



People Matter

Frequently Asked Questions – Secondary Employment

The Council currently has a Secondary Employment Form in place where employees are asked to declare any Secondary Employment they carry out. This new Policy provides guidance around what employees are requested to inform of to ensure there is no conflict of interests in relation to their employment with the Council. This Policy comes into place in **January 2020**.

The Secondary Employment policy applies to all employees including Local Government Employees, Craft Employees, Chief Officers and Teachers (including those on SNCT Conditions of Service). This will replace LNCT 9 Multiple Employment

The Secondary Employment Policy refers to a **Charter of Commitment** which will also come into January 2020. The Charter of Commitment outlines the role and responsibilities for all those involved in the process of the policy including employees of the Council.

This FAQ document aims to provide you with answers to some of the questions you may have in relation to this policy and what action you may need to take.

1. What is Secondary Employment?

Secondary employment is as any form of paid work and includes benefits in kind and/or voluntary work carried out in addition to the role/s within the Council, and can include:

- Paid employment
- Self-employment
- Lecturing
- Voluntary work
- Extra-Curricular Activity
- Freelance/Consultancy
- Private Tuition

2. Why does the Council have a Secondary Employment Policy?

The Council has a responsibility to protect the health, safety and wellbeing of employees, service users and the general public. Therefore the Council has this Policy to ensure any secondary employment an employee is undertaking does not have any conflicts of interest and/or the health, safety and wellbeing of the employee, other employees, service users and the public are protected

3. Does this mean I cannot have another form of employment?

The intention is not to prevent employees from undertaking secondary employment. The purpose of the policy is to ask employees to inform of such activities to make sure there is not a conflict of interest. The Council will only express its non-agreement to the activity where a clear conflict of interest is identified. Where this is the case the employees line manager will advise of the conflict of interest identified and discuss with the employee any compromises that can be made to enable both roles to be carried out. Only where the conflict of interest cannot be resolved will the Council express its non-agreement to the Secondary Employment.

4. What is a Conflict of Interest?

Conflicts of interest can include:

- **Hours of work** – The Council has a responsibility under the Working Time Directive to ensure employees receive appropriate rest breaks and do not exceed the maximum weekly working hours. Consideration will be given to working hours in all roles and the impact on council duties.
- **External Contractors** - If an employee is involved in the award of contracts or is likely to have a business relationship out with their council duties with existing or potential external contractors, this may be perceived as a conflict of interest. This also includes competing with the Council for business;
- **Client Group/Service Users** – If an employee is expected to have contact with the same client/s or service users through employment with the Council and an external employer this may be a conflict of interest;
- **Dealings with EDC** - Consideration should be given to whether the employee is likely to have dealings with the Council in the course of their secondary employment;
- **Use of EDC equipment** - Employees should not use the Council's resources when undertaking secondary employment, for example use of tools, equipment or vehicles. In some cases this includes intellectual property;
- **General Impact** - Consideration must be given more generally on whether the secondary employment is likely to have a detrimental impact on public confidence or reputation of the council.

5. How do I inform of Secondary Employment?

Secondary Employment should be declared through the Secondary Employment Form and submitted to the Line Manager for review. This can be found in the Secondary Employment Toolkit or requested from the Line Manager. The form will also be available on the hub under HR Forms.

An employee who is considering undertaking secondary employment is asked to seek agreement before commencing the secondary employment.

6. Who reviews my Secondary Employment application?

The Line Manager will review the Secondary Employment Application and inform of the outcome. The application will then be forwarded to the HR Case Adviser for review.

7. What happens if my Secondary Employment is not agreed?

There are three possible outcomes to application:

- **No conflicts of interest are identified** - the Team Leader/Manager will agree the application and forward it to the Executive Officer for final agreement;
- **Conflict/s of interest are identified and resolved** - the Team Leader/Manager will meet with the employee to discuss any possible solutions to prevent the conflict of interest arising. If there are suitable solutions agreed, the application

will be “agreed with conditions” and sent to the Executive Officer for final agreement;

- **Conflict/s of interest are identified and not resolved** - If there are no suitable solutions identified for the application management have the right to advise of non-agreement and request the employee stop or does not start the secondary employment activity. The employee will be informed of this and the reasons why.

The Council has the right to withdraw its agreement to previously agreed applications where a conflict of interest has arisen during the time the employee has been undertaking the secondary employment.

8. If secondary employment is not agreed, can I appeal the decision?

An employee has the right of appeal against the non- agreement of an application or the decision to withdraw agreement to a previously agreed application where they feel it is unfair in the circumstances. Appeals must be submitted in writing within 10 days of receiving the outcome using the secondary employment appeal form This can be found in the Secondary Employment Toolkit or is available from the Line Manager. All appeals will be considered by an Executive Officer. All appeals will be dealt with by an individual who is has not been involved in the case at any stage.

9. What if I have non-agreement to an application and continue to carry out the secondary employment or do not declare my secondary employment?

If an employee is found to be undertaking secondary employment and a conflict of interest/risk is identified to the Council they may be subject to the Discipline at Work Procedure may be invoked.

10. I already undertake secondary employment, do I have to declare it now?

Yes, we would request all employees inform of any secondary employment even if they started the employment before this policy to ensure there is no conflict of interest.

11. If my employment changes in either role, do I need to notify the council?

Yes, if there is a change to any employment, for example change in hours you should notify your line manager for any conflicts of interest to be considered in line with the changes. This can be carried out by re-submitting the Secondary Employment Form.

12. Where can I seek additional information and support from?

If you have any further queries you can speak to your line manager in the first instance. You can also address any queries to the following contacts in the Workforce Strategy Team:

HR Case Advisers			
Name	Job Title	Email	Ext No
Anne Marie Cunningham	Team leader HR Operations	annemarie_cunningham@eastdunbarton.gov.uk	5535
Nikki Edgar	HR Case Management Adviser	nikki.edgar@eastdunbarton.gov.uk	5647
Lorna McLaughlin	HR Case Adviser Management	lorna.mclaughlin@eastdunbarton.gov.uk	3243
Susie Andrews	HR Case Adviser Management	susie.andrews@eastdunbarton.gov.uk	5608
Susan Hamilton	HR Case Adviser Management	susan.hamilton@eastdunbarton.gov.uk	5628
HR Business Partners			
Name	Job Title	Email	Ext No
Lisa MacGregor	Team Leader Organisational Development	lisa.macgregor@eastdunbarton.gov.uk	3429
Lesley Milligan	HR Business Partner	lesley.milligan@eastdunbarton.gov.uk	3429
Caroline Smith	HR Business Partner	caroline.smith@eastdunbarton.gov.uk	3434
Cheryl Silvester	HR Business Partner	cheryl.silvester@eastdunbarton.gov.uk	3216

Your Trade Union representatives are also available for support.