South Central Ambulance Service
NHS Foundation Trust

PEOPLE POLICY

ADDITIONAL EMPLOYMENT

PROCEDURE AND GUIDANCE

South Central Ambulance Service NHS Foundation Trust

Unit 7 & 8, Talisman Business Centre, Talisman Road,

Bicester, Oxfordshire, OX26 6HR

Policy Information:

Policy Title Additional Employment Policy

Author HR Department

Approval Process Via HR PRG with signed agreement at JCC

Date Agreed 13th March 2023

Date of Issue 14th March 2023

Equality Impact Assessment:

A full Equality Impact Assessment (EIS) has been carried out on this policy and is available on request from the Human Resources Department. (See also section on Equality Statement).

Review Date Due March 2026

Contents:

Introduction - What this policy covers

The South Central Ambulance NHS Foundation Trust (the Trust; SCAS) recognises that, in some instances, employees take on other employment, self-employment and/or voluntary work. The Trust considers it acceptable for employees to hold additional employment providing it does not adversely affect the employee's ability to perform their duties for the South Central Ambulance NHS Foundation Trust.

The key objectives of this policy are to safeguard the interests of the trust and ensure quality of patient care and minimise health and safety risks to employees. We also need to ensure compliance with the Working Time Regulations and minimise conflict between employee's normal duties and those carried out within any additional employment or private practice arrangement.

Scope

This policy applies to all Trust employees but is of relevance to those whose main employer is SCAS.

This policy continues to apply to employees who are absent from work for extended periods, including maternity leave, paternity leave, adoption leave, sickness absence and agreed employment breaks, and should be read in conjunction with the relevant Trust policy.

The definition of Additional Employment includes:

Part-time work outside of SCAS

Self-employment

Bank agreement within the Trust and/or wider NHS.

Paid or voluntary work can potentially conflict with roles and responsibilities undertaken in the Trust, adversely affect performance or attendance or contravene legislation on working hours i.e., Working Time Directive particularly around total hours worked and mandatory breaks

Some employees will have contracts of employment which may contain specific provisions about additional employment. In such cases, these apply in addition to the provisions of this policy.

Equality Statement

By committing to a policy encouraging equality of opportunity and diversity, the Trust values differences between members of the community and within its existing workforce, and actively seeks to benefit from their differing skills, knowledge, and experiences to provide an exemplary healthcare service. The Trust is committed to promoting equality and diversity best practice both within the workforce and in any other area where it has influence.

Working Time Regulations

As an employee you are not exempt from Working Time Regulations even if they hold additional employment or undertake any voluntary work . You must ensure that your total weekly working hours do not exceed the limits as laid out with the Trust's Working Time Regulations Policy and that they comply with the Working Time Regulations in respect of taking required rest periods.

As an employee wishing to 'opt out' of the maximum 48 hour working week (including overtime and/or additional employment) you may exercise this right under Regulation 5 of the Working Time Regulations by agreeing to sign a Waiver Agreement, the full details of which can be found in the Trust's Working Time Policy. Anyone applying for or holding an agreement for additional employment will be required to complete out the opt out form which can be found on the intranet.

Employees undertaking a significant amount of voluntary work outside their employment with SCAS, including any on-call responsibilities, should ensure their line manager is aware of the commitment. No work, voluntary or paid, should compromise the performance of their role in SCAS. It is the individual's responsibility to ensure, when reporting for work, they are in a fit state to undertake their duties. Achieving a good work life balance is very important.

It is good practice and is recommended that any SCAS employee who has additional employment ensures that the other employer is aware of their SCAS employment and the number of hours worked. It is also a requirement that there **must be** the 11 hour daily break between periods of work even if this work is with two employers. The weekly rest period of 24 hours in a 7-day period or 48 hours in a 14-day period must also be adhered to. It is the individual's responsibility to ensure they take the appropriate rest periods. (NB National T&C's Section 27.- employees should receive an uninterrupted weekly rest period of 35 hours (including the eleven hours of daily rest) in each seven day period for which they work for their employer. Where this is not possible, they should receive equivalent rest over a 14-day period, either as one 70-hour period or two 35-hour periods.)

