

ADDITIONAL EMPLOYMENT POLICY

Department / Service:	Human Resources
Originator:	Felicity Davies, Deputy Director of People and Culture
Accountable Director:	Director of People and Culture
Approved by:	Joint Negotiating and Consultative Committee
Date of approval:	19 th March 2020
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Review date: This is the most current document and should be used until a revised version is in place	1 st March 2024
Target Organisation(s)	Worcestershire Acute Hospitals NHS Trust
Target Departments	All
Target staff categories	All Employees

Policy Overview:

This policy has been produced and agreed in partnership between management and Trade Union (Staff Side) Representatives of the Trust. It aims to ensure that patient service needs are met and that employees (and prospective employees) who take on additional employment recognise the importance that such other work does not adversely affect their performance or attendance, or breach the terms of the European Working Time Regulations.

This policy sets out the procedure and guiding principles in relation to additional employment.

Key Amendments to the Document

Date	Amendment	Approved by
Jan 2020	New Policy	Initially drafted by Jo Maguire & reviewed by Rachel Morris
September 2022	Document reviewed for Legislative and Job Title Changes and inclusive language. Document noted at JNCC, extended for 18 months	Reviewed by Clare Waterman

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1. Introduction

- 1.1 This policy has been produced and agreed in partnership between management and Trade Union Representatives of the Trust to ensure the needs of the services are achieved, whilst recognising that employees may engage in other employment including self-employment in addition to their role with the Trust. The Trust must be satisfied that there are no conflicts of interest or health and safety implications for the employee or their colleagues or patients and that this other work does not have an adverse effect on their duties with the Trust or breach the terms of the European Working Time Regulations.
- 1.2 It is also important that employees protect themselves by ensuring compliance with this policy, the Standards of Business Conduct – incorporating hospitality, gifts and sponsorship and local counter fraud standards.
- 1.3 Medical employees should also refer to the terms and conditions set out in the Specialty Doctor and Medical & Dental Terms & conditions of service and the Code of Conduct for Private Practice.
- 1.4 Some Trust employees may have Contracts of Employment which have more specific provisions regarding additional employment, in such cases these terms will apply in addition to the provisions of this policy.

2. Purpose

- 2.1 To ensure that employees do not engage in any additional employment which, conflicts with or affects their performance or attendance under their contract of employment with the Trust.
- 2.2 To support managers and employees in upholding legislation in line with the Working Time Directive with specific reference to total hours worked breaks between shifts and annual leave. Details of the Working Time Directive can be found in **Appendix 3**.

3. Scope

- 3.1 This policy applies to all employees and prospective employees of Worcestershire Acute NHS Trust, including those on fixed term contracts and should be applied in conjunction with NHS national terms and conditions of employment.
- 3.2 Matters relating to public duties, for an example jury service are managed through the Trust's Leave and Pay Policy.

4. Definition

- 4.1 The term 'Additional Employment' in this policy covers:-
 - Paid employment outside of the Trust
 - Voluntary work outside of the Trust which may impact on an employee's paid job
 - Self-employment (including private practice)
 - Reservist occupations (excludes leave for training which is managed via the Trust's Leave and Pay Policy)
 - Bank / locum / agency work outside of the Trust
 - Bank / locum work or an additional post within the Trust

5. Roles and Responsibilities

5.1 Employees Responsibilities

Employees are responsible for:

- Prior to accepting any additional work; whether for the NHS, independent sector or any other party, completing the Request to Undertake Additional Employment Form in **(Appendix 1)** and agreeing this with their line manager.
- Ensuring that new appointees to the Trust disclose any existing jobs which will continue after commencing employment with the Trust and complete the Request to Undertake for Additional Employment Form **(Appendix 1)**.
- Completing a new Request to Undertake Additional Employment Form if the detail of additional employment changes at any time.
- Adhering to the Working Time Directive (See **Appendix 3**) and taking responsibility for their own health and safety and that of others, including patients.
- Ensuring that they are not placed in a position which risks conflict between any private interests and NHS duties within the Trust.
- Declaring any conflict of interest to the Trust (see section 11 of this policy and the Standards of Business Conduct – Incorporating Hospitality, Gifts and Sponsorship Policy.)

