



Human Resources

Title	Outside Employment
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Roles, Responsibilities and Review

The **Assistant Chief Fire Officer** is responsible for ensuring this Order is implemented across the Brigade.

The **Head of HR & Administration** will be responsible for the day to day operation of the Order.

The **Head of HR & Administration** will review this Order as and when new legislation arises, or as and when organisational needs require.

Brigade Order: Human Resources

Outside Employment

Introduction

The Grey Book states that an employee (other than one on the retained duty system) shall not hold any other office or employment for gain or reward or carry on any trade or business without the express permission of the fire and rescue authority, which may be granted subject to any restrictions or conditions the authority thinks fit.

This Order outlines the procedure under which approval for outside employment for permanent employees (which for the purposes of this procedure includes self-employment) must be obtained. It also explains the conditions applicable where such approval is given and general requirements as to behaviour. The intention and objective of this procedure is to reduce the potential for compromise and embarrassment to the Service and the Fire Authority as well as the individual. It is not possible to cover every eventuality and you are expected to adopt a responsible and common sense attitude to your particular involvement.

Approval may also be required for charity and voluntary work where there is a substantial time commitment leading up to a period of duty. If in doubt as to whether charitable or voluntary activities should be approved, seek advice from the HR Officers.

This procedure should be read in conjunction with the appropriate paragraphs of the Scheme of Conditions of Service of the National Joint Council for Local Authorities' Fire Brigades.

Strategic Aims

This Order supports:

Strategic Aim 1 - To be there when you need us in an emergency with a professional and well equipped team

Strategic Aim 2 - To reduce the number of fires in our community

Strategic Aim 3 - To reduce the number of fire related deaths and serious injuries

Strategic Aim 4 - To deliver a fire and rescue service, which provides value for money for our community now and into the future

Application

This procedure applies to all wholetime uniformed staff, including personnel employed in Fire Control, and non uniformed staff. In certain circumstances this would apply to retained personnel also (*see section on General Conditions below*).

No member of staff may engage in employment with another employer, or operate as a self employed worker without first obtaining written approval. The Fire Authority may in their absolute discretion give approval on such conditions and subject to such restrictions as they think fit.

Application for approval is to be forwarded in the first instance to your Line Manager on form **FB100** completing Part I. The Line Manager will then complete Part II and forward to the Section Head. The Section Head will complete Part III and forward to the HR Department

If you are unsure whether approval is required or not you must submit a written report in addition to the application form stating precise details of the circumstances involved and requesting clarification.

Eligibility

Applications from personnel in their probationary period will not normally be given approval. This is to allow them to settle into their new role and to understand the time and work pressures involved. New employees who have taken external employment and whose progress towards competence is not progressing satisfactorily may have their permission to gain employment outside the Fire and Rescue Service withdrawn.

Procedure for obtaining approval

You should complete **FB100** and submit it to your Line Manager for progression. The Line Manager should complete the relevant section of the forms commenting as appropriate before forwarding the application to the Section Head

You will be expected to fully understand at the time of application the conditions outlined in this procedure, under which the secondary employment will be undertaken and approval granted or otherwise.

In addition to the Notes for Guidance (**Appendix A**) attached to form **FB100** you must consider the contents of this procedure when completing the form. In particular, references to the type of work and the degree of involvement i.e. hours, extent of travel etc, should demonstrate your awareness of your primary duty of maintaining your efficiency and availability for the Service.

The HR Officers will ensure all applications and determinations are retained on the individuals personal record.

Conditions of approval

The following notes outline the intent and details of the principles that will apply to the granting of approval.

It is expected that the carrying out of outside employment will not impair the performance of your official duties or responsibilities as a member of the Fire and Rescue Service. Furthermore, the Authority must be satisfied that the interests of the Authority or Service are not being detrimentally affected. Certain aspects of work will, therefore, be normally precluded e.g.:

Driving	Where involvement falls under statutory legislation on Driver Hours and Tachographs and/or GB Domestic Rules. Please refer to Brigade Order Rules on Driver Hours and Tachographs for more information.
Protection or collection Services and other occupations	E.g. debt collection, security or doorman, where the potential for physical assault and/or injury is higher than normal.
Occupations prejudicial to the Authority's reputation	Where employment is of such a nature that it may bring the Shropshire and Wrekin Combined Fire Authority or Shropshire Fire and Rescue Service into disrepute, or damage the name and/or the reputation of either party.
Conflicts of interest	Where such employment has direct or indirect connections with any matters in which Shropshire and Wrekin Fire Authority has statutory responsibilities (e.g. work associated with the Authority's contractual obligations, requirements imposed under Fire Safety Legislation etc). Additionally, such employment must not conflict with or react detrimentally to the Authority's interest, or in any way weaken public confidence in the conduct of the Authority's business.

Working Time Regulations

1. The Working Time Directive details statutory Regulations that govern an employees working hours. It is important when applying for Outside Employment that employees ensure that their Outside Employment will not impact on their ability to adhere to these Regulations in their role within the Service. Below are details on the pieces of the legislation employees must be aware of before applying to undertake Outside Employment. Employees must ensure that they have a rest break of 11 consecutive hours in any 24 hour period before returning to duty. . This was reduced in negotiation through Grey Book conditions of service and collective agreements to 10 hours between night shifts.
2. Employees should ensure that they have one day off per week, or two consecutive days off in a fortnight from both roles.

The simplest way in which these Regulations can be adhered to is for employees to undertake Outside Employment on their two middle rota days, or whilst on annual leave, ensuring that they do not undertake Outside Employment on their first or last days' leave.