The Trust encourages you as an employee to take annual leave as it is important that you do take sufficient breaks as a legal requirement but also from a health and wellbeing perspective. The statutory minimum under the Working Time Regulations is 5.6 weeks (28 days FT, pro rata for part time) inclusive of bank holidays and this is applicable when undertaking secondary employment.

New Employees

If you have another role in a different organisation, whether paid or unpaid and SCAS may be either the secondary employer or the primary employer, this should be declared at the recruitment stage. When recruitment receive such information, they will forward it to the recruiting manager who will make the decision whether the other role is consistent and compatible with applicant's potential role at SCAS. If it is considered not to be acceptable the candidate will be informed.

Additional Employment and Sick Pay

If you believe it is possible/appropriate to undertake additional work whilst receiving statutory sick pay or occupational sick pay from the Trust you must seek, and be granted, permission to do so by your line manager and Human Resources ***before*** undertaking any work. Any permission may be

considered in conjunction with Occupational Health involvement and must be in writing. In all other circumstances it is not appropriate and may constitute a criminal offence.

If you undertake any form of additional or self-employment in these circumstances (i.e., during a period of sickness absence) without having been granted permission to do so by your line manager and Human Resources) you may be subject to investigation and criminal proceedings, in accordance with the Trust's Counter Fraud and Corruption Policy, and/or be subject to disciplinary action.

An employee who is absent as the result of injury connected with their duties with another employer will not necessarily be entitled to occupational sickness pay from the Trust.

For further information on sick pay entitlements refer to the Trust's Sickness Management policy.

Conflicts of Interest

As an employee you should declare any conflict of interest at the point of recruitment or at any time it occurs during your employment, including when applying to undertake additional employment. This would include any additional employment with another NHS Trust or a private provider who also has a contract with SCAS. This would include both paid and unpaid roles such as voluntary work, directorships, non-executive directorships, employment and self-employment, consultancy, charitable trustee or not for profit roles and any role or interest, including personal relationships, in any organisation with the potential to do business with the Trust.

Where you hold additional or self-employment with an organisation or person that contracts with, provides services to, or applies to contract or provide services to the Trust, you must declare that interest in order that it can be included in the Corporate Register of Interest. This is in accordance with the Standards of Business Conduct & Conflicts of Interest Policy (FPP1) and the Trust's Anti-Fraud and Bribery Policy (FPP2).

Where such an interest occurs, you must not be involved in any meeting, discussion or decision-making process in relation to the use of that company, service or payments to that company or service. Failure to do so may result in action in accordance with the Trust's Business Conduct and Conflicts of Interest Policy (FPP1) and Anti-Fraud and Bribery Corruption Policy (FPP2), and/or be subject to disciplinary action.

Declaration of Additional or Self Employment

Employees who undertake additional or self-employment (in particular those for whom SCAS is their main employer), must declare this to the Trust without unreasonable delay. The declaration form provided at appendix 1 may be used for this purpose.

If subsequently there are changes to the existing external working arrangements, the employee must update the information held on file by completing a new form and passing it to their line manager.

Related Policies

Please read this policy in conjunction with the following policies:

Working Time Regulations

Standards of Business Conduct and Conflicts of Interest (FPP1)

Anti-Fraud and Bribery Policy (FPP2)

Bank Workers Policy

Sickness Management

Paid and Unpaid Leave

HR Statement on Policies

Procedure for approval of additional employment

All full time employees wishing to undertake Additional Employment must seek written approval from their line manager/head of department. For this purpose, an application/declaration form is provided at Appendix 1. Approval must be obtained prior to a SCAS employee making any commitment to another organisation whether paid or unpaid employment.

Employees who are employed on a part time basis or where SCAS is the secondary employer, should have declared any additional employment (paid or unpaid) at the recruitment stage If for any reason this has not been done a declaration should be completed Appendix 1

Managers must respond to such a request without delay and must carry out a risk assessment (Appendix 2) to evaluate the potential impact the additional employment will have on the applicant's job performance and on their health. Following the outcome of the risk assessment, the manager must decide whether to approve the application.

The individual must also assure their manager that they fully understand the consequences of undertaking any additional role, in particular in relation to potential accidents and to ensure they have adequate insurance cover to mitigate this risk.

