

**North Yorkshire Fire & Rescue Service
Outside Employment Policy**

OUTSIDE EMPLOYMENT

1.0 GUIDANCE APPLICABLE

1.1 Scheme of Conditions of Service 2004 (updated 2009)

1.2 *“An employee (other than one on the retained duty system) shall not hold any other office⁽¹⁾ or employment⁽²⁾ for gain or reward or carry on any trade or business without the express permission of the Fire & Rescue Authority, which may be granted subject to any restrictions or conditions the authority thinks fit”.*
(Paragraph 8 – Part B Section 5 - Scheme of conditions of service 2004 6th Edition)

1.2.1 ⁽¹⁾ Office means for example: Councilor, Justice of the peace, Governor, etc. (This is not an exhaustive list)

1.2.2 ⁽²⁾ Employment for gain or reward includes partnership in business, even if in name only.

1.3 For the purposes of this Policy and Procedure “office” or “employment” has been covered by the term outside employment.

1.4 This Policy and Procedure does not apply to Retained and Volunteer employees for whom the Fire Service is the secondary employer.

B. Officials of a trade union are covered by the time off for trade union duties policy and procedure.

2.0 OUTSIDE EMPLOYMENT

2.1 Applications from employees of the service will be considered subject to the following considerations:

2.2 Non-interference with the Fire Authority's work

2.2.1 The fire authority requires that efficiency and due performance of official duties shall not in any respect be impaired as the result of or arising out of outside employment. It further requires at all times to be satisfied that its interests are not being affected detrimentally in this respect. To meet this requirement an employee shall not undertake other work in the 11 hour period immediately preceding a period of duty.

2.3 Integrity of the Fire Authority's administration

2.3.1 The Fire Authority must be in a position to rebut with confidence any allegations that the integrity of its administration is being impaired because of the outside employment of any of its staff.

2.3.2 Implicit in this is the requirement that there must be no question of an employee undertaking activities in circumstances which might lead to suspicion of undue or improper favours being granted or undue or improper influence exercised in relation to contracts or any kind of consent, permission, licence, etc., which members of the public seek from a Local Authority.

3.0 OUTSIDE EMPLOYMENT – conditions to be observed by employees

3.1 The following conditions are to be strictly adhered to and observed by an employee of the Service who proposes to undertake or who undertakes outside employment of any description for any person, partnership, company or organisation, whether remunerated or not.

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- 3.1.1 Outside employment is not to be undertaken during duty periods or on official premises.
- 3.1.2 There shall be no impairment of the proper execution of official duties and there is to be no interference with any requirement to work beyond the end of the normal shift on such duties.
- 3.1.3 Outside employment is not to be undertaken for any person, partnership, company or organisation who is known by the employee to be, currently or periodically, an applicant to the Fire Authority for consideration of any matter involving the Service in its legislative capacity, either directly, as enforcing authority, or indirectly, in consultation with other authorities, or involved with any other matter that would be dealt with by the Fire Authority.
- 3.1.4 Outside employment is not to be undertaken for any person, partnership, company or organisation in contractual relationship with, or commissioned by, the Authority, or concerned in any property transaction with the Authority, or for any person known or believed by the employee to be connected with any such, partnership, company or organisation, where the Authority is materially concerned with such contractual relationship, commission or property transaction.
- 3.1.5 An employee proposing to undertake outside employment for any person, partnership, company or organisation shall be responsible for ascertaining from them whether any relationship with the fire authority exists in terms of legislation, contracts, commission or whether they are concerned in any property transaction with the Authority.
- 3.1.6 An employee is not to employ or be employed by another employee.
- 3.1.7 Outside employment work must not be undertaken for any person, partnership, company or organisation with whom an employee deals with in the course of official duties.
- 3.1.8 Outside employment (except work done under medical advice or with the special permission of the Authority) is not to be undertaken by an employee whilst absent from duty owing to sickness.

4.0 SICKNESS RESULTING FROM OUTSIDE EMPLOYMENT

- 4.1 Any time required to be taken off duty as a result of injury or disease arising solely from participating in approved employment during off duty periods will be counted as sick leave.
- 4.2 The Fire Authority has determined that after having due regard for the circumstances of each case, full pay up to six months may be granted, subject to the individual concerned undertaking, in writing, to refund to the Fire Authority the total amount of sick pay, or proportion thereof as is recoverable from any Third Party by way of wages, compensation or insurance benefit.
- 4.3 A further review may take place after six months.
- 4.4 It is the individual's responsibility to ascertain from the "other employer" whether or not there is in force a form of insurance or other scheme which will provide satisfactory and adequate cover against loss of earnings that may be incurred as the result of any accident.
- 4.5 If no such arrangements exist, or the employee is self employed, then it is strongly advised that the employee take out adequate insurance cover against injury, disease and loss of earnings accordingly.

