

TYNE AND WEAR FIRE AND RESCUE SERVICE (TWFRS)	
SECONDARY EMPLOYMENT	
Area Manager HR,L&D	Rev Feb 2013
Admin Procedure 3.19	

SECONDARY EMPLOYMENT AND PECUNIARY INTERESTS

1. GENERAL

- 1.1 This policy applies to all Grey Book employees or Green Book employees Scale 6 and above, who may not engage in secondary employment, without first obtaining the written approval of the Brigade Manager, responsible for HR or, on appeal, the HR Committee of the Tyne and Wear Fire and Rescue Authority. Application for approval is to be made in the first instance to the Brigade Manager, HR on Form No. 2-4/0395(4) (see Appendix A)
- 1.2 The Authority requires that the efficient and effective performance of official duties shall not be impaired by an employee holding secondary employment.
- 1.3 **AIMS OF THE POLICY**
- 1.4 Employees must not undertake secondary employment or have pecuniary interests that:
- Impair or might reasonably be thought by the Authority to impair, the employee's ability to act at all times in the best interests of the Authority.
 - May conflict with any of the Authority's activities or interests.
 - May lead to suspicion of undue favour or improper influence being exercised, for example through contracts, or any kind of consent, permission, licence, etc. which the public seek from the Authority.
 - May bring the Authority into disrepute
 - May jeopardise the safety of themselves, colleagues in the Authority or the public due to not being in a fit state, for example because of inadequate rest periods.
- 1.5 Grey Book Conditioned employees on the Flexible Duty System are not normally permitted to undertake secondary employment. Where consent is granted, the Authority may apply such conditions and restrictions **as deemed reasonable**.

2 DEFINITIONS

- 2.1 Secondary employment means paid or unpaid work outside of the Authority and includes:
- Working for hire or gain for any person, firm, company or organisation other than the Authority.
 - Carrying on a trade or business either in self-employment or as an employee of any organisation or business other than the Authority. This may include the undertaking of voluntary duties and charitable work.
 - Holding office in any firm, company, organisation or business (e.g. as a company director or licensee of licensed premises).
 - For personal reward such as promotion, status, or holding an official role.

2.2 Pecuniary interest includes:

- A material interest in the share capital such as the beneficial ownership of, or the ability to control, more than 25% of the ordinary share capital of the company, or an entitlement to acquire such rights as would in any event give an entitlement to receive more than 25% of assets of the company.
- Under section 117 of the Local Government Act 1972 employees are required to disclose all pecuniary interests in any contract the Authority has entered or proposes to enter into. Refer to paragraphs 4.1 to 4.5 for further guidance.

3 RESTRICTIONS/CONDITIONS OF SECONDARY EMPLOYMENT

- 3.1 Secondary employment must not be undertaken for any person, nor any material interest held, in any firm or company which provides services provided by the Authority - e.g. conducting activities within the TWFRS area. If in doubt an employee should consult the Area Manager HR and seek clarification.
- 3.2 Secondary employment must not be undertaken for, nor any material interest held, in any person, firm or company which provides services provided by the Authority or its partners: statutory or otherwise e.g.: conducting activities outside of the TWFRS geographical area, which may, nonetheless impact upon premises within the TWFRS area. It is the employee's individual responsibility to ensure that this condition is met before undertaking such activities. If in doubt an employee should consult the Area Manager, HRL&D and seek clarification.
- 3.3 Secondary employment which conflicts with the employee's work for the Authority must not be undertaken. If in doubt an employee should consult the Area Manager, HRL&D.
- 3.4 Secondary employment must not be undertaken for any person, nor any material interest held in any firm or company whose activities are relevant in any way to the performance of the Authority's functions within or out-with the TWFRS area which include but are not limited to the Fire and Rescue Services Act 2004 Section 6, and the Regulatory Reform (Fire Safety) Order 2005 Part 2 Fire Safety Duties.
- 3.5 Secondary employment must not be undertaken during an employee's working hours for the Authority, nor undertaken on official premises or using Authority equipment or intellectual property at any time. This includes use of electronic services, making or receiving telephone calls and sending or receiving facsimiles or e-mails connected with secondary employment.
- 3.6 In addition to the requirement in 3.5 above, there must be no interference with any commitment to work overtime or additional hours on such duties or requirement to attend training courses or to work at any location or on an agreed duty system either on a temporary or permanent basis.
- 3.7 Secondary employment must not be undertaken for a period of at least 11 hours before reporting for duty on any duty system (9 hour period between nightshifts).
- 3.8 Secondary employment must not be undertaken for any person, nor any material interest held in any firm or company who is currently or periodically, an applicant to the Authority for a statutory consent or permission, for a discretionary licence (e.g. petroleum licence), or for any purpose, where the application is or would be dealt with by the department in

