



South Tyneside Council

EMPLOYMENT OUTSIDE THE COUNCIL

Policy and Procedure

An employee's off duty hours are their personal concern but care must be taken to ensure that personal interests do not take preference over, or conflict with those of the Council. Employees must consider the role that the Council plays in the local community and any actions or activities should not put the individual employee in a position where work responsibilities and private interests' conflict. Any such work must not, in the view of the Council, conflict with or have a detrimental effect upon its interests, or in any way weaken public confidence in the conduct of the business of the Council.

Employees of the Company are not contractually precluded from additional employment and/or voluntary work, and it is anticipated that no reasonable request will be refused without due consideration being given.

Even if the employment outside of the Council isn't a conflict of interest employees should be mindful that it shouldn't impact on their employment i.e. working too many hours, driving considerations, lateness and absence.

Employees at all levels must avoid getting into a position of conflict by undertaking outside work. It is considered that conflict arises when an employee is to be paid by a member of the public or any outside organisation or body for work which is in any way connected with the scope of the employees official duties, or with the exercise by his/her employing authority of one or more of its functions. Such work should not be accepted.

Employees are required to devote their whole-time service to the work of the Council and must not take any further employment opportunities or engage in any other business without the express consent of the Council. Employees must have specific permission from the Council to undertake outside work even if in their view the work could not possibly conflict with their duty as an employee of the Council.

The Council does not want to preclude employees from undertaking additional employment, but if there is a potential conflict of interest, employees, at any level, must inform their Chief Executive/ Director/Head of Service about the nature of the work. The Chief Executive/ Director/Head of Service must give approval before outside work is undertaken.

Employees must not engage in any other business or take up any additional appointments without the authorisation of the Council. Employees requesting such agreement must complete the 'Application for Approval of Outside Interests or Employment Form' at the earliest opportunity. The form should be authorised by a Head of Service/Corporate Lead or in the case of Heads of Service/Corporate Leads the Chief Executive. It must be returned to HR Employment to be put on the employee's personal files.

The requirement to seek approval for outside employment does not apply to appointments as Councillors of Local Authorities, Magistrates or Governing Bodies of Schools provided such duties do not cause operational problems at work. It is a condition of the granting of any leave of absence to an employee in respect of these matters that the employees Head of Service/Corporate Lead or

appropriate body concerned e.g. Governors, is satisfied that the work of the Council will not suffer due to the absence of the employee on any particular occasion.

The Council has granted a general approval to the involvement of employees in work connected with the registration of electors and the organisation and running of local, Parliamentary and European elections.

Council facilities, equipment or documentation must not be used in the undertaking of any additional employment and if any such unauthorised use is discovered then appropriate disciplinary action may be taken.

Employees who hold membership of organisations, which by their nature could give rise to accusations of unfair preference in the awarding of contracts, job appointments or promotions should always exercise caution. If an employee has any concerns over membership of an organisation, they should take advice from their manager or the HR Advisory Team.

Section 117 of the Local Government Act 1972 provides a statutory obligation on officers to disclose any interest in a contract involving the Council. Registration of interests protects an officer against allegations of non-disclosure.

Health and Safety

Employees have an obligation to ensure that any working hours for another employer do not impinge upon their safety and wellbeing. Employees must ensure that their additional working hours do not lead to a breach of the Working Time Regulations.

In particular:

- Employees must not exceed 48 hours per week on average over a 17-week period
- Employees must take a break between shifts for either employer of at least 11 hours
- Employees must take either a full 24-hour rest from work in any working week or a full 48-hour rest from work in any fortnight

Opting out of the 48-hour week

Employees can choose to work more than 48 hours a week on average if they're over 18. This is called 'opting out'. Employees can opt out for a certain period or indefinitely. It must be voluntary and in writing. To opt out employees should complete the Councils 'Opt out Agreement Form'. It must be returned to HR Employment to be put on the employee's personal files.

Some employees can't opt-out of the 48-hour week - see guidance at

<https://www.gov.uk/drivers-hours/eu-rules>

Cancelling an opt-out agreement

Employees can cancel an opt-out agreement whenever they want - even if it's part of their employment contract and they must give at least 7 days' notice.

Employees must also be mindful of the EU drivers' hours and tachograph rules if they do a driving job for the Council and work additional hours as a driver. Further advice about this can be sought from the Health and Safety Team in HR Services and via the following link

<https://www.gov.uk/drivers-hours/eu-rules>

Employees breaching the requirements of the working time directive will be deemed to have placed themselves and the Council at risk by failing to safeguard their own health and safety and if after initial guidance and counselling they persist in excessive additional working, formal action may be taken via the disciplinary policy

Equality and Diversity Statement

South Tyneside is committed to promoting equality and valuing diversity. An equality check was carried out in 2021. No equality implications were identified in this policy.

Policy approved by:	Policy Review Group
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