

## **Outside Commitments Guidance**

This guidance note sets out further details of the Council approach to outside commitments of staff. It should be read in conjunction with the [Officers Code of Conduct](#). It is designed to assist employees in applying the rules on Outside Commitments and Personal Interests in the Code of Conduct.

### **OUTSIDE COMMITMENTS**

Outside commitments can be a range of other responsibilities and obligations including second jobs, volunteering for a local charity, being an army reserve or a school governor. An outside commitment is therefore simply another demand on employee's time outside of their Council and home lives. Employees must avoid conflicts between their outside commitments and their responsibilities as an employee of the Council. There are also some circumstances in which an employee must have their managers' permission before taking on an outside commitment and certain reporting requirements. These are explained in this guidance.

### **CONFLICTS**

The Council's policy on outside commitments is that they must not conflict with your responsibilities as a Council employee, or with the Council's interests. Conflicts could occur in a range of scenarios, for example:

- **Conflicts between employers** – where a Council employee takes a second job and the interests of the two employers' conflict. An example may be where a Council surveyor takes a job for a private firm which is engaged to purchase a Council property. In this scenario the surveyor would be expected by the Council to get the best price possible for the property, whereas the firm would be expecting to get the cheapest price possible for their client. Thus the surveyor is conflicted.
- **Time management** – this is where an employee's second commitment prevents them from spending the time required on their Council job. For example, an employee setting up a part time business selling antiques may have to travel round the country looking for antiques to stock their shop with. If this means that the employee is late for work, misses important meetings and is absent without booking leave, then there will be a conflict between the employee's private interests, getting the business set up, and the Council's interests, the employee doing their job.
- **Conflicts of principle** – this is where the employee's outside commitment calls into question the Council's key principles. For example, the Council and all employees should be politically neutral in work time and those in politically restricted posts are not permitted to undertake certain activities. If an employee in a politically restricted role volunteered as the secretary for the Scottish National Party branch for example, this would draw into question the employees political neutrality, and by extension that of the Council. As a result there would

be a conflict between the Council key principal of political neutrality and the employee's decision to work for a political organisation.

Conflicts, as can be seen above, can either be permanent, such as conflicts of principle, or come and go. Those outside interests which will always conflict with the Council must be avoided, and other conflicts managed to ensure that the Council's interests are protected.

## **MANAGING CONFLICTS**

Employees are responsible for managing any conflicts that arise between the Council's interests and their own outside commitments. However, when potential conflicts arise it is advisable to discuss them with your line manager at the earliest opportunity to ensure that any additional conflict management that the Council could undertake is actioned. For example, an officer in the commissioning team that volunteers in an Age UK shop may become aware that Age UK are bidding for a contract the Council is tendering. Whilst working in a shop is unlikely to give rise to an actual conflict, a link between the commissioners and a bidder may look untoward to other bidders. As a result, if the employee discusses the matter with their line manager they can ensure that the employee only works on commissioning matters outside of Age UK's interests (for example children's commissioning, etc.) and that suitable information barriers are in place. This will ensure that the Council remains, and is seen to remain, impartial.

Open, honest and frank discussions between employees with outside commitments and the Council is therefore important.

## **EMPLOYMENT**

Where an employee wishes to set up a business or take a second job outside of the Council they must notify their line manager and ask for permission. Managers must not unreasonably stop employees from taking additional employment provided it does not conflict with the Council's interests or cause the manager to be concerned for the health and wellbeing of staff. Managers must not unreasonably object to second employment and for more junior roles, i.e. grade 9 and below, there should be a presumption that requests will be approved unless there is clear evidence of a potential conflict or potential harm to staff or service users. This is because conflicts are more likely to occur the greater decision making or advice giving responsibility the role holds.

When considering whether or not it is reasonable to object to the proposed job or business managers are also expected to have regard to:

- The time spent at work – all employees need to ensure that they have a suitable work life balance and are not overworking. All employers have an obligation to take reasonable steps to ensure that their workers do not work more than 48 hours per week and that those undertaking heavy physical or mentally straining work do not work for more than 8 hours per day. As a result, it would be more reasonable for a manager to object to an employee undertaking heavy physical activity proposing to undertake an equally demanding job each evening, as this could increase the likelihood of exceeding the relevant legal threshold.

