

Secondary Employment



Please complete the table below:

To be added by corporate team once policy approved and before placing on website

Policy ref no:	20
Responsible Executive Director:	Deputy Chief Executive & Chief Finance Officer
Author and Job Title:	HR Manager/HR Business Partner
Date Approved:	05 November 2018
Approved by:	Deputy Chief Executive & Chief Finance Officer
Date of next review:	04 November 2021

	Yes/No/NA	Supporting information
Has an Equality Impact Assessment Screening been completed?	Yes	
Has the review taken account of latest Guidance/Legislation?	Yes	
Has legal advice been sought?	No	
Has HR been consulted?	Yes	
Have training issues been addressed?	Yes	Dissemination of information within Directorates
Are there other HR related issues that need to be considered?	No	
Has the policy been reviewed by SPF?	Yes	
Are there financial issues and have they been addressed?	No	
What engagement has there been with patients/members of the public in preparing this policy?	No	Internal Staff only
Are there linked policies and procedures?	Yes	
Has the lead Executive Director approved the policy?	Yes	
Which Committees have assured the policy?	Yes	
Has an implementation plan been provided?	Yes	
How will the policy be shared with: <ul style="list-style-type: none"> Staff? Patients? Public? 	Yes	Intranet- The Hub and internal communications. Directorate cascade
Will an audit trail demonstrating receipt of policy by staff be required; how will this be done?	Yes	

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1. Introduction

BNSSG recognises that employees may engage in secondary employment or self-employment in addition to their primary post. However the organisation must be satisfied that there are no conflicts of interest or health and safety implications for the employee or their colleagues or patients and that this other work does not have an adverse effect on their ability to carry out their duties.

The policy will be applied fairly and equally to create a consistent approach.

The organisation will work with staff undertaking secondary employment to ensure that they comply with the requirements of Working Time Regulations and that they are able to undertake their duties without conflict of interest or loss of performance.

2. Policy Statement

This policy applies to all employees and prospective employees of the organisation.

The term 'Secondary Employment' in this policy covers:

- An additional post with the organisation
- Paid employment with an additional employer
- Voluntary work including public office duties e.g. Local Councillor
- Self-employment.
- Reservist Occupations
- Bank / Locum / Agency Work outside the organisation
- Bank / Locum Work or an additional post within the organisation.

The organisation will allow staff to either continue in their secondary employment, or undertake secondary employment, providing it is satisfied that:

- It will not adversely affect their duties under their contract of employment.
- The arrangement complies with the requirements of the Working Time Regulations.
- There is no conflict of interest between employers or roles.

3. Purpose and scope

Ensure that employees do not engage in secondary employment that conflicts with or affects their duties under their Contract of employment with the CCG.

Support Managers and employees in upholding legislation on working time/hours, including total hours worked, breaks between shifts and annual leave.

Support staff when undertaking secondary employment to achieve their personal objectives, helping them to maintain a balanced approach to their duties with the organisation.

4. Duties and responsibilities

Employee Responsibilities

Employees must inform their Line Managers about any current employment outside of the organisation or other roles within the CCG by completion of a Secondary Employment Declaration Form.

Before accepting any new employment, employees must complete the Secondary Employment Declaration Form and discuss this with the Manager prior to accepting additional work. Employees must have permission from their manager agreed prior to accepting any additional employment.

New appointees to the organisation must disclose any existing jobs which will continue after commencing employment with the organisation and complete the Secondary Employment Declaration Form as requested by the Recruitment Department.

Employees must complete a new Secondary Employment Declaration Form if the details of their secondary employment change.

Employees must also complete a Declaration of Interest Form every six months as requested by the CCG.

Employees must adhere to the Working Time Regulations and take responsibility for their own health and safety and the health and safety of others.

Manager Responsibilities

Managers must apply this policy fairly and equally to create a consistent and balanced approach.

Current Employees

On receipt of a Secondary Employment Declaration Form managers must meet with the employee to discuss the Secondary Employment with the employee.

Before granting permission to undertake secondary employment the Manager should consider the following:

- Potential conflicts of interest.
- The working time regulations.
- Employee current performance.

Employees' attendance and capability in their role with the organisation and the potential impact secondary employment may have on attendance and performance.

New Starters

During the recruitment process the manager must establish if candidates intend to continue with any secondary employment both inside and outside of the organisation.

If the successful candidate does intend to continue with any secondary employment the recruiting manager should discuss with the candidate the nature of the secondary employment and consider the following points before permitting the secondary work to continue should the candidate wish to take up the post with the organisation:

- Potential conflicts of interest
- The working time regulations

Advice can be sought from the relevant HR Representative before a formal offer is made.

New appointees must complete a declaration of interests form upon commencement of their new role within the CCG and thereafter every six months.

Recruitment Department's Responsibility for New Starters

Successful applicants who have declared secondary employment to the recruiting manager must be provided with a copy of the Secondary Employment Policy and ensure that the Secondary Employment Declaration Form is signed and returned prior to appointment.

