

East Dunbartonshire Council

Secondary Employment Policy

**Chief Officers, Craft & Local Government
Employees & Teachers**

Education, People & Business

October 2019



sustainable thriving achieving

East Dunbartonshire Council

www.eastdunbarton.gov.uk

Contents

1.0 Policy Statement	3
2.0 Scope	3
3.0 References & Related Documents	3
4.0 Definitions	3
4.1 <i>Secondary Employment</i>	3
4.2 <i>Conflict of Interest</i>	4
5.0 Policy Outline	5
5.1 <i>Undertaking Secondary Employment</i>	5
5.2 <i>Declaring Secondary Employment</i>	5
5.3 <i>Sickness</i>	6
5.4 <i>Changes to employment</i>	7
5.5 <i>Removal of approval</i>	7
5.6 <i>Appeal process</i>	7
6.0 GDPR Statement	7
7.0 Policy Review	8
8.0 Process Information: Secondary Employment Process Flowchart	9

Secondary Employment Policy

1. POLICY STATEMENT

- 1.1. East Dunbartonshire Council recognises that employees may wish to undertake secondary employment with other employers and agencies. This policy seeks to outline the process by which employees are requested to declare such activity to ensure there is no conflict of interest in relation to their employment with the Council.
- 1.2. It is not the intention of the policy to prevent employees from undertaking such activities but rather to ensure such activities are declared, discussed and the arrangements surrounding such activities are agreed to avoid conflict of interests arising and protect the health, safety and wellbeing of the employee, other employees, the Council and General Public as a whole. The Council will not restrict employees from undertaking Secondary Employment unless there is a clear conflict of interest or it is likely to have an adverse effect on the work of the Council.

2. SCOPE

- 2.1 The intention of this Policy is to prevent conflicts of interest arising in relation to an individual's employment with the Council and applies to:
 - All permanent and temporary employees of EDC;
 - Individuals who have a permanent or temporary contract with EDC and undertake casual/supply work externally;
 - Individuals who move from casual/supply status to temporary status within EDC and undertake secondary employment external to EDC.

3. REFERENCES & RELATED DOCUMENTS

- 3.1. This forms part of the Councils Policies and Procedure base surrounding employment and certain policies, procedures and toolkits may be referenced throughout this document. This policy has been developed to ensure compliance with relevant employment legislation.
- 3.2. This Policy should be applied with reference to the Charter of Roles & Responsibilities for Employment based Policies and Procedures.

4. DEFINITIONS

4.1 **Secondary Employment**

- 4.1.1. Secondary employment can be defined 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

Secondary Employment Policy

- Freelance/Consultancy
- Private Tuition

- 4.1.2. It is noted that an employee's main employment may be with another organisation and that their employment with the Council may be secondary however, employees are requested to notify any other employer of their employment with the Council to ensure all considerations are made.
- 4.1.3. This policy also relates to extra-curricular activities not regarded as employment where such activities may conflict with the proper performance of an employee's duties.
- 4.1.4. This policy is not intended to refer to ad-hoc charitable/voluntary work but rather where an individual is an officeholder with a charitable/voluntary organisation, Parent Council, or other similar body and their extra-curricular role has the potential to conflict with their employment with the Council. It is not the intention of the policy to prevent employees from undertaking such activities but rather to ensure such activities are discussed and agreed to avoid a conflict of interest arising.
- 4.1.5. Notifying the HMRC of any paid secondary employment is the responsibility of the employee.

4.2 Conflict of Interest

- 4.2.1. There are various areas of potential conflict that may occur, however this list is not exhaustive:
- **Hours of work** – The Council has a responsibility under the Working Time Directive (WTD) to ensure employees receive appropriate rest breaks and do not exceed the maximum weekly working hours. Consideration should be given to the employee's working hours arrangements in the secondary employment and the potential impact on their council duties. The total working hours in all posts should be considered;
 - **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** – 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. 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 the public confidence or of reputational damage of the council.

Secondary Employment Policy

5. POLICY OUTLINE

5.1 Undertaking Secondary Employment

- 5.1.1. Employees are requested to declare any secondary employment along with any potential conflict of interest which might have some bearing on the duties which they undertake for the Council. The manager will assess the risk of any potential conflict of interest prior to giving their agreement.
- 5.1.2. It is requested that employees should not engage in any other work (paid or unpaid) or receive reward from another employer, third party or business activity without the declaration being made and considered.
- 5.1.3. Employees are requested not to undertake any form of employment additional to their current employment with the Council which is potentially in conflict or may have an adverse effect upon the employee's performance of their duties.
- 5.1.4. Employees should not undertake any secondary employment duties during their normal working hours with the Council which includes responding to communications regarding secondary employment during working hours unless agreement has been given by their manager.
- 5.1.5 Further advice is available from the HR Case Adviser (contact details can be found in the [Secondary Employment Tool-kit](#)).

