

**Secondary Employment Policy**

Date	Version	
July 2014	4.2	
<b>Purpose</b>		
<p>Ensure that employees do not engage in other paid or unpaid work that may conflict with or affect their performance or attendance under their Contract of Employment with the Trust, and to</p> <p>Prevent employees and/or the Trust contravening legislation on working times/hours including the total hours worked and breaks between work periods and annual leave.</p>		
<b>Who should read this document?</b>		
<p>Individuals who hold a contract of employment with Plymouth Hospitals (NHS) Trust are covered by this Policy. This includes Medical and Dental staffs who undertakes private practice.</p>		
<b>Key messages</b>		
<p>Plymouth Hospitals NHS Trust recognises that in some instances employees take on other employment, whether paid or unpaid, within or outside of the Trust. It is acceptable for employees to have second jobs providing there is no impact on their employment, in terms of performance and/or attendance, within the Trust. All employees and prospective employees should declare any other employment whether paid or unpaid.</p>		
<b>Accountabilities</b>		
<b>Production</b>	HR Business Partner	
<b>Review and approval</b>	JSNC	
<b>Ratification</b>	Heinz Scheffer, HR Director	
<b>Dissemination</b>	HR Business Partner	
<b>Compliance</b>	HR Business Partner	
<b>Links to other policies and procedures</b>		
<p>TRW.HUM.POL.242 Working Time Regulations Policy TRW.HUM.POL.532 Performance and Conduct Policy</p>		
<b>Version History</b>		
2.1	June 2008	JSNC
2.2	June 2009	Reformatted, dissemination plan and checklist included
2.3	September 2010	Updated extension granted
3	March 2011	Trust Commitment to Valuing People amended in line with the Equality Act 2010
	January 2013	Electronic policy paths updated SE Form updated
4	July 2014	JSNC
4.1	June 2016	Slight amendment to section 5
4.2	August 2019	Extended to February 2020 by Richard Maguire & Lisa White
<b>Last Approval</b>		<b>Due for Review</b>
July 2014		Extended to February 2020

*The Trust is committed to creating a fully inclusive and accessible service. By making equality and diversity an integral part of the business, it will enable us to enhance the services we deliver and better meet the needs of patients and staff. We will treat people with dignity and respect, promote equality and diversity and eliminate all forms of discrimination, regardless of (but not limited to) age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage/civil partnership and pregnancy/maternity.*

**An electronic version of this document is available on the Trust Documents. Larger text, Braille and Audio versions can be made available upon request.**

<b>Section</b>	<b>Description</b>	<b>Page</b>
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2	Purpose, including legal or regulatory background	
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## **1 Introduction**

Plymouth Hospitals NHS Trust recognises that in some instances employees take on other employment, whether paid or unpaid, within or outside of the Trust. It is acceptable for employees to have second jobs providing there is no impact on their employment, in terms of performance and/or attendance, within the Trust. All employees and prospective employees should declare any other employment whether paid or unpaid.

## **2 Purpose, including legal or regulatory background**

The purpose of the policy is to:

Ensure that employees do not engage in other paid or unpaid work that may conflict with or affect their performance or attendance under their Contract of Employment with the Trust.

To prevent employees and/or the Trust contravening legislation on working times/hours including the total hours worked and breaks between work periods and annual leave.

Who is included: Individuals who hold a contract of employment with Plymouth Hospitals (NHS) Trust are covered by this Policy. This includes Medical and Dental staffs who undertakes private practice.

## **3 Definitions**

Secondary employment is:

Additional work an employee undertakes, or is planning to undertake, from their contract of employment with the Trust.

What is included?

Any work undertaken with another organisation or employer including:-

- NHS Professionals whether for the Trust or another NHS Organisation.
- Any employment agencies.
- Self-employed work.
- Paid employment outside of the Trust.

Unpaid voluntary and charitable work may in some cases be classed as secondary employment. Please contact the HR Department to seek clarification.

## **4 Duties**

### **AUTHORISATION TO UNDERTAKE OTHER WORK**

The Trust will permit employees to undertake additional work providing the Line Manager is satisfied that this does not conflict with the following:

- The interests of the Trust;

- The performance of the employee's normal duties;
- The requirements of the Working Time Regulations.

Employees with two jobs with the Trust must consider them both if they plan to undertake further work either within or outside of the Trust. If an employee's performance is affected due to additional employment commitments both posts with the Trust will be considered when reviewing performance.

