

# Secondary Employment

**This document outlines the Scottish Prison Service Policy in relation to Secondary Employment**

Published by Human Resources, Corporate Services

Published 31 March 2016

**Unlocking Potential. Transforming Lives**



**Policy Number:**

**HR057/v001**

**Directorate Owners:**

**Employee Attendance, Conduct & Health, Corporate Services**

**Policy Scope:**

**All SPS Employees**

**Links to Other Policies:**

**Political Activity**

**Links to other Approved by:**

**Head of HR**

**Effective date:**

**31 March 2016**

**Review Date:**

**31 March 2019**



## Policy Content

1.0 Introduction.....	1
2.0 Aim.....	1
3.0 Policy Statement.....	1
4.0 Scope.....	1
5.0 Roles and Responsibilities .....	2
6.0 Definitions .....	3
7.0 Application Process & Timescales.....	3
8.0 Secondary Employment on Sickness Absence.....	3
9.0 Secondary Employment on Probation .....	3
10.0 Specific Circumstances Affecting Eligibility .....	4
11.0 Secondary Employment Review .....	4
12.0 Unacceptable Secondary Employment .....	4
13.0 Appeals .....	5

## 1.0 Introduction

The Scottish Prison Service (SPS) is keen to ensure that employees should have a healthy balance between work and non-work life. SPS operates the following policy on the subject of employees taking a second job.

## 2.0 Aim

The aim of this policy is to ensure employees who wish to undertake secondary employment have SPS approval, to ensure that the SPS is compliant with relevant working time regulations, and that employees are not employed in unsuitable secondary roles.

## 3.0 Policy Statement

As the main employer SPS takes the view that a second job, or any additional jobs, should not impair the normal duties of employees. When employees wish to have secondary employment they must obtain the approval of the SPS prior to undertaking additional work.

Like other employers, the SPS has a duty under the Working Time (Amendment) (No.2) Regulations 2009 to take all reasonable steps to ensure that employees do not work more than an average of 48 hours per 7 day period over a 17 week period.

In terms of our duty of care to our employees we need to ensure, where reasonable and practicable, that employees are not subject to excessive workloads which might affect their health and safety at work.

## 4.0 Scope

This policy applies to all SPS employees, regardless of the nature of their contract of employment. Failure to adhere to this guidance may result in action being taken under the SPS' disciplinary procedures.

## 5.0 Roles and Responsibilities

### Who has a responsibility?

#### *All Employees*

- Request permission to take up secondary employment
- Ensure total employment hours (Secondary hours + SPS hours) do not exceed 48 hours per week.
- Lodge any appeal within 6 working days of notification of refusal, or 8 weeks in the case of political activity.
- Record any potential interests or conflicts of interests on the SPS Register of Interests.

#### *Line Managers*

- Consider application, taking into consideration overall management of accumulation of TOIL/Banked hours.
- Liaise with HR Manager
- Provide a response within 5 days.

#### *HR Business Partner*

- Support Line Managers and advise of appropriateness of applications
- Arrange Occupational Health consultations where appropriate

#### *HR*

- Review Secondary Employment Annually

#### *Governor in Charge*

- Chair any necessary Appeal boards

#### *Occupational Health Advisors*

- Indicate during Sick Absence whether continuation of Secondary Employment is appropriate.

## 6.0 Definitions

For simplification of this document the following terms and definitions apply:

**Second Job** - is any job, whether paid or unpaid, with any employer and on any type of contractual arrangement or any type of self-employment. The carrying out of public duties does not count as a second job, nor do outside interests such as personal investments or being a member of a committee.

## 7.0 Application Process & Timescales

Employees wishing to undertake Secondary Employment or Political activity must make an application via the Secondary Employment form on e-HR. A decision will be made by the appropriate Line Manager, who will consult with the local HR Business Partner where appropriate. Employees will be notified of decisions within 5 days of their application being submitted.

Employees who engage in any form of secondary employment which may influence, or be considered by others to influence, their role in the SPS must declare this on the [SPS Register of Interests](#).

