPS may be required to stand aside from any activities associated with the procurement process until such time as the process has been finalised (e.g. specifying goods and services, evaluation of tender documentation, negotiation of commercial terms, approval of award of contract) and/or whilst the subsequent contract is in force, e.g. contract management.

In addition the member of the MPS may have his/her access to confidential and commercial information related to the procurement process, subsequent contract and the provision of the relevant goods and services withdrawn.

In difficult or borderline cases, there may be a need to seek legal advice.

Annex B

MPA Employment and Restrictions on Political Activities

1. Nothing in this Annex precludes a trade union official/representative from acting in his/her official capacity when either standing for election or canvassing on behalf of those standing for election in any recognised trade union elections.
2. As all members of police staff are employees of the Metropolitan Police Authority (MPA) under the direction and control of the Commissioner of Police, the following restrictions apply.
3. Broadly police staff are free to engage in political activities provided the following rules and restrictions are observed:
 - the Official Secrets Acts;
 - activities are confined to when not on duty, in uniform or on official premises;
 - compliance with relevant legislation (see paragraph 5.1); and
 - the following rules are observed.
4. There are three levels of political activity:

National

- public announcement as a candidate or prospective MP or MEP;
- holding an office in a party political organisation which impinges wholly or mainly on party politics at national or European level;
- speaking in public on a matter of national political controversy;
- expressing such a view in a publication; and
- canvassing on behalf of a prospective MP, MEP or political party.

Local

- candidature for, or co-option to, a local authority;
- holding an office in a party political organisation which impinges wholly or mainly on party politics at local level;
- speaking in public on a matter of local political controversy;
- expressing such a view in a publication; and
- canvassing on behalf of a candidate for election to a local authority or local political organisation.

Parish

- local activities at parish level.

5. Police staff are divided into three groups for the purpose of political activities (but see paragraphs 6 – 6.3 below on additional restrictions on membership of local political organisations):

A. All industrial staff and pay bands up to and including Band D and equivalents

Free to engage in the activities in paragraph 4 above.

B. All pay bands Band C to Band A and equivalents.

Free to engage, with prior permission from the B/OCU Commander/Head of Branch, in activities described in paragraph 4 above except candidature for Parliament or European Assembly, unless he/she works in:

- a sensitive area such as a senior officer's private office;
- a politically sensitive or national security branch;
- an area from which staff regularly speak on behalf of the Service; and
- a job with significant face-to-face contact with the public so that his/her political activities could become known.

C. All staff not covered in groups A and B above.

Barred from national political activity, but may seek permission to take part in local/parish political activities.

6. Additional Restrictions

6.1 In addition to the restrictions set out in paragraphs 4 and 5 above, police staff may be subject to further restrictions on political activities relating to local authorities or Parliament, because MPS police staff are employees of the MPA. The MPA is deemed to be a local authority for the purposes of the Local Government and Housing Act 1989 (as amended) and so the holders of politically restricted posts, as defined in the Act, within the MPA/MPS are restricted from undertaking certain political activities. The Local Government Officers (Political Restrictions) Regulations 1990 (as amended) impose additional implied terms and conditions of employment on the holders of such politically restricted posts which principally relate to:

- candidacy for election to public office;
- acting as an election agent or sub-agent;
- holding office or committee membership within a political party; and
- canvassing on behalf of a political party or as a candidate for election to public office.

The MPA is required to maintain lists of those posts which are deemed to be politically restricted. The lists are available for public inspection.

6.2 In essence, posts which are politically restricted under the rules in paragraph 6.1 fall into the following categories:

A. posts which are specifically defined as politically restricted posts. There are a limited number of these and post holders are individually notified; and

B. any posts which involve giving advice on a regular basis to the MPA, to any committee or sub-committee thereof or to any joint committee on which the MPA is represented or any posts which involve speaking on behalf of the MPA on a regular basis to journalists or broadcasters.

6.3 Unless an individual comes within Category A above, if the post appears on the MPA maintained list he/she can make an application under Section 3 of the Local Government and Housing Act 1989 (as amended) for the post to be exempted from the list.

7. Applications for exemption should be made in writing through Line Managers, giving details of name, post within the MPS and the nature of the political activity, to:

Head of Human Resources
Metropolitan Police Authority
10 Dean Farrer Street

London
SW1H 0NY

The above should be read subject to the provisions of the Local Government and Housing Act 1989 (as amended) and the Local Government Officers (Political Restrictions) Regulations 1990 (as amended). Police staff concerned (or in doubt) about their positions should seek independent advice.

