

APPENDIX 1
Code of Conduct Policy



SECONDARY EMPLOYMENT NOTIFICATION FORM

To be completed by all employees undertaking secondary employment either within or outwith East Lothian Council (including self-employment, casual work, and unpaid work)

Name:

Employee No:

Post Title:

Division:

Secondary Employment - Date of Commencement:

Secondary Employment – Name of Employer:

Description of Work Undertaken (Including specific nature of work, where it takes place, times/days worked, and number of hours worked:

--

Supporting Statement (Is there any conflict of interest in relation to the work you already undertake for East Lothian Council?)

--

Declaration

I declare that my secondary employment (if not with ELC) does not involve any use of council resources.

I declare that my secondary employment will not result in me exceeding 48 hours of work within any 7 day period*, under the terms of the Working Time Regulations (1998).

I recognise that I am entitled to an uninterrupted rest break (a period of no work) of not less than 11 consecutive hours in each 24-hour period, and of either two uninterrupted rest breaks of not less than 24 hours or one uninterrupted rest break of not less than 48 hours in each 14-day period, under the terms of the Working Time Regulations (1998). **I declare that** if my secondary employment does not allow me to achieve these periods of rest, it is of my own choosing and at my own risk.

I declare that the undertaking of this secondary employment will have no detrimental impact on my ability to undertake the work I am contracted to do by East Lothian Council.

I am aware that paid work outside the council may put me in a position where I have a tax liability and that the council will only account for the tax on my earnings in the employment of East Lothian Council.

I am aware that I may be subject to investigation under the appropriate Disciplinary Procedure, and may be subject to disciplinary action, should I work for financial gain whilst receiving sick pay from East Lothian Council.

Signed: **(Employee)**

Print Name:

Date:

** Average hours per week calculated over a 17 week period.*

TO BE COMPLETED BY MANAGER:

Summary of discussion with employee:

Is there any conflict of interest in relation to the work already undertaken for East Lothian Council?

Reasons for rejection (if applicable):

(PLEASE DELETE AS APPROPRIATE)

I reject this application for secondary employment (outline reasons above)

OR

I approve this application for secondary employment and do not foresee any conflict of interest.

Signed: **(Manager)**

Print Name:

Date:

Please submit a scanned copy of this completed form to the HR Mailbox, hr@eastlothian.gov.uk, and retain the original for your records



HR
POLICY



**GUIDANCE
NOTES**



East Lothian
Council



Secondary Employment - Including Self-Employment & Casual Work

This applies to all Employees including Teachers

MANAGERS GUIDANCE NOTE No 01/14

February 2014

1 Introduction

- 1.1 Any employee seeking to undertake, or already undertaking, secondary employment is contractually required to seek permission from their Line Manager and should follow the request procedures set out below.
- 1.2 Employees are not permitted to undertake any form of additional employment which is potentially in conflict with their official duties or is of such a nature, timing, or duration that it is liable to have an adverse effect on the performance of their Council duties.
- 1.3 Employees are not permitted to undertake any form of additional employment which may bring the Council into disrepute.

2 Requesting Permission to Undertake Secondary Employment

- 2.1 An employee seeking to undertake secondary employment (either within or outwith East Lothian Council) is required to seek permission from their Line Manager and complete a 'Secondary Employment Notification Form' prior to commencing this employment.
- 2.2 The following information must be provided:
 - Name of second employer
 - Expected date of commencement
 - Description of work undertaken
 - Times/Days to be worked
 - Number of hours to be worked
 - Identification of any potential conflict of interests for the Council
- 2.3 On receipt of a request to undertake secondary employment, the Line Manager should arrange to meet with the employee to discuss the request in more detail.

3 Considering a Request to Undertake Secondary Employment

- 3.1 The Line Manager should ensure that the secondary employment (unless for East Lothian Council) does not involve the use of any Council resources.
- 3.2 The Line Manager should ensure that the employee is aware of the Working Time Regulations (1998) and that if they are intending to be exceeding these, or not achieving statutory rest entitlements, they are doing so of their own choosing and at their own risk.
- 3.3 The Line Manager should ensure that the undertaking of the secondary employment will not have any detrimental effect on the employee's ability to undertake their role with East Lothian Council. If there are concerns, these should be discussed with the employee.

- 3.4 The Line Manager should ensure that the employee knows that they are responsible for being aware of any tax implications arising from their secondary employment and that the Council will only account for the tax on their earnings with East Lothian Council.
- 3.5 The Line Manager should ensure that the employee is aware of the potential for disciplinary action should they be working for financial gain whilst receiving sick pay from East Lothian Council.
- 3.6 The Line Manager should establish that the secondary employment will not result in any conflict of interest for the Council. Potential conflicts of interest could include:
- Provision of any product or service to the Council (either directly or indirectly);
 - Provision of any product or service resulting in a loss of business for the Council;
 - The interests of one job contradict the other;
 - Any risk of bringing the Council into disrepute.
- 3.7 Following discussion with the employee, the Line Manager should complete Page 3 of the 'Secondary Employment Notification Form' and make a decision as to whether or not the request can be approved.
- 3.8 If the Line Manager is unable to make a decision based on the information available, they may refer the matter to the appropriate Head of Service for a decision to be made.
- 3.9 Once a decision has been made, a copy of the completed 'Secondary Employment Notification Form' should be forwarded to hr@eastlothian.gov.uk.

Head of Council Resources
Human Resources
February 2014