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**1.0 PURPOSE**

This guidance note is to provide clarity on the Secondary Employment Process. This Tool Kit note should be considered along with the Secondary Employment Policy.

It is not the intention to prevent employees from undertaking such activities but rather to ensure such activities are declared, discussed and the arrangements surrounding such activities are agreed to avoid conflict of interests arising and protect the health, safety and wellbeing of the employee, other employees, the Council and General Public as a whole. The Council will not restrict employees from undertaking Secondary Employment unless there is a clear conflict of interest or it is likely to have an adverse effect on the work of the Council.

Employees are therefore requested to declare any secondary employment along with any potential conflict of interest which might have some bearing on the duties which they undertake for the Council. Where an employee holds two roles within EDC, they should notify both Team Leaders/Managers of the other post for awareness however they will be shown as a multiple post holder on iTrent.

**2.0 SCOPE**

The Secondary Employment Policy intends to prevent conflicts of interest arising in relation to all permanent and temporary employment with EDC and applies to:

* All permanent and temporary employees of EDC;
* Individuals who have a permanent or temporary contract with EDC and undertake casual/supply work externally;
* Individuals who move from casual/supply status to temporary status within EDC and undertake secondary employment external to EDC.

Whilst it is not intended this policy be applied to EDC casual/supply pools, managers should be made aware of other employment undertaken by casual workers and give consideration to engaging individuals on a casual basis where a potential conflict of interest may arise.

For employees who are undertaking two or more posts within EDC on a temporary or permanent basis there will be no requirement to seek approval for the two internal posts through this process as these employees will be shown as multi-post holders and any conflict of interest for internal posts should be identified and discussed at the point of appointment.

This policy is not applicable to:

* Teachers when undertaking work involved with the Scottish Qualifications Authority;
* Armed Forces Reservist - Please refer to the Special Leave Policy;
* Trade Union duties within EDC as these are covered under the Partnership at Work Agreement.
1. **PROCESS**

**3.1 Application Form**

Employees should complete the Secondary Employment Application Form (Attached at appendix 1) stating any secondary roles.

The employee then submits the completed form to their Team Leader/Manager for review and agreement. A review of the decision will be carried out by a HR Case Adviser prior to the outcome being provided to the employee.

If the employee is an Executive Officer this form must be submitted to the Deputy Chief Executive.

* 1. **Application Assessment**

The Team Leader/Manager will review the application for any potential conflicts of interest with the employees’ current role(s) within EDC. All considerations/risk assessments must be documented in the relevant sections on the application form.

There are a variety of potential conflicts that may occur such as:

**Hours of work:**

* EDC has a responsibility under the Working Time Regulations (WTR) to ensure that employees receive appropriate rest breaks, daily rest period, and weekly rest periods and do not exceed the maximum weekly working hours on a regular basis;
* Consideration should be given to the employee’s working hours arrangements in the other secondary employment and also the potential impacts of those commitments on their council duties. The total working hours in all posts should be considered.

 **External Contractors:**

* If an employee is involved in the award of contracts or is likely to have a business relationship out with their council duties with existing or potential external contractors, this may be perceived as a conflict of interest. This also includes competing with the Council for business;

**Client Group:**

* If an employee is expected to have contact with the same client/s or service users through employment with EDC and an external employer this may be a conflict of interest.

**Dealings with the council:**

* Consideration should be given to whether the employee is likely to have dealing with the council in the course of their secondary employment.

**Use of EDC equipment:**

* Employees should not use EDC resources when undertaking Secondary Employment. In some cases this includes intellectual property.

**General Impact:**

* Consideration must be given on whether the secondary employment is likely to have a detrimental impact on the public confidence in the council.

