

	Freedom of Information Act Publication Scheme
Protective Marking	Official
Publication Scheme Y/N	Yes
Title	Business Interest Policy
Version	
Summary	This procedure supports the Professional Standards Policy and applies to all members of the Met who have or who wish to have a business interest, additional employment or who wish to undertake a political activity.
(B)OCU or Unit, Directorate	Data Office
Author	Strategy & Governance - Information Rights Unit
Review Date	
Date Issued	25/11/2022

Business interests policy

Introduction

This procedure supports the Professional Standards Policy and applies to all members of the Met who have or who wish to have a business interest, additional employment or who wish to undertake a political activity.

Application

This 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 (MOPAC) or the Commissioner must be aware of, and are required to comply with, all relevant Met policy and associated procedures.

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

- Commissioner
- Police officers (including special constables)
- Police staff
- Police volunteers
- Line Managers
- Assistant Commissioner responsible for hearing Business Interests appeals
- Head of Professional Standards
- BCU/OCU Commanders/Heads of branches
- Senior pay bands 4 and above (SPS4 and above)
- Deputy Commissioner
- Deputy Mayor, Policing & Crime
- Management Support Unit, DoP
- PeopleSupport Advisory Centre
- PeopleServices Workforce Deployment

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

Standard operating procedure details

This SOP sets out the procedures to be followed by all personnel and management when a member of the Met wishes to seek authority to undertake a business interest, additional employment or political activity. [Annex A](#) gives examples of compatible and incompatible business interests and additional employment.

Definition of a business interest or additional employment

The business interests of police officers are regulated by Regulations 7-9 of The Police (Amendment No. 3) Regulations 2012. The business interests of MSC officers are regulated by The Special Constables Regulations. Police staff are not subject to any regulations or legislation in respect of business interests or additional employment. However, the definition of a business interest as set out in Police Regulations is considered appropriate for police staff and will apply in all respects.

It is important that MPS personnel understand the definitions contained in Regulations 7-8 of The Police (Amendment No. 3) Regulations 2012. 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 them, if it is likely to interfere with the independent discharge of their duties.

Regulation 7 defines a business interest in two ways:

- firstly as it applies to a serving police officer (paragraph 7(2)(a));
- secondly, as it relates to licences or permits (paragraph 7(2) (b)).

Regulation 7(2) (a) defines a business interest as:

"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 business";

Voluntary activities

Voluntary activities (not involving hire or gain) and activities for which the officer is reimbursed expenses only, need not be notified as a business interest.

However, MPS personnel must not engage in any voluntary activities which may fall within the definition of an incompatible business interest shown in [Annex A](#).

Licences and permits

Regulation 7(2) (b) refers to the holding of certain licences and permits:

"being a member of a police force or relative of a member, the person holds or possesses a pecuniary interest in a license or permit granted in pursuance of the law relating to alcohol licensing, refreshment houses or betting and gaming or regulating places of entertainment in the area of the police force in question";

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

Police staff senior pay bands (BB1, BB2 and BB3) and NPCC ranks

Any member of police staff who falls within the Senior Pay Bands (BB1, BB2 and BB3) and officers of NPCC rank must not engage in any other occupation, profession, business or work, whether paid or unpaid, for any other organization, company, firm or person without the written permission of the Deputy Commissioner (NPCC ranks) or Deputy Mayor, Policing & Crime (Senior Pay Bands).

Undertaking business interests and additional employment in the Metropolitan Police Service

Met personnel must not carry out any aspect of their business interest during working hours or on police premises (including advertising on notice boards) and must not use any Met equipment, including telephones, computers, faxes, stationary, transport, uniform and technical equipment, in connection with their business interest or additional employment.

Met personnel must not undertake any activity that will cause embarrassment to the Commissioner or give any indication that they work for the Met to promote their business or put undue pressure on colleagues to participate in their business interest or additional employment in any way.

All members of the Met are reminded that, as part of the proper management of the Met, its public functions and its resources, Met information and communication systems are monitored to the extent permitted by law. For further details refer to the METSEC Code GEN5 - Conditions of Use of Met Information & ICT Systems.

Regulation 7 of The Police (Amendment No. 3) Regulations 2012 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 Appropriate Authority (Chief Superintendent within DPS) will also have regard to the Standards of Professional Behaviour set out in Schedule 1 to The Police (Conduct) Regulations 2008 which sets out the principles guiding police officers' conduct. The Standards of Professional Behaviour applies to police officers, 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.

