

The Scottish Ambulance Service



SECONDARY EMPLOYMENT POLICY

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1. INTRODUCTION

The purpose of this policy is to ensure employees are able to maintain a high quality professional service, whilst having the opportunity, if they wish, to take on other employment in addition to their primary job. Employees must not engage in other paid or unpaid work that may conflict with the interests of their contract of employment.

It is a breach of the duty of good faith for an employee to be engaged in work in competition with the Scottish Ambulance Service (the Service).

2. EMPLOYMENT ISSUES

In terms of the contract of employment, employees of the Service must not engage in outside employment or any other business interest without written permission, such permission will not be unreasonably withheld.

One reason for permission not being granted will be where there is judged to be a conflict of interest (see below).

Permission must be obtained from the designated person within the department. A list of designated persons can be found at **Appendix 1** and updated on a regular basis.

No person other than a designated person, is authorised to give permission on behalf of the Service. In addition, in cases where permission is granted the following conditions apply:

- Working hours must be recorded and submitted for information, bearing in mind that the Service, as the primary employer has an obligation to ensure the staff member does not exceed the working hours as per the Working Time Regulations 1998. In addition the Service expects staff to honour their obligations to the Service and its patients prior to working for any other employer in any capacity.
- The Service bears no responsibility for injury, infection, or any other adverse occurrence, including legal, professional registration or indemnity requirements, which arises from other employment activities and will not compensate staff for any loss, including earnings arising from absences incurred as a result of these events (includes Occupational Sick Pay)
- Employees must declare any business interests in the Register of Business Interests. Employees will be asked to do so annually, but it is their responsibility to ensure that the Register is up to date and accurate at all times.
- Where staff are absent due to sickness all permissions will be withdrawn for the period of the sickness absence.

3. CONFLICT OF INTEREST

Where an employee seeks permission to commence with a business interest, undertake work for another employer, or where an employee wishes to work for him

or herself, either as an individual or under the auspices of their own organisation, group or association, or in a sub-contracted capacity, the designated person will consider whether or not this activity would present a conflict of interest with the Service.

In deciding what constitutes a “conflict of interest”, the designated person will consider whether or not the proposed activity will compromise existing Service business or income generating activity. Since there are often complicated issues surrounding this activity, the designated person will consider “conflict of interest” applications on an individual basis, seeking advice from the Director of Human Resources and Organisational Development as appropriate.

The designated person should ensure that employees seeking permission to undertake secondary employment declare their business interest and, where appropriate, these individuals (as well as those who have a business interest but not secondary employment), will be excluded from in-Service business sensitive discussions or negotiations, for example regarding pricing structures, in order to safeguard the position of the Service.

Where the designated person declines permission for the employee to participate in an activity or business interest there will be a right of appeal to the Director of Human Resources and Organisational Development.

For the avoidance of doubt, where an application to engage in secondary employment is declined by the authorised person and where any subsequent appeal is also turned down, it will be a potential breach of the Service disciplinary policy for the employee to thereafter engage in that activity. This could result in the dismissal of the employee.

Appendix 2 is a list of Frequently Asked Questions which form part of this policy.

It is acknowledged that over the years, a number of individuals have, with or without permission, entered into working arrangements outside the Service. It is important that the Service is aware of these arrangements and on release of this revised policy, staff will be asked to inform the designated person of any such arrangements in line with the revised policy.

As a result of the introduction of the policy, permissions already granted will be reviewed and it is possible that some permissions will be revoked.

All new applications will be considered using this policy.

4. Review of Policy and Procedure

This policy has been updated as part of continual improvement programme within the Service focusing on ensuring best practice in partnership with Managers and staff representatives through a partnership working group. The policy will be formally reviewed on a continuing basis as part of this process

APPENDIX 1

SECONDARY EMPLOYMENT AND BUSINESS INTEREST DESIGNATED AUTHORITY LIST

The following list details individuals with the authority to consider and approve or refuse staff permission to commence with a business interest or secondary employment.

Ambulance Control Centre – General Manager
Air Ambulance – General Manager
National Risk and Resilience Department, including SORT – General Manager
All Operational Divisions – General Manager
Finance - General Manager, Finance
ICT – Head of ICT and Infrastructure
HR, OD and Health and Safety – Relevant Head of specialist area
Education and Professional Development – Head of Education and Training
Fleet – General Manager, Fleet Services
Procurement – Head of Procurement
Corporate Affairs and Engagement – Head of Corporate Affairs and Engagement
Strategy and Planning – Relevant Head of specialist area
Senior Manager - Executive Director

Subordinate staff are not authorised to deputise for the above. Where individuals detailed above are unable to consider applications for any reason then they should be passed to the appropriate Executive Director to consider.

Appeals against decisions of the above individuals will be considered by the Director of Human Resources and Organisational Development .

Where the above individuals are unsure of the case in question they should seek advice from the Director of Human Resources and Organisational Development. It may be that in some cases it will be deemed necessary to seek the authority of the Chief Executive.