5.2 Managers Responsibilities

Managers are responsible for:

- Applying this policy fairly and equally to ensure consistency of application.
- Line managers are responsible for ensuring employees are made aware of this policy, notification processes and that records are maintained.

In addition Managers for existing and new employees have the following responsibilities:

5.2.1 Managers (for existing employees) are responsible for:

- On receipt of a Request to Undertake Additional Employment Form, consider meeting with the employee to discuss the application.
- Before granting permission to undertake additional employment consider the following:-
 - Potential conflicts of interest
 - The Working Time Directive (See **Appendix 3**)
 - Employee's attendance and performance in their current role and the potential impact that the additional employment may have on attendance and performance.

5.2.2 Managers (for new employees) are responsible for:

- During the recruitment process, establishing if candidates intend to continue with any additional employment both inside and outside of the Trust.
- discussing with the candidate the nature of the additional employment and consider the following points before permitting the additional work ; whether for the NHS, independent sector or any other party; to continue should the candidate

wish to take up the post with the Trust, considering:-

- Potential conflicts of interest
- The Working Time Directive (See **Appendix 3**)

- Seeking advice from the Human Resources Department and/or the Company Secretary before a formal job offer is made.

5.3 HR Department

The HR Department are required to provide advice on the implementation of the policy and working time regulations.

5.4 Company Secretary

Details of any potential conflict of interest (new and existing employees) must be forwarded to the Company Secretary to be held on the Trust Register of Interests.

The Company Secretary would also be able to advise on whether a declaration of interest needed to be made in line with the Standards of Business Conduct – Incorporating Hospitality, Gifts and Sponsorship Policy.

6. Additional Employment

6.1 Employees should consider carefully whether any additional employment, including self-employment and voluntary may conflict with work for the Trust or be potentially detrimental to the Trust. Employees must put their request in writing to their line manager before taking up any other employment or voluntary activity (**Appendix 1**).

6.2 The line manager will consider the request taking into consideration factors including:

- Working hours of additional employment do not coincide with contracted hours of work
- Compliance with requirements of working time directive
- Employment is not in direct competition with the Trust's business and does not affect the business, for example loss of business or the passing on of confidential information
- Additional employment information provided; including employer, role, hours and working pattern

6.3 Retraction of Permission to Undertake Additional Employment

Where the total hours worked and/or the impact of the additional employment gives cause for concern about the employee's ability to effectively perform their normal duties, the line manager should arrange to meet with the employee to discuss the options available to them.

There may be circumstances where it is necessary for the Trust to retract any permission given for an employee to undertake additional employment. Such retraction will only be done after discussion with the employee and their line or senior manager. Examples of these are outlined below.

6.3.1. Attendance / Time keeping

Where attendance or time-keeping is of concern and it is considered that this may be attributable to additional employment.

6.3.2 Capability / Performance / Conduct

Managers must monitor the performance of their teams. If performance falls below acceptable standards and the Performance Management Policy and Procedure/ Conduct, Capability, Ill Health and Appeals Policies and Procedures for Medical and

Dental Staff has been invoked and the additional employment is deemed to be contributing to the poor performance a review of the arrangements should be undertaken. It is the employee's responsibility to ensure that their performance in their primary post is not affected. Where the additional employment is with the Trust this should be reviewed and a decision taken as to whether it continues. Where the additional employment is outside the Trust the employee may be asked to consider reducing their hours or ceasing the additional employment to protect their primary post.

If an employee is subject to a disciplinary process due to a conduct issue in either their primary or additional employment, they are obligated to declare this to the Trust and a decision may need to be made regarding both roles, further advice should be sought from the HR Department in this instance.

