



Management Policy Statement and Procedure: employees' duty to request permission to undertake second jobs

DOCUMENT PROFILE and CONTROL.

Purpose of the document: To set out employees' responsibilities when requesting to work a job in addition to their work with the London Ambulance Service.

Sponsor Department: Human Resource and Organisation Development

Author/Reviewer: Senior HR Manager. To be reviewed by March 2015.

Document Status: Final

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03/04/12	2.1	IG Manager	Document Profile & Control update
23/02/12	1.7	Senior HR Manager (South)	Update of contact details for Local Counter Fraud Service.
22/03/11	1.6	Senior HR Manager (South)	Further amendment following discussion with Local Counter Fraud Service.
01/02/11	1.5	Senior HR Manager (South)	Amendments in line with advice of Local Counter Fraud Service. Sections 1.4, 12.1 and appendix 1.
23/06/10	1.4	Senior HR Manager (South)	Updated details of counter fraud specialist. Reformatted.
23/12/09	1.3	Senior HR Manager	reformatted
27/11/09	1.2	Senior HR Manager	reformatted
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08/08	0.1	Senior HR Manager	first draft

***Version Control Note:** All documents in development are indicated by minor versions i.e. 0.1; 0.2 etc. The first version of a document to be approved for release is given major version 1.0. Upon review the first version of a revised document is given the designation 1.1, the second 1.2 etc. until the revised version is approved, whereupon it becomes version 2.0. The system continues in numerical order each time a document is reviewed and approved.

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LAS Website	04/04/12	Governance Co-ordinator	G&C
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Staffside reviewed on	By
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Links to Related documents or references providing additional information		
Ref. No.	Title	Version
HR003	Whistleblowing Policy	
HR004	Guidelines on Working Time Regulations	

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1. Introduction

- 1.1 For most members of staff, the London Ambulance Service is their sole employer.
- 1.2 Some staff may however, temporarily or on a longer-term basis, wish to undertake additional work.
- 1.3 This document sets out staffs' responsibilities in regards to:
 - Requesting to work for another employer and working for another employer; or,
 - to request to, and to conduct their own business.
- 1.4 Secondary Employment includes any additional work you undertake or are planning to undertake for another employer or work you may undertake as a self-employed person or as the partner of a self employed person.
- 1.5 It is not intended that voluntary work is subject formally to the provisions of this Policy. However, should circumstances arise in which it is shown that the ability of a staff member to properly fulfil their duties to the Trust as their employer, for example by undertaking voluntary work in work time without permission, then the principles of this policy will apply in terms of consideration of actions or sanction.
- 1.6 Consequently, it follows that the expectation is that voluntary work will be expected to be carried out in staffs' own time.
- 1.7 Other arrangements exist for matters such as public duties which carry the possibility of some paid release from work. Guidelines for those wishing to request to undertake school governor, magistrate or similar roles are included in the Trust's Special Leave Policy.

2. Scope

The Policy covers all LAS employees - both managers and staff.

3. Objectives

1. To set out employees' responsibilities in regards to requesting to work for an another employer (in addition to their LAS employment) or conduct their own business and managers' responsibilities in regards to such requests.

4. Responsibilities

- 4.1 For the vast majority of staff, the LAS will be their primary employer. The Trust has a responsibility to ensure that employees' additional employment does not affect their work in delivering or supporting the delivery of the highest possible standard of patient care.

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4.2 The Trust also has a responsibility to monitor employees' hours of work under the Working Time Regulations including any hours worked for other employers.

4.3 It is a contractual requirement upon all LAS staff that they notify the Trust of any jobs that they wish to take up.

5. Permission to undertake second jobs

5.1 Permission will not normally be denied, unless in the following circumstances:

- When an employee's additional work would mean that they breach Working Time Regulations (including in regards to breaks)*;
- That the work would potentially bring the Trust into disrepute (matters deemed to be detrimental to the public image or reputation of the Trust); and,
- The work undertaken is directly involved in developing a service that would be in conflict or competition with the LAS.
- Conflicts with availability/ability to fulfil an employee's primary responsibilities to the LAS.

5.2 Please note that the above list is not exhaustive.

5.3 No member of staff will work when absent from the LAS on sick-leave, whether or not they are in receipt of sick pay. This will constitute gross misconduct and is likely to lead to their dismissal from the Trust.

5.4 Those taking up alternative employment, without first seeking and being given written permission will be subject to consideration of disciplinary action up-to-and-including dismissal.

Procedure

6. Requests

6.1 Any member of staff who is intending to take up a second job is required to request permission from their line manager (in A&E/EOC this will be the AOM) by completing the attached form (appendix 1).

6.2 Managers will decide whether to approve or to reject the request. A meeting may be held with the employee to discuss the request in greater detail.

6.3 A letter will be sent to the member of staff setting out the manager's decision in regards the matter (see appendix 2). A copy of this letter, together with a copy of the request form, will be maintained on the employee's file.

6.4 Members of staff are obliged to inform their manager of any significant changes to their second jobs, e.g., working additional hours.