which the employee is serving. Employees proposing to undertake secondary employment for any person, or to hold any pecuniary interest in any firm or company are responsible for ascertaining from them whether they are applicants to the Authority for any statutory consents or permissions.

- 3.9 Secondary employment must not be undertaken for any person, nor any material interest held, in any firm or company who: may be in a contractual relationship with the Authority (e.g. for the provision/supply of goods, services or facilities) or: concerned in any property (i.e. building/land) transaction with the Authority either directly or indirectly. Employees proposing to undertake secondary employment for any such person, firm or company are responsible for ascertaining from the person, firm or company whether any contractual or commission relationship with the Authority exists or is proposed. Employees undertaking secondary employment for any such person, firm or company are responsible for advising the person, firm or company of their employment with the Authority and the prohibition contained in this paragraph.
- 3.10 Applicants should be aware that it is a condition in contracts entered into by the Authority for professional work, that employees of the Authority shall not be employed by contractors.
- 3.11 In normal circumstances, secondary employment would not be approved when one employee works for another employee who is responsible for supervising them, or whom they supervise, in their primary role. Employees intending to employ another Authority employee (with whom they do not have a supervisory relationship) must obtain permission to do so from the Brigade Manager, HR before commencing such secondary employment.
- 3.12 Under no circumstances must any article of Service clothing be worn or equipment used for any purpose associated with secondary employment or any pecuniary interest.
- 3.13 Under no circumstances must the name of the Authority or the Service, or the fact that an employee is employed by the Authority be used in any way in connection with secondary employment or any pecuniary interest, other than inclusion of such information as employment details on a CV or application form.
- 3.14 Secondary employment must not be undertaken by employees absent from work on sick leave (including periods when they would not have been rostered for duty).
- 3.15 Employees shall not disclose or make use of, for their private advantage, any information not available generally to the public which they may acquire in the course of their work for the Authority.
- 3.16 While occasional literary or artistic work is permissible, special consideration would have to be given to publication in any media on subjects relating to the individual's work for the Authority. Permission must be requested from the Area Manager, HRL&D before engaging in this type of activity.
- 3.17 Employees shall not be members of a police force (special constables are not regarded as members of a police force for this purpose).
- 3.18 Approval of Secondary employment as an LGV driver in no way implies authorisation of driving outside the regulations applicable to such activity. Compliance with such regulations (e.g. rest periods, fitness, etc.) is the responsibility of the individual. Vehicles having identification or adaptations for use in connection with secondary employment will not be parked on Fire Service property (e.g. building trucks, trailers, vans, taxis, cars etc.).

