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| **Business Interests and Secondary Employment** |
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| 3.00 | Process for updating SCoPE and filing of applications amended.  | 29/06/2018 |
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# Overview

## What is this about?

### Here we will tell you about what needs to happen when an individual wishes to have a business interest, or undertake secondary employment (BISE), outwith their commitments to Police Scotland and the Scottish Police Authority (SPA).

### We will also set out some of the factors that are considered when a BISE application is submitted, the Police Regulations that apply, and provide examples of business activities that are likely to be incompatible with your role.

## What is a BISE?

### You need to apply for a BISE in the following situations:

* When letting out property, or a room in a property, that is owned, part owned or mortgaged if you have a personal financial interest in it. For your own protection, we suggest that you use a letting agency to manage this for you.
* Letting out a room in a house that you live in and claim housing/transitional rent/replacement allowance against.
* Being involved in a business or organisation outwith Police Scotland.

### In addition, Regulation 5 of the Police Service of Scotland Regulations 2013 describes legislative instruction to officers on BISE. You can refer to the Regulations if you would like to explore the full wording, but in general, they state that an officer has a business interest if:

* They carry on any business or hold any office or employment for hire or gain (otherwise than as a Constable) in the UK.
* They live in premises where a member of their family runs a shop or any similar business in Scotland.
* Their spouse, civil partner or cohabitant (not separated), runs a shop or any similar business in Scotland.
* They, or a member of their family, hold a license, certificate or permit related to liquor licensing, betting and gaming or regulation of places of public entertainment in Scotland, or if they have a monetary interest in this.

## Who is this for?

### This is for officers, authority/police staff and special constables. Any points that apply to only one group will be clear.

## Key information

* The Police Service of Scotland Regulations 2013 outlines what is a business interest for officers, and that there is the need for someone to obtain consent. These general principles also apply to staff and special constables.
* Although in the main we approve BISE applications unless there is a risk to the organisation or conflict of interest, applications are considered on a case-by-case basis taking into account all relevant information that is available to us. This can include an individual’s current and past performance at work.
* To support wellbeing, you cannot opt-out from working longer than the maximum average of 48 hours per week under the Working Time Regulations.
* If you incur any costs to set-up or run a BISE before submitting an application that is subsequently declined, we are not liable to reimburse these costs.
* Approved applications are subject to review, and it is possible for consent to be withdrawn if the Divisional Commander/Head of Department has good reason to believe that the BISE is having a negative effect on an individual’s role.
* If there is a sufficient reason, an approved BISE can also be reviewed at any time.
* If you carry out a BISE and you do not have permission, there is the likelihood that this could lead to action under the Police Service of Scotland (Conduct) Regulations or the Disciplinary Procedure, so it is in your best interests to declare it.
* The absolute authority for BISE is devolved to the Deputy Chief Constable (DCC) (Designate), but the Divisional Commander/Head of Department has authority to make decisions guided by the Professional Standards (PSD) Gateway Unit.

# Officer/Staff

## What you need to do:

* Make sure you have consent to have a BISE.
* Tell us about any changes to your circumstances that could affect your BISE application, or the continued approval of this.
* Ensure that your approved BISE does not have a negative impact on your role, or employment with us.
* Tell Her Majesty’s Revenue and Customs (HMRC) about any income you make in addition to your duties with us.
* Comply with Working Time Regulations, and make sure that your working week does not go above 48 hours on average during a rolling 17-week period.
* **Officers only**: tell us if a family member’s employment or business interest might interfere with your ability to impartially discharge your duties. Family means a parent, child, sibling, spouse, civil partner or cohabitant (not separated) and includes stepfamily.
* Tell your manager if you decide to stop your BISE.

