



Secondary Employment Policy

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V1.0	14 November 2011	Review by HR Policy Group – split policy from Standards of Business Conduct and Conflicts of Interest

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Linked procedural documents	Special Leave Policy Sickness Absence Management Policy Grievance Policy Disciplinary Policy (Managing Conduct and Performance) Local Counter Fraud/Human Resources Liaison Policy Recruitment and Selection Policy
Dissemination requirements	To all Trust Employees by Intranet
Part of Trust's publication scheme	Yes

The East of England Ambulance Service NHS Trust has made every effort to ensure this policy does not have the effect of unlawful discrimination on the grounds of the protected characteristics of: age, disability, gender reassignment, race, religion/belief, sex, sexual orientation, marriage/civil partnership, pregnancy/maternity. The Trust will not tolerate unfair discrimination on the basis of spent criminal convictions, Trade Union membership or non-membership. In addition, the Trust will have due regard to advancing equality of opportunity between people from different groups and foster good relations between

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people from different groups. This policy applies to all individuals working at all levels and grades for the Trust, including senior managers, officers, directors, non-executive directors, employees (whether permanent, fixed-term or temporary), consultants, governors, contractors, trainees, seconded staff, homeworkers, casual workers and agency staff, volunteers, interns, agents, sponsors, or any other person associated with the Trust.

All Trust policies can be provided in alternative formats.

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1. Policy Statement

- 1.1 This document outlines the Secondary Employment Policy and Procedure for The East of England Ambulance Service NHS Trust (the Trust). The Trust recognises that employees may wish to pursue secondary employment, self-employment and/or voluntary activities whilst remaining in the Trusts employ.
- 1.2 This procedure meets the requirements of the Working Time Regulations 1998 (as amended), and has been written in partnership by management and staff side.
- 1.3 This policy sets out the procedure and guiding principles in relation to secondary employment and voluntary activities to ensure:
- That its employees are aware of their responsibilities in the course of their work for the Trust;
 - That the interests of the Trust's clients remain paramount;
 - That it looks after the interests of its staff.
- 1.4 Failure to comply with this policy could lead to disciplinary action under the Trust's Disciplinary Policy (Managing Conduct and Performance).

2. Scope

- 2.1 This policy applies to all employees of the Trust.
- 2.2 Matters relating to public duties leave, for example the Territorial Army, are managed through the Trust's Special Leave Policy.

3. Access to the Procedure

- 3.1 All employees are entitled to access to this policy which is located in the HR Policies and Procedures Folders and/or on the Trust's Intranet. However, if you require this policy in any other format please seek guidance from the Human Resources Department, your line management or trade union representative.
- 3.2 Employees and Managers may also wish to consult related Trust policies such as Special Leave, Sickness Absence Management, Grievance and Disciplinary Policy (Managing Conduct and Performance) and Local Counter Fraud/Human Resources Liaison.

4. Roles and Responsibilities

- 4.1 The Human Resources Department is responsible for keeping the provisions within this policy in line with employment legislation and best practice people management principles.
- 4.2 Managers, HR staff and trade union representatives are responsible for providing advice and guidance to employees on the application of this policy and procedure.
- 4.3 In addition, managers must:

- Ensure that all requests for secondary employment are

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processed as per this policy (Appendix A)

4.4 Employees must:

- Advise the Trust of any other employment on appointment
- Employees must put their request in writing (using Appendix A) to their Line Manager before taking up any other employment, or engaging in any business activity during their spare time;
- Ensure the interests of patients remains paramount at all times;
- Ensure that they are not placed in a position which risks conflict between any private interests and NHS duties within the Trust.

4.5 Management and trade union representatives are responsible for bringing any mutually beneficial improvements to this policy to the attention of the Trust.

5. Secondary and Voluntary Employment

5.1 Employees of the Trust should consider carefully whether any secondary (including self-employment) or voluntary employment may conflict with their work for the Trust or be potentially detrimental to the Trust. Employees must put their request in writing to their Line Manager (Appendix A) before taking up any other employment or voluntary activity, or engaging in any business activity during their spare time. This request will normally be granted if the following conditions are satisfied:

- Working hours on other employment are conducted entirely outside of Trust contracted hours of work;
- The employment or activity is not in direct competition with the Trust's business and does not affect the business by, for example, loss of business or the passing on of confidential information; NB working for a private contractor who is

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currently being used by the trust will **not** be deemed to be in direct competition however the rules regarding the passing on of confidential information still apply;

- The employee provides the Trust with the name and address of the other employer or organisation together with details of the role, hours and working pattern;
- The work is not inherently hazardous or likely to put at risk the employee, other employees or patients. Staff are reminded that sick pay is not normally payable for an absence caused by injuries sustained whilst working for another employer and may affect their rights to other NHS benefits such as the Superannuation Scheme;
- The employee complies with the requirements of the working time regulations;
- A declaration of hours worked, and for whom, submitted to the line manager on a monthly basis using their timesheets.

