



London Ambulance Service **NHS**
NHS Trust

Policy and procedure on employees' duty to request permission to undertake secondary employment

DOCUMENT PROFILE and CONTROL.

Purpose of the document: To set out employees' responsibilities when requesting to work a job in addition to their work with the London Ambulance Service.

Sponsor Department: Workforce

Author/Reviewer: Senior HR Manager. To be reviewed by July 2019

Document Status:Final

Amendment History			
Date	*Version	Author/Contributor	Amendment Details
18/07/16	4.2	IG Manager	Document Profile and Control update
08/07/16	4.1	Senior HR Manager	Minor amendments as requested by Policy Committee.
30/06/16	3.4	IG Manager	Document Profile and Control update and formatting
27/6/16	3.3	Senior HR Manager	Updates in line with KPMG report (May'16)
04/06/15	3.2	IG Manager	Document Profile and Control update
13/05/15	3.1	Senior HR Manager	Paragraph 4.4 re-worded for purposes of clarification.
22/04/15	2.2	Senior HR Manager	3 yearly review. Minor cosmetic changes.
03/04/12	2.1	IG Manager	Document Profile & Control update
23/02/12	1.7	Senior HR Manager (South)	Update of contact details for Local Counter Fraud Service.
22/03/11	1.6	Senior HR Manager (South)	Further amendment following discussion with Local Counter Fraud Service.
01/02/11	1.5	Senior HR Manager (South)	Amendments in line with advice of Local Counter Fraud Service. Sections 1.4, 12.1 and appendix 1.
23/06/10	1.4	Senior HR Manager (South)	Updated details of counter fraud specialist. Reformatted.
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27/11/09	1.2	Senior HR Manager	reformatted
17/09/09	1.1	Records Manager	reformatted
08/08	0.1	Senior HR Manager	first draft

***Version Control Note:** All documents in development are indicated by minor versions i.e. 0.1; 0.2 etc. The first version of a document to be approved for release is given major version 1.0. Upon review the first version of a revised document is given the designation 1.1, the second 1.2 etc. until the revised version is approved, whereupon it becomes version 2.0. The system continues in numerical order each time a document is reviewed and approved.

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11/07/16	HR team
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Links to Related documents or references providing additional information		
Ref. No.	Title	Version
HR003	Whistleblowing Policy	
HR004	Guidelines on Working Time Regulations	
HR034	Special Leave Policy	

Document Status: This is a controlled record as are the document(s) to which it relates. Whilst all or any part of it may be printed, the electronic version maintained in P&P-File remains the controlled master copy. Any printed copies are not controlled nor substantive.

1. Introduction

- 1.1 For most members of staff, the London Ambulance Service is their sole employer; some staff may however, temporarily or on a longer-term basis, wish to undertake secondary employment.
- 1.2 All employees are required to seek permission before undertaking any secondary employment.
- 1.3 Secondary Employment includes any additional work undertaken for another employer or work undertaken in a self-employed capacity or as the partner of a self-employed person. It includes work undertaken on a contractual basis over a long-term period and also work undertaken intermittently e.g. via an agency.
- 1.4 Permission to undertake secondary employment will not generally be denied. Those circumstances when permission may be denied are set out in this document and include reasons relating to health and safety.

2. Scope

- 2.1 The Policy covers all LAS employees.

3. Objectives

- 3.1 To set out employees' responsibilities in regards to requesting to work for another employer (in addition to their LAS employment) or conduct their own business; it also sets out managers' responsibilities in regards to such requests.

4. Responsibilities

- 4.1 It is a contractual requirement upon all LAS employees that they notify the Trust of any secondary employment.
- 4.2 **Staff** are responsible for ensuring that they request permission to undertake secondary employment in line with this Policy and Procedure and if the request is agreed to undertake work in line with the agreement and not, for example, work additional hours that have not been agreed.
- 4.3 In the event that the secondary employment request is agreed then staff must ensure that their additional employment does not negatively impact upon their primary job with the LAS, ensure that it is in line with any specific agreements made concerning the secondary employment and does not breach the Working Time Regulations.

4.4 **Managers** have a responsibility for considering requests in line with this policy and to address any issues if the secondary employment appears to affect their LAS work – whether in their LAS work they are directly delivering or supporting the delivery of the highest possible standard of patient care.

4.5 **HR managers** are responsible for providing additional advice to the member of staff and manager as necessary and for completing the corporate list of secondary employment.

5. Procedure

5.1 Requests to undertake secondary employment

5.1.1 Any member of staff who is intending to take up secondary employment or is undertaking secondary employment at the point that he or she joins the LAS is required to request permission from their manager by completing and submitting the attached form (appendix 1).