8. Any staff who take part in political activities as listed in Paragraph 4 and also taking account of Paragraph 1, should bear in mind that they are public servants employed by the MPA and under the control and direction of the Commissioner and owe the MPA a duty of fidelity. Whilst free to advocate or criticise the policy of any political party, comment should be expressed with moderation (particularly in relation to matters for which the Home Secretary, MPA or Commissioner are responsible) and personal attacks should be avoided. Staff should also take care to avoid embarrassment to the Commissioner, the MPA or the MPS that could result, inadvertently or not, from actions, which bring him/her to prominent public notice through political controversy.

9. A member of police staff in the politically free group is not required to resign on adoption as a prospective candidate for Parliamentary or European Parliamentary elections, but he/she must submit his/her resignation before he/she gives consent to nomination in accordance with the relevant Parliamentary Election Rules.

Any other member of police staff, including police staff on secondment to outside organisations, must not issue an address to electors or in any other manner publicly announce himself/herself or allow himself/herself to be publicly announced as a candidate or prospective candidate for election to Parliament or the European Parliament; and he/she must resign from the MPS on his/her formal adoption as a Parliamentary or European Parliamentary candidate or prospective candidate in accordance with the procedures of the political party concerned. A member of police staff not in the politically free group who is a candidate for election must complete his/her last day of service before his/her adoption papers are completed.

10. If permission has been granted for a member of police staff to take part in political activities the permission can be withdrawn if he/she is transferred to a post where permission cannot be granted or there is any other change to the circumstances.

11. If a member of police staff resigns to stand in a general election and he/she is not elected, providing he/she is in the politically free group and he/she applies within one week of the result of the election he/she would normally be reinstated to the MPS, but there can be no guarantee in this respect. If he/she is elected he/she may be reinstated if:

- he/she ceases to be a member after an absence of no more than five years, provided he/she has at

least 10 years service before the election and he/she applies for reinstatement within three months of ceasing to be a member.

Annex C

Roles and Responsibilities

Currently, individuals will need to apply for a Business Interest offline and follow the process outlined on PeoplePages.

Police Officers

ACPO ranks

Any officer of ACPO rank must not engage in any other occupation, profession, business or work, whether paid or unpaid, for any other organisation, company, firm or person without the written permission of the Chief Executive of the Metropolitan Police Authority (MPA). Therefore any proposed business interest or secondary employment must be notified to the Chief Executive of the MPA.

The Officer will:

- Use Form 6005 to notify a new business interest, or of a change to an existing one;
- Fully outline details of the business interest, including the name of the business, address, telephone numbers, web sites, email addresses, the job title, the duties, the job activities, the location of the activity, the number of average hours per week to be worked and whether the company trades with the MPS on Form 6005;
- Open a Service Request of type "Submit a Business Interest for Approval" and attached the completed

Form 6005 and add the Line Manager as a contact;

- Ensure that all relevant earnings are declared to HM Revenue and Customs and take advice from them; and
- **Must** seek authority to continue undertaking the business interest when absent from duty as a result of sickness, when on recuperative duties or when suspended from duty.

The Line Manager will:

- Check the officer's sick leave record;
- Check to see if the officer has any further business interests and consider what impact, if any, this would have on the current application;
- Review the application in accordance with the Business Interest, Secondary Employment and Political Activities Standard Operating Procedure;
- Add comments to Section G of Form 6005; and
- Once the decision has been made hand the letter giving the outcome of the application to the officer.

PeopleSupport Employment Relations will:

- Open the Service Request;
- Link the application to any existing business interests held by the officer;
- Review the application in accordance with the Business Interest, Secondary Employment and Political Activities Standard Operating Procedure;
- Note the comments made by the Line Manager;
- Add a note to the Service Request including a recommendation to the Chief Executive of the MPA and attach a draft letter and email all documents to the Chief Executive;
- Update the spreadsheet maintained in relation to business interests;

- Once the Chief Executive of the MPA has found the business interest compatible or incompatible update the spreadsheet to show the result of the application;
- Add a note on the Service Request to the **PeopleSupport** Advisory Centre of the actions required; and
- Change the Service Request Workgroup to **PeopleSupport** Advisory Centre.

PeopleServices Advisory Centre will:

- Open the Service Request;
- Review the directions given by **PeopleSupport** Employment relations;
- Attach the letter to the Service Request and send the original to the Line Manager;
- Update MetHR, including a review date; and
- Update the status as appropriate.