4 PECUNIARY INTEREST IN CONTRACTS OR TENDERS

- 4.1 The Authority must ensure that the potential for conflict of interests between its employees and suppliers is effectively managed. This section applies specifically to those employees that have a potential pecuniary interest in the contract or tenders offered by the Authority.
- 4.2 If an employee is aware that a contract that they have any actual or potential pecuniary interest in, not being a contract to which they are a party, has been or is proposed to be, entered into by the Authority, or any committee or sub-committee, they shall, as soon as practicable, inform the Area Manager HR L&D of that interest. In the case of married persons living together, the interest of one spouse shall, if known to the other, be deemed to be also an interest of that other spouse. The same principle will apply to partners (including civil partners), co-habitants, joint mortgagors, and relatives.
- 4.3 An employee dealing with a tender, quotation or proposed contract submitted by any person or firm in which they or their spouse, partner, co-habitant, joint mortgagor or relative has any actual or potential pecuniary interest, shall be required at the time to declare the fact of such interest to the Area Manager, HR L&D.
- 4.4 Any employee dealing with a tender, quotation or proposed contract submitted by any person or firm in which they or their partner or family member has a pecuniary interest, or where the employee undertaking the private work is serving in a department materially concerned with the contractual relationship, commission or property transactions shall, in addition to the requirement at paragraph 4.3 above, be required at the time to declare such interest to the Area Manager, HR L&D.
- 4.5 In the event that an employee undertakes secondary employment for any person, or holds any pecuniary interest in any firm or company, who subsequently applies to the Authority for any statutory consent, permission, discretionary licence etc., or becomes involved in any contractual relationship or property transaction with the Authority, the employee must immediately terminate the employment and/or cease to hold the pecuniary interest. Employees should be aware that contravention, in addition to rendering them liable to disciplinary action, may also give rise to criminal liability in law.
- 4.6 Employees who are in doubt as to the propriety of undertaking any proposed outside employment or holding any pecuniary interest, are expected to consult the Area Manager, HR L&D. An employee who acts in accordance with this provision and follows the advice given by the Area Manager, HR L&D will be held to have fulfilled their obligations in this respect.

5 APPLICATION FOR APPROVAL

- 5.1 Application for approval is to be made in the first instance to the Brigade Manager, HR on Form No. 2-4/0395(4) (see Appendix A). A new permission must be sought on any occasion when an employee proposes a change in the identity of the outside employer or in the nature of the outside employment undertaken. Permission to undertake reservist service in the Armed Forces must be approved by the Chief Fire Officer. Applications from personnel who are in their first 12 months trainee/development phase, or probationary period will not be given approval. The only exceptions to this are personnel on both Retained Duty System and Whole-time Contracts where this 12 month period does not apply (other than during their initial Trainee Course, if applicable) including those who work on the

Retained Duty System within another Fire & Rescue Service. If application is made for other types of secondary employment then the above criteria will apply.

- 5.2 In all cases where permission is granted, it must be clearly understood that the Authority reserves the right to withdraw or amend the terms of that permission at any time.
- 5.3 Permission will not be granted for any secondary employment, the nature of which, in the opinion of the Brigade Manager, HR, is dangerous or otherwise poses a risk of serious injury or illness to the employee. The Authority will require an employee or their outside employer to indemnify the Authority against potential liabilities and losses arising from any injury sustained by an employee during the course of secondary employment.
- 5.4 Grey Book conditioned employees who temporarily move from the shift or day duty system to the Flexible Duty System (e.g. because of temporary promotion or acting up) will normally be required to cease secondary employment for the duration of the temporary move (in line with paragraph 1.5 above).
- 5.5 A confidential register containing details of permitted secondary employment will be maintained by the HR Department and copies of permissions will be kept on each individual's personal record file.

6 DISCIPLINARY ACTION

- 6.1 If an employee is found to be in breach of this policy, they may face disciplinary action. Undertaking secondary employment without permission or knowingly in breach of any of the conditions contained within this policy will be regarded as a serious breach of the Authority's discipline procedure.
- 6.2 It is the duty of all managers to bring to the notice of the Area Manager, HRL&D, as a disciplinary matter, any reasonably suspected breach of this policy.
- 6.3 The removal of secondary employment approval may be given as a disciplinary sanction, where applicable to the misconduct and subject normal discipline procedure.