Further advice is available from an HR Case Adviser whose details can be found on the hub at: [Workforce Strategy Contact List](http://thehub.eastdunbarton.gov.uk/sites/default/files/documents/council/plans-policies-and-strategies/workforce_strategy_contact_list.pdf)

**3.3 Outcomes of Secondary Employment Application**

Following assessment of the Secondary Employment application, there are three possible outcomes:

* **No conflicts of interest are identified** - the Team Leader/Manager agrees the application and forwards it to the Executive Officer for final agreement;
* **Conflict/s of interest are identified and resolved** - the Team Leader/Manager meets with the employee to discuss any possible solution to prevent the conflict of interest arising. If there are suitable solutions agreed, the application should be “approved with conditions” and sent to the Executive Officer for final agreement;
* **Conflict/s of interest are identified and not resolved** - If there are no suitable solutions identified for the application management have the right to declare its non agreement and request the employee cease carrying out the secondary employment activity. The employee should be informed and the reasons outlined.

The Team Leader/Manager must then meet with the employee and provide them with a signed copy of their Secondary Employment form and the outcome. The outcome of the application should be communicated to the employee within two weeks of receiving the application.

The team leader or manager will log the details of the secondary employment application on itrent in the miscellaneous details section of the employee’s data.

**Step 1:**

Select miscellaneous fields on the employee’s itrent record

**Step 2:**

Under “additional fields” complete the relevant fields:

* Date agreed (date approval given for secondary employment)
* Type of employment (permanent, supply, temporary, voluntary)
* Payment (paid or unpaid)
* Shift Pattern – type in the details of employees secondary employment
* Review date (Date to review the application)
* Withdrawal date (only completed if withdrawal of approval is given)



**Step 3:**

Save the file

**Step 4:**

If the employee has more than one type of secondary employment use the second set of fields to complete for a second application.

* 1. **Review “Approved with Conditions**

If the application has been agreed with condition’s , the employee must be informed of these conditions at the meeting with the Team Leader/Manager and agree to a review date if appropriate.

It is the responsibility of the Team Leader/Manager to arrange the follow up review meeting and ensure that the conditions for agreement of the secondary employment continue to be met.

If there are any changes to the employee’s positions (substantive, or secondary), the employee should notify their Team Leader/Manager.

* 1. **Removal of Secondary Employment**

EDC reserves the right to withdraw its agreement for Secondary Employment should the undertaking of such employment begin to have a detrimental impact or conflict of interest on an employee’s role within EDC. The removal of such agreement should only be carried out following discussion with the employee to outline the reasons for the removal. It is recommended that advise be sought from the Human Resource Case Advisors (contact details are available at the end of 3.2) when considering removal of agreement prior to meeting with the employee.

If an employee is found to be undertaking secondary employment in the following circumstances where a conflict of interest is identified to the Council the disciplinary procedure may be invoked:

* Without prior declaration and agreement;
* Following non-agreement being declared by the Council

The discussion meeting should be held at the earliest convenience when a detrimental impact or conflict of interest is evidenced. The manager should share with the employee the information they have and allow the employee to respond. A record of this discussion should be recorded on the Secondary Employment Review Section of Appendix 1. The options available to the Manager on consideration of their information and the employees response is outlined as follows:

* Application remains - concern alleviated;
* Provide for a period of resolution/improvement;
* Withdrawal of agreement – reasons to be outlined and if applicable;
* Grounds to refer to the Disciplinary Policy.

 A copy of this form should be provided to the employee and aa copy should be forwarded to Employee Services (employeeservices@eastunbarton.gov.uk) to be saved in the employee file. The details in relation to the secondary employment will require to be updated in iTrent.

If any employee remains dissatisfied with the reason for removal they are able to Appeal the decision.

* 1. **Change to Employment**

Employees should notify their Team Leader/Manager of any changes to their primary/ secondary employment, for example changes to the nature of the role or hours or if they change their role within EDC to allow any conflicts of interest to be considered in line with the change. A new Secondary Employment form should be completed when any change of this nature occurs for review and agreement

Team Leader/Managers must set a date to review the secondary employment application where this has been agreed with conditions and/or solutions have been put in place to reduce any conflict of interest. The review process should ensure the conditions are being adhered to and review the effectiveness of these conditions.