In the event that it is suspected that there is any abuse of this process or that there is evidence of the officer's role within the MPS not being undertaken to an acceptable standard the matter must be fully investigated. Once an investigation has been carried out the evidence will be considered and reconsideration given as to whether the business interest or secondary employment remains compatible. In addition consideration will be given to invoking the inefficiency procedures where applicable. It should be noted that any abuse of the process **may** result in disciplinary action being taken.

Officers below ACPO rank

The officer will:

- Use Form 6005 to notify the nominated Assistant Commissioner of a new business interest, or of a change to an existing one;
- Fully outline details of the business interest, including the name of the business, address, telephone numbers, web sites, email addresses, the job title, the duties, the job activities, the location of the activity, the number of average hours per week to be worked and whether the company trades with the

MPS on Form 6005;

- Open a Service Request of type "Submit a Business Interest for Approval", attach the completed Form 6005 to the Service Request and add the Line Manager as a contact;
- Ensure that all relevant earnings are declared to HM Revenue and Customs and take advice from them; and
- **Must** seek authority from the SMT single point of contact to continue undertaking the business interest when absent from duty as a result of sickness, when on recuperative duties or when suspended from duty.

The Line Manager will:

- Check the officer's sick leave record;
- Check to see if the officer has any further business interests and consider what impact, if any, this would have on the current application;
- Review the application in accordance with the Business Interest, Secondary Employment and Political Activities Standard Operating Procedure;
- Add comments to Section G of Form 6005;
- Remind the officer of his/her responsibilities under the Health and Safety at Work Act (HSWA), the responsibility to be fit for duty when attending for work and The Working Time Regulations. The officer should be asked to sign to the effect that he/she is aware of these responsibilities and agree not to engage in the business interest in a manner or degree incompatible with his/her compliance with the MPS Health and Safety Policy. This declaration is incorporated within the notification Form 6005. The notification from the nominated Assistant Commissioner confirming compatibility of the interest, will also remind the officer of these responsibilities;
- Forward the Service Request to the Senior Management Team (SMT) Single Point of Contact by adding as a contact;
- Note any periods of absence/sickness (especially absences of 28 days or more)/recuperative duties and inform the SMT Single Point of Contact for a local decision as to whether the officer can continue

with the business interest while absent from work or on recuperative duties, communicate the decision and record the outcome;

- Report any suspected abuse to the Directorate of Professional Standards Reception Desk;
- Report any continuous period of sickness absence of more than 28 days to the Directorate of Professional Standards reception desk; and
- Once the decision has been made hand the letter giving the outcome of the application to the officer.

The SMT Single Point of Contact will:

- Review the application and Service Request in accordance with the Business Interest, Secondary Employment and Political Activities Standard Operating Procedure;
- Note whether the officer is on long term sick leave or on recuperative duties and the possible impact of the business interest; and
- Add comments to Section H of Form 6005.

PeopleSupport Employment Relations will:

- Open the Service Request once the SMT Single Point of Contact has added comments;
- Link the application to any other existing business interests held by the officer;
- Review the application in accordance with the Business Interest, Secondary Employment and Political Activities Standard Operating Procedure;
- Note the comments made by the Line Manager and the SMT Single Point of Contact;
- Add a note to the Service Request including a recommendation to the nominated Assistant Commissioner and attach a draft letter;
- Update the spreadsheet maintained in relation to business interests;
- Once the nominated Assistant Commissioner has found the business interest compatible or

incompatible update the spreadsheet to show the outcome of the application;

- Add a note to **PeopleSupport** Advisory Centre of the actions required; and
- Change the Service Request Workgroup to **PeopleSupport** Advisory Centre.

Nominated Assistant Commissioner's Office

- Review the details of the application; and
- Add a note to the Service Request confirming the compatibility/incompatibility and any conditions attached and attach a copy of the final letter.

PeopleServices Advisory Centre will:

- Open the Service Request;
- Review the directions given by **PeopleSupport** Employment Relations;
- Send a hard copy of the letter to the Line Manager;
- Update MetHR, including a review date; and
- Update the status as appropriate.