6.3.3 Rise of a Conflict of Interest

There may be times where a new conflict of interest arises that did not previously exist when a new employee was appointed or when permission was given by the Trust for an employee to undertake additional employment. Employees have a responsibility to highlight any new potential conflicts of interest that arise or may arise with their manager. The manager must assess the risk of the potential conflict of interest and whether any reasonable adjustment can be put in place to prevent the conflict of interest (i.e. removing an employee from a certain project etc). If this cannot be avoided and the risk to the Trust and service delivery is too high, permission to undertake additional employment may be retracted.

6.4 Appeal

The employee has the right to appeal the decision to retract the permission to undertake Additional Employment. Any appeal should be made in writing within 10 days of receipt of notification of the decision, to their line manager. An appeal will be conducted in accordance with the appeal stage of the Trust's Grievance policy.

6.5 Representation

Employees have the right to be accompanied by a work colleague or accredited recognised Trade Union (Staff Side) representative at any meetings associated with this policy.

7. Working Time Regulations

- 7.1 Employees must ensure that their total working hours do not exceed the limit as set out in the Working Time Directive unless an Opt Out Form has been signed (See Appendix 2 & 3). The Trust however does not have to accept this "opt out" if it is the considered view that it would adversely affect patient care.
- 7.2 Employees must comply with the required mandatory rest periods as set out in the Working Time Directive (**Appendix 3**) and any additional employment should not compromise this under any circumstances.
- 7.3 Failure to comply with the Working Time Directive may result in disciplinary action accordance with the Trust's Disciplinary Policy and Procedure.

8. Annual Leave

- 8.1 Whilst on annual leave from their substantive post employees can only undertake paid additional employment if prior approval has been given by their manager at the Trust. It should be noted that the Trust does not encourage this as it is felt to be detrimental to the

health and well-being of employees and will only be approved in exceptional circumstances. When considering if this should be approved, managers should establish how much of an employee's annual leave will be used to undertake paid additional employment. At the very minimum employees should take as annual leave (without paid additional employment) the entitlement as laid out under the Working Time Directive which is 28 days including bank holidays to ensure compliance with the Working Time Directive.

9. Sickness

9.1 Working Whilst Off Sick

Employees would normally be required to refrain from their additional employment if they are on sick leave from the Trust and the additional work (whether for the NHS, independent sector or any other party) is of:

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

This includes any work during "out of hours" periods, for example weekends and evenings after a period of sick leave, and before return to work with the Trust, unless a GP Fit Note states otherwise and the employee has received the permission from their line manager at the Trust.

It is not normally permitted to work while off sick or in receipt of Statutory Sick Pay, even if permission has been given on previous occasions or when the employee was not off sick. An employee who continues to work in a second job and/or wishes to work in a paid, unpaid or voluntary capacity while off sick, for therapeutic reasons or to aid recovery must seek authorisation from their line manager in advance on each occasion.

An employee who works for other employers whilst off sick from the Trust without authorisation from their line manager or who is suspected of falsely claiming to be sick may be referred to the Trust's Counter Fraud Service for investigation. This may lead to both criminal and disciplinary proceedings, and the Trust may also have responsibilities to refer such details to employees' professional regulatory bodies. Therefore this may be regarded as fraud and/or a disciplinary matter and be managed in accordance with the Trust's Disciplinary Policy, which may result in disciplinary action up to and including dismissal.

Employees must not undertake paid employment during sick leave unless the Trust has given formal permission that the alternative work requested is reasonable and may assist rehabilitation. Employees must not engage in activities contrary to the reason for absence or likely to impede their recovery. Misrepresentation of health status or a deliberate misuse of the provisions for sick leave and sick pay will be regarded as misconduct and dealt with as a disciplinary issue; it may also be referred for investigation by the Local Counter Fraud Specialist.

9.2 Unpaid Work Whilst off Sick

If employees wish to continue with voluntary / unpaid work whilst off sick, they must request permission in writing from their manager at the Trust. They should outline in the request the nature of the work they wish to undertake, the number of hours they intend to work and confirm that no payment will be received for this work (excluding expenses). The line manager must seek advice from the Human Resources Department in this

situation and advice from Occupational Health may also be beneficial. Permission may be granted based on the fact that it may be beneficial to the employee's recovery and well-being to undertake the voluntary / unpaid work.

