



SECONDARY EMPLOYMENT POLICY

Approved and signed by the Board of Trustees by
virtual meeting

23.03.20

March 2020

CHANGES

Sept 2017	New Model Policy
March 2020	Inclusion of Opt out form (App. 2)

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I INTRODUCTION

This policy has been produced to ensure the needs of the Trust are achieved when staff and prospective employees take on secondary employment, recognising the importance that such other work does not adversely affect any employee's performance or attendance, or breach the terms of the European Working Time Regulations.

2 SCOPE

The purpose of this policy is to ensure staff are able to maintain a high-quality professional service with the Trust, whilst having the opportunity, if they wish, to take on other employment in addition to their primary job. Ensure that employees do not engage in other paid or unpaid work that may conflict with the interests of, or affect their performance or attendance under their Contract of Employment with the Trust.

Prevent employees and/or Trust contravening legislation on working times/hours including the total hours worked and breaks between work periods and annual leave.

This policy applies to all employees and prospective employees of the Trust.

In this policy the term "Primary Employment" refers to employment with the Trust.

In this policy the term "Secondary Employment" covers:

- Paid employment outside of the Trust including at other schools/academies and agency work.
- Work the employee may undertake as a self-employed person or as the partner of a self-employed person.

Teaching staff should refer to the terms and conditions set out in the Teacher Standards.

This policy has been written in line with the Working Time Regulations, in particular the number of hours worked, the minimum rest periods and secondary employment.

Trustees have a responsibility under Health and Safety Regulations to ensure the safety of all employees and it is recognised that monitoring and managing hours of work is an integral part of promoting health at work.

Employees are permitted to undertake additional work providing the Trust is satisfied that this does not conflict with the following:

- The interests of the Trust.
- The performance of the employee's duties in their primary employment.
- The requirements of the Working Time Regulations.
- The employee's wellbeing and levels of sickness absence.

Employees are required to comply with the Working Time Regulations, including declaration of hours worked and breaks taken, taking of annual leave, completing written records, such as time sheets if required. Employees also have a duty to report any instances where their working pattern may result in a health and safety risk, either to themselves or others. For example an employee working a night shift with another employer. Employees have the right not to be subjected to any unlawful detriment by reporting any concerns under the regulations.

Failure to comply with the procedures set out in this policy may result in disciplinary action under the Trust's Disciplinary Policy.

It is the employee's responsibility to notify their line manager immediately if the secondary employment ceases or changes i.e. the number of hours worked or pattern of shifts.

3 PRE-APPOINTMENT

Recruiting Managers are able to raise the Secondary Employment Policy at interview if they choose to do so providing their approach is consistent. For example the recruitment panel may wish to discuss the working pattern of the job.

When a job offer is made the offer letter will inform potential employees of the Secondary Employment Policy and the requirement to ensure that any other employment (paid/unpaid/voluntary) does not interfere with their role with the Trust.

Appointees will be asked to disclose any secondary employment which they intend to continue with after commencing employment with the Trust, using the Declaration of Employment (Appendix I). The employee will notify the CEO of any such disclosures, who will consider whether the secondary employment needs to be discussed with the appointee, and whether any parameters need to be established to ensure there is no adverse impact on/implications for their primary job. If so, these will need to be discussed between the CEO and appointee prior to their offer being processed further.

It is at this point that the CEO has the opportunity to clarify the requirements of the post, and the appointee then makes the decision as to whether to accept such terms. The Declaration of Employment Form should then be completed and returned.

4 POST APPOINTMENT

All employees considering taking up secondary employment must request permission to do so from the CEO first by completing the Declaration of Employment Form.

On receipt of the Declaration form the CEO will meet with the employee to discuss the proposed secondary employment and potential impact on their current primary job, paying particular attention to performance, attendance and Working Time Regulations. Ideally this meeting should take place within 14 days of receiving the request.

The CEO will consider all the factors and decide whether the secondary employment would be detrimental or not – if it is deemed that the secondary employment is **against the interests** of the Trust then agreement is likely to be refused. Before arriving at a decision to refuse secondary employment it is recommended advice is sought from the Trust's Human Resources Consultant, and communicated to the employee within 14 days of the meeting.