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7. Appeal

- 7.1 Members of staff who have their request rejected, at whatever stage, will have the right to one appeal to a more senior manager. Appeals should be submitted within 14 days of receipt of the original decision.
- 7.2 This is the final level of appeal and there is no further appeal under the Trust's policies, including the Grievance Policy.

8. Notification of changes

- 8.1 Staff are required to inform their manager, in writing, of any changes in regards his/her second job.
- 8.2 Depending on the nature of the change, the manager may request to meet the member of staff to discuss the proposed change.
- 8.3 The manager will write to the member of staff to inform them whether or not the agreement to the second job will continue.
- 8.4 If the agreement is cancelled then the employee may appeal the decision in line with Section 7

9. Review

- 9.1 Management reserves the right to review arrangements at any time and, if appropriate, to withdraw the agreement to the employee working the second job.
- 9.2 This will be subject to the appeal arrangements set out in Section 7.

10. Other matters

- 10.1 In circumstances when an employee has on-call or other similar responsibilities, then this will be taken into account when deciding on whether permission will be granted for a second job.
- 10.2 In the event that an employee wishes to undertake further employment, either in addition to, or instead of, the job subject to a previous application under this policy, then a further application must be made.

* The Working Time Regulations state that a worker must not work over 48 hours for each seven days when averaged out over a 17 week period.

An adult worker (i.e. a worker who has attained the age of 18) is entitled to a daily rest period of not less than 11 consecutive hours in each 24-hour period during which they work for their employer.

(For further guidance see the Pulse - Managing > [HR Policies and Procedures](#) > [Working hours/flexible working](#) > [Guidelines on the Working Time Regulations](#))

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11. Civic or Similar Duties/Reserve Forces

11.1 Separate provisions exist for employees wishing to undertake Civic or similar roles , e.g. , as a Councillor, School Governor, or as Justice of the Peace or to participate in the Reserve Forces. These are covered by the Trust's Short-term Special Leave Policy. It should be noted that a manager's permission is also needed in such circumstances.

12. NHS Counter-fraud

12.1 The Trust will investigate breaches of any potentially fraudulent action. The contact details of the Trust's contracted counter-fraud specialist is as follows:

Bernie English

Local Counter Fraud Specialist / Fraud Solutions

RSM Tenon

6th Floor Salisbury House, 31 Finsbury Circus, London, EC2M 5SQ

Telephone: 020 7628 2040

Mobile: 07967 137126

Fax: 020 7448 8105

Bernard.English@rsmtenon.com

12.2 Further information is in the Trust's Whistleblowing Policy which can be found on the Pulse at: [home](#) > [Managing](#) > [HR Policies and Procedures](#) > [Whistleblowing policy and procedure](#)

IMPLEMENTATION PLAN	
Intended Audience	All LAS employees
Dissemination	Available to all staff on the Pulse and to the public on the LAS website.
Communications	Revised Policy and Procedure to be announced in the RIB and a link provided to the document.
Training	Communication to managers. No specific training required.
Monitoring	Managers to monitor any apparent effects on those carrying out a second job and to address with the individual as appropriate.

Request form to work a second job

Name:

Position:

Second job:

Please describe the job you wish to undertake – this should include details of your proposed employer including: contact details, hours and duration of appointment.

Please explain how you will ensure that this role will not affect your LAS duties.

N.B. Members of staff should notify the manager if there are any changes in working arrangements for their second job.

No member of staff will work when absent from the LAS on sick-leave, whether or not they are in receipt of sick pay. Such action will constitute gross misconduct and is likely to lead to their dismissal from the Trust.

Declaration

I state that the above information is correct and that Secondary Employment in this instance will not have a detrimental effect on my work at the Trust. I will inform my Line Manager if there are any changes to the above. I understand that false information given with regard to this Policy could be treated as Gross Misconduct or fraudulent and dealt with accordingly under the Disciplinary and/or Counter Fraud Policy.'

Signed.....

Date.....

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Standard letter setting out a Manager's decision (to be amended as appropriate)

Date

Dear,

Request to undertake additional employment

I write further to your request to work a second job dated...and our subsequent meeting on ...to discuss the matter.

Either:

I am pleased to inform you that I am in agreement to you undertaking your second job at...

Please note that you are required to ensure that your second job does not adversely affect your responsibilities as an employee of the London Ambulance Service. In particular you should take care to ensure that you do not breach the requirements of the Working Time Regulations. Details of the Regulations can be found on the Pulse at Managing > HR Policies and Procedures > Working hours/flexible working > Guidelines on the Working Time Regulations.

It is also your responsibility to inform me of any changes to your second job.

Please note that the Trust reserves the right to review these arrangements at any time and that this may result in permission for the second job being withdrawn.

Under no circumstances must you work a second job if you are on sickness absence from the Trust, to do so will be considered gross misconduct and is likely to lead to your dismissal.

I wish you well in your additional employment.

Or:

I regret to inform you that I am unable to approve your request to undertake a second job.

This is for the following reasons:

Please note that you have the opportunity to appeal this decision. If you wish to do so you should write to ...setting out your reasons within 14 days of receipt of this letter.

Yours sincerely,

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