5.2 If the additional hours worked mean that the employee works on average more than a total of 48 hours per week (over a rolling 17 week period) they must sign an opt out agreement. This is attached at Appendix B. Whilst employees may choose to agree to work more than the 48 hours average weekly limit, anyone who chooses not to work in excess of the limit will not suffer detriment.

5.3 Work excluded from this policy would generally include unpaid voluntary activities such as community or charity work.

Monitoring

5.4 The Trust has responsibility to ensure that the working arrangements for employees are safe and this includes ensuring that patterns of work (whether within the Trust or involving other employment) are not excessive. This is to ensure that appropriate rest times are taken and that work patterns are not detrimental to the safety of the individual or others. It is the Policy of the Trust that all staff record hours worked in other employment (including voluntary or self-employed work) on their timesheet so that the Trust and the

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individual can monitor their working hours. The line manager should retain timesheets locally and use this as a means of monitoring the total hours worked by the employee. Where the total hours worked give cause for concern about the employee's ability to effectively perform their normal duties, the line manager will arrange to meet informally with the employee concerned to discuss the options available to them.

- 5.5 The request as described in paragraph 5.1 should be resubmitted to the line manager on an annual basis for confirmation of continued support from the Trust. Any concerns will be discussed between the line manager but the same principles as those in paragraph 5.1 apply. Should the Trust withdraw its agreement then the the employee will have a right of appeal against this decision through the Trust's Grievance Policy.

Sickness Absences

- 5.6 Where staff are absent from their Trust duties due to sickness absence reasons, but nevertheless feel that they are able to carry on working in their secondary or other employment, the line manager and Occupational Health Department must be informed of the reasons for this disparity in working arrangements by the employee together with a clear diagnosis of the cause of sickness absence. Should an employee fail to comply with this requirement and then undertake secondary or other employment without prior agreement this may lead in a referral to the Counter Fraud Service for investigation which in turn could lead to prosecution, a disciplinary sanction (including dismissal) and recovery of sick pay.

6. Policy Review

- 6.1 This policy will be reviewed on a three yearly basis or amended in the light of new employment legislation and/or relevant case law.

Appendix A

Employee Application for Secondary Employment

Name of Employee:			
Job Title:			
Directorate:			
Start date with Trust:		Contracted weekly Hours	
For completion by the employee – Details of the secondary employment			
Name of company / organisation:			
Address of company / organisation:			
Describe the role:			
Describe the hours and working pattern:			
What impact will this have on your role with the Trust:			
Will the hours be completed outside of your Trust role? YES / NO			
Is the work inherently hazardous or likely to put you at risk? YES / NO			
Is this a request to continue secondary employment previously authorised? YES / NO			
Reason for taking up secondary employment:			
Start date:..... End date (if applicable)			
I confirm my request for permission to have secondary employment as detailed above.			
Signed: Name: Date:			
For completion by the Line Manager			
Permission to engage in secondary or voluntary employment will normally be granted if the following conditions are satisfied:			
<ol style="list-style-type: none"> 1. Working hours on other employment are conducted entirely outside of Trust contracted hours of work; 2. The employment or activity is not in direct competition with the Trust's business and does not affect the business by, for example, loss of business or the passing on of 			

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confidential information; NB working for a private contractor who is currently being used by the trust will **not** be deemed to be in direct competition however the rules regarding the passing on of confidential information still apply.

3. The work is not inherently hazardous or likely to put at risk the employee,
4. The employee complies with the requirements of the working time regulations;

I do not agree to taking secondary employment for the following reason/s (specify which points 1,2,3,4)

.....

I agree totaking secondary employment as detailed in this application.

Signed: Job Title: Name: Date:

For completion by Human Resources

I have reviewed this application with the above named Manager and approve their decision to support / reject the request for Secondary Employment.

Signed: Job Title: Name: Date:

For completion by the employee if the request is approved

- Staff are reminded that sick pay is not normally payable for an absence caused by injuries sustained whilst working for another employer and may affect their rights to other NHS benefits such as the Superannuation Scheme;
- Staff are required to comply with the working time regulations; (If the additional hours worked mean that the employee works on average more than a total of 48 hours per week (over a rolling 17 week period) they must sign an opt out agreement. This is attached at Appendix B. Whilst employees may choose to agree to work more than the 48 hours average weekly limit, anyone who chooses not to work in excess of the limit will not suffer detriment)
- A return of each months work is submitted to the line manager on a monthly basis using their timesheets to detail hours worked and for whom.

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- You are required to submit another application in 12 months' time if you wish to continue secondary employment.