7 SICKNESS ABSENCE

- 7.1 Working whilst on sick leave, whether paid or unpaid, will be regarded as working without permission and this will be regarded as a serious breach of discipline, which could lead to summary dismissal. Secondary employment must not be undertaken when an individual is subject to a phased return to work or on alternative duties without the express permission of the Area Manager HRL&D.
- 7.2 Employees, who are on sickness absence as a result of an infirmity which may be attributable to secondary employment, must inform the Area Manager, HRL&D, in writing, as soon as practicable.
- 7.3 Employees absent from duty by reason of sickness or injury, which in the opinion of the Authority (acting as necessary on medical advice) is attributable to secondary employment, will be entitled to only such sick pay, if any, that the Area Manager, HR L&D determines. Employees who wish to provide insurance to cover loss of sick pay will meet any costs incurred. Employees will be required to notify their line manager if they know or should reasonably know that the reason for their absence is attributable to their secondary employment.

7.4 All whole-time Grey Book employees should be aware that they may prejudice their entitlement under the terms of the relevant Pension Scheme, by undertaking secondary employment, particularly in circumstances where illness or injury sustained whilst undertaking secondary employment renders the member concerned permanently unfit for role. Secondary employment will not interfere with any requirements to work overtime (i.e. casual overtime) or to perform their duties e.g. detachment. Additionally, personnel will not be released early from duty to take up secondary employment.

8 WITHDRAWAL OF PERMISSION

8.1 Except as provided in paragraph 7.1 permission for secondary employment may be withdrawn from any employees who receive a written warning for poor attendance or lateness, and will be applied in line with the appropriate procedures, i.e. Admin Procedures 2.1, 3.5, and 3.15.

9 RENEWAL OF APPROVAL

9.1 Approval is limited to a maximum period of twelve months (Grey Book conditioned staff). Renewal of the approval will be due 12 months from the base month indicated on the approval notice. Requests for renewal will only be accepted using the secondary employment renewal form (Form No, 0923) and must be submitted to the HR Department 28 days before the due date. Failure to apply for renewal will result in the approval being withdrawn. Note that no reminders will be sent out in this respect. Once approval to undertake secondary employment has lapsed, a new application must be made and an individual is not permitted to undertake such secondary employment. Individuals undertaking secondary employment without approval will be subject to disciplinary proceedings.

10. LEAVE

Personnel wishing to apply for changes of leave (including swap a shift and knock for knock arrangements) for the purposes of undertaking secondary employment must clearly state so on their application for change of leave. (This includes individuals who have an application for the undertaking of secondary employment under consideration).

11. APPEAL

Employees have the right to appeal against any decision made under this policy through the standard Authority Grievance procedure, Admin Procedure 3.16

TYNE AND WEAR FIRE AND RESCUE SERVICE

Ref. No. SE

APPLICATION FOR SECONDARY EMPLOYMENT
(see notes for guidance attached)

NOTE - To complete the form use the TAB key. At any time Press F1 for help

Part 1

APPLICATION FORM

Name: No: **Role:**
Station/Dept: Stn 11 **Date of Entry:** **Length of Service:**
Watch: Blue
Home/Address:
Post Code: **Tel No:**

DETAILS OF SECONDARY EMPLOYMENT TO BE UNDERTAKEN

Name & Address of Employer: **Telephone Number:**
Times of Employment: Stipulate times when secondary employment will be undertaken:
SELF EMPLOYED: No **To commence from (DATE):**

DETAILS OF WORK TO BE UNDERTAKEN

Type/Involvement:
No of hours expected to be employed by the secondary employee in any 7-day period **Hours**

DETAILS OF EXISTING SECONDARY EMPLOYMENT (where applicable):

STATEMENT BY APPLICANT:

I am aware of the contents of Admin. Procedure Note 3 Section 19 and other associated correspondence from the Brigade Manager, responsible for HR and I fully understand them. I also understand that specific conditions may be attached to my application, if approved, and that I must comply with them in addition to the general conditions applying to secondary employment.

SIGNATURE..... DATE:

NOW PRINT THE WHOLE FORM AND FORWARD TO YOUR LINE MANAGER

PART II

For completion by immediate Supervisory Line Manager.