## Incompatible BISE activities

### You need to be aware that some activities will be incompatible to carry out in addition to your role with Police Scotland/SPA. This is not a definitive list, but a BISE would be incompatible if it:

* Is regulated by the police or local authority, or has an element of police supervision.
* Would bring the SPA or Police Scotland into disrepute.
* Could compromise your impartiality, or could lead the public to believe that to be so.
* Involves an activity that would present a conflict of interest in the administration of justice (e.g. private investigations, surveillance, and crime prevention advice), is related to your role with us, or where training and skills provided or sourced by us are relied upon.
* Involves lending money or debt recovery.
* Includes ‘hard selling’ techniques to colleagues.
* Involves working with the media, including filming.
* Involves writing and the publication of material that involves information protected under the Official Secrets Act.
* Carries a significant health risk, risk of injury, or involves unregulated or extended hours. These could interfere with your attendance/performance at work with us, or breach Working Time Regulations.

## Voluntary work

### In the main, you do not have to submit a BISE application to carry out voluntary work. That said the list of incompatible activities above also applies if you are undertaking work on a voluntary basis.

### Also, if you feel that there is the potential for a conflict of interest with your position with us by carrying out voluntary work, you should talk about this with your manager to get some guidance on whether or not a BISE application would be appropriate

## Making an application

### To apply, you need to complete a Business Interest/Secondary Employment Application Form (019-001) and email this to your manager.

### Officers appointed to the office of Chief Constable, Deputy Chief Constable, or Assistant Chief Constable must submit their request for consent to the SPA in writing.

### If you are applying for a BISE due to letting out property, or a room in a property, make sure that you include the address of the property in question, and let us know if your portfolio expands.

## What happens next?

### Your manager and the PSD Gateway Unit will consider your application and provide comments, before your Divisional Commander/Head of Department makes the final decision to approve or not.

### To try to keep you from waiting longer than you have to, our aim is to let you know the outcome of your application in 25 days. If it is going to take longer than this, your manager will let you know.

### Although our general approach is that BISE applications will be approved if there is no conflict of interest or risk to the reputation of the organisation, each application is thought about individually, specifically taking into account:

* The nature of your role and your place of work.
* What the BISE is.
* If the BISE relates to any policing role or experience, e.g. specialist skills are needed or utilised.
* The level of involvement and time you will need to devote to the BISE.
* The potential of the BISE to expand.
* The potential impact on your current or immediate future role.
* Your attendance at work and any conduct, disciplinary, or capability issues (either dealt with or ongoing). These are not an immediate reason to refuse an application, but we need to explore this if there might be a direct connection with the BISE.
* Health, safety, wellbeing, and any possible risk to you e.g. stress or fatigue.

### Your manager will let you know once it is possible to confirm the final decision, which will be either:

* approved;
* approved subject to conditions; or
* declined.

## Applications approved or approved with conditions

### If your application is approved, or approved with conditions, your SCoPE record will be updated with the details of your BISE and the scheduled date of your review. All approved applications will have a review date allocated.

### **Officers only**: Having an approved BISE is not a reason for you not to be re-deployed or transferred to another location or role. Because everyone’s situation is different however, we deal with each case individually.

### You should be aware that if we approve your BISE application, subject to conditions and you do not accept or meet these conditions, your application will be declined or approval revoked.

### If, due to sickness absence, you are not able to work for us, there might be an impact on how your BISE is managed. In this case, you must speak to your manager as soon as possible about the continuation of your BISE during any period of absence as it may be appropriate to suspend your BISE while on sick leave.

## Declined applications

### If your application is declined, we can only re-consider it if there are any new facts or information; if none of the details have changed it cannot be looked at again.

### If you have further information that you would like us to think about, you should resubmit your original application again with details of the new information included.

### If your application is declined, we will return your BISE application and any supporting documentation to you.

## Changes to your approved BISE outwith a scheduled review

### If there is a material change to your BISE after it has been approved e.g. a change of business premises, you need to tell us immediately by speaking to your manager. If you do not, there is the potential for action under the Police Service of Scotland (Conduct) Regulations or the Disciplinary Procedure.

### If there are significant changes to your BISE from when it was initially approved, you need to submit an updated Business Interest/Secondary Employment Application Form (019-001). If the changes are minor, an email to your manager notifying them of the changes is appropriate. If you are in any doubt, speak to your manager for guidance.

