



Secondary Employment Policy

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POL096 – Secondary Employment Policy

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Linked procedural documents	Recruitment and Selection Policy Special Leave Policy Armed Forces Reservist Policy Attendance and Sickness Absence Policy Performance and Capability Policy Grievance Policy Disciplinary Policy Local Counter Fraud / Human Resources Liaison Policy
Dissemination requirements	All Trust employees by intranet
Part of Trust's publication scheme	Yes

The East of England Ambulance Service NHS Trust (EEAST) 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, gender, 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 people from different groups.

East of England Ambulance Service Trust recognises its obligation of supporting the requirements of the Modern Slavery Act 2015 and any future legislations. A prime objective of the Trust is to eradicate modern slavery and human trafficking and recognises the significant part it must play in both combatting it and supporting victims. The Trust is also committed to ensuring that its supply chains and business activities are free from any ethical and labour standards abuse.

All Trust policies can be provided in alternative formats.

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1. Introduction

- 1.1 At EEAST we recognise that there may be employees who want to engage in secondary employment or self-employment in addition to their role with us. However, we must be satisfied that there is no conflict of interest or health and safety implications for you, your colleagues, or our patients.
- 1.2 If you make an application, we will work with you to ensure that you comply with the requirements of the Working Time Regulations and that any secondary employment does not have an adverse effect on your performance or ability to carry out your duties.

2. Purpose

- 2.1 The purpose of this policy is to set out the procedure and guiding principles in relation to secondary employment to ensure:
 - you are aware how to submit an application,
 - managers have clear guidance on how to manage an application and any agreement,
 - that the interests of our patients remain paramount,
 - that you maintain a balanced approach to your working hours, and your hours are in accordance with the Working Time Regulations.

3. Scope

- 3.1 This policy applies to all EEAST employees.
- 3.2 For matters relating to public duties leave you should also refer to the Special Leave Policy.

4. Duties

- 4.1 **Line managers** are responsible for:
 - ensuring that all applications are managed fairly and equally in accordance with this policy,
 - ensuring that timesheet submissions are checked and approved appropriately in relation to Working Time Regulations.

4.2 **Employees** are responsible for:

- informing the Trust of any other employment on appointment,
- completing and submitting an application to their line manager before taking up any other employment, or engaging in any business activity outside their working hours with EEAST,
- ensuring the interests of patients remains paramount at all times,
- ensuring that they are not placed in a position which risks a conflict of interest between their private interests and their NHS duties within the Trust.

4.3 **HR and Trade Union Representatives** are responsible for providing advice and guidance to managers and employees on the application of this policy and procedure.

5. What is secondary employment?

5.1 In this policy, the term 'secondary employment' refers to (but is not limited to):

- additional employment whether paid or unpaid with any other employer,
- any type of additional external contractual arrangement,
- external bank, locum, or agency work,
- any self-employed work,
- private practice.

5.2 Work excluded from this policy would generally include:

- unpaid voluntary activities such as community or charity work,
- Armed or Cadet Reservist duties, for example training. (You should refer to the Armed Forces Reservist Policy instead).

6. Requesting permission

6.1 You should consider carefully whether any secondary employment could conflict with your EEAST duties or be potentially detrimental to you, your colleagues, or our patients.

6.2 Secondary Employment Application

6.2.1 To make a request for secondary employment, you must complete Part A of a **Secondary Employment Application Form (POL096-01)**, available under [HR Policy Forms](#) on East24, and submit this to your line manager for consideration.

6.2.2 You must submit a separate application for each secondary employment you intend to undertake. This includes if you stop working for one employer / company and want to work the same or similar hours for a different employer / company.

You must not undertake any secondary employment before your request has been considered and authorised.

6.3 Working Time Regulations

6.3.1 If the additional hours mean that you will be working more than a total of 48-hours per week (averaged over a rolling 17-week period) you must complete an **Opt-out of 48-hour Limit Agreement Form** which can be located in [HR Policy Forms](#) on East24. This form must be returned to your line manager at the same time as your application form.

