

Business Appointment Rules Procedure (Police Officers)

This document is part of North Yorkshire Police policy to which all Chief Constable personnel and the functions provided by the Deputy Mayor for Policing as part of the York & North Yorkshire Combined Authority are required to adhere.

Procedure Statement

The Business Appointment Rules comply with Recommendation 80 of the Inquiry by Lord Justice Leveson into the “Culture, Practices and Ethics of the Press”, an important recommendation in relation to post-service employment.

By adopting recommendations, the York and North Yorkshire Combined Authority and Chief Constables are committing to actively engaging and tackling any integrity issues which come to light in relation to post-service employment.

Implementation of the Business Appointment Rules ensures greater transparency in all post-service employment routes, in relation to senior Police Officers.

Overarching Policies:

Procedures:

Other Documents:

Annex A Chief Officer – Post Employment Notification

Annex B: Model Template For Publishing Transparency Information About CO Post-Service Employment

Process

North Yorkshire Police have identified the following roles which attract an obligation to comply with the Rules outlined within this procedure and which will form part of terms and conditions of service:

- The rank of Chief Constable
- The rank of Deputy Chief Constable
- The rank of Assistant Chief Constable

Key Principles

These Rules are designed to uphold the Code of Ethics in relation to Police Officers.

It is in the public interest that people who hold such positions should be able to move into other sectors, and that such movement should not be frustrated by unjustified public concern over a

particular appointment. It is equally important that when a former senior officer takes up an outside appointment or employment there should be no cause for justified public concern, criticism or misinterpretation.

This system is in place for any new appointments, promotions or transfers that are agreed after 01 January 2018. It is also expected that existing Chief Officers will wish to voluntarily agree to abide by the new system.

The aim of the Rules are to avoid any reasonable concerns that:

- a Chief Officer might be influenced in carrying out his or her official duties by the hope or expectation of future employment with a particular firm or organisation, or in a specific sector; or
- on leaving North Yorkshire Police, a former Chief Officer might improperly exploit privileged access to contacts or sensitive information; or
- a particular firm or organisation might gain an improper advantage by employing someone who, in the course of their official duties, has had access to:
 1. Information relating to unannounced or proposed developments in police policy, knowledge of which may affect the prospective employer or any competitors; or
 2. Commercially valuable or sensitive information about any competitors.
 3. Be sensitive for other reasons.

When to apply

The Rules apply for **12 months** after leaving the Police Service. In circumstances where an individual is undertaking a role on temporary promotion immediately prior to leaving the Police Service, it will be the temporary grade that will determine how the Rules are to be applied.

Before accepting any new appointment or employment, whether in the UK or overseas, which they intend to take up after they have the Police Service, individuals must consider whether an application under the Rules is required. If it is required, individuals should not accept or announce a new appointment or offer of employment before it has been approved.

Chief Officers (or former officers) notifying their force of an appointment (including any employment, self-employment or unpaid position) which they would like to take up after having left the police force will complete a form providing information on the proposed employment (Annex A of this document). The form will also ask about any links they had to the proposed employer while they were a serving officer. A separate form should be completed for each appointment to be considered, as each request will need to be considered on its own merit. This form should be used for all applications under the Rules. Retrospective applications will not normally be accepted.

The process for giving approval will be the same for all those to which these rules apply except for the responsibility for decision making for the Chief Constable being with the Deputy Mayor for Policing and the responsibility for decision making for all other roles being with the Chief Constable.

An application is required for any new appointment or employment that individuals wish to take up during the **twelve-month** period after leaving office. The Rules apply for 12 months after the last day of paid service. An application for a new appointment or employment during this period is only required if the individual's circumstances match one or more of the triggers set out at (i) to (vii) below.

- i. They have been involved in developing policy affecting their prospective employer or have had access to unannounced police policy or other privileged information affecting their prospective employer, at any time in their last 12 months in the Police Service.
- ii. They have been responsible for regulatory or any other decisions affecting their prospective employer, at any time in their last 12 months in the Police Service.
- iii. They have had any official dealings with their prospective employer at any time in their last 12 months in the Police Service.
- iv. They have had official dealings of a continued or repeated nature with their prospective employer at any time during their Police Service career.
- v. They have had access to commercially sensitive information of competitors of their prospective employer in the course of their official duties.
- vii. The proposed appointment or employment is consultancy work, either self-employed or as a member of a firm, as well as any relevant unpaid appointments. If a Chief Officer / former Chief Officer is uncertain as to whether they need to complete a notification form, they should seek advice from their Chief Constable or Deputy Mayor for Policing (as relevant).

How to apply for approval

Under the terms of appointment Chief Officers are required to submit an application to the Director of People Services

Assessing the application

The notification form should be reviewed by the Chief Constable, for officers under their direction (or formerly under their direction), and by the Deputy Mayor for Policing in the case of the Chief Constable or former Chief Constable. Notification of decisions on applications will be made through People Services.

In considering the suitability of the proposed post-service employment, the Chief Constable / Deputy Mayor for Policing should consider the following factors:

- Could the role be construed as a 'reward for past favours' granted by the applicant to the employer?
- Would it enable a particular organisation to gain an improper advantage by employing someone who had access to information which is not available to competitors?
- Would it enable a particular organisation to gain an improper advantage by employing someone who had access to information that a competitor might legitimately regard as their own trade secrets?
- Could the role be deemed sensitive for any other reasons?