The form should be completed with the decision by the CEO and retained on the personal file. If a request is refused the employee can appeal, which must be in writing to the Chair of Trustees, clearly stating the reasons, within 14 days of the date of the outcome being communicated – the appeal will be heard in line with the Trust's Appeals Policy.

5 SICKNESS

Employees must seek guidance initially from their Head of School or Nursery Manager, regarding the prospect of continuing their secondary employment where they are unfit for work with the

Trust. Working elsewhere whilst on paid sick leave from the Trust, without having obtained permission from the Head of School or Nursery Manager before hand, could be regarded as fraud, and/or a disciplinary matter and dealt with accordingly. Employees would normally be required to refrain from their secondary employment if they are on sick leave from the Trust and the secondary work is of:

- The same nature
- A similar nature; or
- Where attending their secondary employment would be detrimental to their recovery.

If an employee's absence is being managed under the Trust's Managing Attendance Policy, a review of the secondary employment arrangements may be undertaken and advice sought from Occupational Health as to whether the secondary employment should continue under the circumstances.

6 CAPABILITY & PERFORMANCE

Where an employee undertakes secondary employment, it is their responsibility to ensure that their performance in their primary post is not affected. Any adverse impact on performance will be managed under the Trust's Managing Attendance Policy.

If an employee's performance is being managed under the Trust's Managing Attendance Policy, a review of the secondary employment arrangements would be undertaken. Where the secondary employment is with the Trust, this would be reviewed and a decision taken as to whether it could be continued.

Where the secondary employment is outside the Trust employees may be asked to consider reducing their hours or ceasing the additional employment to protect their primary post.

7 WORKING TIME DIRECTIVE

Employees must ensure their total working hours do not exceed the limits and that they comply with the required rest periods within the Working Time Directive Regulations. Employees should complete a working time directive opt out form if they are wishing to work in excess of 48 hours per week. See Appendix 2.

8 DISCIPLINARY MATTERS

Any adverse impact on time keeping attributable to secondary employment will be investigated under the Trust's Disciplinary Policy.

If an employee is subject to a disciplinary investigation/sanction in either their primary or secondary employment, within the Trust a decision would need to be taken as to the suitability of them continuing to work in either role. It would be expected that information would be shared with the other line manager on a "need to know" basis.

I can confirm that the Trustees of Discovery Multi Academy Trust have adopted this policy as their own.

Chair of Trustees

Sign.....

Print.....

Date

Chief Executive Officer

Sign.....

Print.....

Date

APPENDIX I: DECLARATION OF EMPLOYMENT

Employee Name	
Personnel Number	
Job Title	
Academy	
Please tick the appropriate statement:	
<input type="checkbox"/> I have no other employment than the above either within Discovery Multi Academy Trust or with another employer. I will inform the CEO immediately should this change.	
<input type="checkbox"/> In addition to the above position with Discovery Multi Academy Trust, I also undertake other employment paid or unpaid, as detailed below.	
Other Employment:	
Employer	
Location	
Job Title	
Personnel Number	
Grade/Salary	
Other Employment:	
Employer	
Location	
Job Title	
Personnel Number	
Grade/Salary	
I will provide my Head of School with details of this additional employment each week, including day (s) and time(s) worked, number of hours worked and my duties.	
Employee Signature:	Date:

APPENDIX 2: WORKING TIME OPT OUT AGREEMENT

In accordance with the Working Time Regulations 1998, employees of the school are not required to work more than 48 hours per week. This is averaged over a 17-week period. This means that an employee might work more than 48 hours in one week, and less in another during a 17-week period – as long as the average is not more than 48 hours.

Employees can opt out of this restriction on weekly hours. By signing this agreement, you indicate that you are prepared to work more than 48 hours in any week. This is not a guarantee that you will be offered work in excess of 48 hours in any week. This is just an indication that you are prepared to opt out of the restriction.

You are entitled to give 4 weeks notice if you wish to cancel this agreement. Such notice should be given in writing.

If you choose not to sign this agreement you will not suffer any detriment.

Kind regards

Alison Nettleship
Chief Executive Officer

Opt-Out form

I,, agree to opt out of the requirement not to work more than 48 hours per week. I understand that I can give written notice of 4 weeks at any time to terminate this agreement.

Signed.....

Name of employee.....

Date.....