5. Working Time and Annual Leave

Employees must ensure that their total working hours do not exceed the limit as set out in the Working Time Regulations unless an opt out form has been signed. The organisation however does not have to accept this opt out if it's considered view is that agreement would adversely affect the individual's ability to fulfil their duties.

Employees must comply with the required rest periods as set out in the Working Time Regulations and any secondary employment should not compromise this under any circumstances.

Employees should only undertake secondary employment activities (e.g. on the bank) whilst on annual leave from their substantive post with the organisation if **prior approval** has been given by the manager. It should be noted that **the organisation does not encourage this** as it is felt to be detrimental to the health and well-being of staff and will only be approved in exceptional circumstances. When considering if this should be approved, managers should establish how much of an employee's annual leave will be used to undertake secondary employment. It is recommended at the very minimum employees should take as annual leave the entitlement as laid out under the working time regulations which is 28 days pro rata including bank holidays to ensure compliance with the working time regulations.

Failure to comply with the Working Time Regulations may result in an investigation in accordance with the organisations Disciplinary Policy and Procedure and is regarded by the organisation as misconduct.

6. Sickness

Employees should refrain from their secondary employment whilst on sick leave from the organisation. This includes any work during "non CCG working hours", e.g. weekends and evenings unless a GP Fit for Work Certificate states otherwise.

If an employee wishes to continue with secondary employment whilst off sick they must request permission in writing from their manager. The employee should outline the nature of the work they wish to undertake, the number of hours they intend to work and confirm any payment that might be received for this work (excluding expenses). The manager must seek advice from HR in this situation and advice from

Occupational Health may also be sought to establish the benefits for the employee. Permission should be granted based on the fact that it is beneficial to the employee's recovery and well-being to undertake the secondary employment.

Failure to adhere to this policy whilst on sick leave may result in disciplinary action which could lead to dismissal. It may also be considered as fraudulent activity by the Local Counter Fraud Service.

7. Retraction of Permission to Undertake Secondary Employment

There may be circumstances where it is necessary for the organisation to retract its permission for a member of staff to undertake secondary employment.

Examples of these are outlined below.

Attendance / Time Keeping

Where attendance or time-keeping is of concern and is attributable to Secondary Employment the organisation reserves the right to retract any permission given to an employee to undertake secondary employment. The Employee reserves the right to invoke the grievance procedure if they feel that a decision to retract this permission is not justified.

Capability / Performance/Conduct

Managers must monitor the performance of their staff. If performance falls below acceptable standards and the capability procedure has been invoked the organisation reserves the right to retract any permission given to an employee to undertake secondary employment if the secondary employment is deemed to contribute to the poor performance. If an employee is suspended from work under the Disciplinary policy, the employee may have their permission to carry out secondary employment retracted. The Employee reserves the right to invoke the grievance procedure if they feel that a decision to retract this permission is not justified.

Rise of a Conflict of Interest

There may be times where a new conflict of interest has arisen that did not previously exist when a new member of staff was appointed or when permission was given by the organisation for a member of staff to undertake secondary employment. Employees have a responsibility to highlight any new potential conflicts of interest that arise or may arise with their manager. The manager must assess the risk of the potential conflict of interest and if anything can be put in place to prevent the conflict of interest (i.e. removing staff member from a certain project etc). If this cannot be avoided and the risk to the organisation and service delivery is too high, permission to undertake secondary employment may be retracted. The employee reserves the right to invoke the grievance procedure if they feel that a decision to retract this permission is not justified.

8. What happens if I don't comply with this Policy

Failure to comply with the secondary employment policy may result in disciplinary action being taken and could potentially lead to dismissal. Non-compliance in specific circumstances could also be construed as fraudulent activity which may be investigated by the Local Counter Fraud Service. Further advice on this policy can be obtained from Human Resources.

9. Training requirements

Training and support will be available to all line managers in the implementation and application of this policy.

10. Equality Impact Assessment

All relevant persons are required to comply with this document and must demonstrate sensitivity and competence in relation to the nine protected characteristics as defined by the Equality Act 2010. The Act prohibits discrimination on the basis of age, disability, gender reassignment, marriage/civil partnership, pregnancy/maternity, race, religion/belief, sex or sexual orientation. It also means that each manager or member of staff involved in implementing the policy must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation; advance equality of opportunity between those who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not. If you, or any other groups, believe you are disadvantaged by anything contained in this document please contact the author who will then actively respond to the enquiry.

11. Monitoring compliance and effectiveness

This policy will be reviewed every 3 years but can be reviewed at any time if the CCG deems it necessary to do so or a review is requested by management or staff.

12. Counter fraud

The CCG is committed to reducing fraud in the NHS to a minimum, keeping it at that level and putting funds stolen through fraud back into patient care. Therefore, we have given consideration to fraud and corruption that may occur in this area and our responses to these acts during the development of this policy document

13. References, acknowledgements and associated documents

Disciplinary Policy
Grievance Policy
Pay Protection Policy
Whistle-Blowing Policy
Flexible Working
Recruitment and Selection