I have interviewed (Who is not in their development period) in respect of their application for secondary employment and they are aware of Admin. Procedure Note Section 3 No. 19 and the Brigade Manager's other associated correspondence. I am satisfied that:

(Tick Box)

- (i) they are aware of the general conditions applicable to secondary employment.
- (ii) They are aware that specific conditions will have to be complied with if attached to a permission to work
- (iii) They are aware that sickness payment may not be made in respect of sickness/injury attributable to secondary employment.
- (iv) They are aware of the need to separate insurance cover (if self-employed then by the individual) and is to ascertain such from their employers.

Name No Role
.....

Signature

PART III

To: Brigade Manager, HR

From: Station

Manager/Dept Head

I have considered the details of this application and relevant report and I am/am not* prepared to support it with/without* reservation. (* delete as appropriate)

Signed.....Station

Manager/Dept Head

Date.....

Please forward to Brigade Manager, HR, Service Headquarters

PART IV

Headquarters Administrative Procedures

Received by HR Department

.....(date/initials)

PRF checked

.....(date/initials)

Passed to BM, HR

.....(date/initials)

To: Brigade Manager, HR

I have considered the details of this application and relevant report and I recommend that this is approved/not approved.

Signed.....Brigade
Manager

Date.....

Application refused, standard memo sent

.....(date/initials)

Application processed and conditions attached

.....(date/initials)

Copies for PRF, SM/Dept Head/Watch Manager

.....(date/initials)

Application reference no.

NOTE

Reasons for not approving application may be attached on separate sheet.

NOTES FOR GUIDANCE

For information of applicants, Line Managers and Department Heads.

(a) PART 1

1. Applications from personnel in their Trainee/Development period will not be accepted (see Admin Procedure 3.19 Section 3

2. Give factual details of employment and how you intend to manage it within the general conditions of secondary employment.
3. Where you already undertake secondary employment then give details and how this will be modified to allow for further work.
4. Before you sign the application be sure that you are aware of the contents of the Admin. Procedure 3.19 and the Brigade Manager's (responsible for HR) other correspondence, as this will be verified on interview by your Line Manager.

(b) PART II

1. Line Managers will interview applicants and satisfy themselves as to awareness of the listed items.
2. All sections of the form must be completed by substantive and/or temporary management roles only.

(c) PART III

1. The Station/Line Manager/Dept. Head will satisfy themselves by interview if appropriate, they have all the information by hand to allow them to either support the application or not.
2. A separate report should accompany the applications where it is not supported.
3. A copy of the application should be taken for reference purposes.

APPENDIX B

To: Chair
HR Committee

From: _____

Tyne and Wear Fire and Rescue Authority

Date: _____

**APPLICATION FOR APPROVAL TO UNDERTAKE SECONDARY EMPLOYMENT
APPEAL AGAINST DECISION OF THE CHIEF FIRE OFFICER**

I was notified by the Brigade Manager, responsible for HR on _____ the _____ ,
20__ that my application (Ref No SE/ _____) to undertake secondary/self
employment was refused.

I wish to appeal against the decision of the Brigade Manager and therefore request that the HR
Committee considers my application.

The main reasons for my decision to appeal are as follows:

* continue on separate sheet if necessary

Name _____ No _____ Stn/Dept _____

Signed _____ Date _____

APPENDIX C

TYNE AND WEAR FIRE AND RESCUE SERVICE

Ref. No. SE

RENEWAL FOR SECONDARY EMPLOYMENT

NOTE – To complete the form use the TAB key. At any time Press F1 for help

RENEWAL FORM

Name:

Service No:

Role:

Station/Dept:

Watch:

DETAILS OF SECONDARY EMPLOYMENT TO BE RENEWED & DATE RENEWAL DUE

Name & Address of Employer:

Renewal Date:

Telephone Number:

Self Employed: Y/N

DETAILS OF WORK TO BE UNDERTAKEN

Type/Involvement:

SIGNATURE.....

DATE.....

PRINT THE FORM, SIGN AND FORWARD TO THE HR DEPARTMENT, SHQ

THIS FORM MUST BE SUBMITTED WITHIN 28 DAYS OF THE DUE DATE