In carrying out this risk assessment, managers must take account of the provisions of the Working Time Regulations, specifically:

- The employee's existing contracted working hours
- The individual's current working pattern
- The impact of the additional hours on the employee's existing role including breaks between shifts
- Pattern of overtime compared to the working hours of the additional employment
- Ensuring compliance with the working time regulations
- Any potential conflict of interest

Managers must not unreasonably refuse requests when considering an application to undertake additional employment.

The request will be approved or confirmed by the individual's reporting manager, in writing using the forms provided at Appendix 1 and 2. *All* requests to be forwarded electronically to the local HR Team for retention on the individual's e-file.

Where service delivery requirements change, if the additional employment then conflicts with the new service requirements, management reserve the right to review the agreement for additional employment and any difficulties will be discussed with HR and the member of staff.

Employees must not commence additional employment until approval has been granted, using the forms provided at Appendix 1 and 2, copies of which should be forwarded to the Divisional HR Team for retention on the individual's personal file. Managers must provide a response to any request within 14 calendar days.

In the event the request is deemed against the interest of the Trust the line manager will confirm this decision in writing outlining the reasons for refusal. A copy of this letter will be sent to the local HR Team for retention on the individual's personal file.

Failure to comply with this procedure may result in action being taken in accordance with the Trusts Discipline and Conduct Policy and/or in accordance with Counter-fraud Guidelines if appropriate.

Appeals Procedure

Employees appealing against a decision made under this policy have a single right of appeal which must be submitted within 14 calendar days of receipt of the decision. The appeal should clearly outline the employee's grounds for appeal and include any additional supporting information the employee wishes to be considered.

1. Application to take additional employment

Form to also be used to declare existing additional employment not previously declared

Applicants Details	
First Name	
Surname	
ESR Number	
Job Title	
Base	
Details of current work pattern (*i.e., Mon – Fri 09:00 – 17:00, 12 hour shifts incl. nights and days etc.)* plus contracted hours	
Line Manager	
Please indicate if you consider SCAS will be your Primary or Secondary employer	
Details of Additional Employment/Work	
Name of additional employer	
Will this be on a self-employed basis?	
Nature of work to be undertaken (*please provide details of the types of duties and provide a job description & person specification where available)*	
Details of hours and working pattern to be undertaken in additional employment: *(Night working, days etc.)*	

How might this additional employment affect your ability to undertake your duties in the Trust and what will you do to minimise any such effects?	
Would you be working more than an average of 48 hours per week? Yes / No Have you already signed the opt-out form? Yes / No I confirm I will retain 11 hours rest each day* I confirm I will retain a 24-hour break from work in a 7 day period or 48 hour break in a 14 day period* I will take a minimum of 5 - 6 weeks leave per year? * NHS require 11 hour daily break + 24 hour weekly break (35 hrs) in 7 day period/ 70 hrs in 14 day period	
Please confirm whether insurance cover will be in place in the event of injury sustained in this employment. ***(See notes point 8 below).***	Yes/No
Does the proposed additional employer (business, company or individual), tender for, contract to or undertake any work for, or on behalf of, SCAS? If so, please provide details in relation to this and details of your potential involvement with any of that work **NB** SCAS employees will not be deployed to deliver a service provided by a private provider within the SCAS contract.	
When will this employment commence (if known)	
Additional Information:	

(*Please provide any additional comments or information below which you think would assist in the consideration of your application to undertake additional employment)*
I sign below to confirm that all the information provided above is true and accurate and I agree to inform my line manager as soon as I become aware of any changes to these details.

Signed		**Date**	
Print Name		**Job Title**	

I sign below to confirm that I have considered the above employee's written request to undertake additional employment. I have also carried out a risk assessment to evaluate the potential impact the additional employment may have on the individual's job performance and on their health.

