

Secondary Employment Guidance

Academic Year 2022-2025



Secondary Employment

The Working Time Regulations 1998, as amended, are a Health and Safety initiative and cover all work undertaken. To enable the Trust, to comply with the Regulations and maintain the health and safety of all employees. You must inform your Line Manager/ Headteacher of ALL work undertaken, or applied for, elsewhere (should you be engaged in, or intending to be engaged in, other paid or unpaid work). In addition, it is important you are aware that there should be no conflict of interest, nor any contractual conflict, between your work for the Trust and your work elsewhere. Approval to undertake, or continue with, secondary employment can only be granted in circumstances where there is no conflict with the provisions of the Working Time Regulations nor any other conflict of interest or contractual conflict.

Any employee asked to undertake private tutoring of pupils within the school must first discuss the situation with the Headteacher/ Line Manager.

Additional Note: The working time arrangements for teachers, including hours and days of work and also breaks, are contained within the current statutory School Teachers' Pay and Conditions Document. However, nothing in that document will be taken to conflict with the protections provided by the Working Time Regulations, as set out above.

The Working Time Regulations 1998 (as amended)

The Working Time Regulations 1998 (as amended) are a health and safety initiative enforceable by the health and safety authorities.

The Regulations apply to 'workers', (those age 18 and over), including 'young workers' (those above school leaving age but under 18). They apply to those who are full-time, part-time, job share, permanent, fixed term or a casual worker. However, for those who work for an organisation through an Agency, it is the Agency that is responsible for ensuring that working arrangements comply with the regulations.

'Working time' is when a worker or young worker is:

- a) working and
- b) at his/her employer's disposal and
- c) carrying out his/her activities or duties.

Working time excludes travel to and from your normal place of work, lunch breaks, evening classes or day-release courses that are not job-related and time spent on call when you are not required to be at your place of work. Working time includes travel between work sites, travel time to and from meetings, training courses etc., where the event is not at your school or site, official working lunches, or other breaks where you are required to remain on call at your place of work, other time spent on call if you are required to be at your place of work, formally agreed paid time off for trade union duties, time spent on civic duties and time spent in ALL paid employment (i.e. also including time spent in paid employment other than with the Council, Governors and/or PRU Management Committee as appropriate).

The main rights and protections afforded by the regulations are as follows:

Working Hours

Working time, including overtime, must not exceed 48 hours a week on average, although a worker can agree to work longer than 48 hours per week by making a written agreement (known as an 'opt out') with the employer. However, if the worker claims his/her right not to exceed the 48 hours, then s/he must not suffer any detriment as a result.

Note that young workers must not ordinarily work more than 8 hours a day or 40 hours a week (although there are certain permitted exceptions). There is no 'opt out' available.

Daily Rest Periods

Workers have an entitlement to a minimum rest period of 11 uninterrupted hours in each 24-hour period (12 uninterrupted hours for young workers). The rest may be interrupted if periods of work are split up over the day or are of short duration. There may be occasions when this break is not possible. In these circumstances, individuals are advised to discuss it and arrange compensatory rest with the Headteacher/Line Manager.

Rest Breaks

Where a worker's working time is for more than 6 hours at a stretch, s/he is entitled to a rest break of a minimum of 20 minutes. Young workers are entitled to a minimum break of 30 minutes when they work for more than 4½ hours at a stretch. The exact time a break is taken is for the employer to decide but it should be taken during the 6-hour period (or 4½ hour period, as appropriate) not at the beginning or end of it.

Weekly Rest Periods

Workers are entitled to at least 24 consecutive and uninterrupted rest in each 7-day period. This can be averaged over a two-week period, meaning that two days may be taken off a fortnight.

Young workers are entitled to a rest period of 48 hours in each 7-day period. This should normally be two consecutive days. Days off cannot be averaged over a two-week period, although weekly time off can be reduced to 36 hours subject to compensatory rest.

