



## Secondary Employment Policy

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**Approved by Corporate Management Team / Appointments and Staffing**

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Classification: SEC1 - Routine

## Document Location

This document is held by Tamworth Borough Council, and the document owner is Human Resources.

Printed documents may be obsolete; an electronic copy will be available on Tamworth Borough Councils Intranet. Please check for current version before using.

## Revision History

Revision Date	Version Control	Summary of changes

## Key Signatories

### Approvals Creation and Major Change

Name	Title	Approved

### Approvals Minor Change and Scheduled Review

Name	Title	Approved

## Approval Path

### Major Change

Originator  
 Owner  
 TULG  
 CMT  
 Appts & Staffing Committee

### Action

HR  
 Head of Paid Service  
 Consultative Group  
 Corporate Approval  
 Council Approval

### Minor Change

HR  
 TULG  
 Director

Submission  
 Consultative Group  
 Delegated Approval

## Document Review Plans

This policy/ procedure will be reviewed on a 3 yearly basis unless it has:

- A monetary value included within it, in which case an annual review will be required, and/ or
- A legislative change is required as directed by government.

## Distribution

The document will be distributed through Astute as a MANDATORY policy and will also be available on the Intranet.

## Security Classification

This document is classified as SEC 1 Routine with access restricted to Tamworth Borough Council Staff and business partners.

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## **1 Introduction**

- 1.1 The purpose of this policy is to set out the circumstances in which an employee can take a second job.
- 1.2 In this policy, a second job means any job, whether paid or unpaid, with any employer on any type of contractual arrangement or on a self-employed basis.
- 1.3 The carrying out of public duties does not count as a second job, nor does outside interests such as managing personal investments.
- 1.4 Tamworth Borough Council (TBC) must be satisfied there are no conflicts of interest or health and safety implications and will not have an adverse effect on the employee to carry out their duties.
- 1.5 The policy will be applied fairly and equally to create a consistent approach.
- 1.6 The policy should be read in conjunction with the Code of Conduct and Working Time Regulations policies.

## **2 Scope**

- 2.1 This policy applies to all appointees and employees.

## **3 Contract of employment**

- 3.1 TBC recognises that there are various reasons why employees may need to take a second job.
- 3.2 Before accepting a second job, the employee must request and obtain the written permission of their line manager, Assistant or Executive Director and Monitoring Officer through completing the form **Appendix 1** Secondary Employment Declaration Form.

## **4 The Working Time Regulations**

Working hours in the UK are governed by the Working Time Regulations 1998. These limit the working week to an average of 48 hours, and the working day to an average of 8 hours. They also give workers and employees the right to paid leave and specified rest breaks.

As a good employer we do not want our employees to work in excess of 48 hours every week. Key points:

- To work a maximum of 48 hours per week, averaged over 17 weeks
- A rest break of 20 minutes if more than 6 hours are worked in a day
- Daily rest of 11 hours in each 24-hour period
- Weekly rest of 24 hours in any 7-day period or 48 hours in any 14-day period
- 28 days annual leave per annum including bank holidays

## **5 Decision**

- 5.1 The Declaration of Secondary Employment form should be submitted to the line manager for Assistant Director and Monitoring Officer consideration.
- 5.2 If the request is refused, the employee will receive a written explanation from the line manager with a copy sent to Human Resources.
- 5.3 Permission to take a second job will be granted subject to the following considerations
- It will not adversely affect the employee's duties under their contract of employment
  - The arrangement complies with the requirements of the Working Time Regulations
  - There is no conflict between employers or roles
  - The employee is not required to be on call for TBC whilst undertaking a second job
  - The employee's current performance
  - The employee's attendance and capability in their role and the potential impact secondary employment may have on attendance and performance.

## **6 Employee's Responsibilities**

- 6.1 All employees must inform their line manager about any current employment outside of TBC using the Secondary Employment Declaration Form.
- 6.2 Before accepting any new employment, employees must complete the Secondary Employment Declaration form and discuss this with their line manager prior to accepting any additional work. This will then be sent to the Assistant Director and Monitoring Officer for consideration.
- 6.3 New appointees to TBC must disclose any existing jobs which continue after commencing employment.
- 6.4 Employees must complete a new Secondary Employment Declaration form if the details of the secondary employment change or if they transfer to a new role within Tamworth Borough Council which then results in a possible conflict of interest.
- 6.5 Employees must adhere to the Working Time Regulations and take responsibility for their own health and safety and the health and safety of others.

## **7 Manager responsibilities**

- 7.1 Managers must apply this policy fairly and equally to create a consistent and balanced approach.

## **8 Human Resources responsibilities**

### 8.1 Human Resources will:

- Retain a copy of the Secondary Employment Declaration form on the employee's file with the decision
- Advise the relevant manager if an applicant declares secondary employment.

## **9 Employee Wellbeing**

9.1 TBC has a responsibility under Health & Safety Regulations to ensure the safety of all employees and it is recognised that controlling hours or work is an integral part of promoting health and wellbeing at work.

9.2 To comply with Working Time legislation, the employee must ensure that the working hours of two jobs combined (including any overtime) does not exceed 48 hours per week on average and that they take adequate rest breaks.

## **10 Annual Leave**

10.1 Employees must comply with the required rest periods as set out in the Working Time Regulations and any secondary employment should not compromise this under any circumstances.