If new conflicts of interest are identified, the employee and Team Leader/Manager will need to discuss any potential solutions or advise of the non-agreement of the application and provide reasons for this.

* 1. **Recruitment of Successful Candidates**

Team leaders/managers are expected to bring the Secondary Employment Policy to the attention of successful candidates at the point of offering the post subject to checks. This will allow the applicant to then complete the Secondary Employment Form if required and gain agreement prior to commencing employment. The successful candidate should not undertake any secondary employment once they are an employee of EDC until the application has been approved. This however should not prevent the commencement of the successful candidates in a post once all the mandatory recruitment checks are complete. Although, candidates should be made aware there is no guarantee of their application being agreed if a conflict of interest is identified.

* 1. **Appeal Process**

For employees who remain dissatisfied with the outcome of their Secondary Employment Application or for the reasons for removal of agreement the employee has the right of appeal. This appeal will be to the Executive Officer. This should be made in writing to the Executive Officer outlining the reasons for your appeal.

1. The appeal process will be to consider the reason(s) for the appeal by the employee, and to consider possible remedies.
2. The employee should submit their reasons for appeal in writing using the appeals form (appendix 4) to their Executive Officer within 10 days of receiving notification of the application outcome.
3. Employees have the right to be accompanied by their trade union representative or work colleague at the appeal meeting.
4. The appeal meeting will be chaired by an appropriate executive officer. A date for the appeal meeting will normally be confirmed in writing to the employee within 10 working days of receipt of the appeal submission.
5. At the appeal meeting, the employee will be given the opportunity to present the key points in relation their appeal. Following this, the manager will present their case.
6. Following consideration of the case, the appeal outcome will normally be confirmed in writing to the employee within 5 working days of the meeting.
7. There will be no further right to appeal in this situation.

**4.0 APPENDIX 1 – FLOW CHART – SECONDARY EMPLOYMENT PROCESS**

Employee considers undertaking secondary employment and submits Secondary Employment Form to Manager

Employee discusses secondary employment form with Manager and amendments may be made to application (if required)

Line manager reviews outcome with HR Case Advisor

#

Inform employee of outcome and any reasons for amendment or non-agreement of application

Agreed subject to conditions

Application Agreed

Non Agreement

Agreed subject to conditions

Log Details on ITrent where applicable

If employee disagrees with the outcome – Appeal Process

Review meeting to discuss any changes to employment and/or review temporary agreement (new application form submitted where required)

**5.0 APPENDIX 2 – APPLICATION FORM**

| **Secondary Employment Form** |
| --- |
| **Section 1: (to be completed by employee)** |
| Employee Name: | Contact Number: |
| Current Job Title: |
| Current Hours of Work:  |  |
| Current Shift Pattern (provide hours worked in table below) |
| **DAY** | MON | TUE | WED | THU | FRI | SAT | SUN |
| **HOURS** |  |  |  |  |  |  |  |
| Current Member of the supply pool | Yes [ ] No [ ]  | I am part of a Supply Pool for EDC and although on a temporary contract at the time of completing this form I agree this form can be retained if I return to the Supply Pool and for the period I remain in it and/or employed by EDC. |
| **Secondary Employment Details**  |
| Type of Secondary Employment Type: Permanent [ ]  Temporary [ ]  Supply [ ]  |
| If temporary/Supply, please specify duration/details (as far as known):  |
| Employer/Organisation:  |
| Will the proposed work involve any contact, submission to or other relationship with: 1. An East Dunbartonshire Department
2. An East Dunbartonshire Committee