## ROLES AND RESPONSIBILITIES

The Trust Board is responsible for endorsing and fully supporting this policy in its application.

The Human Resources Department is responsible for providing guidance to managers and staff on the application of this policy.

The Human Resources Department is responsible for updating this policy in line with legislative changes.

Line Managers are responsible for ensuring that this policy is adhered to within their own area, and should take consideration of it when undertaking appraisals and ensuring the situation is regularly reviewed.

Line Managers should ensure that employees are made aware of this policy and understand their responsibilities in relation to it.

Line Managers must make sure that they monitor and are aware of additional work undertaken by staff in their areas and that this work does not conflict with the interests of the Trust, adversely affect the individual's performance/attendance or breach the Working Time Regulations Policy.

Employees must ensure that they inform their Line Manager of their intention to undertake any work outside of their contract with the Trust.

Employees must ensure that any additional work undertaken by them does not conflict with the interest of the Trust or affect their performance or attendance.

Employees must inform their Line Manager if there are any changes to their additional employment e.g. hours worked.

## **5 Key elements (determined from guidance, templates, exemplars etc)**

### WORKING TIME REGULATIONS

Employees are required to comply with provisions of the Working Time Regulations, including declaration of hours worked and breaks taken, completing written records if required, and reporting any instances where their pattern of work may constitute a health and safety risk to themselves, patients, persons visiting the organisations premises, the public generally or other PHNT employees. PHNT employees have the right not to be subjected to any unlawful detriment by reporting any concerns under the Regulations.

### PROCEDURE

Before undertaking secondary employment either within or outside of the Trust, an employee should inform their line manager of their intentions. The employee should complete the form at Appendix 1 which will be discussed with their manager.

The Line Manager is responsible for assessing the potential impact of the secondary employment and discussing with the individual, highlighting concerns and ensuring the Secondary Employment form is retained on the individual's personal file.

Employees are required to confirm and declare whether they undertake additional work as part of the Trust Yearly Checklist process.

## **6 Overall Responsibility for the Document**

The HR Director is responsible for ratifying this document. The HR Business Partner has the responsibility for the dissemination, implementation and review of this policy.

## **7 Consultation and Ratification**

The design and process of review and revision of this policy will comply with The Development and Management of Trust Wide Documents.

The review period for this document is set as default of five years from the date it was last ratified, or earlier if developments within or external to the Trust indicate the need for a significant revision to the procedures described.

This document will be approved by the JSNC and ratified by the Director of HR &OD.

Non-significant amendments to this document may be made, under delegated authority from the Director of HR & OD, by the nominated author. These must be ratified by the Director of HR & OD and should be reported, retrospectively, to the approving JSNC.

Significant reviews and revisions to this document will include a consultation with named groups, or grades across the Trust. For non-significant amendments, informal consultation will be restricted to named groups, or grades who are directly affected by the proposed changes.

## **8 Dissemination and Implementation**

Following approval and ratification, this policy will be published in the Trust's formal documents library and all staff will be notified through the Trust's normal notification process, currently the 'Vital Signs' electronic newsletter.

Document control arrangements will be in accordance with The Development and Management of Trust Wide Documents.

The document author(s) will be responsible for agreeing the training requirements associated with the newly ratified document with the named [Heinz Scheffer](#) and for working with the Trust's training function, if required, to arrange for the required training to be delivered.

## **9 Monitoring Compliance and Effectiveness**

### **SICKNESS ABSENCE**

Whilst on sick leave, employees are regarded as unfit to undertake any work and therefore must not undertake work anywhere (in any capacity), particularly with a medical certificate, without permission. If an employee has a dual contract within the Trust or paid or unpaid secondary employment, and considers they can work in these roles whilst on sickness absence, they must discuss this with and have written permission before doing so, from their line manager or Service Line Director. This will be following consultation with HR and Occupational Health.

If an employee does undertake other work during sickness absence, without the prior written consent of their line manager/Service Line Director, they may be subject to formal action in line with the Trust's Performance and Conduct Policy which may result in the involvement of the Counter Fraud Department and may result in dismissal.

#### ATTENDANCE/TIME-KEEPING

Any adverse impact on attendance and/or time keeping attributable to secondary employment will be investigated under the Trust's Performance and Conduct Policy.

#### CAPABILITY AND PERFORMANCE

Employees undertaking secondary employment must ensure that their performance at work in the Trust is not affected in any way. Unsatisfactory performance due to secondary employment will be investigated under the Trust's Performance and Conduct Policy.