9.3 Activities whilst on Sick Leave

If it is found that any employee fraudulently claims to be sick, or behaves in a way that is either prejudicial to their recovery, or incompatible with the reason for absence, this may be treated as gross misconduct in line with the Trust's Disciplinary Policy. This includes where an employee has alternative employment (i.e. a second job) outside the Trust (including Bank and Agency work, and work with voluntary organisations).

9.4 Additional Employment and Sick Pay

If an employee has two different roles with the Trust enabling them to work in one post whilst sick in the other, the employee will not be entitled to Statutory Sick Pay however will receive any Occupational Sick Pay for the post they are sick for in line with HMRC regulations.

If the additional employment is with another employer and the employee continues to work this post (with permission) however is off sick from their Trust post then Statutory Sick Pay will be payable by the Trust.

9.5 Sickness Absence Management

Where an employee's absence is being managed under the Sickness Absence, Health and Wellbeing Policy a review of the additional employment arrangements should be undertaken and advice sought from Occupational Health as to whether the additional employment should continue in the circumstances.

10. Trust Equipment and Resources

Employees may be provided with Trust equipment and resources to carry out their duties in line with their employment with the Trust. Employees should not use this equipment and resources for work undertaken outside of the Trust.

11. Declaration of Interests

All staff must declare any interest, either on appointment or when the interest is acquired, which may directly or indirectly give rise to an actual or potential conflict of interest or duty. All consultants must declare interests before employment commences with the Trust and annually thereafter. This will be undertaken through the pre-employment paperwork required to be completed and returned to the HR Department. The HR Department will forward the declarations of interest to the Company Secretary.

For further information on declaring interests please refer to the Standards of business Conduct – Incorporating Hospitality, Gifts and Sponsorship Policy.

12. Failure to comply

12.1 Failure to comply with the additional employment policy may result in disciplinary action being taken up to and including dismissal. Non-compliance in specific circumstances could also be construed as fraudulent activity which may be investigated by the Local Counter Fraud Service and could result in criminal prosecution.

12.2 The Trust may audit for compliance with this policy at any time and will investigate in relation

to alleged breaches or may ask Counter Fraud to undertake investigations where appropriate.

12.3 All employees are required to declare and review at their annual Personal Development Review (PDR) any additional employment which they may have.

13. Fraud, Bribery and Corruption

Unfortunately fraud, bribery and corruption, as well as theft, does occur throughout the NHS. All employees have a duty to ensure that public funds are protected and that property handed to us by patients are safeguarded as best as possible.

If an employee or manager suspects that there has been a potential act of fraud, bribery or corruption against the Trust or the wider NHS, or has seen any suspicious acts or events, they must report the matter to the Trust's Counter Fraud Team (contact details can be found on the Trust's public website and/or intranet) or report the matter to the NHS Fraud and Corruption Reporting Line on 0800 028 4060. Alternatively reports can be made through the online reporting tool at <http://www.reportnhsfraud.nhs.uk>.

Further advice is always available from the Director of Finance and the Trust's Counter Fraud Team.

14. Implementation

14.1 Plan for Implementation

The policy will be implemented immediately upon approval.

14.2 Dissemination

The policy will be placed in the Trust's HR Document library on the intranet and will be publicised through the Trust key documents update.

14.3 Training and Awareness

Awareness on the policy will be provided at a local level via HR support to Divisions and Corporate Services.