In the event that it is suspected that there is any abuse of this process or that there is evidence of the officer's role within the MPS not being undertaken to an acceptable standard the matter must be fully investigated. Once an investigation has been carried out the B/OCU Commander or Head of Branch will consider the evidence and reconsider whether the business interest or secondary employment remains compatible. In addition consideration will be given to invoking the inefficiency procedures where applicable. It should be noted that any abuse of the process **may** result in disciplinary action being taken.

Police Staff

Police staff are not subject to any laid down regulations or legislation in respect of business interests or secondary employments. However, it is considered that the definition of a business interest as set out in Police Regulations is also

appropriate and suitable for police staff. Under the circumstances the definition as set out in Police Regulations will apply to police staff in all respects.

If the MPS continues to be his/her main employer, payroll rather than his/her other employer will operate his/her tax code. But he/she must inform his/her tax office that he/she has two jobs. If the MPS is not his/her main employer, he/she will be placed on a basic rate tax code by payroll.

Senior Police Staff (Senior Pay Bands 4 and Above)

Any member of police staff who falls within the Senior Pay Bands (4 and above) must not engage in any other occupation, profession, business or work, whether paid or unpaid, for any other organisation, company, firm or person without the written permission of the Chief Executive of the MPA. Any proposed business interest or secondary employment must be proposed to the Chief Executive of the MPA.

The member of senior police staff will:

- Use Form 6005 to notify a new business interest/secondary employment, or of a change to an existing one;
- Fully outline details of the business interest/secondary employment, including the name of the business, address, telephone numbers, web sites, email addresses, the job title, the duties, the job activities, the location of the activity, the number of average hours per week to be worked and whether the company trades with the MPS on Form 6005;
- Open a Service Request of type "Submit a Business Interest for Approval", attach the completed Form 6005 to the Service Request and add the Line Manager as a contact;
- Ensure that all relevant earnings are declared to HM Revenue and Customs and take advice from them; and
- **Must** seek authority to continue undertaking the business interest/secondary employment when absent from duty as a result of sickness, when on recuperative duties or when suspended from duty.

The Line Manager will:

- Check the member of police staff's sick leave record;
- Check to see if the member of police staff has any further business interests/secondary employments and consider what impact, if any, this would have on the current application;
- Review the application in accordance with the Business Interest, Secondary Employment and Political Activities Standard Operating Procedure;
- Add comments to Section G of Form 6005; and
- Once the decision has been made hand the letter giving the outcome of the application to the member of police staff.

PeopleSupport Employment Relations will:

- Open the Service Request;
- Link the application to any existing business interests held by the member of police staff;
- Review the application in accordance with the Business Interest, Secondary Employment and Political Activities Standard Operating Procedure;
- Note the comments made by the Line Manager;
- Add a note to the Service Request including a recommendation to the Chief Executive of the MPA and attach a draft letter and email all documents to the Chief Executive;
- Update the spreadsheet maintained in relation to business interests;
- Once the Chief Executive of the MPA has found the business interest compatible or incompatible update the spreadsheet to show the result of the application;
- Add a note to the Service Request to advise **PeopleSupport** Advisory Centre of the actions required; and
- Change the Service Request Workgroup to **PeopleSupport** Advisory Centre.

PeopleSupport Advisory Centre will:

- Open the Service Request;
- Review the directions given by **PeopleSupport** Employment Relations;
- Attach the letter to the Service Request and send a hard copy to the Line Manager;
- Update MetHR, including a review date; and
- Update the status as appropriate.

In the event that it is suspected that there is any abuse of this process or that there is evidence of the member of police staff's role within the MPS not being undertaken to an acceptable standard the matter must be fully investigated. Once an investigation has been carried out the evidence will be considered and reconsideration given as to whether the business interest or secondary employment remains compatible. In addition consideration will be given to invoking the inefficiency procedures where applicable. It should be noted that any abuse of the process may result in disciplinary action being taken.

Members of police staff in all other pay bands

The member of police staff will:

- Use Form 6005 to notify a new business interest or secondary employment, or of a change to an existing one;
- Fully outline the details of the business interest or secondary employment, including the name of the business, address, telephone numbers, web sites, email addresses, the job title, the duties, the job activities, the location of the activity, the number of average hours per week to be worked and whether the company trades with the MPS on Form 6005;
- Open a Service Request of type "Submit a Business Interest for Approval", attach the completed Form 6005 to the Service Request and add the Line Manager as a contact;
- Ensure that all relevant earnings are declared to HM Revenue and Customs and take advice from

them; and

- **Must** seek authority from the B/OCU Commander or Head of Branch to continue undertaking the business interest/secondary employment when absent from duty as a result of sickness, when on recuperative duties or when suspended from duty.