### **10** | **References and Associated Documentation**

TRW.HUM.POL.242 Working Time Regulations Policy

TRW.HUM.POL.532 Performance and Conduct Policy

<b>Core Information</b>				
<b>Document Title</b>				
<b>Date Finalised</b>				
<b>Dissemination Lead</b>				
<b>Previous Documents</b>				
<b>Previous document in use?</b>				
<b>Action to retrieve old copies.</b>				
<b>Dissemination Plan</b>				
<b>Recipient(s)</b>	<b>When</b>	<b>How</b>	<b>Responsibility</b>	<b>Progress update</b>
All staff		Email	Document Control	

<b>Review</b>		
<b>Title</b>	Is the title clear and unambiguous?	
	Is it clear whether the document is a policy, procedure, protocol, framework, APN or SOP?	
	Does the style & format comply?	
<b>Rationale</b>	Are reasons for development of the document stated?	
<b>Development Process</b>	Is the method described in brief?	
	Are people involved in the development identified?	
	Has a reasonable attempt has been made to ensure relevant expertise has been used?	
	Is there evidence of consultation with stakeholders and users?	
<b>Content</b>	Is the objective of the document clear?	
	Is the target population clear and unambiguous?	
	Are the intended outcomes described?	
	Are the statements clear and unambiguous?	
<b>Evidence Base</b>	Is the type of evidence to support the document identified explicitly?	
	Are key references cited and in full?	
	Are supporting documents referenced?	
<b>Approval</b>	Does the document identify which committee/group will review it?	
	If appropriate have the joint Human Resources/staff side committee (or equivalent) approved the document?	
	Does the document identify which Executive Director will ratify it?	
<b>Dissemination &amp; Implementation</b>	Is there an outline/plan to identify how this will be done?	
	Does the plan include the necessary training/support to ensure compliance?	
<b>Document Control</b>	Does the document identify where it will be held?	
	Have archiving arrangements for superseded documents been addressed?	
<b>Monitoring Compliance &amp; Effectiveness</b>	Are there measurable standards or KPIs to support the monitoring of compliance with and effectiveness of the document?	
	Is there a plan to review or audit compliance with the document?	
<b>Review Date</b>	Is the review date identified?	
	Is the frequency of review identified? If so is it acceptable?	
<b>Overall Responsibility</b>	Is it clear who will be responsible for co-ordinating the dissemination, implementation and review of the document?	

Core Information									
Manager	Richard Maguire								
Directorate	HR & OD								
Date	February 2015								
Title	Secondary Employment Policy								
What are the aims, objectives & projected outcomes?									
Scope of the assessment									
<p>The Trust is committed to exploring all potential options when an employee tenders their resignation, to attempt to see if an alternative course of action may be possible, so that the skills of that member of staff may be retained by the organisation.</p> <p>The Public Sector Duty requires the monitoring of reasons that people leave the organisation this data will be monitored and data published as per the requirements.</p>									
Collecting data									
Race	<p>There could potentially be an impact on staff whose first language isn't English and who request an exit interview. Special attention must be paid to ensuring that employees for whom English is not their first language are supported through the process.</p> <p>From Jan to Dec 2014 the workforce data identified:</p> <table border="1"> <thead> <tr> <th colspan="2">BME</th> </tr> </thead> <tbody> <tr> <td>White</td> <td>79.0%</td> </tr> <tr> <td>BME</td> <td>18.2%</td> </tr> <tr> <td>Undisclosed</td> <td>2.8%</td> </tr> </tbody> </table> <p>Requests for documentation in alternative formats will be actioned as required.</p> <p>The Trust do not currently monitor reasons for leaving by protected characteristics, this is an area that needs improving.</p> <p>This area will continue to be monitored through workforce data reporting and analysis and any feedback from line managers/trade unions</p>	BME		White	79.0%	BME	18.2%	Undisclosed	2.8%
BME									
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BME	18.2%								
Undisclosed	2.8%								