## 8.0 Secondary Employment on Sickness Absence

Employees on any form of sick leave wishing to continue in secondary employment must seek authorisation from their Line Manager as soon as is practicable after the commencement of the sick leave. The Line Manager will make a decision based on advice from the appropriate HR Business Partner. Employees who fall into this category will be referred to the SPS Occupational Health Advisers who will indicate if the continuation of secondary employment is appropriate for the duration of the sick leave and, if applicable, as part of the return to work programme.

## 9.0 Secondary Employment on Probation

Employees on probation require to meet performance objectives and be within the sick absence parameters outlined in the SPS Policy and Procedure for the

Management of Probationary Employees for a request for Secondary Employment to be considered.

## 10.0 Specific Circumstances Affecting Eligibility

Employees who are subject to SPS' performance management measures, absence management procedures, or have live formal conduct warnings will not normally be considered eligible for secondary employment. However, in exceptional circumstances the Governor in Charge (GIC) or Branch Head may approve such an application.

Line Managers should consider the overall management of accumulation of TOIL/Banked hours prior to authorisation.

## 11.0 Secondary Employment Review

The SPS, via local HR teams, will review secondary employment approvals on an annual basis and reserves the right to remove organisational approval if circumstances warrant it. If there are issues to be addressed concerning performance and/or attendance at work, consideration will be given to withdrawing approval for secondary employment. All applications will be recorded.

## 12.0 Unacceptable Secondary Employment

Please note that some forms of secondary employment are unacceptable for SPS Employees due to the potential for a conflict of interest. For instance: Special Constable; Commercial Investigators; working for outsourced SPS contractors, and any aspect of security work, including working within the licensed trade. Normally SPS employees would not be allowed to be employed by the Emergency Services, but each case shall be considered on its merits. Employees will also not be able to carry out work as agency staff in any SPS site. This list is not exhaustive.

## 13.0 Appeals

Appeals against the refusal of secondary employment applications will be to a board composed of the GIC or Branch Head, who will act as chairperson, an external HR Business Partner and a National Trades Union Representative.

The grounds of appeal should be lodged within 6 working days of the refusal of the application. The employee is entitled to attend the appeal hearing. The appeal board will inform the employee in writing of its determination within 10 working days from the date of the appeal hearing. The decision of the internal appeal board is final.



## Further Information:

The SPS recognises that from time to time employees may have questions or concerns relating to Secondary Employment Process. In certain situations employees' rights and obligations regarding Secondary Employment Process may change. In these circumstances the SPS will abide by any statutory obligations.

The SPS wishes to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. Employees are encouraged to seek clarification on any issues with the appropriate Line Manager in the first instance.

## Sustainability

Improving our environmental performance and doing things in a more sustainable way should be seen as integral to our core business practices.

In line with the SPS Sustainable Policy and to demonstrate compliance with the Scottish Government's commitment to improving environmental and sustainable development performance, please be mindful if printing this document – keeping paper usage to a minimum (print only version), printing on both sides, and recycling.

## Equality Statement

The SPS is an equal opportunities employer where all employees are treated with dignity and respect. We are fully committed to equality, diversity and human rights and to ensuring our culture, working environment, policies, processes and practices are free from bias. This policy applies to all employees regardless of protected characteristics, and, subject to any eligibility criteria, length of service, grade, working pattern or operational status.

## Inclusive Communications

It is our ambition to ensure that SPS documents are readable, accessible and engaging for employees.

In formatting this document, good practice principles around engagement and inclusive communications have been adhered to.

If you require this document in an alternative format please contact Human Resources.

## Review and Monitoring

This policy will be reviewed every three years or sooner where applicable to reflect changing business and legislative requirements.

## Human Resources Policy and Guidance in SPS

SPS policies take into account current legislation, rules, regulations and best practice guidance from a range of professional and public bodies, including the following:



UK Civil  
Service  
Management  
Code



UK Legislation



EU  
Legislation



ACAS



CIPD Best  
Practice