The Line Manager will:

- Check the member of police staff's sick leave record;
- Check to see if the member of police staff has any further business interests and consider what impact, if any, this would have on the current application;
- Review the application in accordance with the Business Interest, Secondary Employment and Political Activities Standard Operating Procedure;
- Add comments to Section G of Form 6005;
- Remind the member of police staff of his/her responsibilities under the HSWA, the responsibility to be fit for duty when attending for work and The Working Time Regulations. The member of police staff should be asked to sign to the effect that he/she is aware of these responsibilities and agree not to engage in the business interest or secondary employment in a manner or degree incompatible with his/her compliance with the MPS Health and Safety Policy. This declaration is incorporated within the notification Form 6005;
- Forward the Service Request to the SMT Single Point of Contact by adding as a contact;
- Note any periods of absence/sickness (especially absences of 28 days or more)/recuperative duties and inform the SMT Single Point of Contact for a local decision as to whether the applicant can continue with the business interest or secondary employment while absent from work or on recuperative duties, communicate the decision and record the outcome;
- Report any continuous period of sickness absence of more than 28 days to the B/OCU Commander or Head of Branch; and
- Once the decision has been made hand the letter giving the outcome of the application to the member of police staff.

The SMT Single Point of Contact will:

- Review the application and Service Request in accordance with the Business Interest, Secondary Employment and Political Activities Standard Operating Procedure;
- Note whether the member of police staff is on long term sick leave or on recuperative duties and the possible impact of the business interest or secondary employment; and
- Add comments to Section H of Form 6005.

PeopleSupport Employment Relations will:

- Open the Service Request once the SMT Single Point of Contact has added comments;
- Link the application to any existing business interests or secondary employments held by the member of police staff;
- Review the application in accordance with the Business Interest, Secondary Employment and Political Activities Standard Operating Procedure;
- Note the comments made by the Line Manager and SMT Single Point of Contact;
- Add a note to the Service Request including a recommendation to the B/OCU Commander or Head of Branch and attach a draft letter;
- Update the spreadsheet maintained in relation to business interests and secondary employments;
- Once the B/OCU Commander or Head of Branch has found the business interest or secondary employment compatible or incompatible update the spreadsheet to show the result of the application;
- Add a note to the Service Request to advise **PeopleSupport** Advisory Centre of the actions required; and
- Change the Service request Workgroup to **PeopleSupport** Advisory Centre.

B/OCU Commander's/Head of Branch's Office:

- Review the details of the application; and
- Add a note to **PeopleSupport** Employment Relations confirming the compatibility/incompatibility and any conditions attached.

PeopleSupport Advisory Centre will:

- Open the Service Request;
- Review the directions given by **PeopleSupport** Employment Relations;
- Attach the letter to the Service Request and send a hard copy to the Line Manager;
- Update MethHR, including a review date; and
- Update the status as appropriate.

In the event that it is suspected that there is any abuse of this process or that there is evidence of the member of police staff's role within the MPS not being undertaken to an acceptable standard the matter must be fully investigated. Once an investigation has been carried out the B/OCU Commander or Head of Branch will consider the evidence and reconsider whether the business interest or secondary employment remains compatible. In addition consideration will be given to invoking the inefficiency procedures where applicable. It should be noted that any abuse of the process may result in disciplinary action being taken.

Annual Reviews of Business Interests and Secondary Employments

Business interests and secondary employments are subject to an annual review and the following processes and procedures are applicable to both police officers and police staff of all ranks and pay bands.

The PeopleSupport Advisory Centre will:

- Run a report from MethHR two months prior to the anniversary of the finding of compatibility to identify those business interests and secondary employments due to be reviewed;
- Send an email to each police officer and member of police staff to advise them of the need to review

their business interest or secondary employment and copy to the Line Manager;

- Send an email to the police officer or member of police staff (copy to the Line Manager) if the review has not been received by the anniversary of the finding of compatibility. The email must advise that it is considered that the business interest or secondary employment has lapsed and must no longer be undertaken and that records have been amended accordingly;
- Upon receipt of an email and completed Form 6006 update MetHR and add a further review date;
- Update the status as appropriate; and
- Attach the email and its attachments to the Service Request that relates to the original business interest or secondary employment.