5.2 Consideration of requests

5.2.1 Managers will decide whether to approve or to reject the request.

5.2.2 On receipt of a request the manager will meet with the employee to discuss the request in greater detail.

5.2.3 Permission will generally not be denied unless in the secondary employment:

- means that the pattern of work is likely to affect the employee's health and safety and/or that he or she will breach Working Time Regulations (including in regards to breaks)*;
- would potentially bring the Trust into disrepute (matters deemed to be detrimental to the public image or reputation of the Trust);
- is directly involved in developing a service that would be in conflict or competition with the LAS;
- would adversely affect the employee's availability/ability to fulfil their primary responsibilities to the LAS.

*The Working Time Regulations state that a worker must not work over 48 hours for each seven days when averaged out over a 17 week period.

An adult worker (i.e. a worker who has attained the age of 18) is entitled to a daily rest period of not less than 11 consecutive hours in each 24-hour period during which they work for their employer.

For further guidance see HR042 Guidelines on the Working Time Regulations

- 5.2.4 Other matters which must be taken into account when considering requests include the employee's record in regards to matters such as attendance, conduct or performance - for example consideration should be given as to whether to agree a secondary employment request in circumstances of lateness or high intermittent absence insofar as undertaking secondary employment may potentially exacerbate these issues.
- 5.2.5 Care should be taken in regards to considering requests from employees who have on-call or similar responsibilities with the Trust and the secondary employment may impact on these responsibilities.
- 5.2.6 The above sets of considerations are not exhaustive.

5.3 Decision

- 5.3.1 A letter will be provided to the member of staff setting out the manager's decision in regards the matter (see appendix 3). A copy of this letter, together with a copy of the request form, will be maintained on the employee's HR file.
- 5.3.2 If the secondary employment is agreed it will be recorded by HR on the corporate database of employees undertaking secondary employment.

5.4 Appeal

- 5.4.1 Members of staff who have their request rejected, at whatever stage, will have the right to one appeal to a more senior manager. Appeals should be submitted in writing within 14 days of receipt of the original decision.
- 5.4.2 The appeal will be considered at a meeting at which the employee and manager who made the original decision will be able to set out their respective views.
- 5.4.3 This is the final level of appeal and there is no further appeal under the Trust's policies, including the Grievance Policy.

5.5 Notification of any changes

- 5.5.1 Members of staff are required to inform their line manager, in writing, of any significant changes to their secondary employment, e.g., working additional hours.
- 5.5.2 Depending on the nature of the change, the manager may request to meet the member of staff to discuss the proposed change.
- 5.5.3 The manager will write to the member of staff to inform them whether or not the agreement to the secondary employment will continue.
- 5.5.4 If the agreement is cancelled then the employee may appeal the decision.

5.6 Monitoring and review

- 5.6.1 Notwithstanding whether managers have been notified of any changes they may review arrangements at any time. Copies of employment contracts/pay slips etc. may be requested from the member of staff to verify such matters such as the duties undertaken and hours worked as part of the secondary employment.
- 5.6.2 Individual's arrangements for secondary employment must be reviewed at least every 18 months and the manager should meet with the employee concerned.
- 5.6.3 Once the meeting has review taken place HR will update the database with the date of the next 18 month review.
- 5.6.4 In circumstances of problems with the arrangements being identified the Trust may withdraw the agreement to the secondary employment at any time. This will be confirmed in writing to the employee.
- 5.6.5 Employees who cease their secondary employment will be removed from the database by HR.
- 5.6.6 Any such agreement will be subject to appeal.

6. **Other matters**

6.1 Requests to work further additional employment

- 6.1.1 In the event that an employee wishes to undertake further employment, either in addition to, or instead of, the job subject to a previous application under this policy, then a further application must be made.

6.2 Misconduct

- 6.2.1 No member of staff will work when absent from the LAS on sick-leave, whether or not they are in receipt of sick pay. This will constitute gross misconduct and is likely to lead to their dismissal from the Trust.
- 6.2.2 Those taking up alternative employment, without first seeking and being given written permission will be subject to consideration of disciplinary action..

6.3 Civic Duties/Reserve Forces

- 6.3.1 Other arrangements exist for matters such as civic duties which carry the possibility of some paid release from work. Provisions for those wishing to request to undertake school governor, magistrate or similar roles are included in HR034 Special Leave Policy as are the arrangements regarding participating in the Reserve forces.

6.4 Voluntary Work

- 6.4.1 It is not intended that occasional voluntary work e.g. working in a charity shop or assisting with school or club activities is subject formally to the provisions of this Policy. However, should circumstances arise in which it is shown that the ability of a staff member to properly fulfil their duties to the Trust as their employer, for example by undertaking voluntary work in work time without permission, then the principles of this policy will apply in terms of consideration of actions or sanction.
- 6.4.2 Consequently, it follows that the expectation is that voluntary work will be expected to be carried out in staffs' own time.