10.2 If an employee chooses to work for their secondary employment during their annual leave from TBC, it is recommended at the very minimum employees should take as annual leave is the entitlement as laid out under the Working Time Regulations which is 28 days pro rata including bank holidays

## **11 Sickness**

11.1 Employees should refrain from their secondary employment whilst absent due to sickness. If an employee wishes to continue with secondary employment, they must seek permission from Human Resources and their line manager, outlining the nature of the work they will be completing and the number of hours. Permission will only be granted on exceptional circumstances where occupational health advise it could be beneficial to the employee's recovery and wellbeing.

11.2 Working elsewhere whilst absent from TBC due to sickness, without permission, could be regarded as fraud and a disciplinary matter.

## **12 Withdrawing permission**

12.1 The line manager will regularly review the arrangements.

12.2 If at any time TBC considers that the second job is impacting on the employee's performance, attendance, time keeping or any other aspect of

their employment, the line manager will discuss this with the employee and take steps to address any problems.

12.3 There may be times where a new conflict of interest arises that did not previously exist, employees have a responsibility to highlight any new potential or perceived conflict of interest.

12.4 In such circumstances, TBC reserves the right to withdraw any permission given to employees to undertake a second job.

### **13 Breaches of this policy**

13.1 A breach of this policy will be dealt with under the Disciplinary policy and may result in disciplinary action, up to and including a summary dismissal.

### **14 Appeals Process**

13.1 If the employee is dissatisfied with the decision, they have a right of appeal to the next level of line management. If the employee remains dissatisfied with the decision, they must lodge their appeal within 7 calendar days of receipt of the written decision, outlining their grounds for appeal, why they were dissatisfied with the initial response and remedy sought.

**Appendix 1**

**Secondary Employment Declaration Form**

Employee's details

Name:	Service:
Hours:	Working pattern:
Job Title:	Line Manager:

Secondary employment

Please note that all employment, voluntary/paid or unpaid must be declared.

Name of employer/business:	Job title:
Contact number:	Contact name:
Hours:	Working pattern:
Nature of work (description of duties and responsibilities):	

**Additional information**

<p>Have you any reason to believe that there will be instances where your secondary employment will conflict with your job at Tamworth Borough Council? If yes, please provide detail</p>          
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I confirm that the above information is correct and that my secondary employment will have no conflict of interest or have a detrimental effect on my work at Tamworth Borough Council.

I will inform my line manager in writing if there are any changes to the above.

I understand and accept that false information given regarding this secondary employment could be investigated under the Council's Disciplinary Policy.

Signed	
Date	
Print name	

**To be completed by line manager, Assistant Director and Monitoring Officer and then sent to HR Admin**

Decision: Please tick

Request Approved	
Request Rejected	
Date employee informed of the decision (please send a copy of email to HR Admin)	

If approved, but with conditions, please detail
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Signed	
Date	
Printed name of manager	
Signed	
Date	
Printed name of Assistant Director	
Signed	
Date	
Printed name of Monitoring Officer	



Part 1 – Details		
What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Secondary Employment Policy	
Date Conducted	January 2023	
Name of Lead Officer and Service Area	Jackie Noble HR	
Commissioning Team (if applicable)	N/A	
Director Responsible for project/service area	Anica Goodwin	
Who are the main stakeholders	Employees	
Describe what consultation has been undertaken. Who was involved and what was the outcome	CMT TULG Members	
Outline the wider research that has taken place (E.G. commissioners, partners, other providers etc)		
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	<input type="checkbox"/>
	A Strategy/Policy/Procedure	<input checked="" type="checkbox"/>
	A function, service or project	<input type="checkbox"/>
What kind of assessment is it? Indicate with an 'x' which applies	New	<input checked="" type="checkbox"/>
	Existing	<input type="checkbox"/>

	Being reviewed	<input type="checkbox"/>
	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>

### Part 2 – Summary of Assessment

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

To provide a framework for all employees undertaking secondary employment.

Who will be affected and how?

All employees who wish to have a second job

Are there any other functions, policies or services linked to this impact assessment?

Yes  No

If you answered 'Yes', please indicate what they are?

All employees

Working Time Regulations  
Health & Safety Policy

### Part 3 – Impact on the Community

Thinking about each of the Areas below, does or could the Policy function, or service have a direct impact on them?

Impact Area	Yes	No	Reason (provide brief explanation )
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of age
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of disability
Gender Reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of gender

			reassignment
Marriage & Civil Partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of marital status
Pregnancy & Maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of pregnancy and maternity
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of race
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of religion or belief
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sexual orientation
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sex
Gypsy/Travelling Community	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Caring/Dependent responsibilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective caring responsibilities
Those having an offending past	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Children	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Vulnerable Adults	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Families	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those who are homeless	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those on low income	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Drug or Alcohol problems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Mental Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Physical Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Other (Please Detail)	<input type="checkbox"/>	<input type="checkbox"/>	

#### Part 4 – Risk Assessment

From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications

Impact Area	Details of the Impact	Action to reduce risk
<i>Eg: Families</i>	<i>Families no longer supported which may lead to a reduced standard of living &amp; subsequent health issues</i>	<i>Signposting to other services. Look to external funding opportunities.</i>

Secondary Employment Policy


**Part 5 - Action Plan and Review**

Detail in the plan below, actions that you have identified in your CIA, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome
	Outcomes and Actions entered onto Covalent			

Date of Review (If applicable) .....