Human Rights Act 1998

When a decision is made in respect of a business interest or additional 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'*. The Human Rights Act is written in the masculine and any reference to him should be taken as applying to all Met personnel. 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).

The following principles, as set out in the NPCC Guidance on the Management of Business Interests and Additional Employment for Police Officers and Police Staff, are to be applied by decision-makers when considering compatibility

Impartiality

Relates to the risk of the business interest or additional occupation interfering with an individual's ability to impartially discharge his or her duties or the extent to which the public would be likely to perceive or form an impression that it would so interfere:

Whether the activity is one regulated by the police or where police are involved in the licensing of the activity;

Whether the business interest or additional occupation is merely an extension of an individual's duty or the extent to which training, skills and experience provided by the force are to be relied upon;

Whether the office of constable or being an employee of the force could be used to promote the business or additional occupation or a product of the business or additional occupation or would allow other organizations or commercial interests to do so;

Whether an individual's fairness or impartiality in their dealings with the public or colleagues might be compromised.

Impact on the force or service

Relates to the risk of the business interest or additional occupation either discrediting the police force or undermining confidence in the police service:

The nature of the business interest or additional occupation – how reputable it is in its own right in the eyes of the public and in association with the police service;

Whether the activity could lead to the public losing confidence in the honesty and integrity of the individual or of the police service or if it would be likely to cause confusion in the minds of the public as to whether the individual was operating in an official or unofficial capacity;

Where the activity could lead to the individual being improperly beholden to any person, organization, or institution;

Whether the business interest could lead to conflicting contractual commitments to a third party e.g. providing advice to a training company which is then contracted to work for the police force.

Attendance

The Appropriate Officer (Head of DPS) for Police Officers or BCU Commander/Police Staff Head of Unit for Police Staff will also take into account the attendance management record of

the applicant when considering the compatibility of a Business Interest or Additional Employment. As part of the application process, the line manager will complete an Attendance Selection Criteria Form ([Form 456](#)) and attach it with the Business Interest Notification or changes to Annual Review for Determination of Compatibility with Membership of the Met - [Form 6005](#).

In addition, if a member of the MPS has a Business Interest or Additional Employment and has been absent from work on sick leave for a continuous period of 28 days or returns to work on recuperative or restricted duties, their line manager should submit a report to the Appropriate Officer (Head of DPS) for Police Officers or BCU Commander/Police Staff Head of Unit for Police Staff.

The Appropriate Officer (Head of DPS) for Police Officers or BCU Commander/Police Staff Head of Unit for Police Staff will then consider whether the authority to continue the Business Interest or Additional Employment should be suspended taking into consideration if the sickness is relevant to the Business Interest or Additional Employment.

The following principles, as set out in the NPCC Guidance on the Management of Business Interests and Additional Employment for Police Officers and Police Staff, are to be applied by decision-makers when considering compatibility

Current performance and misconduct

This relates to the risk of a decline in performance of the member coupled with evidence as to the member's current suitability through performance monitoring.

Unsatisfactory performance, attendance and misconduct should not necessarily be a reason for refusal unless either has a direct bearing on the business interest or additional employment. An example of a business interest or additional occupation that may be accommodated with performance issues is allowance for a rental accommodation that provides additional income without incurring additional work pressures.

Consultation with the force's Appropriate Officer (Head of DPS) for Police Officers or BCU Commander/Police Staff Head of Unit for Police Staff should take place to consider any current or previous misconduct and the impact or risk of any relevant misconduct on the approval of any business interest or additional occupation. If it is considered that the misconduct relates directly to the business interest or additional occupation approval may be modified or withdrawn.

Where a member with an existing approved business interest or additional occupation is subject to performance misconduct or attendance procedures, current approved business interests and additional occupations should be reviewed by the Appropriate Officer (Head of DPS for Police Officers or BCU Commander/police staff Head of Unit for Police Staff, provided the conduct or performance is directly related to the business interest or additional occupation.

Abuse of process

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 additional employment needs to be reviewed by the Appropriate Officer (Head of DPS for police officers or BCU Commander/police staff Head of Unit for Police Staff. 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.