15. Monitoring and Compliance

Page/Section of Key Document	Key Control	Checks to be carried out to confirm compliance with the policy	How often the check will be carried out	Responsible for carrying out the check	Results of check reported to <i>(Responsible for also ensuring actions are developed to address any areas of non-compliance)</i>	Frequency of Reporting
	Scheduled review of this policy to ensure that it meets its own requirements	Policy review and revision	Every 3 years or earlier if necessary	HR in liaison with Counter Fraud	Audit & Assurance Committee	Every 3 years - or earlier if necessary
9	All employees are required to declare any additional employment as part of their sickness absence management	During sickness absence management	As part of sickness absence management	Line Manager and Employee	Line/Senior Manager of Employee concerned	As required
10.3	All employees are required to declare & review at their annual Personal Development Review (PDR) any additional employment which they may have	Undertake PDR	At least once a year	Line Manager and Employee	Line/Senior Manager of Employee concerned	As required

16. Policy Review

This policy will be subject to a planned review every 3 years unless there are updates required in the interim, arising from amendments or release of new regulations employment legislation and relevant case law, Codes of Practice or statutory provisions or guidance from the Department of Health, professional bodies or Counter Fraud.

17. References

Document	Code/Date
CIPD Working Time Regulations Q&As	9 July 2019
Code of Conduct for Private Practice	
Disciplinary Policy	WAHT-HR-017
Fraud and Corruption Policy	WHAT-CG-456
Gov.uk Website – employing people section (https://www.gov.uk/browse/employing-people)	
Grievance Policy	WHAT-HR-027
Health & Safety Executive website (https://www.hse.gov.uk)	
Leave and Pay Policy	WAHT-HR-008
Personal Development Review Policy	WAHT-HR-049
Managing Conflicts of Interest (Feb 2017, NHS England)	
NHS Terms and Conditions	
Sickness Absence, Health and Wellbeing Policy	WAHT-HR-072
Standards of Business Conduct incorporating Conflicts of Interest, Hospitality, Gifts & Sponsorship	WAHT-CG-820
Specialty Doctor and Medical & Dental terms & conditions of service	
Working Time Regulations 2003/88/EC	

18. Background

18.1 Equality Requirements

The assessment conducted for this policy reveals no equality issues. The record of the equality impact assessment is appended (**Supporting Document 1**).

18.2 Financial Risk Assessment

A financial risk assessment has been performed and appended and reveals there are no financial implications to this policy (**Supporting Document 2**).

18.3 Consultation Process

The following individuals have been consulted with in the development of this policy:

- Trade Union (Staff Side) Representatives
- HR Advisory Services
- Compliance and Effectiveness Team
- Medical Resourcing
- Company Secretary
- Head of Counter Fraud Services
- Clinical Divisions

This policy has been circulated to the chair(s) of the following committee's / groups for comments;

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- Policy Working Group

18.4 Approval Process

This policy will be approved by the Joint Negotiating & Consultation Committee (JNCC).

Appendix 1

Request to Undertake Additional Employment

Please complete in full and pass to your Line Manager/Clinical Manager. The form will be retained on your personal file by your line manager.

Name:	Contact Number:
Job Title:	Band / Grade:
Directorate:	Division:
Hours of Work and Pattern:	Days Worked:

Additional Employment Information - For completion by the employee

New or Amended Request: <i>(Please circle appropriate request)</i>	New /Amended
Name & Address of Employer / Organisation:	
Line Manager	Contact Number
Nature of Work: (Brief Description of Duties and Responsibilities)	
Hours of work, including pattern and days	
Have you any reason to believe that there will be instances where your Additional Employment will conflict with your primary job at the Trust? <i>(Conflict in this instance is taken to mean a conflict in time and a conflict where the performance of your duties at the Trust may be affected)</i>	



Please circle as appropriate If yes please give details:	YES	NO
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Dates of Additional Employment	
Start Date: ____/____/____	End Date: ____/____/____

Employee’s Declaration

I confirm that I have read the Trust’s Additional Employment Policy and understand my responsibilities within it.

I state that the information provided is correct and that Additional Employment in this instance will not have a detrimental effect on my primary work at the Trust. I will inform my line manager if there are any changes to the above. I understand that false information given with regard to this policy could be treated as Gross Misconduct or fraudulent and dealt with accordingly under the Disciplinary and Counter Fraud Policies.