<p><b>Religion</b></p>	<p>There is no evidence to suggest there is a disproportionate impact on religion.</p> <p>From Jan to Dec 2014 the workforce data identified:</p> <table border="1" data-bbox="509 277 908 656"> <thead> <tr> <th><u>Religion</u></th> <th><u>%</u></th> </tr> </thead> <tbody> <tr> <td>Atheism</td> <td>12.3</td> </tr> <tr> <td>Buddhism</td> <td>1.6</td> </tr> <tr> <td>Christianity</td> <td>43.4</td> </tr> <tr> <td>Hinduism</td> <td>2.0</td> </tr> <tr> <td>Islam</td> <td>2.1</td> </tr> <tr> <td>Jainism</td> <td>0.2</td> </tr> <tr> <td>Judaism</td> <td>0.1</td> </tr> <tr> <td>Sikhism</td> <td>0.1</td> </tr> <tr> <td>Other</td> <td>5.0</td> </tr> <tr> <td>Undeclared</td> <td>33.3</td> </tr> </tbody> </table> <p>The Trust do not currently monitor reasons for leaving by protected characteristics, this is an area that needs improving.</p> <p>This area will continue to be monitored through workforce data reporting and analysis and any feedback from line managers/trade union</p>	<u>Religion</u>	<u>%</u>	Atheism	12.3	Buddhism	1.6	Christianity	43.4	Hinduism	2.0	Islam	2.1	Jainism	0.2	Judaism	0.1	Sikhism	0.1	Other	5.0	Undeclared	33.3
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<b>Sex</b>	<p>There is no evidence to suggest there is a disproportionate impact on sex.</p> <p>From Jan to Dec 2014 the workforce data identified:</p> <table border="1" data-bbox="509 246 890 353"> <thead> <tr> <th><u>Sex</u></th> <th><u>Total</u></th> <th><u>%</u></th> </tr> </thead> <tbody> <tr> <td>Male</td> <td></td> <td>31.9</td> </tr> <tr> <td>Female</td> <td></td> <td>68.1</td> </tr> </tbody> </table> <p>The Trust do not currently monitor reasons for leaving by protected characteristics, this is an area that needs improving.</p> <p>This area will continue to be monitored through workforce data reporting and analysis and any feedback from line managers/trade union</p>	<u>Sex</u>	<u>Total</u>	<u>%</u>	Male		31.9	Female		68.1					
<u>Sex</u>	<u>Total</u>	<u>%</u>													
Male		31.9													
Female		68.1													
<b>Gender Identity</b>	<p>There is currently no data collected for this protected characteristic so we are unaware of the impact in this area, data will be monitored for this particular protected characteristic through any feedback from line managers/trade union</p>														
<b>Sexual Orientation</b>	<p>There is no evidence to suggest there is a disproportionate impact on sexual orientation.</p> <p>From Jan to Dec 2014 the workforce data identified:</p> <table border="1" data-bbox="509 918 890 1155"> <thead> <tr> <th><u>Sexual Orientation</u></th> <th><u>%</u></th> </tr> </thead> <tbody> <tr> <td>Bisexual</td> <td>0.3</td> </tr> <tr> <td>Gay</td> <td>1.1</td> </tr> <tr> <td>Heterosexual</td> <td>72.1</td> </tr> <tr> <td>Lesbian</td> <td>0.3</td> </tr> <tr> <td>Undeclared</td> <td>25.3</td> </tr> <tr> <td>Undefined</td> <td>1.0</td> </tr> </tbody> </table> <p>The Trust do not currently monitor reasons for leaving by protected characteristics, this is an area that needs improving.</p> <p>This area will continue to be monitored through workforce data reporting and analysis and any feedback from line managers/trade union</p>	<u>Sexual Orientation</u>	<u>%</u>	Bisexual	0.3	Gay	1.1	Heterosexual	72.1	Lesbian	0.3	Undeclared	25.3	Undefined	1.0
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<b>Age</b>	<p>There is no evidence to suggest there is a disproportionate impact on age (these include people that take retirement and flexible retirement):</p> <p>From Jan to Dec 2014 the workforce data identified:</p> <table border="1" data-bbox="509 277 836 801"> <thead> <tr> <th><u>Age Group</u></th> <th><u>Total</u></th> <th><u>%</u></th> </tr> </thead> <tbody> <tr> <td>Under 20</td> <td></td> <td>1.6</td> </tr> <tr> <td>20-24</td> <td></td> <td>7.2</td> </tr> <tr> <td>25-29</td> <td></td> <td>23.3</td> </tr> <tr> <td>30-34</td> <td></td> <td>18.1</td> </tr> <tr> <td>35-39</td> <td></td> <td>13.5</td> </tr> <tr> <td>40-44</td> <td></td> <td>6.9</td> </tr> <tr> <td>45-49</td> <td></td> <td>5.2</td> </tr> <tr> <td>50-54</td> <td></td> <td>5.2</td> </tr> <tr> <td>55-59</td> <td></td> <td>8.8</td> </tr> <tr> <td>60-64</td> <td></td> <td>6.8</td> </tr> <tr> <td>65-69</td> <td></td> <td>2.8</td> </tr> <tr> <td>70 &amp; Above</td> <td></td> <td>0.8</td> </tr> </tbody> </table> <p>The Trust do not currently monitor reasons for leaving by protected characteristics, this is an area that needs improving.</p> <p>This area will continue to be monitored through workforce data reporting and analysis and any feedback from line managers/trade union</p>	<u>Age Group</u>	<u>Total</u>	<u>%</u>	Under 20		1.6	20-24		7.2	25-29		23.3	30-34		18.1	35-39		13.5	40-44		6.9	45-49		5.2	50-54		5.2	55-59		8.8	60-64		6.8	65-69		2.8	70 & Above		0.8
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<b>Socio-Economic</b>	There is no evidence to show an impact on Socio-Economics																																							
<b>Human Rights</b>	There is no evidence to show an impact on Human Rights																																							
<b>What are the overall trends/patterns in the above data?</b>	No trends or patterns identified at this stage. However, workforce data will continue to be monitored and any trends or patterns will be identified and appropriate actions will be put in place.																																							
<b>Specific issues and data gaps that may need to be addressed through consultation or further research</b>	<p>There is currently no data to monitor the impact on gender identity, socio-economic and human rights.</p> <p>The Trust do not currently monitor reasons for leaving by protected characteristics, this is an area that needs improving.</p>																																							
<b>Involving and consulting stakeholders</b>																																								
<b>Internal involvement and consultation</b>	HRBPs Policy Sub Group																																							
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<b>Impact Assessment</b>																																								

