

APPEALS SUB COMMITTEE – TERMS OF REFERENCE

PURPOSE OF THE REPORT

1. The purpose of this report is to amend the Terms of Reference of the Appeals Sub Committee to allow for the determination of appeals by police staff against a Chief Constable decision regarding their business interest.

APPEALS SUB COMMITTEE

2. The Terms of Reference of the Appeals Sub Committee, which were last updated on 29 June 2010, currently allow for the determination of *“appeals by police officers against the Chief Constable’s decision that their business interest is not compatible with their remaining a member of the Force.”*
3. In 2011 the Force implemented the Business Interests and Voluntary Working (All Staff) Practice Direction. This replaced two previous Practice Directions which related separately to police officers and to police staff (*“Restrictions on Private Life of Police Officers, Members of the Force and Business Interests Relating to Police Officers”* and *“Business Interests including Voluntary Work – Police Staff”*). Although a right of appeal to the Police Authority had previously existed for police officers the revised Practice Direction also introduced this for police staff. The aim was to offer police staff the same right of appeal as police officers, although police officers then have a further right of appeal to the Secretary of State for Home Departments (under Regulation 7 of the Police Regulations 2003) which police staff do not.

OPTIONS, RISKS AND OPPORTUNITIES

4. The aim of this report is to amend to Terms of Reference of the Appeals Sub Committee to enable it to hear appeals from police staff against a Chief Constable decision regarding a business interest application. The Practice Direction has been implemented and this amendment would ensure the Sub Committee’s Terms of Reference reflect this.

FINANCIAL IMPLICATIONS

5. There are no financial implications associated with this report.

LEGAL IMPLICATIONS

6. Police Officers have a legal right under the Police Regulations 2003 to appeal to the Police Authority a Chief Constable decision regarding business interests. They then have a further right of appeal to the Secretary of State for Home

Departments. A right of appeal to the Police Authority has been introduced for police staff in the interests of consistency and fairness.

EQUALITY AND DIVERSITY AND HUMAN RIGHTS

7. The aim of the request to revise the Terms of Reference of the Appeals Sub Committee is to reflect the Practice Direction which was amended to ensure, as far as possible, consistency and fairness to police officers and police staff.

CONCLUSION

14. Members are requested to approve the revision to the Appeals Sub Committee Terms of Reference to reflect the Practice Direction.

RECOMMENDATION

15. It is recommended that Members approve the amendment of the Appeals Sub Committee Terms of Reference to allow the determination of appeals by police staff against a Chief Constable decision regarding their business interest

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Background Papers:- None