Suspension from duty

If a police officer or member of police staff, who has a Business Interest, is suspended from duty their Business Interest or Additional Employment will be reviewed by the Appropriate Officer (Head of DPS for police officers or BCU Commander/Police Staff Head of Unit for Police Staff to ascertain if it is appropriate for the officer or member of staff to continue with the registered Business Interest.

Proportionality in relation to seniority and role

Relates to the requirement to take account of the seniority, role and nature of the duties of the police officer, police staff or police support volunteer. For example, it would be sensible to reflect on the nature of work carried out by the member, the different employment status of police officers and police staff, and the public impact of their proposed business interest or additional occupation prior to making a decision. There should be no one-size fits all approach to decision-making on business interests or additional occupations.

Restriction / Conditions

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 an alternative to a member of the Met having to choose between retaining the business interest or ceasing to be a member of the Met.

Equality and diversity

Decisions on business interests or additional occupations must take full cognizance of equality and diversity considerations. Forces must ensure that all decisions can be justified by reference to relevant equality legislation and the duty on police forces under the Equality Act 2010 to actively promote equality (*such as not treating any protected category more or less favourably*).

Health, safety and well-being

Relates to the duty of care to the individual and the risk of injury or increased stress and fatigue which could impact on the member's ability to perform duties to a satisfactory standard. As part of any consideration of a business interest or additional occupation it is essential a police force monitors the total number of hours a member will be working to comply with the duty to protect their health and safety and to ensure that the total demands of the jobs do not pose a risk to the health of the member concerned or his or her ability to work safely, either as an individual or part of a team. A sensible starting point for these purposes would be to examine the requirements of the Working Time Regulations (1998).

Decision-makers should start from the presumption that an application for a Business Interest or Additional Employment should be granted once satisfied that there are no adverse

reputational matters or conflicts with the values or ethos of the police service and will determine whether conditional approval may be warranted.

In considering an application for a business interest, the Appropriate Officer (Head of DPS) for Police Officers or BCU Commander/Police Staff Head of Unit for Police Staff will also require the applicant to provide any such information deemed necessary in order to adequately and fairly consider a business interest.

Health & Safety considerations

The Commissioner has a duty to ensure the health and safety of all Met personnel and those affected by the activities of the service as far as reasonably practicable. The possible increased health and safety risks for Met activities associated with a member of the service undertaking a business interest or additional employment must be considered as part of the application and significant risks must be documented and managed effectively.

Primarily there are two key areas to consider; the requirements of the Working Time Regulations and the general duties imposed by the Health and Safety at Work Act. These are outlined below

Working time regulations

The Regulations ensure that workers have adequate opportunity for rest, to prevent fatigue and the negative impacts on health and safety associated with it. There are a number of entitlements set by these Regulations which have significance for this policy:

- set a maximum average working week of 48 hours
- provide a rest period of not less than 11 consecutive hours in a 24 hour period
- provide an uninterrupted rest period of not less than 24 hours in a 7 day period
- set limits for night work in some circumstances.

Detailed guidance on the entitlements outlined above can be found on MyHR.

The Regulations are interpreted to mean that where there are two or more employers, each employer should take reasonable steps to ensure that the worker benefits from these entitlements. This means that rather than the employee having a weekly rest period of 24 hours from one particular employer but working for a second employer, the rest period should be from working in any employment whatsoever. It is important that line managers consider how the hours for a business interest or additional employment will be arranged to ensure that the police officer or member of police staff gets at least the minimum legal rest entitlement.

Any member of the Met registering a business interest or additional employment must be asked to consider agreeing to opt out of the maximum working week by completing the relevant section on their Employee Self Service via PSOP within the Special Information tab. This opt out applies only to the maximum working week and the member remains entitled to all other daily and weekly rest breaks. MPS personnel cannot be forced to opt out and managers must introduce local arrangements to monitor working time if they choose not to.

However, if an employee declines to opt-out, the Appropriate Authority (Chief Superintendent within DPS) for Police Officers and BCU/OCU Commander/Head of Unit for Police Staff will consider this fact, and the suitability of local monitoring arrangements, when making a decision regarding compatibility. Further information about the WTR can be found on MyHR .