Outside Employment will be reviewed annually at an employees IPDR and if at that time it is seen that the undertaking of Outside Employment is affecting the employees ability to undertake their role within the Service, or is impacting on their ability to comply with the relevant sections of the Working Time Regulations, the Outside Employment agreement will be removed.

General conditions

In support of the above principles the following general conditions apply to all personnel undertaking outside employment.

- Outside employment will not be undertaken on Service premises e.g. vehicle repairs and valeting or using Service facilities (this includes the use of telephones or other facilities). This does not exclude those tasks outlined in Conditions of Service.
- Where an applicant is to employ other Service personnel separate applications must be made by the individuals concerned for outside employment.
- Outside employment is not to be carried out for any person, firm or company the Fire Service deals with during the course of official duties. Should the outside employer or contractor become such a person, firm or company the applicant must terminate their outside employment, for that person, firm or company immediately.
- Approval of outside employment which involves driving in no way implies authorisation of driving outside the regulations applicable to such activity. Compliance with such regulations e.g. rest periods, fitness etc is the responsibility of the individual who should therefore make the outside employer fully aware of their full time restrictions/commitment. In all cases the requirements of the Fire Authority have absolute priority.
- Vehicles having commercial identification or adaptations or carrying openly any load i.e. materials or other cargo for use in connection with secondary employment, will not be parked on Fire and Rescue Service property e.g. building trucks, trailers, vans etc.
- Outside employment will not be carried out whilst the individual concerned is on sick leave or where that employment may prevent the individual from fully recovering from any illness.
- Outside employment will not interfere with any requirements to work overtime i.e. casual overtime or perform detached duties etc. Additionally, personnel will not be released early from duty to take up outside employment.
- Approval to undertake outside employment is specific to the rank held at the time of application and where individuals are subsequently promoted; re-application for approval must be made.
- No article of Fire Service uniform or equipment may be worn or used for any purpose associated with outside employment.
- Where approval for outside employment has been given any changes in the circumstances or type of employment must be the subject of a further application.
- Members of the Service must not use their employment in the service in any way in advertising or canvassing for business, and under no circumstances must the name of Shropshire and Wrekin Fire Authority or its Fire and Rescue Service be used in connection with any outside employment.

- The Authority may contact the outside employer to gather information for purposes of Regulations and legislation such as working time etc.
- If an application for outside employment is approved and there are any subsequent changes to the outside employment i.e. hours of working, driving etc, then the individual must inform the service in writing of these changes so that the application can be reviewed to ensure it is still fit for purpose and remains within the conditions previously agreed.

Warning to those engaged in outside employment

In the event of accident or sickness directly attributable to such outside employment, the Fire Authority has the absolute discretion not to pay for any absence from duty on sick leave related to such employment.

It is imperative, therefore, that applicants who receive approval for outside employment should consider insurance cover for such eventualities. Self-employed personnel are advised to arrange their own. Employed personnel should enquire of their outside employers as to their insurance arrangements and consider the implications.

All wholtime uniformed employees should be aware that they may prejudice their entitlement under the terms of the Fire Service Pension Scheme by undertaking outside employment, particularly in circumstances where illness or injury sustained whilst undertaking outside employment renders the member concerned permanently unfit for duty.

Should a member sustain an injury or exposure to hazardous substances whilst carrying out outside employment, then copies of any records, forms or submissions required under the Health and Safety at Work Act 1974, COSHH or any regulations made thereunder must be submitted to the Head of HR and Administration at Brigade Headquarters.

NB: Any sickness or injury sustained during such off duty employment **MUST** be reported through the appropriate channels as soon as possible.

Supervision

Where it is apparent that the conditions attached to outside employment have been contravened the matter should be reported to the Line Manager or Section Head.

Where it is suspected that an individual's ability to perform their official duties is impaired by such outside employment, this must be brought to the attention of the Line Manager or Section Head.

You should understand that any compromise of a firefighter's principle role cannot be tolerated and inappropriate behaviour or reduction in ability to perform your principle employment for the service may result in disciplinary action.

Firefighting is an arduous and potentially hazardous occupation demanding a high level of physical and mental effort. Poor individual performance can seriously affect other crew members as well as the public. You should always remember that your primary obligations are to the Service, your colleagues and most importantly, to the people whom we serve.

NOTES FOR GUIDANCE

For information of Applicants, Officers in Charge, Station Managers/Section Heads

PART I

- Give factual details of employment and how you intend to manage it within the general conditions of outside employment.
- Before you sign the application be sure that you are aware of the contents of Brigade Order Administration - Outside Employment, as this will be verified on interview by your Line Manager

PART II

- Line Managers will interview applicants using the checklist below and satisfy themselves as to the applicant's awareness of the listed items.

The employee has given an assurance that:	Yes	No	N/A
The outside employment hours, when taken with Brigade duties, are not likely to exceed any statutory working limits where applicable i.e. driving hours.			
The outside employment is not likely to prejudice the Service's reputation or standing within the community.			
The outside employment is not considered a high-risk occupation and the likelihood of personal injury or illness is low.			
The outside employment will not conflict with the Authority's professional interests.			
The amount of outside employment hours proposed is unlikely to affect the applicant's fitness to perform Service duties.			

If the answer to any of these questions is NO, more detailed information will be necessary before making a recommendation including the need for consideration about specific conditions or restrictions.

PART III

- Line Managers will satisfy themselves by interviewing each applicant and using the interview checklist to ensure they have all the information to hand to allow them to decide whether or not to support the application including any recommendations for conditions.
- A separate report should accompany the application where it is not supported and signed by the applicant to confirm they are aware of the content.
- A copy of the completed application should be retained by the Line Manager.