Signed		**Date**	
Print Name		**Job Title**	

Notes for completion of application/declaration form

1. No employment may be entered into until permission has been given.
2. Permission will not be unreasonably withheld.
3. No employment should be allowed to compromise the performance of your role within South Central Ambulance NHS Foundation Trust.
4. Some employment may conflict with the interests of the Trust. This must be declared and will be considered on a case by case basis.
5. If any details given above change, you are required to inform the Trust without delay (please refer to section 9).
6. No item of Trust property, including ID, uniform or equipment, may be used in the course of other employment. After investigation, any breach will be dealt with under the Trust's Discipline & Conduct Policy.
7. Under no circumstances should the impression be given that you are working under the auspices of South Central Ambulance NHS Foundation Trust. After investigation, any breach will be dealt with under the Trust's Discipline & Conduct Policy.
8. **An employee who is absent as the result of injury connected with other insured employment is not necessarily entitled to Occupational or statutory sick pay from the Trust**.
9. Any employee who undertakes additional, self-employment or voluntary work whilst receiving statutory sick pay or occupational sick pay from the Trust may be subject to disciplinary action. In addition, a Counter Fraud investigation may be undertaken which could result in criminal proceedings.
10. Any employee wishing to undertake additional employment will be required to complete the opt out form because of the expectation/potential of working more than 48 hours a week.

2 - Additional Employment – Management Risk Assessment

Name		**Base**	
Job Title		**Contracted Hours**	
Shift Pattern		**Regular overtime worked**	**Yes/No**

About Additional employment	**Score**
Does the work involve	
Working between 23:00hrs and 07:00hrs	5
Work between 18:00hrs and 23:00hrs	3
Work between 07:00hrs and 18:00hrs	1
Driving	4
Physical effort	3
Work on days off	1
Is the work	
Less than 5 hours per week	1
Less than 10 hours per week	2
Less than 15 hours per week	3
Less than 20 hours per week	4
More than 20 hours per week	5
Based at home	1
Based away from the home	3
Are the hours the same each week	1
Do the hours vary each week	3
Taking account of the Working Time Regulations, does the work result in:	

Less than 11hr breaks between normal shifts once per week	5
Less than 11 hr breaks between normal shifts more than once per week	5
11hrs or more between normal shifts each day	-1
One uninterrupted 24hr period of rest per week*	2
No uninterrupted 24hr period of rest per week	5
One uninterrupted 24hr period of rest per fortnight	5
More than one uninterrupted 24hr period of rest per week	-1
More than two uninterrupted 24hr periods of rest per fortnight -1	-1
Total Score	

* NHS require 11 hour daily break + 24 hour weekly break (35 hrs) in 7 day period/ 70 hrs in 14 day period

Is the additional employment with a competitor **Yes/No**

Date		**Review Date**	
Name of Assessor		**Position**	
Signed (Employee)		**Signed (Assessor)**	

Additional Employment Risk Matrix

Total Score	**Risk Rating**	**Risk Action Points**
>30	High	The additional employment must not be sanctioned
25-29	Significant	The additional employment must not be sanctioned unless: • adequate rest can be taken; this must be a minimum of 24hrs. • uninterrupted rest per week and 11hrs between each of their contracted shifts. The employee should not be considered for shift overtime cover. • The employee must be monitored and the risk assessment reviewed within ***one*** month.
20-24	Moderate	The additional employment should be allowed providing there is no conflict of interest. The employee must be able to take a minimum of one 24hr uninterrupted period of rest **and** 11hrs (=35 hours) between each of their contracted shifts. The employee must be monitored and the risk assessment reviewed within ***two*** months
10-19	Low	The additional employment should be allowed providing there is no conflict of interest (working for a competitor). The employee must be monitored and the risk assessment reviewed within ***three*** months.
<9	Negligible	The additional employment should be allowed providing there is no conflict of interest. The employee must be

		monitored and the risk assessment reviewed within ***six*** months

Notes for Completion of Risk Assessment

The assessment must be undertaken in consultation with the employee who has made the application.

It is important to fully consider the employee's current work pattern i.e., normal shift length, whether they work standard days or shifts, the weekly contracted hours and any regular overtime.

The impact of illness or injury whilst undertaking additional work must be considered

Each question should be considered with the employee; if the answer is negative then move on to the next question, if the answer is positive then highlight the score accredited to that question in the final column.

It may be that one or more questions from each section is applicable, highlight the score for each.

When you have completed the questions, total the score and consult the risk matrix above to decide on the suitability of the additional employment.

The risk assessment must be reviewed within the time scales applicable to the level of risk.

This aspect is crucial to; ensure that the assessment is still valid; the employee is not adversely affected by the additional employment and patient, staff and public safety are not adversely affected because of employee tiredness. Please forward a copy of the completed risk assessment to the HR department for recording on the individual's personal file.