## Reviewing a BISE

### The nature of your BISE will determine how often we will carry out a review. A review will generally take place every two years, but anything from one year to a maximum of three years is acceptable. Your Divisional Commander/Head of Department will decide on an appropriate timeframe after considering your individual circumstances. You should be aware however, that approval to have a BISE can be reviewed at any time if there is just cause, and we can reverse or suspend approval depending on the outcome of the review.

### In general, you do not need to submit a new application form for the scheduled review of your BISE. Your manager will meet with you to talk about your BISE and check in with you to see how this is working practically for you and the organisation.

### If anything has changed that significantly affects the original circumstances of your BISE, you will need to submit a new Business Interest/Secondary Employment Application Form (019-001) for the changes to be documented and considered fully through the application process. If there are minor changes, you can confirm these in writing in an email to your manager.

### Reasons for a review outwith the scheduled review could include:

* Unsatisfactory performance.
* Attendance issues.
* A change in your circumstances e.g. changing the address of your business premises, a new business partner.
* The BISE is no longer compatible.

### If your post or role changes (not including your shift group), your new manager will review your BISE as a matter of course to ensure it is appropriate for it to continue.

### If your BISE is reviewed outwith the scheduled review, you manager will tell you the reason for this and you are free to submit supporting documentation for consideration. The review will be sent to the PSD Gateway Unit, then your Divisional Commander/Head of Department for a final decision.

### After a review, it might be the case that approval for you to have a BISE is reversed or suspended. If this happens, we may consider allowing you some time to honour any outstanding commitments you have regarding your BISE, but this is not guaranteed.

## The end of a BISE

### If you decide to end your BISE while you still work with us, make sure that you tell your manager in writing. You can do this via email. When your BISE finishes, we will remove this from your SCoPE record and dispose of the paperwork.

# Manager

## What you need to do:

* Consider BISE applications fairly and objectively.
* Make sure you tell your team member the outcome of their application and any conditions of approval.
* Review approved BISE applications for those under your management in line with their scheduled review.
* Establish if new members of your team have an approved BISE and if they do, carry out a review.
* Instigate a review of the compatibility of a BISE if there is sufficient reason to do so.

## Incompatible BISE activities

### Some activities will be incompatible for an individual to carry out in addition to their role with us. Although this is not a definitive list, you need to be aware of the following activities when considering or reviewing an application. A BISE would not be suitable if it:

* Has an element of police supervision, or is regulated by the police or local authority.
* Would bring the SPA/Police Scotland into disrepute.
* Could compromise someone’s ability to be impartial or could lead the public to believe that to be so.
* Involves an activity that would present a conflict of interest in the administration of justice (e.g. private investigations, surveillance, or crime prevention advice), is closely related to your team member’s role with us, or where training and skills provided by SPA/Police Scotland are relied upon.
* Involves lending money or debt recovery.
* Includes ‘hard selling’ techniques to colleagues.
* Involves working with the media, including filming.
* Involves writing and the publication of material that involves information protected under the Official Secrets Act.
* Carries a significant health risk, risk of injury or involves unregulated or extended hours, which could interfere with their attendance/performance at work with us and which may breach Working Time Regulations.

## Voluntary work

### There is generally no need for an individual to submit a BISE application to get consent to carry out voluntary work but, if a member of your team thinks there is the potential for a conflict of interest with the voluntary work they are proposing to carry out, they should approach you to talk about this.

### Similarly, if you become aware of the voluntary work and have any concerns, you should have a discussion together to determine if it is appropriate for a formal application to be completed.

### The list of incompatible activities above also applies if you receive an application to undertake work on a voluntary basis.

### When you are considering the suitability of voluntary work, you should think about the same factors you would when assessing the suitability of a BISE application. These are explained throughout the next few stages of the procedure.

## Receiving and processing an application

### Applications must be submitted to you using the Business Interest/Secondary Employment Application Form (019-001). When you receive this, your role is to review the application and add your comments within five working days. If you are proposing to approve the application, you should also recommend a timeframe for a review to take place.

### Generally, reviews should take place every two years depending on the nature of the BISE however, a review period of one year up to a maximum of three years is appropriate.