Signed by Employee: _____ Date: ____/____/____

Print Name: _____

For Completion by Line Manager

Name of Line Manager:	Job Title:
Date Received:	Date discussed with Employee:
Decision <i>(please tick as appropriate)</i>	
<input type="checkbox"/> Request approved	<input type="checkbox"/> Request rejected
Date employee informed:	
Comments/Rationale for decision	

Signed by Manager: _____ Date: ____/____/____

Print Name: _____

Appendix 2

Working Time Regulations Opt Out Form

Individual Agreement to Opt Out of the 48 hours Average Weekly Limit

Under the provisions of the Working Time Regulations 1998, if you wish to work more than 48 hours per week you are required to sign an individual agreement to do so. This is often referred to as an 'opt out' agreement. The purpose of the regulations is to protect your rights and prevent employers from insisting that their employees work long hours. The Trust is committed to the wellbeing of all its employees, but recognises that some may wish to work in excess of the statutory 48 hours 'working week' limit.

The purpose of this form is therefore to allow employees who wish to do so, the opportunity to give their written consent to working in excess of the 48 hours working week limit. The 48 hours incorporates all employment, for the Trust and additional employment outside of the Trust. Please be advised that the Working Time Regulations dictate an absolute maximum number of working hours during any week of 78 (as a total of ALL employment/paid work).

Therefore after reading the accompanying Guide to the Working Time Directive (**Appendix 3**), if you chose to complete this form, please sign and date the form and return it to your line manager.

By signing this form and giving your agreement that you may work for more than an average of 48 hours a week, this will apply until such a time that you terminate this arrangement. The Trust will require **3 months' notice** if you wish to cancel this arrangement. The decision to opt out of the 48 hour working week, or to give notice to bring such an agreement to an end is one for each individual to make and for the avoidance of any doubt, employees will not be subjected to any detriment.

Employee Declaration

Other than the job(s) for which I hold a contract with the Trust, any other paid work/employment I undertake is listed in the table below:

Employer	Job Title	Type of Work (including bank or agency work)	Contracted Hours	Dates of work

I wish, on a voluntary basis, to be able to work an average of up to **and** beyond 48 hours per week (including ALL paid employment/work, with the average calculated over 26 weeks, including days/nights off).

Regardless of whether I have signed this declaration, I understand that, if I do not inform my line manager of other paid work/employment that I do now or obtain in the future then I may be in breach of the Trust's Additional Employment Policy and Standards of Business Conduct Policy.

I agree to the above and confirm the accuracy to my best knowledge

Signed: _____ Dated: ____/____/____

Name: _____ Department: _____

Copy to be retained by Line Manager in the employee's personal file and a copy sent to HR Advisory Services Team.

A Guide to the Working Time Directive/ Working Time Regulations

The Working Time Directive is in place to promote health and safety in the work place. In order for Worcester Acute NHS Trust to ensure patient safety and maintain high quality services it is critical that employees have regular rest periods. All employees have an obligation to ensure that they are fit and well to attend work and regular rest periods is a mechanism in place to support this.

The Maximum Working Week

Employees should not work more than a 48 hour week in total (including overtime). This includes work with Worcestershire Acute NHS Trust and any other additional work; whether for the NHS, independent sector or any other party.

Opting out of the 48 hour week

Employees can opt out of the 48 hour working week limit by completing an opt out form with their employer (or employers) (See **Appendix 2**).

What counts as work?

As well as carrying out normal duties, a working week includes:

- job-related training
- job-related travelling time
- working lunches, for example business lunches
- paid and some unpaid overtime
- time spent on-call at the workplace

What does not count as work?

A working week does not include:

- breaks when no work is done, such as lunch breaks
- normal travel to and from work
- time on call away from the workplace
- evening and day-release classes not related to work
- travelling outside of normal working hours
- voluntary overtime, for example, staying late to finish something off
- paid or unpaid holiday

Rest Breaks

Trust employees are expected to adhere to rest breaks and should not put themselves in a position where rest breaks cannot be accommodated due to additional employment. Failure to adhere to rest breaks could be considered as misconduct and warrant disciplinary action if it is felt to compromise patient safety or service delivery. It may be considered to be a breach of the contract of employment and/or a breach of a professional code of conduct (e.g. The Code).