If required, the applicant should be contacted to provide further information, or to clarify any points, which might assist the Chief Constable / Deputy Mayor for Policing to make a recommendation on the suitability of the proposed post-service employment.

The notification form should be assessed and a recommendation made within 10 days of submission. The absence of the Deputy Mayor for Policing or Chief Constable (e.g. due to leave) should not delay the process of assessing a notification or making the recommendation. Where the Deputy Mayor for Policing is unavailable, responsibility for considering the notification and making a recommendation should be delegated to a deputy (or other authorised officer). In the case of a Chief Constable being unavailable, responsibility should be delegated upwards to the Deputy Mayor for Policing.

Making a Recommendation

The Chief Constable / Deputy Mayor for Policing (as applicable) should make a recommendation in writing using the format laid out in Part 3 of the notification form (in Annex A) on the appropriateness of the proposed post-service employment. The feedback should include a clear assessment of the basis on which the recommendation has been reached.

The decision-maker will be able to make a recommendation that the employment is:

- ‘appropriate’
- ‘appropriate with conditions’
- ‘not appropriate’.

The option to recommend ‘approve with conditions’ recognises that there may be situations where for integrity and transparency reasons it is appropriate to stipulate that the individual avoids a scenario where they may be seen to give their prospective employer an improper advantage. This could include a condition that they are not involved in commercial or contractual dealings with their former employer (for a specified period of time), for example.

If approved subject to conditions, this will apply for a maximum of 12 months from the individual’s last day of paid service.

Where it is proposed that an application be approved with conditions or a waiting period, the applicant will be offered an opportunity to discuss any concerns he or she may have with the Director of People Services.

In addition to the maximum 12 months waiting period, the Director of Legal Services (or delegate) may advise, if they judge the propriety concerns to be substantial, that a rider be added to their advice saying that they also view the appointment to be unsuitable.

Payment for Waiting Periods

It may be appropriate to continue to pay former Police Officers who are required to observe a waiting period before taking up an external role. Such a payment would be subject to the particular circumstances of the individual case, and it would be important to ensure that decisions take account of all relevant factors including, for example, whether there was a reasonable expectation of a waiting period under the Rules. Where a waiting period is required, departments should seek to redeploy individuals for the duration of the period. Where there is no alternative suitable employment available, the department can consider whether there is a case for the individual to be compensated for serving a waiting period. The Deputy Mayor for Policing must be consulted when payment is proposed either by the Department or the individual.

Requesting a review of the recommendation

Where a Chief Officer / former Chief Officer disagrees with the recommendation made on the suitability of their post-service employment, there will be a right to request the recommendation is reviewed by an independent panel, if this request is made within 10 working days. However, where practical it will be desirable for Chief Officers / former Chief Officers to discuss their planned post-service employment with their Chief Constable / Deputy Mayor for Policing, ahead of submitting the request for consideration, to allow early discussion of any potential conflicts and to avoid the likelihood of requests to review a recommendation.

The Review Panel will be advisory and will be organised by the Director of People Services (or delegate) for officers below Chief Constable rank or the Deputy Mayor for Policing for the Chief Constable. For review requests from Chief Officers below Chief Constable rank, the panel will comprise a Chief Constable and Director of People Services (from different force areas to the person appealing) and a CPOSA representative. The review panel for the Chief Constable will include a Deputy Mayor for Policing or a Police and Crime Commissioner and the Chief Executive of a Police and Crime Commissioner or Combined Authority (both from a different force area to the Chief Constable requesting the review), as well as a CPOSA representative.

There are no set requirements for the format of Review Panel meetings (e.g. it could be done by telephone or in person), but the panel should provide their advice within 10 working days of the review being requested, unless an extension is agreed with the individual requesting the review. The Panel may seek further information or clarification from the individual seeking the review, or the original decision-maker, where this aids them to make a recommendation.

The panel should confirm their recommendation in writing to the original decision-maker (Chief Constable / Deputy Mayor for Policing) and the Chief Officer / former Chief Officer requesting the review.

The original decision-maker will then be able to change their recommendation should they wish to, based on the advice provided by the Panel.

Publishing decisions

To ensure transparency, the summary recommendations made by the Deputy Mayor for Policing / Chief Constable should be published, alongside any recommended conditions, on the NYP / Combined Authority website. An example reporting template can be found in Annex B. However, the recommendation on suitability will not be published until such time as the person takes up their new post.

Where a Review Panel and the original decision-maker continue to disagree in their recommendation, then both should be published for transparency purposes.

In addition to notifying the applicant of the outcome of their application, the Deputy Mayor for Policing / Chief Constable must also inform prospective employers of any conditions which have been attached to the approval of the appointment or employment.

Data Protection

North Yorkshire Police handles personal information provided to it in accordance with the Data Protection Act 1998. Such information may on limited occasions be published, for example, if the Committee is required to publish information in accordance with the Freedom of Information Act 2000.

Responsibilities

People Services

- To follow this procedure and to process applications in a timely and efficient manner
- To ensure that the Chief Officer appointment process includes the requirement of the individual to follow this procedure.

Chief Officers - Must abide by this procedure in relation to employment post service.

Chief Constable / Deputy Mayor for Policing - Will consider notifications for proposed employment post service fairly, appropriately and in line with this procedure.

Definition of Special Terms

CPOSA: Chief Police Officer Staff Association