

**SECTION 6 - GENERAL ADMINISTRATION & SERVICE CONDITIONS**

**Restrictions on the Private Lives of Police Officers  
Other Interests (Public Duties)**

**[Inserted by 'Policy Guideline' P110/01]**

Overview	Police regulations
Human Rights Act	Defining Other Interest
Guidance on conduct Includes: Impartiality and Confidentiality Politics, Other Guidance	Requests for Time Off

**1. Overview**

The role of a police officer, as officer of the Crown, is different from any other occupation as it carries certain responsibilities and obligations both on and off duty. This is recognised through Police Regulations 1995.

Other interests, defined for the purposes of this policy as public duties outside the role of a police officer e.g., School Governance or Parish/Town Councillor, may, depending on the officer's conduct, have a detrimental effect on the integrity of officers and the overall reputation of the force and guidelines have therefore been set out within this policy to assist officers in carrying out such duties.

Whilst there is no statutory right to time off from duty (paid or unpaid) to pursue such other interests, Divisional/Departmental commanders may accommodate time off in accordance with paragraph 6 below.

There is no requirement to obtain permission regarding participation in other interests. However, a system of administering requests for time off has been established and set out within this policy document.

Reference should also be made to the policy document entitled 'Restrictions on the Private Lives of Police Officers – Business Interests' – **[Click Here](#)**

**2. Police Regulations**

Regulation 9 (Schedule 2) of the Police Regulations 1995 gives an indication as to where there might be conflict between an 'other interest' and the role of a police officer.

Regulation 9 (Schedule 2) Part 1 reads:

"A member of a police force shall at all times abstain from any activity which is likely to interfere with the impartial discharge of his duties or which is likely to give rise to the impression amongst members of the public that it may so interfere; and a member of a police force shall not take any active part in politics."

Clearly whilst there would be no conflict with many activities some areas may require clarification, for instance council activity.

There is no question of ruling out the pursuance of other interests but this policy serves to give guidance to officers as to what is, and is not, acceptable within the meaning of the Regulation.

### **3. Human Rights Act, 1998**

With regard to Human Rights legislation, the restrictions contained in this policy have basis in domestic law, are legitimate in protecting National Security, protecting health and morals, and for the protection of the reputational rights and freedoms of others. They are considered necessary and proportionate in addressing potential adverse affects on Essex Police and staff arising from the poor conduct of officers.

### **4. Defining Other Interest**

Other interests are defined for the purposes of this policy as public duties outside the role of a police officer. It is not the public duty *per se* that is considered to be acceptable or unacceptable but instead the conduct of the officer that is under consideration. It is important therefore to define the restriction placed on the officer by the Regulation. The restrictions under Regulation 9 relate to two main issues:

- 1) The activity must not interfere with the impartial discharge of duty or be likely to give rise to the impression amongst members of the public that it may so interfere with the impartial discharge of duty.
- 2) The officer must not take an active part in politics.

### **5. Guidance on Conduct**

For the protection of the Force and the individuals concerned, those pursuing other interests must comply with the following guidance and understand that failure to do so could result in disciplinary action.

Officers must abide by the restrictions placed upon them by Police Regulations and other legislation i.e., Police (Conduct) Regulations 1999, the Official Secrets Acts and Data Protection Act 1998.

#### **Impartiality & Confidentiality**

- a) There are specific obligations under the Code of Conduct (Police (Conduct) Regulations 1999) with regard to impartiality and confidentiality respectively:

*“Police officers have a particular responsibility to act with fairness and impartiality in all their dealings with the public and their colleagues.*

*Information which comes into the possession of the police should be treated as confidential: it should not be used for personal benefit nor should it be divulged to other parties except in the proper course of police duty.*

*Officers should respect information about force policy and operations as confidential, unless authorised to disclose it in the course of their duties.”*

- b) As a police officer you must not attend in your official capacity as a member of Essex Police nor seek to represent your personal views as those of the Chief Constable or Essex Police.

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- c) It is stressed that performance of Parish/Town, District or County Council activity is undertaken on a personal basis and not as a representative of Essex Police. As such, under no circumstances should uniform be worn when carrying out such duties.
- d) As a police officer you must not publicly be a lead or spokesperson on issues directly relating to policing matters as these may lead to the impression that as a police officer you may have some undue influence. For example:

- ✳ Campaigning to introduce a speed limit.
- ✳ Campaigning to increase police resources.
- ✳ Spokesperson on Crime and Disorder.
- ✳ Sit on an appointments committee where you have police knowledge about an individual.

### Politics

- a) As a police officer you must also avoid taking active part in politics and should not under any circumstances:
  - 1) Publicly associate themselves with a political party;
  - 2) Seek election or appointment on the basis of political stance.
- b) Officers wishing to pursue council activity are to be elected only as independent representatives and must remain that way for the full term of office.

### Other Guidance

As a police officer you must further understand and accept your responsibilities as a member of the Force as follows:

- a) Your primary responsibility and accountability is as a member of Essex Police.
- b) There can be no presumption that any police duties will be changed to facilitate the pursuance of other interests.
- c) The other interests must not interfere with your ability to carry out your duties to Essex Police. When in doubt you must seek clarification through Divisional Command e.g., working excessive hours.

