

TYNE AND WEAR FIRE AND RESCUE AUTHORITY

Item No. 05

HUMAN RESOURCES COMMITTEE: 11 FEBRUARY 2013

**SUBJECT: REVIEW OF THE SECONDARY EMPLOYMENT AND PECUNIARY INTERESTS
POLICY AND PROCEDURE**

JOINT REPORT OF THE CHIEF FIRE OFFICER AND THE PERSONNEL ADVISOR

1. INTRODUCTION

- 1.1 Members will be aware that a policy and procedure was approved (minute 23 of 2006 refers) that allows applications for Grey and Green book staff at particular levels to apply to perform work for another employer, commonly referred to as secondary employment. As the policy has not been subject to a comprehensive review since 2006, the Chief Fire Officer considered it appropriate to undertake a review in late 2012.
- 1.2 The purpose of this report therefore is to inform Members of the result of the review, the associated consultation regarding its proposals and seek approval to implement the identified policy revisions.

2. BACKGROUND

- 2.1 For Grey Book staff access to the Secondary Employment scheme is derived directly from the Scheme of Conditions of Service of the National Joint Council for Local Authorities' Fire and Rescue Services, Part B, Paragraph 8, as follows:

"An employee (other than one on the retained duty system) shall not hold any other office or employment for gain or reward or carry on any trade or business without the express permission of the fire and rescue authority, which may be granted subject to any restrictions or conditions the authority thinks fit".
- 2.2 For Green book staff the Authority has mirrored the Grey book arrangements so long as the employee is employed in a role of Scale 6 (SCP 26-28) and above. For employees below this grade the conditions of the scheme do not apply.

3. THE REVISED PROCEDURE

- 3.1 The review has identified a number of changes required to the policy and procedure in order to ensure an effective and efficient balance can be determined between the Authority, as an individual's primary employer, and any secondary employment an individual may wish to apply to undertake.
- 3.2 Primarily these relate to the ability of that secondary employment or pecuniary interest to:

- 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;
- Conflict with any of the Authority's activities or interests.
- 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.
- Bring the Authority into disrepute;
- 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.

3.3 Further changes include definitions of pecuniary interests included within the procedure as:

- Material interest in the share capital means the beneficial ownership of, or the ability to control, either directly or indirectly, more than 25% of the ordinary share capital of the company.
- Material interest in the assets of a company means possession of, or an entitlement to acquire such rights as would in the event of the winding up of the company give an entitlement to receive more than 25% of assets available for distribution.
- 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.

3.4 The introduction of these changes will provide further clarity in relation to activities where the Authority is the Responsible Authority under the relevant statute, for example the Regulatory Reform (Fire Safety) Order 2005 (as amended).

3.5 In addition, other aspects of the procedure such as pecuniary interests in procurement and tenders have been clarified to avoid confusion.

3.6 The implications for those employees undertaking voluntary or school governor roles are unaffected; however application for consideration to perform these roles is still required.

3.7 Consultation has been undertaken with the Fire Brigades Union, UNISON and GMBATU with no issues reported to date.

3.8 The revised policy and procedure is attached at Appendix A for consideration and approval by Members.

4. FINANCIAL INFORMATION

4.1 There are no financial implications for the Authority resulting from this proposal.

5. EQUALITY IMPLICATIONS

5.1 There are no equality implications in respect of this report.

6. HEALTH AND SAFETY IMPLICATIONS

6.1 There are no health and safety implications in respect of this report.

7. RECOMMENDATIONS

7.1 The Authority is recommended to:

- a) Note the content of this report;
- b) Approve the revised procedure;
- c) Receive further reports as appropriate.

BACKGROUND PAPERS

The under mentioned Background Papers refer to the subject matter of the above report:

- The Scheme of Conditions of Service

NOT PROTECTIVELY MARKED