Health & Safety at Work Act 1974

In contrast to the specific obligations imposed by the Working Time Regulations, the Health and Safety at Work Act imposes a general duty to manage work activities so as to ensure the health and safety of employees and anyone affected by them. Notwithstanding the requirements outlined in the section above, managers should consider if there are any mental or physical demands associated with either the applicants' role in the Met or their outside interest that may impact negatively on their capacity to undertake their Met role safely. For example managers must ensure that applicants classified as 'vocational drivers' are able to take the requisite amount of rest between shifts if undertaking a business interest or additional employment. Similarly, the potential for and possible impacts of stress associated with working increased hours should be considered for an applicant working in an Met role that is psychologically demanding or requires high concentration.

Individuals have a responsibility to take reasonable steps to secure their own health and safety and take reasonable care not to put other people, including colleagues and members of the public, at risk due to acts or omissions in the course of their work. Therefore, whilst a member of the Met is free to choose how to spend their own time, consistent with the position held as a member of the Met, each individual has a responsibility not to do so in such a way or to such extent that they are not able to attend work when required 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 safety or the safety of others. Accordingly, when a member of the Met notifies a proposed business interest or additional 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 additional employment in a manner or degree incompatible with his/her compliance with the Met Health and Safety Policy. This declaration is incorporated within the Business Interest Notification or changes to Annual Review for Determination of Compatibility with Membership of the Met - [Form 6005](#) on the Met Forms Intranet site. If any member of the Met is unable to provide such an assurance, the proposed business interest or additional employment will be deemed incompatible with continued service with the Met.

Any individual submitting an application must co-operate with their Line Manager to provide information about the nature of the proposed activities they will be undertaking and how they will be organised around existing Met commitments, such as shift patterns. Individuals must consider how they intend to fulfil the obligations of a business interest or additional employment so as to minimise the potential for fatigue.

If a member of the Met 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 additional employment the finding of compatibility, previously made, is likely to be rescinded and disciplinary action **may** follow.

When considering an application, Line Managers must consider the nature of the Met role undertaken by the applicant and identify if there are additional hazards or increased risks associated with the undertaking of the business interest or additional employment. The Line Manager should start by reviewing the local risk assessment for the activity and discuss the business interest or additional employment to gain a thorough understanding of the demands of the proposed work activities and the arrangement of work.

The manager must complete Section E on the Business Interest Notification or changes to Annual Review for Determination of Compatibility with Membership of the Met - [Form 6005](#) identifying any health and safety implications. The manager should give a brief description of the issues. For example if a Met employee will be undertaking an additional employment whereby they will not get 11 hours of uninterrupted rest in some 24 hour periods but will take compensatory leave at a later point instead. The purpose of this section is to help give the member of the Senior Leadership Team an understanding of the circumstances of any health or safety implications. Equally, if the manager does not foresee any impacts on the health and safety of the applicant or others affected by their work, this should be recorded in this section.

Completion of an RA3 (Risk Assessment)

Where the line manager identifies either a significant new hazard or perceives an increased risk associated with an existing hazard listed on the local risk assessment, an individual [RA3](#) should be created for the applicant. Guidance on the risk assessment process is provided in Volumes 1 and 2 of the Health and Safety manual. If required, the line manager can seek additional support from a local Specialist Trained Risk Assessor or the designated Health and Safety Advisor for the OCU.

A copy of the individualised risk assessment must be attached to the application for consideration when determining compatibility. If the application is approved the risk assessment must be attached to the applicants electronic HR record in the risk assessment section.

If authorised, managers must monitor employees with business interests or additional employment to ensure that there are no emerging health and safety issues. Where a manager is concerned that the current assessment of health and safety is no longer valid and there are increased risks or previously unidentified hazards associated with the work a new risk assessment must be undertaken and documented. Consideration should also be given to asking the original decision-maker to review the Business Interest again to ascertain if it is still compatible.

The member of the Senior Leadership Team must consider any health and safety issues identified and the suggested control measures on the Business Interest Notification or changes to Annual Review for Determination of Compatibility with Membership of the Met - [Form 6005](#) to determine if this business interest or additional employment poses an unacceptable risk for the OCU. If the risk is acceptable the member of the SMT must confirm that the suggested control measures can be implemented immediately. Advice and guidance can be sought from the Shared Support Services.

Failure to notify a business interest, additional employment or political activity

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

Memoirs

Management Board has agreed guidelines for officers and staff planning to publish memoirs of their police service experiences. Further information about memoirs can be found in [Annex B](#). Details of the process to be followed for the approval of all other publications can be found in [Annex A](#).

Commercial arrangements and contracts with the Met/MOPAC

All staff should declare any shareholding that represents more than 10% of the total share capital of a company or business. In addition, all staff must declare any shareholding in a company or business that has a contract with their BCU/OCU, unit or branch or if they hold any position with a company that has a contract with the Met or MOPAC.

If, after registering a Business Interest, you commence a commercial relationship with the Met or MOPAC, including taking part in a procurement process, you must submit your Business Interest for review irrespective of the date of your next annual review.

All staff must also declare if their spouse, civil partner or any relative living with them owns or has a controlling interest in a company or business or holds a management position in a company or business that has a contract with the Met or MOPAC.

In the event that a member is aware that any external organisation, in which the member of the Met 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 Met or MOPAC as a result of a procurement process, they must inform their BCU/OCU Commander or Head of Branch immediately. The BCU/OCU Commander or Head of Branch should subsequently inform the Director of Procurement, who will then consider the appropriate steps to be taken. In any such case, the member of the Met 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 Met 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.

Political activities

Police officers are not permitted to engage in any form of political activity (Schedule 1 of The Police Regulations 2003) with the exception of standing for election as a Parish Councillor.

Broadly, most Met police staff are free to engage in limited political activities subject to the restrictions contained in the MOPAC Employment and Restrictions on Political Activities. Further information about political activities can be found in [Annex C](#).

Officers and staff should not engage in the activities of any organisation which is likely to undermine staff or public confidence in the commitment to observe the principles of the Equality Policy (e.g. BNP, National Front, Combat18 etc).

Police staff in professional and technical roles

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 additional employment.

How to apply

Details of the how to apply can be found in [Annex D](#).

Declaration to HMRC

Officers and staff must inform Her Majesty's Revenue and Customs of any additional income derived from their business interest or additional employment and comply with any income tax liability.

Annual review of a business interest or additional employment

All approved Business Interests or Additional Employment must be submitted for an annual review at the same time of your annual Performance Development Review (PDR). Details of how to submit an annual review can be found in [Annex E](#)

An annual review should take into account an individual's performance, attendance and misconduct. (See [Undertaking Business Interests and Additional Employment section](#)) There

should be no expectation that an existing compatible business interest will be found to be compatible when it is reviewed

If there are no changes to an existing approved Business Interest please complete the [Business Interest and Declarable Associations form - Form 6006](#) and email it to the [HR Mailbox – Business Interest](#) mailbox.

If there are changes to your existing Business Interest, you are required to complete a new [Business Interest Notification or changes to Annual Review for Determination of Compatibility with Membership of the Met - Form 6005](#) and follow the same process as if applying for a new Business Interest (see [Annex D](#))

Failure to submit an annual review for a Business Interest or Additional Employment will result in it being revoked. If an officer or member of staff has more than one Business Interest or Additional Employment then they all must be reviewed at the same time.

Career break

All Met personnel who have a registered Business Interest or Additional Employment prior to commencing a career break must continue to submit it for annual review during their career break. Met personnel who commence a Business Interest or Additional Employment during a career break must have it approved prior to commencing the activity.

Appeal process

Appeals process for police officers

A police officer has the right of appeal to the nominated Assistant Commissioner against the decision of the Appropriate Officer (Head of DPS) to find the business interest incompatible within ten days of receiving notification of the decision.

Appeals process for police staff

A member of police staff has the right of appeal to the commander or police staff director against the decision of the BCU Commander or Police Staff Head of Unit to find the business interest incompatible within ten days of receiving notification of the decision.

Details of how to appeal against a decision that a business interest or additional employment is incompatible can be found in [Annex F](#)

Intellectual property rights

Intellectual Property, including but not limited to, any documents, data, articles reports or other items, patents, patent applications, registered and unregistered designs, trademarks, or

copyright created by an employee as part of their usual or extended duties as an employee, or which relates to matters of policing, shall be deemed to be created in the course of his/her employment and will be exclusively the property of employer. Employees also irrevocably waive any moral rights in any work created.

Information regarding Intellectual Property Rights relating to a business interest can be found in [Annex G](#).