5.2 Declaring Secondary Employment

- 5.2.1. An employee who is considering undertaking secondary employment is requested to seek agreement prior to commencing the secondary employment through their Team Leader/Manager in the first instance. The application will then be forwarded to the HR Case Adviser for review. If the employee is an Executive Officer their application must go to the Depute Chief Executive. Details of how to make an applications can be found in the [Secondary Employment Toolkit](#).
- 5.2.2. If the hours worked in the secondary employment fluctuate the employee should, on the initial application, declare the maximum number of hours worked per week.
- 5.2.3. Team Leaders/Managers are asked to advise successful candidates of this policy when offering employment subject to checks with the Council and ensure this form is completed and consideration given to any secondary employment prior to commencing employment with the Council.
- 5.2.4. Following assessment of the secondary employment application, there are three possible outcomes:
- **No conflicts of interest are identified** - the Team Leader/Manager will agree the application and forward it to the Executive Officer for final agreement; or

Secondary Employment Policy

- **Conflict/s of interest are identified and resolved** - the Team Leader/Manager will meet with the employee to discuss any possible solution to prevent the conflict of interest arising. If there are suitable solutions agreed, the application should be “agreed with conditions” and sent to the Executive Officer for final agreement; or
 - **Conflict/s of interest are identified and not resolved** - If there are no suitable solutions identified for the application management have the right to declare its non-agreement and request the employee cease carrying out the secondary employment activity. The employee should be informed and the reasons outlined.
- 5.2.5. If an employee is found to be undertaking secondary employment in the following circumstances where a conflict of interest/risk is identified to the Council the disciplinary procedure may be invoked:
- Without prior declaration and agreement;
 - Following non-agreement being declared by the Council;
- 5.2.6. Any employee who remains dissatisfied with the outcome of their secondary employment application or with the reasoning for removal of agreement has the right of appeal. Please see Section 5.6 for further detail.

5.3 Sickness

- 5.3.1. It is recognised that in certain circumstances that an employee may be unfit for one role but fit for another, however the employee should give necessary consideration to their wellbeing and recovery if they continue to undertake secondary employment whilst on sick leave with the Council. In these circumstances employees are encouraged to discuss their secondary employment with their manager and where there is concern in relation to the impact secondary employment is having on their recovery a medical opinion may be sought in relation to the employee’s fitness to work and the impact secondary employment may be having. Employees may be requested to cease the secondary employment until a medical opinion is received. The disciplinary policy may be invoked where the following occurs:
- An employee continues to undertake secondary employment whilst on sick leave with the Council where the reason provided for the sickness would deem them unfit for their secondary employment;
 - Where an employee undertakes secondary employment whilst on sick leave during what would be the employees contractual hours with the Council if they were fit to attend work;
 - Where the continuation of secondary employment hinders the recovery from sickness to enable the employee to return from sick leave.

Secondary Employment Policy

5.4 *Changes to employment*

5.4.1. Employees should notify their Team Leader/Manager of any changes to their primary/secondary employment, for example changes to the nature of the role or hours or if they change their role within the Council to allow any conflicts of interests to be considered in line with the change. A new secondary employment form should be completed and processed when any change of this nature occurs.

5.5 *Removal of approval*

5.5.1. The Council may withdraw its agreement for an employee to undertake secondary employment or suggest an amendment to the agreement at any time if there is any adverse effect or detriment to the council, which could include;

- Performance issues
- Attendance at work
- Unsatisfactory absence
- Conflicts of interest
- Breach of conditions of employment

5.5.2. Please note that this list is not exhaustive. Any withdrawal of agreement or amendment to the agreement should only follow after a discussion has been held with the employee to outline the reasons. Further guidance in relation to this can be found in the [Secondary Employment Toolkit](#).

5.6 *Appeal process*

5.6.1. An employee has the right of appeal against the agreement of application or the decision to withdraw agreement where they feel the agreement is unfair in the circumstances. Appeals must be submitted in writing within 10 days of receiving the outcome using the secondary employment appeal form (found in toolkit). All appeals will be considered by an Executive Officer. All appeals will be dealt with by an individual who is impartial and has not been involved in the case at any stage.

5.6.2. Please see the [Secondary Employment Toolkit](#) for full details of the appeal process.

6.0 **GDPR STATEMENT**

6.1 East Dunbartonshire Council holds, uses and processes information in accordance with the General Data Protection Regulations and all other relevant national data protection laws. Further information detailing how East Dunbartonshire holds and uses personal information and copies of privacy notices used throughout the Council are available on our website: www.eastdunbarton.gov.uk/council/privacy-notices.

Secondary Employment Policy

7.0 POLICY REVIEW

7.1 This policy will be reviewed in two years or in line with:

- Legislative Change.
- Other external factors.
- Evaluation on the effectiveness of the policy

Other Formats & Translations

This document can be provided in large print, Braille or on audio cassette and can be translated into other community languages. Please contact the Council's Corporate Communications Team at:
East Dunbartonshire Council, 12 Strathkelvin Place, Southbank

本文件可按要求翻譯成中文，如有此需要，請電 0300 123 4510。

اس دستاویز کا درخواست کرنے پر (اردو) زبان میں ترجمہ کیا جاسکتا ہے۔ براہ مہربانی فون نمبر 0300 123 4510 پر رابطہ کریں۔

ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਮੰਗ ਕਰਨ ਤੇ ਪੰਜਾਬੀ ਵਿੱਚ ਅਨੁਵਾਦ ਕੀਤਾ ਜਾ ਸਕਦਾ ਹੈ। ਕਿਰਪਾ ਕਰਕੇ 0300 123 4510 ਫੋਨ ਕਰੋ।

Gabhadh an sgriobhainn seo cur gu Gàidhlig ma tha sin a dhith oirbh. Cuiribh fòn gu 0300 123 4510

अनुसोध करने पर यह दस्तावेज हिन्दी में भाषांतरित किया जा सकता है। कृपया 0300 123 4510 पर फोन कीजिए।

Kirkintilloch G66 1TJ Tel: 0300 123 4510

Secondary Employment Policy