If you choose not to opt out of the 48-hours limit you will not suffer detriment as a result of this, for example being treated worse than before or having a situation made worse, however you must ensure that you do not breach the average 48-hour limit.

6.3.2 If you change your mind, you can cancel an opt-out agreement at any time by giving your line manager at least three months' notice in writing, for example by email.

6.4 Annual renewal of Secondary Employment

6.4.1 If your application is approved and if you want to continue to work the same secondary employment, you must complete and submit an **Annual Renewal of Secondary Employment Application Form (POL096-03)** to your line manager on an annual basis.

6.4.2 It is recommended that you submit this application at least six weeks in advance of the previous approved applications expiry date, so that your line managers continued support can be received and any secondary employment can continue without a break

You do not need to complete and submit an opt-out form at this stage if you have previously completed one and have not subsequently cancelled it.

7. Considering your application

- 7.1 Once received, your line manager/ HR representative, where applicable, will consider your application carefully, in particular the potential benefits to you and any adverse impact of your proposed secondary employment.
- 7.2 Your line manager may invite you to a meeting to discuss your application, if considered necessary.
- 7.3 Your line manager will give you a decision in writing, usually within seven calendar days of your request being received. However, if this is not possible, you will be informed of the reason for any delay.
- 7.4 If your request is approved, your line manager must:
- complete Part B of your application, including the expiry date of the agreement,
 - send the completed agreement to you via email,
 - copy in AskHR@eastamb.nhs.uk email inbox so that the secondary employment agreement, expiry date and any opt-out form can be recorded on a People Services Secondary Employment Spreadsheet and also retained on your personnel file.

The agreement will also let you know when any subsequent annual approval is due (this will be one year after the last approval date).

- 7.5 If your request is refused, your line manager must:
- complete Part C of your application, explaining the reason for the refusal,
 - return the application form to you via email,
 - copy in AskHR@eastamb.nhs.uk so that the details can be recorded on a Secondary Employment Spreadsheet and also retained on your personnel file.

7.6 Your application will only be refused if there is a good reason(s), for example (but not restricted to):

- working hours on other employment are not conducted entirely outside of your contracted hours of work with EEAST,
- the employment or activity is in direct competition with EEAST's business and affects the business, for example, potential loss of business or the passing of confidential information,
- you do not provide full information of the other employer or organisation, for example name, address, details of the role, hours, working pattern,
- the work is inherently hazardous and likely to put you, your colleagues, or patients at risk,
- it does not comply with the requirements of the Working Time Regulations.

8. Your wellbeing

8.1 We ask you to be mindful that you are not overworking when completing approved secondary employment alongside your substantive role and any voluntary work, for example, as a volunteer ambulance responder, police volunteer.

8.2 You must tell us in writing immediately if there are any changes to the terms of your secondary employment, including changes to your hours of work.

9. Monitoring the agreement

9.1 We have a responsibility to ensure that the working arrangements for all employees are safe, this includes ensuring that patterns of work are not excessive.

9.2 If your application is approved you must record all hours worked, for both EEAST and any secondary employment, on your monthly timesheet. Depending on your operational area, this could be on either a GRS timesheet or a manual timesheet.

- 9.3 Your line manager will monitor your timesheets to ensure that appropriate rest times are taken and that your work patterns are not detrimental to your safety or that of others.
- 9.4 If the total hours worked give cause for concern, for example regarding your ability to perform your normal duties safely and effectively, your line manager will arrange to meet with you informally to discuss the options available to you. HR advice may also be sought at this time.

10. **Sickness absence**

- 10.1 We understand that there may be circumstances where you are unable to attend work due to sickness or injury. During any period of sickness absence, you must not work any secondary employment without first speaking to your line manager.
- 10.2 You and your line manager should refer to the Attendance and Sickness Absence Policy for further information and the procedure to be followed.
- 10.3 Undertaking alternative or additional paid employment whilst you are on sickness absence may be classed as fraudulent activity and an abuse of EEAST's sick pay scheme (see **Section 12**).

Sick pay is not normally payable for an absence caused by injuries sustained whilst working for another employer and may affect your rights to other NHS benefits such as the Superannuation Scheme.