Rest breaks during the working day

Employees are expected to have at least a 20 minute unpaid rest break in any working day over 6 hours.

The requirements are:

- the break must be in one block
- it cannot be taken off one end of the working day - it must be somewhere in the middle

Daily Rest between working days

Employees are expected to have a break of at least 11 consecutive hours in every working day or 24 hours. This means, if employees finish work at 8.00 pm on Monday they should not start work until 7.00 am on Tuesday.

Weekly Rest

Employees are expected to adhere to the following:

- an uninterrupted break of 24 hours clear of work each week or
- an uninterrupted break of 48 hours clear each fortnight

Special rules for 16 and 17 year olds

By law, workers aged 16 or 17 must not work more than 8 hours a day and 40 hours a week. They must also have as a minimum:

- to have a break of at least 30 minutes if the working day is more than 4.5 hours
- to have at least 12 consecutive hours off between each working day
- to have at least two whole days off every week

Further advice from HR should be sort on night working for employees aged 16 or 17 due to the restrictions involved.

Night Work

All employees who work nights are entitled to a free health assessment before they start night work.

Are there any exclusions?

- Doctors in training are excluded from these Regulations.
- Individual employees may choose to work more than an average of 48 hours per week but will need to sign an opt out form if they want to do this (**Appendix 2**).
- It has been agreed nationally that career grade doctors are exempt from the rules on the length of night work, and on the rest between working days and weeks, and the rest within the working day. As soon as possible afterwards, an equivalent period of rest must be given instead. Under this agreement the averaging period has been extended from 17 weeks to 26 weeks for career grade doctors. Career grade doctors are consultants, associate specialists, staff grades, clinical assistants, hospitals practitioners and locums on those grades.
- *Employers and Trade Union (Staff Side) representatives can make collective agreements which vary from the Regulations on the length of night work, and on the rest between working days and weeks, and the rest within the working day, so long as compensatory rest breaks are given. If your current pattern of work does not comply with the Regulations, your manager will want to talk to you and your Trade Union representatives about this.
- Security employees are exempt from the hourly limits placed upon regular “night workers”
- Unforeseeable emergencies: The Regulations do not have to be kept to in such circumstances, but if you missed any rest you should be given it later on.

What you need to do

Having read this summary guidance, if you wish, on a voluntary basis, to be able to work an average of up to **and** beyond 48 hours per week you will need to sign the declaration and return it to your manager. If you have more than one job, the 48 hour limit applies to the total hours you work. You should therefore make sure that your manager knows if you have any employment/paid work other than your job for the Trust. This includes any irregular bank or agency work you might do.

The Regulations are designed to protect your health and safety and, if you do have other work, you should make sure you still have your day off each week and your 10 hours off between working days. You should make sure that you take your break during the working day as it is not allowed to take the daily rest break at the beginning or end of the day. Keep a copy of these notes in case your circumstances change in the future. If you want to start working more than an average of 48 hours a week, you will need to sign the declaration then.

Further information

The working time regulations are complex. This is a summary and not a complete guide. Further information can be found at www.direct.gov.uk.

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Supporting Document 1 - Equality Impact Assessment



Herefordshire & Worcestershire STP - Equality Impact Assessment (EIA) Form

Please read EIA guidelines when completing this form

Section 1 - Name of Organisation (please tick)

Herefordshire & Worcestershire STP		Herefordshire Council		Herefordshire CCG	
Worcestershire Acute Hospitals NHS Trust	✓	Worcestershire County Council		Worcestershire CCGs	
Worcestershire Health and Care NHS Trust		Wye Valley NHS Trust		Other (please state)	

Name of Lead for Activity	
----------------------------------	--

Details of individuals completing this assessment	Name	Job title	e-mail contact
	Clare Waterman	HR Business Partner	c.waterman@nhs.net
Date assessment completed	07 July 2022		