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4.6 In the event of any accident, whether it results in time off duty or not, personnel are required to report the occurrence in writing (Form ARF1) with full details.

5.0 WRITING AND PUBLICATION OF LITERATURE FOR PAYMENT OR GAIN (Books, articles, Internet)

5.1 While occasional literary or artistic work is permissible, special consideration would have to be given to the writing of books or articles for payment or gain on subjects relating to an employee's work for the Fire Authority. In this connection no employee shall publish or authorise the publication of any book or article for any book, periodical, newspaper or the Internet wholly or in collaboration with any other person, which shall be based on information to which they shall have access as an employee of the Service, without first obtaining the consent of their Section Head.

6.0 PROCEDURE

6.1 An employee who is in doubt regarding the propriety of any proposed undertaking must submit details to their line manager who will pursue the matter on their behalf. It is advisable to discuss the nature and duration of any proposals with the line manager before any agreements are entered into with outside employers, customers or similar persons.

6.2 An employee is not to undertake any employment during off-duty hours without permission. Anyone who subsequently suffers financial loss due to having to withdraw from agreements because permission has not been granted for such activities will have no claim on the Fire Authority for compensation.

6.3 An employee wishing to undertake outside employment may apply for permission by completing form PERS 14 (appendix 1) and submitting it, together with any relevant details to their Station Manager or Section Head.

6.4 The applicant's Station Manager or Section Head will discuss the application with the employee and will add any comments arising from the above discussion. The form will then be submitted to the Group Manager or Head of Function. He/she will then grant or deny permission. The decision will be relayed to the employee by returning a copy of the completed PERS 14.

6.5 Where permission is granted two copies will be sent and must be signed by the employee. One copy must be emailed to NYFRS People Services inbox before the outside employment can commence.

6.6 A register of applications will be maintained by People Services and no individual may carry out outside employment unless they are registered as having been approved to do so.

6.7 The employee should note and abide by any additional conditions which may be applied to the permission. This will form part of their contract of employment and disciplinary action may be taken where there is a breach of these conditions.

7.0 MAINTENANCE OF PERMISSION

7.1 In order to ensure that records are maintained up to date, an employee who ceases to carry out the work for which they have permission shall notify People Services via email, who will issue an acknowledgment.

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7.2 A change of outside employment requires a new application, since consideration needs to be given to the details of the nature of the work.

8.0 WORKING TIME REGULATIONS

8.1 Applicants must declare on PERS 14 the number of hours they anticipate working each week in their outside employment. Where this takes their total working hours above the Working Time Regulations limit of 48 hours per week averaged over 17 weeks the applicant must also complete the appropriate section on the Pers14 "Opt out consent". This must be done with each application for outside employment permission.

8.2 The proposed working hours will be taken into consideration in the application process.

9.0 PERSONNEL JOINING THE SERVICE

9.1 An employee joining the Service who wishes to continue with outside employment is required to make an application on form PERS 14. If the work does not meet the requirements for propriety detailed above permission will not be granted.

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**NORTH YORKSHIRE FIRE AND RESCUE SERVICE
PERS 14 APPLICATION FOR OUTSIDE EMPLOYMENT**

Appendix 1

Name:	Role:	Service No.
Location	Date	
Name and address of outside employer:	Nature of employment:	
	Proposed average hours of employment per week.	
<p><i>I have read the outside employment policy and procedure and agree to abide by all the conditions imposed, including any additional conditions specific to this application detailed below.</i></p> <p><i>I understand the position regarding sickness provisions and the importance of ensuring adequate insurance cover for accidents and disease arising from such employment.</i></p>		
Signed: (Applicant)	Date:	
Station manager or equivalent (Comments)		
Group manager or equivalent (Where applicable - insert any special conditions or reasons if not approved)		
<p>Working Time Regulations OPT Out Consent (if applicable)</p> <p>I understand I am not permitted to work in excess of a 48 hour week (Averaged over a reference period of 17 weeks) unless I sign to the effect that I am prepared to do so.</p> <p>I wish to Opt out of the requirements of the Working Time Directive: (Insert X if applicable) <input type="checkbox"/></p>		
Signed (Applicant)	Date	
Approved (Group Manager "X" if appropriate)		Not approved (Group Manager "X" if appropriate)
Signed (Group Manager or equivalent)	Date	
Signed (Applicant)	Date	

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RETURN SIGNED COPY TO the NYRFS PEOPLE SERVICES INBOX