APPENDIX 2

FAQS on Business Interests & Outside Employment

	Question	Answer	References/ Documents
1	Can I own or have an interest in a business as well as being employed by the Scottish Ambulance Service?	<p>Yes. However, all business interests must be registered on the "Business Interests Register" after gaining approval.</p> <p>Senior Managers seek approval via the Executive Director whereas other staff should seek approval from their General Manager or Head of Department.</p> <p>It is your responsibility to ensure that you are not placed in a position which risks, or appears to risk, conflict between private interests and your NHS duties.</p> <p>Your private business interest must in no way be promoted to the detriment of either the Scottish Ambulance Service or our patients.</p>	<p>MEL (1994) 48</p> <p>Also, Paramedic Registration professional standards and linked requirements must be adhered to.</p>
2	What would happen if my business (or interests) were likely to cause a detriment to the Scottish Ambulance Service?	After making your declaration of interest, should it be decided that this was likely to be the case you would be advised along with what measures you would need to take, this may include anything from a written agreement of actions required of you and in certain circumstances up to removing yourself from the business interest.	MEL (1994) 48
3	Must I reveal other work I am engaged in, either paid or unpaid?	Yes, you must seek written permission to carry out other work from your manager. In almost all cases this will need to come from your General Manager/Head of Department	Working Time Regulations, Scottish Ambulance Service Contract of Employment MEL (1994) 48
4	Under what circumstances would I be given permission?	<p>If the work is not undertaken during time when you are contracted to work with the Scottish Ambulance Service, and/or is not in conflict with the work of the Service or likely to be detrimental to it.</p> <p>Permission may also be granted with some conditions e.g. restriction to the hours worked etc.</p>	Working Time Regulations, Scottish Ambulance Service Contract of Employment MEL (1994)48
5	What if I didn't remove myself from	You could appeal the decision to the Director of Human Resources. If the decision stood and	MEL (1994) 48

	Question	Answer	References/ Documents
	the interest as at 2 above or continued with work for which my manager did not give me permission to do, because I didn't agree with the decision?	you continued with the business interest/ secondary job action in line with the Disciplinary Policy would be taken which could result in dismissal.	Service policies
6	What kind of business interest would be seen as in conflict with my role in the Scottish Ambulance Service?	An example of this is where you are in a position to influence the purchase of drugs/ equipment/ services from a company which you have a business interest in. In this case you would be advised as to what measures to take to ensure that there was no conflict in practice. Another example is where your other interest is in direct competition with the Scottish Ambulance Service for work.	MEL (1994) 48 Prevention of Corruption Acts 1906 and 1916 Service Position Statement & Bulletin October 2004
7	What do you mean by 'detrimental to'?	Examples are; Where the hours, type or pattern of work you intend to undertake would be detrimental to your ability to carry out your role within the Service. Where the type of work is something which if known publicly would be likely to bring the Service into disrepute Where the hours of work are likely to conflict with the working time regulations Where you work in the other employment during your contracted hours	MEL (1994) 48 Contract of Employment Working Time Regulations.
8	What would happen if I influenced a decision to either support a business interest or in return for a gift or favour from a company?	You would be subject to disciplinary procedures, which could result in dismissal, prosecution and loss of pension.	MEL (1994) 48 Prevention of Corruption Acts 1906 and 1916
9	What should I do if I am offered gifts, entertainment or other favours from companies who do business with the Service?	You should refuse all gifts/entertainment etc unless they are modest in nature. If in doubt you should seek advice from your manager.	Code of Conduct

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	Question	Answer	References/ Documents
10	If I am off sick can I continue to work in my 'other' job	No - permission to work out with the Service is rescinded whilst on sick leave and you would need to seek permission from your line manager to continue with this work whilst off sick.	Contract of Employment
11	I am employed on a part time basis, can I also have another job elsewhere?	Yes, but subject to the conditions outlined above	
12	Can I continue to be involved with my charity/ voluntary work, but I don't get paid?	Yes, but you should of course ensure that this does not affect your ability to carry out your job with Scottish Ambulance Service and if in doubt discuss it with a manager.	
13	What about duty in the reserve forces?	Provided we agree to the engagement yes, but you will require to adhere to the separate Service policy	Service Policy
14	I don't get paid for other work, but do receive "payment in kind" or expenses?	This would be deemed by us as similar to getting paid so permission should be sought as in 4 and 5 above. For Inland Revenue purposes you would need to reveal the nature of the payment in kind and in some cases the Service is required to divulge such information.	PAYE regulation
15	Who can give me approval for a business interests or my intention to take on another job and how?	In the majority of cases this will be at divisional level, requiring the permission of your General Manager or Head of Department. You in turn will receive a written response clearly stating the Service position and any necessary qualifications. In some cases, permission may need to be gained at Executive Team Level.	Service policy statement
16	What right does the Service have to interfere in what I do in my own time?	The Service has no need or wish to interfere but does have legal responsibilities to ensure that standards of Business Conduct & Health and Safety are maintained. The contract of employment issued to staff along with MEL (1994) 48 and this policy position statement makes the Service position clear. Everyone recognises that the needs of our patients are paramount and that we should do	Service policy statement Paramedic registration

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	Question	Answer	References/ Documents
		everything possible to protect their interests. If in doubt please contact your manager or a member of the Personnel Team who can advise.	