### 6. Request for Time Off

There is no legal right to paid time off from duty to carry out other interests (public duties). Although, Divisional / Departmental Commanders may (subject to the exigencies of the service) accommodate time off for other interests with a flexible approach providing the officer concerned is flexible by demonstrating:

- ✳ A willingness to re-arrange work to ensure their normal working week is achieved. This may involve adopting a series of measures including:
  - ◆ Duty changes and split shifts (with the consent of the individual concerned).
  - ◆ Duty changes which involve other members of staff with their agreement.
  - ◆ Mutual agreement on moving rest days where appropriate.

No time off is to be taken without prior consent from the Divisional/Departmental Commander.

**MEMBERSHIP OF PROSCRIBED ORGANISATIONS**  
**[Inserted by 'Policy Guideline P61/05']**

**Introduction**

Members of the Police Service are prohibited from joining the following organisations:

- (1) The British National Party.
- (2) Combat 18.
- (3) The National Front.

**Purpose**

This policy sets out the Force response to and the procedure for dealing with any breaches of ACPO prohibition on membership of proscribed organisations set out in Schedule 1 to The Police (Amendment) Regulations 2004.

**Principle**

Essex Police takes seriously its moral and legal duty to promote racial harmony and eliminate racial discrimination. The legal duty(ies) is set out in the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000.

Essex Police takes the view that membership of the British National Party and any other proscribed organisation is incompatible with the aforementioned legal and moral duty.

The business case in support of the prohibition is overwhelmingly sound and reasonable. The unequivocal link between 'the quality and equality of service provision' is severely undermined or threatened, or perceived to be the case if any member of the force, including police officers, police staff or special constables, or any other person(s) engaged directly or indirectly, including agency workers or contractors hold membership of or are involved in the activities of any proscribed organisations. This specifically includes the British National Party.

Essex Police believes, therefore, that its overall vision of 'making Essex a safer place' and its statutory responsibility for policing the County and its residents, businesses and visitors fairly and without prejudice are incompatible with the aims and objectives, and the activities of the British National Party and any other proscribed organisations. The Force would therefore not encourage, tolerate or condone membership of these organisations, or the recruitment or retention of anyone with membership of these organisations.

**Legal Context**

This policy is underpinned by the following provisions, namely:

- “ On 15 July 2004, the Chief Constables' Council endorsed that:  
  
“No member of the police service, whether police officer or police staff, may be a member of an organisation whose constitution, aims, objectives or pronouncements contradict the general duty to promote race equality. This specifically includes the British National Party.”
- “ Subsequent to the above endorsement, the Secretary of State issued The Police (Amendment) Regulations 2004 in relation to the 'restrictions on the private lives

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of members of police forces'. The Regulations came into effect on 1 January 2005 and state as follows:

(a) "A member of a police force shall at all times abstain from any activity which is likely to interfere with the impartial discharge of his/her duties or which is likely to give rise to the impression amongst members of the public that it may so interfere.

(b) A member of a police force shall in particular:

(i) not take any active part in politics;

(ii) not belong to any organisation specified or described in a determination of the Secretary of State."

" The Secretary of State, in pursuit of the above, also determined that "no member of a police force may be a member of any of the following organisations:

(a) the British National Party;

(b) Combat 18;

(c) the National Front."

### Scope

This policy is applicable to any member of Essex Police, including police officers, police staff, special constables or any other member of our volunteer workforce, or any person working for or on behalf of the force, including consultants or contractors.

It is therefore not permissible for any member of Essex Police to breach the above Regulations. A breach of this policy is a breach of trust, confidence and loyalty inherent in the relationship between every member of the Force and Essex Police, and the latter through its management structure would deal with any breaches swiftly, fairly and reasonably within the existing disciplinary or/and capability procedures.

It is therefore a disciplinary offence to breach this policy and if any allegation(s) to that effect is proven the person(s) may be required to resign or be dismissed with or without notice.

This policy will take immediate effect. Therefore, any member of the Force who is a member of the aforementioned proscribed organisations should arrange to cease or withdraw their membership with immediate effect.

Applicants for sensitive and designated posts in the Force may be vetted for membership of the above proscribed organisations, and any positive checks would not only lead to an automatic rejection of the applicant(s), but the applicant would be dealt with as above.

Anyone seeking to join Essex Police in any capacity will be required to declare in writing on the job application form whether or not he/she is or has been a member of the above proscribed organisations.

Current membership of any of the proscribed organisations is sufficient to conclude that the applicant is not competent for the job or suitable to work for Essex Police. Therefore, any applicant who declares that he/she is still a member of any of the proscribed organisations should not be shortlisted for the next stage of the recruitment and selection process.

In cases of previous membership of any proscribed organisations, every case should be assessed on its merit, taking into account, of course, any relevant factors such as when and how long ago the applicant ceased to be a member and whether or not he/she was an active

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or official member/executive of the proscribed organisations etc. For consistency, every one of such cases should be referred to the Head of HR.

**Advice**

If any member of Essex Police requires advice in relation to any aspects of this policy, its scope or interpretation, including having to case their membership of any proscribed organisations, they should contact their:

- “ Human Resources Business Managers (previously known as Area Personnel Advisers).
- “ Local Federation Office/Secretariat.
- “ Unison Office (Headquarters).

18<sup>th</sup> April 2005