### Although the general principal is that applications should be approved if there is no potential risk to the organisation or conflict of interest, you need to think about possible incompatible activities and the suitability of the application with your team member’s role. Things that you should consider are:

* The nature of the individual’s role and their place of work.
* What the BISE is.
* If the BISE relates to any policing role or experience, e.g. specialist skills are needed or utilised.
* The level of involvement and time they will need to devote to the BISE.
* The potential of the BISE to expand.
* The potential impact on their current or immediate future role.
* Their attendance at work and any conduct, disciplinary, or capability issues (either dealt with or ongoing). These are not an immediate reason to refuse an application, but we need to explore this if there might be a direct connection with the BISE.
* Health, safety, wellbeing, and any possible risk to them e.g. stress or fatigue.

### You then need to email the application and any supporting documentation to the PSD Gateway Unit, who should send this back to you within ten working days.

### When the application is returned to you from the PSD Gateway Unit, forward this by email to your Divisional Commander/Head of Department who will make the final decision and notify you within five working days. If there are any concerns about any of the information provided by the PSD Gateway Unit, the Divisional Commander/Head of Department needs to discuss this with them.

## What happens next?

### When a final decision is confirmed, you need to let your team member know, ideally within five working days. The outcome will be:

* Approved;
* Approved subject to conditions; or
* Declined.

### All in, our aim is to tell individuals the outcome of their application within 25 days of them submitting it to you. If this is not going to be possible, you need to let them know and keep them updated with the progress.

### Once you tell your team member the outcome of their application, you need to make sure that their SCoPE record is updated. To do this, send the paperwork to your local Business Support Unit (BSU) to have the details of the application recorded on SCoPE. The BSU will then forward this to the appropriate HR Shared Services team for filing.

### If you do not have a local BSU, send the paperwork to **[REDACTED]** who will update SCoPE for you.

## Applications approved or approved with conditions

### **Officers only**: Remember that for officers in your team, an approved BISE is not a reason for us not to re-deploy or transfer them to another location or role. If this situation comes up, it is important to treat each case individually as everyone’s circumstances are different.

### If an application is approved with conditions, make sure that these are recorded on the application form and SCoPE. If someone does not accept or comply with any conditions that are set, their application will be declined or revoked.

### If your team member is off work due to sickness, you should consider if there is any potential for the BISE to impact on their absence. It is important that you have a conversation with them as soon as possible to talk about this, and if it is appropriate for their BISE to continue during their absence.

### When you are thinking about this, remember that you can get advice from your Divisional Commander/Head of Department, and/or Occupational Health.

## Declined applications

### If an application is declined, it will only be reconsidered if there are new facts or information available. If more information is made available to us, you need to follow the process above but with shorter timescales.

### If they do give you additional information to be considered, aim to advise your team member of the outcome within ten working days. If it is going to take longer than this, make sure you let them know.

### Make sure you return the individual’s BISE application and any supporting documentation to them when you tell them about the outcome of their application.

### The SPA will deal with BISE applications that need to be reconsidered for an Assistant Chief Constable or above.

## Changes to an approved BISE outwith a scheduled review

### If there is a material change to a team member’s BISE after it is approved, e.g. a change of business premises, they need to tell you immediately. If they do not, there is the potential for action to be taken under the Police Service of Scotland (Conduct) Regulations or the Disciplinary Procedure.

### If the details of the BISE have changed significantly from when it was initially approved, ask the individual to submit an updated Business Interest/Secondary Employment Application Form (019-001). If the changes are minor and there is no material difference to how the BISE is carried out, you can accept an email detailing the change that you should then forward to your local BSU or **[REDACTED]** to let them update records.

## Reviewing a BISE

### It is important that we review approved BISE applications in line with the scheduled review date to make sure it is appropriate for them to continue beyond this.

### Depending on the nature of the BISE, a review should be set for two years, but anything from one year to a maximum of three years is acceptable.

### It is the intention that scheduled reviews be relatively quick and informal. The main purpose is to check in with the individual to see how their BISE is practically working and check that there has been no negative impact on their welfare or performance.