<b>Overall assessment and analysis of the evidence</b>	<p>There could potentially be an impact on staff whose first language isn't English and who request an exit interview. Special attention must be paid to ensuring that employees for whom English is not their first language are supported through the process.</p> <p>Requests for documentation in alternative formats will be actioned as required.</p> <p>Reasonable adjustments will be made as required for employees requesting them for completion of forms, survey and if they are required for the exit interview process.</p> <p>The Trust do not currently monitor reasons for leaving by protected characteristics, this is an area that needs improving.</p> <p>There is currently no data to monitor the impact on gender identity, socio-economic and human rights</p>
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Action Plan				
Action	Owner	Risks	Completion Date	Progress update
Monitoring of workforce data on a regular basis	Jayne Middleman		On-going	Action will be taken as and when required.
Improvement of data on "reasons for leaving" by protected characteristic	Bill Chapman		April 2013	
Monitoring of the "reason for leaving data"	Jayne Middleman		On-going	Awaiting the above action to be completed

## Appendix 4 Secondary Employment Form

This form should be completed before an individual undertakes or agrees to undertake additional work with any employer. The situation should be reviewed annual through the appraisal process. Any issues with performance or attendance that are identified and may be directly linked to additional work, the Line Manager will discuss with the individual in line with the Trust's Performance and Conduct Policy.

### Personal Information

Name:	Contact No:
Position & hours worked	Grade:
Line Manager:	Contact No:

### Please provide details of your proposed secondary employment

Name of Employer:	
Line Manager:	Contact No:
Nature of Work <i>(Brief description of duties and responsibilities)</i>	
Proposed working days/hours	

### Additional Information

<p><b>Have you any reason to believe that there will be instances where your Secondary Employment will conflict with your work at the Trust?</b> <i>for example in terms of time, performance, attendance or where the organisation has financial/other interests in the Trust</i></p>		
<p>Please circle as appropriate</p>	<p>YES</p>	<p>NO</p>
<p>If yes, please give details</p>		

I state that the above information is correct and that Secondary Employment in this instance will not 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 false information given with regard to this Policy could be treated as Gross Misconduct or fraudulent and dealt with accordingly under the Disciplinary/Counter Fraud Policy.

**Employee Signature**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name \_\_\_\_\_

I have/have not\* advised the employee that their proposed secondary employment conflicts with

- *The interests of the Trust,*
- *The performance of normal duties within the Trust, and*
- *The requirements of the Working Time Regulations*

***and that their pursuance of said secondary employment may lead to disciplinary action.***

\* delete as appropriate

State reason for conflict

.....

.....

.....

.....

.....

**Line Manager Signature**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name \_\_\_\_\_

**Once completed and signed please place a copy on the employee's Personal File and send a copy to Occupational Health to be included on the employee's Medical File.**