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- Health and Safety – where the proposed second job exposes the Council's employees, service users or the wider public to a potential hazard, it would be more reasonable for managers to refuse permission. For example, managers are more likely to refuse permission to an employee that works a day shift with the Council and applies to drive taxis late into the night. In this example the employee is unlikely to have sufficient time to rest and so would be more susceptible to exhaustion and the effects of sleep deprivation. This could pose a risk to employees and service users at the Council, as well as the wider public on an evening. A similar scenario may occur where a care worker takes night shifts with a homecare firm after working for the Council during the day. In this scenario sleep deprivation could expose vulnerable service users to risk of harm.

In the examples above it would still be necessary for the manager to consider the details of each case and work with the employee to explore whether the potential challenges can be mitigated. For example, care workers that take a second job on an evening may only work for a short time, i.e. 2 hours, which may not detrimentally impact of the safety or service users. Managers are expected to proactively engage with staff on second job requests to find a workable solution to protecting the Council's interests and staff and service user wellbeing where practicable.

Managers should be clear that there is, or will very likely be a conflict of interests or a working time or health and safety issue that cannot be resolved prior to refusing permission for second jobs. Seeking further advice from People Management is recommended where managers are minded to refuse permission.

### **SPECIAL CASES**

There are some roles where it is possible that the Council's interests may conflict with the other organisation, but where the Council has a policy in place to manage this. For example:

- Army reserves – the Council's policy is to support employees wishing to work with the armed forces reserves and specific arrangements, for example in relation to time off, have been made. Further information can be found here [\[link to hr policy\]](#).
- School governors – whilst it is possible for the interests of schools and the Council to conflict, the Council recognises the important contributions employees can make to schools and as a result has made specific arrangements for governors, including for time off for meetings. Further information can be found here. [\[link to hr policy\]](#).

If an employee's role as an army reserve or school governor potentially results in a conflict of interest it is still important that the employee discusses the potential conflict of interest with their line manager and that, where appropriate, it is reported.

### **REPORTING OUTSIDE COMMITMENTS**

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Where you have an outside commitment this should be discussed with your manager as set out above. Managers should then complete the relevant form on the Service Centre Portal for:

- [Personal Interests](#) (conflicts); or
- [Relationships with Contractors](#).

Further details of how to report outside commitments are set out in Appendix 1.

For further information on the Council's approach to outside commitments contact Iolanda Puzio on [monitoring.officer@cumbria.gov.uk](mailto:monitoring.officer@cumbria.gov.uk)

### **Appendix 1: Reporting Outside Commitments and Person Interests**

Where an officer has an outside commitment or personal interest which may need to be reported in accordance with the Code of Conduct they should discuss this with their manager.

Where the matter requires reporting the manager should complete the relevant form on the Service Centre Portal.

Matters can be reported by clicking [here](#), or by navigating to the Service Centre Portal and:

- Selecting the 'Request' option
- Next select 'Officer Gifts Hospitality and Interests'
- And finally "Personal Interest" or 'Relationship with Contractor" as appropriate.

The relevant sections should then be completed and the form submitted.

#### **Example**

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The screenshot shows a web browser window with the URL <https://www.cumbria.gov.uk/helpdesk/Helpdesk.aspx?wo/2.0.1.1.0>. The page title is "Service Centre Portal" and the logo for "Cumbria County Council Service Centre" is visible. The navigation menu includes "Request", "History", "FAQs", "Messages", and "Profile". The user's name "Liz Morgan" is shown in the top right corner.

The main content area is titled "Help Request" and contains the following fields:

- Request Type:** A dropdown menu with "Officer Gifts, Hospitality & Interests" selected and "Personal Interest" as an alternative option.
- Employee Full Name:** A text input field with a blue information icon to its right.
- Name of Contractor/Potential Contractor:** A text input field.
- Potential Conflict Description:** A large text area with vertical scrollbars.
- Date Conflict Arose:** A date picker field showing "22".
- Expected Duration (if limited):** A text input field.
- Steps taken to be taken to manage potential conflict:** A large text area with vertical scrollbars.
- Attachments:** A button labeled "Add File".
- Location:** A dropdown menu.

At the bottom left of the form, there are two buttons: "Save" and "Cancel".

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