6.5 Fraud

- 6.5.1 The Trust will investigate breaches of any potentially fraudulent action. The contact details of the Trust's counter-fraud specialist is available on the Pulse.

IMPLEMENTATION PLAN				
Intended Audience	For all LAS staff			
Dissemination	Available to all staff on the Pulse			
Communications	Revised Procedure to be announced in the RIB and a link provided to the document			
Training	Update on previous policy – HR staff familiar on its use.			
Monitoring:				
Aspect to be monitored	Frequency of monitoring AND Tool used	Individual/ team responsible for carrying out monitoring AND Committee/ group where results are reported	Committee/ group responsible for monitoring outcomes/ recommendations	How learning will take place
May be checked as necessary via list maintained on the x drive.	As necessary	Workforce Committee	n/a	

LA011

Request form to undertake secondary employment

Name:

Position:

Name of Company you wish to work for/Details of self employment:
Contact details at company (e.g. HR manager):
Number of hours per week and weekly working pattern:
Duration of appointment:
Is the work paid or unpaid?
Description of job that you wish to undertake:

Please explain how you will ensure that this role will not affect your LAS duties:

N.B. Members of staff should notify the manager if there are any changes in working arrangements for their second job.

No member of staff will work when absent from the LAS on sick-leave, whether or not they are in receipt of sick pay. Such action will constitute gross misconduct and is likely to lead to their dismissal from the Trust.

Declaration

I state that the above information is correct and that I do not believe that the Secondary Employment that I am wishing to undertake will have a detrimental effect on my work at the Trust. I will inform my Line Manager if there are any changes to the above. I understand that if any false information is provided it may be considered as fraudulent and addressed accordingly.

Signed.....

Date.....

(form to be submitted to line manager with a copy to the local HR manager)

Appendix 2

Considerations re secondary employment requests

The following sets out the considerations for managers to take into account when considering requests for secondary employment ; the considerations may also be borne in mind when considering appeals.

1. Permission will generally not be denied unless in the secondary employment:
 - means that that he or she will breach Working Time Regulations (including in regards to breaks)*;

*(The Working Time Regulations state that a worker must not work over 48 hours for each seven days when averaged out over a 17 week period.

An adult worker (i.e. a worker who has attained the age of 18) is entitled to a daily rest period of not less than 11 consecutive hours in each 24-hour period during which they work for their employer.)

For further guidance see HR042 Guidelines on the Working Time Regulations

- would potentially bring the Trust into disrepute (matters deemed to be detrimental to the public image or reputation of the Trust);
 - is directly involved in developing a service that would be in conflict or competition with the LAS;
 - would adversely affect the employee's availability/ability to fulfil their primary responsibilities to the LAS.
2. Other matters which must be considered regarding requests include the employee's record in regards to matters such as attendance, conduct or performance - for example a consideration should be given as to whether to agree a secondary employment request in circumstances of lateness or high intermittent absence insofar as undertaking secondary employment may exacerbate these issues.
 3. Care should be taken in regards to considering requests from employees who have on-call or similar responsibilities with the Trust and the secondary employment may impact on these responsibilities.

The above sets of considerations are not exhaustive.

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Appendix 3

Standard letter setting out a Manager's decision (to be amended as appropriate)

Date

Dear,

Request to undertake additional employment

I write further to your request to work a second job dated...and our subsequent meeting on ...to discuss the matter.

Either:

I am pleased to inform you that I am in agreement to you undertaking your secondary employment.

Please note that you are required to ensure that your second job does not adversely affect your responsibilities as an employee of the London Ambulance Service. In particular you should take care to ensure that you do not breach the requirements of the Working Time Regulations. Details of the Regulations can be found in HR042 Guidelines on the Working Time Regulations – available on the Pulse.

Note that this agreement is for ...(*details of company, nature of work, hours*) and as such you are required to notify me or any future managers of any proposals to change the agreed arrangements with immediate effect.

Please note that the Trust may at any time request copies of documents from you as a means of checking that the agreement is being maintained and that there are no risks to your welfare.

The Trust reserves the right to review these arrangements at any time and that this may result in permission for the second job being withdrawn. A formal review meeting will take place 18 months from this agreement for me or any future manager to meet with you to review the arrangements – this will take place on Clearly if there are issues that require clarifying at any stage then you may be contacted in advance of the above date.

Under no circumstances must you work a second job if you are on sickness absence from the Trust, to do so will be considered gross misconduct and is likely to lead to your dismissal.

I wish you well in your additional employment.

Or:

I regret to inform you that I am unable to approve your request to secondary employment as...

This is for the following reasons:

Please note that you have the opportunity to appeal this decision. If you wish to do so you should write to ...setting out your reasons within 14 days of receipt of this letter.

Yours sincerely,