



*Altogether Better Policing*

## **DURHAM CONSTABULARY POLICY**

<b>Durham Constabulary Freedom of Information Act Publication Scheme</b>	
<b>Name of Policy</b>	<b>Business Interest Policy</b>
<b>Registry Reference No.</b>	<b>DCP 069</b>
<b>Policy Owner</b>	<b>Head of Professional Standards &amp; Legal Services</b>
<b>Date Approved</b>	<b>14/11/2012</b>
<b>Governance Board</b>	<b>FLG</b>
<b>Life Span</b>	<b>3 years</b>
<b>Version</b>	<b>3.0</b>
<b>Protective Marking</b>	<b>Official</b>
<b>Publication Scheme Y/N</b>	<b>Y</b>
<b>All Durham Constabulary policies are drafted in accordance with Human Rights and Equality Legislation</b>	

**Version Control**

(The first final version of a document will be version 1.0, subsequent draft versions will increase by 0.1, e.g. 1.1, 1.2. When the revised document is deemed final, and agreed at the relevant Governance Board, this will then become version 2.0)

<b>Date</b>	<b>Version</b>	<b>Reason for Change / Update &amp; Comments</b>	<b>Produced / Amended by</b>	<b>Reviewed / Agreed by</b>
13/03/2012	1.0	Initial Document after processed passed from HR	Inspector Brian Maudling	Supt Ellis, Head of PSLS
14/11/2012	2.0	<i>Review following change in legislation</i>	Inspector Brian Maudling	<i>Supt Ellis, Head of PSLS &amp; FLG</i>
22/12/2015	3.0	<i>Change in appeal authority from ACC to Deputy CC</i>	<i>Shaun Galloway</i>	<i>N/A</i>

## **1.0 BUSINESS & PRIVATE INTEREST POLICY**

### **2.0 Purpose and Scope**

- 2.1 All police officers and police staff including the extended police family and those working voluntarily, or under contract to Durham Constabulary must be aware of and are required to comply with this policy and associated procedures.
- 2.2 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.
- 2.3 Durham Constabulary will seek to take the least intrusive action which fits within the working policy criteria and will act fairly and proportionately to achieve the desired purpose.

### **3.0 Aims**

- 3.1 The main aim of this policy is to give members of the Force and members of their families where applicable the opportunity to pursue a legitimate business interest.
- 3.2 The business interest however must be compatible with the duties of police officers and police staff, and, the function of the Force.
- 3.3 It is designed to provide a framework for interpretation of relevant legislation and regulations.

### **4.0 The Legal Basis and Legitimate Aims**

- 4.1 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.

### **5.0 Policy Statement**

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

## **6.0 Objectives**

6.1 The main objectives of this policy are to –

- (a) Ensure that business interests are declared at the earliest opportunity,
- (b) Ensure that applications are dealt with promptly,
- (c) Provide information on activities considered to be incompatible with the office of constable and
- (d) 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:

- Three yearly reviews in line with Human Rights & Equality legislation.
- 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,  
Police Headquarters,  
Aykley Heads,  
Durham,  
DH1 5TT  
Telephone 03456060365,  
Fax 0191 3752011  
Email: [CFR@durham.pnn.police.uk](mailto:CFR@durham.pnn.police.uk)