I confirm that I have read the Trust Secondary Employment Policy and understand my responsibilities within it.

Signed: Name: Date:

This form should be returned to the local HR department for filing on the employees personnel file.

Appendix B

Working Time Regulations 1998

Individual Agreement to Opt Out of the 48 Hours Average Weekly Limit

Under the provisions of the Working Time Regulations 1998, if you wish to work more than 48 hours per week for the Trust where this is offered to you, you are required to sign an individual agreement to do so. This is often referred to as an 'opt out agreement'

The purpose of the regulations is to protect your rights and prevent employers from insisting that their staff work long hours. The Trust is committed to the well-being of all its staff, but also recognises that some may wish to work in excess of the statutory 48 hours "working week" limit.

The purpose of this form is therefore to allow all staff who wish to do so, the opportunity to give their written consent to working in excess of the 48 hour working week limit. Therefore, if you wish to agree that you may work for more than an average of 48 hours a week, please would you sign and date this form, and return it to your Line Manager. Your Line Manger will forward a copy to the

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Human Resources Department and a copy will be retained on your personnel file and on the Electronic Staff Records system maintained by the Human Resources Department.

By signing this form, and giving your agreement that you may work for more than an average of 48 hours a week (if offered by the Trust), this will apply until such a time that you terminate this arrangement. You can change your mind and terminate the arrangement by giving three months' notice in writing.

If through monitoring we are aware that an employee is working in excess of the 48-hour limit on average working time (based on a 17 week reference period), this may necessitate a reduction in working hours. In such cases, we would wish to meet with the individual to discuss options.

The decision to opt out of the 48-hour working week, or to give notice to bring such an agreement to an end, is one for each individual to make, and, for the avoidance of any doubt, individuals will not be subjected to any detriment.

NAME: _____

JOB TITLE: _____

I agree that I may work for more than an average of 48 hours a week. If I change my mind, I will give the Trust three months written notice to end this agreement.

Signed:

Date:

Appendix C

Equality Impact Assessment

EIA Cover Sheet	
Name of process/policy	
Is the process new or existing? If existing, state policy reference number	
Person responsible for process/policy	
Directorate and department/section	
Name of assessment lead or EIA assessment team members	
Has consultation taken place? Was consultation internal or external? (please state below):	

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The assessment is being made on:		
	Guidelines	
	Written policy involving staff and patients	
	Strategy	
	Changes in practice	
	Department changes	
	Project plan	
	Action plan	
	Other (please state)	
	Training programme.	

Equality Analysis

What is the aim of the policy/procedure/practice/event?

Who does the policy/procedure/practice/event impact on?

- | | | | | | |
|-------------|--------------------------|------------------------|--------------------------|-----------------------------------|--------------------------|
| Race | <input type="checkbox"/> | Religion/belief | <input type="checkbox"/> | Marriage/Civil Partnership | <input type="checkbox"/> |
| Sex | <input type="checkbox"/> | Disability | <input type="checkbox"/> | Sexual orientation | <input type="checkbox"/> |

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Age <input type="checkbox"/>	Gender re-assignment <input type="checkbox"/>	Pregnancy/maternity <input type="checkbox"/>	
Who is responsible for monitoring the policy/procedure/practice/event?			
What information is currently available on the impact of this policy/procedure/practice/event?			
Do you need more guidance before you can make an assessment about this policy/procedure/ practice/event? Yes/No			
Do you have any examples that show that this policy/procedure/practice/event is having a positive impact on any of the following protected characteristics? Yes/No, If yes please provide evidence/examples:			
Race <input type="checkbox"/>	Religion/belief <input type="checkbox"/>	Marriage/Civil Partnership <input type="checkbox"/>	
Sex <input type="checkbox"/>	Disability <input type="checkbox"/>	Sexual orientation <input type="checkbox"/>	
Age <input type="checkbox"/>	Gender re-assignment <input type="checkbox"/>	Pregnancy/maternity <input type="checkbox"/>	
Please provide evidence:			
Are there any concerns that this policy/procedure/practice/event could have a negative impact on any of the following characteristics? Yes/No, if so please provide evidence/examples:			
Race <input type="checkbox"/>	Religion/belief <input type="checkbox"/>	Marriage/Civil Partnership <input type="checkbox"/>	
Sex <input type="checkbox"/>	Disability <input type="checkbox"/>	Sexual orientation <input type="checkbox"/>	
Age <input type="checkbox"/>	Gender re-assignment <input type="checkbox"/>	Pregnancy/maternity <input type="checkbox"/>	

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Please provide evidence:

Action Plan/Plans - SMART

Specific

Measurable

Achievable

Relevant

Time Limited

Evaluation Monitoring Plan/how will this be monitored?

Who

How

By

Reported to