 Yes [ ]  No [ ]  |
| Payment  | Yes |[ ]  No |[ ]
| Address:  |
| Secondary Job Title: |  |
| Secondary Hours of Work:  |  |
| Secondary Shift Pattern (provide hours worked in table below) |
| **DAY** | MON | TUE | WED | THU | FRI | SAT | SUN |
| **HOURS** |  |  |  |  |  |  |  |
| Description of duties undertaking:  |
| **Declaration** |
| I confirm that no secondary employment has commenced at the time of this request and the information provided above is accurate and agree to advise my line manager immediately of any changes to this information.I am aware that if I provide incorrect or incomplete information or fail to report any changes that I may face disciplinary proceedings.  |
| Employee Signature: | Date: |
| Print Name |  |

| **6.0 APPENDIX 3 – SECONDARY EMPLOYMENT REVIEW DISSCUSION FORM** |
| --- |
| **Secondary Employment Form**  |
| **Section 2 (to be completed by line manager/approved by Executive Officer)**  |
| **Have any areas of concern/potential areas of conflict been identified?** |
| Yes |[ ]  No |[ ]
| **If yes, please provide details below** |
|  |
| **Suggested conditions/Restrictions relating to secondary employment:**  |
|  |
| **Comments:**  |
|  |
| **Approval** |
| **This request is: (✓ as appropriate)**  |
| Agreed |[ ]  Agreed with conditions (state below) |[ ]  Not Agreed |[ ]
| **Conditions:**  |
|  |
| **Review Date:**  |  |
| Line Manager Print Name |  |
| Line Manager Signature |  |
| Date |  |
| Case Advisor: Name  |  |
| Case Advisor Signature |  |
| Date |  |
| **Case Advisor Comments:** |
|  |
|  |

**7.0 APPENDIX 4 – NOTIFICATION OF SECONDARY EMPLOYMENT APPEAL FORM**

| **Secondary Employment Review Discussion** |
| --- |
| **Date of meeting:**  |
| **Location:** |
| **Present:**  |
| **Purpose of meeting:** To review and outline any concerns regarding the secondary employment  |
| **Points of concern:**  |
| **Employee Response:**  |
| **Outcome:**  | Concern Alleviated  |
| Period of time for improvement/resolution  |
| Removal of agreement |
| Grounds for referral to Disciplinary Policy  |
| Any additional comments  |
| Manager Name: |
| Manager Signature: |
| Employee Name: |
| Employee Signature: |
| Date: |

**8.0 APPENDIX 4 – NOTIFICATION OF SECONDARY EMPLOYMENT APPEAL FORM**

| **Personal Details** |
| --- |
| Name:  | Employee Reference:  |
| Designation:  | Department:  |
| Location:  | Contact Number:  |
| Any correspondence related to the secondary employment application should be forwarded to the address below. It is the responsibility of the employee to provide a work/home address for all correspondence.  |
| **Companion Details**  |
| Trade Union Name:  | Trade Union Rep:  |
| Other Representative:  |
| **Grounds of appeal** **Please state the group of your appeal in the space provided**  |
|  |
| **Proposed remedy to the issue**  |
|  |
| **If you wish to submit additional evidence, not considered as part of the application form please do so with clarification of why this was not previously raised.**  |
|  |
| **If you dispute the decision made regarding the application please state why.** |
|  |
| **Employee** |
| **Signature:**  |
| **Date:**  |

**9.0 APPENDIX 5 – INVITATION TO APPEAL HEARING LETTER**

Invitation to Appeal Hearing

I write to acknowledge receipt of the appeal against the decision made regarding the secondary employment application dated (date).

You have appealed the decision of the secondary employment application based on the following reasons:

I can confirm that the appeal against the decision of the secondary employment application has been arranged to take place (Date), (Time), (Location) with (Chair). You have the right to be accompanied and I would be obliged if you could confirm your companion’s details that you intend to bring prior to the hearing taking place. A representative/Companion may be:

* Fellow Worker
* Trade Union Representative
* Official employed by a Trade Union

A representative acting a legal capacity will not be considered an appropriate companion throughout internal procedures.

A copy of the letter has been forwarded to your trade union representative (if appropriate).