### If there have been minor, or no changes to the circumstances of their BISE, your team member does not need to complete a new application form. If you are content for their BISE to continue after the review, all you need to do is email your local BSU to let them know that the review has been completed, tell them the new review date and any comments you have. They will then update SCoPE. If you do not have a local BSU, email **[REDACTED]** with the same information.

### If however there have been significant changes, a new Business Interest/Secondary Employment Application Form (019-001) should be completed, and the full application process should be followed.

### There may be other times that you might need to start a review outwith the scheduled review period. Use your judgement; but this could be if the individual’s attendance or performance is unsatisfactory, their post or role changes (not a change of shift group), or if there is a change in their circumstances.

### When you carry out this review, give your team member a chance to submit supporting documentation, and then send this, along with a record of your own observations to your Divisional Commander/Head of Department and the PSD Gateway Unit.

### Once the Divisional Commander/Head of Department makes their decision, let the individual know and follow this up in writing. An email will suffice. Then send all paperwork to your local BSU or **[REDACTED]** for SCoPE to be updated.

### If approval for an application is removed after a review, think about possibly allowing some time to let your team member honour any outstanding business commitments related to their BISE.

## The end of a BISE

### If a member of your team decides to end their BISE, they need to let you know in writing. An email will suffice.

### Once you have received notification about a BISE concluding, send an email to your local BSU and **[REDACTED]**. This will let them remove details of the BISE from the individual’s SCoPE record, and dispose of all related paperwork.

# Resources

**Forms**

* [Business Interest/Secondary Employment (BISE) Application Form (019-001)](https://spi.spnet.local/commonservices/people-and-development/policy-hub/ToolsResources/BISE%20-%20Application%20Form%20%28019-001%29.doc)

**Reference Documents**

* [Business Interest/Secondary Employment (BISE) Process Map](https://spi.spnet.local/commonservices/people-and-development/policy-hub/ToolsResources/BISE%20-%20Process%20Map%2C%20Appendix%20A.pdf)

**Related Procedures**

* [Capability (Attendance and Performance) Officers](https://spi.spnet.local/commonservices/people-and-development/policy-hub/Pages/Capability-%28Attendance-and-Performance%29-%28Officer%29.aspx)
* [Capability (Attendance and Performance) Staff](https://spi.spnet.local/commonservices/people-and-development/policy-hub/Pages/Capability-%28Attendance-and-Performance%29-%28Staff%29.aspx)
* [Career Breaks](https://spi.spnet.local/commonservices/people-and-development/policy-hub/Pages/Career-Breaks.aspx)
* Disciplinary

**Useful Links**

* Email and Internet Security Procedures
* [Health and Safety Executive – The Working Time Regulations](http://www.hse.gov.uk/contact/faqs/workingtimedirective.htm)
* [Police Service of Scotland Regulations 2013](http://www.legislation.gov.uk/ssi/2013/35/contents/made)
* [Police Service of Scotland (Conduct) Regulations 2014](http://www.legislation.gov.uk/ssi/2014/68/contents/made)
* [Police Service of Scotland (Special Constables) Regulations 2013](http://www.legislation.gov.uk/ssi/2013/43/contents/made)
* [HMRC](https://www.gov.uk/government/organisations/hm-revenue-customs)

Business Interests and Secondary Employment (BISE) Process Map

**Scheduled Review**

An updated Form (019-001) is only needed if there is a material change to the original approved BISE.

**Initial BISE Application Submitted**

Form (091-001) completed and emailed to manager for consideration.

**Considering the Application**

The manager will add their comments within five working days then forward to the PSD Gateway Unit, who will return this within 10 days. The Divisional Commander/Head of Department will make the final decision.

**Application approved/approved with conditions.**

All approved applications are subject to review.

**Application declined**

**No New Facts/Information Available**

This is the final stage**.**

**New Facts/Information Available**

 Application reconsidered with the aim to complete this in 10 working days. If declined at this point, this is the final stage.

**Officer/Staff**

Your manager will aim to tell you the outcome within 25 working days of submitting your application