The Police Officer and Member of Police Staff will:

- Upon receipt of the email from the **PeopleSupport** Advisory Centre complete Form 6006;
- Forward the received email and the completed Form 6006 to the Line Manager if there has been no change to the business interest or secondary employment; and
- Open a new Service Request of type "Submit a Business Interest for Approval" where there has been a change or significant change in the business interest or secondary employment in accordance with the procedure for new business interests or secondary employments.

The Line Manager will:

- Receive the email;
- Review Form 6006;
- Check the police officer's or member of police staff's sick leave record;
- Add comments to Form 6006 at Section E; and
- Forward the email and attachment to the SMT Single Point of Contact.

The SMT Single Point of Contact will:

- Receive the email;
- Review Form 6006 and the note the Line Manager's comments;
- Add comments to Form 6006 at Section F; and
- Forward the email and the attachment to **PeopleSupport** Advisory Centre and copy in the police officer or member of police staff.

The PeopleSupport Advisory Centre will:

- Receive the email;
- Review the contents of the email;
- Attach the email to the relevant record;
- Update MetHR, including a review date; and
- Update the status as appropriate.

Annex D

Appeals Process for Police Officers

A police officer has the right of appeal to the Metropolitan Police Authority (MPA) against the decision of the nominated Assistant Commissioner to find the business interest incompatible within ten days of receiving notification of the decision.

The Police Officer can:

- Submit an appeal in writing to the MPA;
- Receive a written decision from the MPA; and
- If the appeal is unsuccessful submit a further appeal to the Secretary of State.

The Nominated Assistant Commissioner's Private Office will:

- Be contacted by the MPA for a report detailing the reasons for the decision;
- Provide written details to the MPA and send a copy to the officer; and
- Notify the **PeopleSupport** Advisory Centre of the outcome of the appeal.

PeopleSupport Advisory Centre will:

- Open the closed Service Request;
- Add a note to record a summary of the appeal;
- Telephone/email PeopleSupport Employment Relations to advise of the result of the appeal;
- Update MetHR including adding a review date if the appeal has been successful; and
- Update the status as appropriate.

Appeals Process for Police Staff

A member of police staff has the right to appeal against the decision that a business interest or secondary employment is incompatible with that of being a member of the MPS, and must do so within 10 days of being informed of the incompatibility.

The Member of Police Staff can:

- Open a Service Request of type "Business Interest Appeal";
- Attach Form 728 to the Service Request outlining the grounds for appeal;
- Add the B/OCU Commander/Head of Branch as a contact;
- Review the comments made by the B/OCU Commander/Head of Branch and add comments as appropriate;
- Receive a written decision from the Business Group Business Manager; and
- If the appeal is unsuccessful consider submitting a further appeal to the Director of HR Strategy (Employee Relations and Well-being).

The B/OCU Commander/Head of Branch will:

- Review the Service Request and add a note explaining the reason for the decision of incompatibility; and
- Upon receipt of the member of police staff's comments, review the Service Request and add a note asking for the appeal to progress and add the Business Group Business Manager as a contact.

The Business Group Business Manager will:

- Open the Service Request;
- Review the application and appeal;
- Add a note to the Service Request to explain the reason for the outcome of the appeal; and
- Add a note to direct the **PeopleSupport** Advisory Centre of actions required.

The PeopleSupport Advisory Centre will:

- Open the Service Request;
- Review the comments from the Business Group Business Manager;

- Telephone/email **PeopleSupport** Employment Relations to advise of the result of the appeal;
- Update MetHR with the outcome of the appeal, including a review date if applicable and link the Service Request to the original Service Request; and
- Update the status as appropriate.

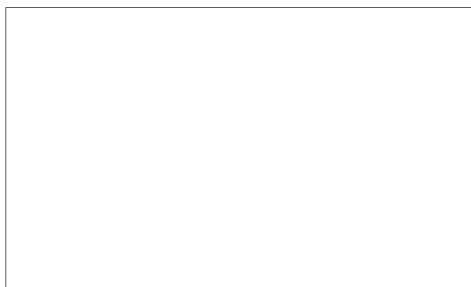
PolicyCat

Feedback

The owner of this policy and the MPS Strategy Unit are interested in your views and therefore welcome any comments you may have regarding this document. Your suggestions and comments will assist us in trying to make our policies, processes and services relevant to you the service user.

Your comments and suggestions will be taken alongside others submitted and considered in consultation as part of the redevelopment of this policy. The next scheduled review is shown at the top of the policy document

Click the link to open the **FEEDBACK FORM**



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