11. **Withdrawing permission**

- 11.1 Your line manager will regularly review the agreed arrangements. If they consider at any time that your secondary employment is impacting on your performance, attendance, timekeeping, or any other aspect of your employment, they will discuss this with you and take steps to address any problems.
- 11.2 In such circumstances, your line manager, with HR advice, may withdraw your Secondary Employment Agreement. This would usually be on a temporary basis, although in exceptional circumstances permanent withdrawal may be considered, for example, in line with **Section 7.6** or where medical / OH advice indicates that secondary employment may impact on a chronic medical condition.

- 11.3 You and your line manager should refer to any other relevant policy, for example, Attendance and Sickness Absence Policy, Performance and Capability Policy, Disciplinary Policy.
- 11.4 If your line manager withdraws your secondary employment agreement, and you feel that the process was not handled correctly or the reasons given were unfair or unjustified, you can raise your concerns through the Grievance Policy.

12. Breach of policy

- 12.1 A breach of this policy could result in a referral to Counter Fraud in accordance with the Local Counter Fraud / Human Resources Liaison Policy and/or action in accordance with our Disciplinary Policy.
- 12.2 The outcome of a formal investigation could result in prosecution, action up to and including summary dismissal and / or recovery of sick pay.

13. Policy review

- 13.1 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

Equality Impact Assessment

EIA Cover Sheet			
Name of process/policy	Secondary Employment Policy		
Is the process new or existing? If existing, state policy reference number	Existing (POL096)		
Person responsible for process/policy	HR		
Directorate and department/section	People Services		
Name of assessment lead or EIA assessment team members	HR Policy Subgroup		
Has consultation taken place? Was consultation internal or external? (please state below):	Internal consultation through HR Policy Subgroup members		
The assessment is being made on:	Guidelines		
	Written policy involving staff and patients	X	
	Strategy		
	Changes in practice		
	Department changes		
	Project plan		
	Action plan	X	
	Other (please state)		

Equality Analysis

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

This policy aims to set out the procedure and guiding principles in relation to secondary employment (including voluntary activities) to ensure employees are aware how to submit an application, managers have clear guidance on how to manage an application and any agreement, that the interests of our patients remain paramount, that employees maintain a balanced approach to their working hours, and their hours are in accordance with the Working Time Regulations.

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

Race	<input type="checkbox"/>	Religion/belief	<input type="checkbox"/>	Marriage/Civil Partnership	<input type="checkbox"/>
Gender	<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"/>

Who is responsible for monitoring the policy/procedure/practice/event? **HR**

What information is currently available on the impact of this policy/procedure/practice/event?

Having reviewed and updated the policy and completed a full consultation process, no negative impact was raised, and with the evidence available there is no negative impact.

Do you need more guidance before you can make an assessment about this policy/procedure/ practice/event? **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"/>
Gender	<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:

This policy is designed to be inclusive of all eligible employees requesting to work secondary employment.

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: **No**

Race	<input type="checkbox"/>	Religion/belief	<input type="checkbox"/>	Marriage/Civil Partnership	<input type="checkbox"/>
Gender	<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:

Having reviewed and updated the policy and completed a full consultation process, no negative impact was raised, and with the evidence available there is no negative impact.

Action Plan/Plans – SMART

Specific

Measurable

Achievable

Relevant

Time Limited

Evaluation Monitoring Plan/how will this be monitored?

Who – see Monitoring Table

How

By

Reported to

Appendix B - Monitoring Table

What	Who	How	Frequency	Evidence	Reporting arrangements	Acting on recommendations	Change in practice and lessons to be shared
Audit of employee experience, and that the policy and procedure is being applied consistently, fairly, and accurately for all.	Head of HR People Partnering	Monitor records for consistent application.	Annually	Centrally held Secondary Employment Spreadsheet and ER Tracker data for any grievances raised.	Reported to and discussed at People Committee where required	Head of HR People Partnering will address any actions or changes required.	Any change in practice will be identified and: <ul style="list-style-type: none"> • process updated with HR People Partnering team • HRBP / line manager training implemented • policy updated where required.