Section 2

Activity being assessed (e.g. policy/procedure, document, service redesign, policy, strategy etc.)	Title: Additional Employment Policy			
What is the aim, purpose and/or intended outcomes of this Activity?				
Who will be affected by the development & implementation of this activity?	<input type="checkbox"/> Service User <input type="checkbox"/> Patient <input type="checkbox"/> Carers <input type="checkbox"/> Visitors	<input checked="" type="checkbox"/> Staff <input type="checkbox"/> Communities <input type="checkbox"/> Other _____		
Is this:	<input checked="" type="checkbox"/> Review of an existing activity <input type="checkbox"/> New activity <input type="checkbox"/> Planning to withdraw or reduce a service, activity or presence?			
What information and evidence have you reviewed to help inform this assessment? (Please name sources, e.g. demographic information for patients / services / staff groups affected, complaints etc.)	Listed in References in section 15 of the Policy			

Summary of engagement or consultation undertaken (e.g. who and how have you engaged with, or why do you believe this is not required)	Listed in Consultation in section 16.3 of the Policy
Summary of relevant findings	

Section 3

Please consider the potential impact of this activity (during development & implementation) on each of the equality groups outlined below. **Please tick one or more impact box below for each Equality Group and explain your rationale.** Please note it is possible for the potential impact to be both positive and negative within the same equality group and this should be recorded. Remember to consider the impact on e.g. staff, public, patients, carers etc. in these equality groups.

Equality Group	Potential positive impact	Potential neutral impact	Potential negative impact	Please explain your reasons for any potential positive, neutral or negative impact identified
Age		✓		
Disability		✓		
Gender Reassignment		✓		
Marriage & Civil Partnerships		✓		
Pregnancy & Maternity		✓		
Race including Traveling Communities		✓		
Religion & Belief		✓		
Sex		✓		
Sexual Orientation		✓		
Other Vulnerable and Disadvantaged Groups (e.g. carers; care leavers; homeless; Social/Economic deprivation, travelling communities etc.)		✓		
Health Inequalities (any preventable, unfair & unjust differences in health status between groups, populations or individuals that arise from the unequal distribution of social, environmental & economic conditions within societies)		✓		

Section 4

What actions will you take to mitigate any potential negative impacts?	Risk identified	Actions required to reduce /	Who will lead on the action?	Timeframe

		eliminate negative impact		
How will you monitor these actions?				
When will you review this EIA? (e.g. in a service redesign, this EIA should be revisited regularly throughout the design & implementation)	In line with review timescales of the policy or earlier should a equality impact concern is raised			

Section 5 - Please read and agree to the following Equality Statement

1. Equality Statement

1.1. All public bodies have a statutory duty under the Equality Act 2010 to set out arrangements to assess and consult on how their policies and functions impact on the 9 protected characteristics: Age; Disability; Gender Reassignment; Marriage & Civil Partnership; Pregnancy & Maternity; Race; Religion & Belief; Sex; Sexual Orientation

1.2. Our Organisations will challenge discrimination, promote equality, respect human rights, and aims to design and implement services, policies and measures that meet the diverse needs of our service, and population, ensuring that none are placed at a disadvantage over others.

1.3. All staff are expected to deliver services and provide services and care in a manner which respects the individuality of service users, patients, carer's etc, and as such treat them and members of the workforce respectfully, paying due regard to the 9 protected characteristics.

Signature of person completing EIA	
Date signed	17 February 2020
Comments:	
Signature of the Leader Person for this activity	
Date signed	
Comments:	

Supporting Document 2

Financial Risk Assessment

To be completed by the key document author and attached to key document when submitted to the appropriate committee for consideration and approval.

	Title of document:	Yes/No
1.	Does the implementation of this document require any additional Capital resources	No
2.	Does the implementation of this document require additional revenue	No
3.	Does the implementation of this document require additional manpower	No
4.	Does the implementation of this document release any manpower costs through a change in practice	No
5.	Are there additional staff training costs associated with implementing this document which cannot be delivered through current training programmes or allocated training times for staff	No

If the response to any of the above is yes, please complete a business case and which is signed by your Finance Manager and Directorate Manager for consideration before progressing to the relevant committee for approval.