All secondary employment carried out, should be brought to the attention of the Headteacher before it starts or as soon as possible if you have not already informed the school/ Line Manager. This information **MUST** be added to your register of business interest (appendix 1)

The following information must be included on the Register of Business form

- The name and nature/ role of the secondary employment
- The number of hours worked per week
- When the secondary employment commenced
- Number of hours worked

The Headteacher/ Line Manager will meet with the member of staff to ascertain the following,

- Ensure the member of staff is not breaking the working time directive and exceeding the limit of an average of 48 hours per week
- If the member of staff is exceeding the maximum number of working hours (a total of 48 on average per week) they will need to make a written agreement (known as an 'opt out') with the school to continue (appendix 2)
- Ensure there is not conflict of interest with the secondary employment. An example of this would be if an employee is being paid for the work and children are paying to attend the provision this would be a conflict of interest and should not continue.
- That the member of staff advised the school of any changes in circumstances immediately

Staff Working as Tutors

Teaching staff are permitted to work as a tutor as long as:

- Tutoring takes place outside of their normal working hours and does not interfere with their job
- They were approached by the parent
- The child is not in their class

Staff Working for Families

Any member of staff must declare their additional work that they are carrying out for families if their child attends a school within the Connect Education Trust. This includes paid and unpaid employment. This must be declared on the register of business interest and must state that it is a private arrangement.

Insurance

Staff and parents must be aware that any work carried out by staff outside of the normal school day and that have been made by private arrangement are not covered by the schools insurance. The Connect Education Trust cannot be held liable for any arrangements made.

Termination

If the Connect Education Trust feels that a declaration has been made and is not appropriate or causes concern the member of staff will be informed to terminate their private arrangement so that it does not affect their employment with the Trust.

Further Information

Any questions can be raised with the Headteacher or Chief Operations Officer.

EXAMPLE REGISTER OF BUSINESS INTEREST'S

Appendix 1

Name:

Role:.....

School:

Business Interest declarations:

Name of Business	Type of Business	Connection to the Business	Start date	End date

Secondary Employment declarations:

Name of Secondary Employment	Type Secondary Employment	Role/ Post Held	Number of hours & weeks	Start date	End date

Relationship/Relative declaration:

Full name of relative	Relationship	Base School of relative or name of 3 rd party employer

I certify that I have declared all beneficial interests which I or any person in my immediate family have with businesses or other organisations which may have dealings with the school.

Employee signature:

Date:

It is a requirement of the Audit Commission & Ofsted Publication, Keeping your Balance and the Scheme for Financing Schools, that a register of business interests is established. This is an important means by which the school can demonstrate that the Members, Trustees, local Governors and staff are acting impartially.

The Register should include each Member, Trustee, Governors, Executive Leaders, Headteacher and staff of the trust. The purpose of the Register is to avoid any conflict between their business and personal interests and affairs and the interests of the Trust.

The register must be freely available for inspection and audit purposes.

The Register must include all business interests such as directorships, major share holdings and other appointments of influence within a business or other organisation which may have dealings with the school. The disclosure should also include the business interests of immediate family relatives. The trust must ensure the register is kept up to date and complete and includes all relevant persons. There should be a process for the notification of changes with an annual review of the register as a whole. Signed and dated nil returns are also required for this purpose.

Business Interest declarations:

Member, Trustee, Governors, Executive Leaders, Headteacher and staff of the trust must declare if they are involved as directorships, major share holdings and other appointments of influence or have a close relative as directorships, major share holdings and other appointments of influence who is involved in a business or other organisation which could be a conflict of interest. For example, you own or run a business, a close relative owns or runs a business, you are on the board trustees, on a Governing board for school, committee member for another school or organisation.

Secondary Employment declarations:

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Relationship/Relative declaration:

Please provide details of a relative who works within the trust or via a third party employer on a regular contract. For example, if a Class teacher is related to a garden employed by a contractor on a fixed contract for a long period of time this must be declared.

Opting out of the 48 hour week

I (Name) agree that I may work for more than an average of
48 hours a week because I have secondary employment with (Company Name and Address)
.....
.....

I will advise (Name of School) within 7 days if my working
arrangement changes and I no longer have secondary employment with the above employers.

Signed: Date: