

Outside employment policy

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Responsible work team: **Policy, Pay and Reward**

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1 Introduction

- 1.1 This policy sets out the Brigade's arrangements for staff undertaking outside employment and applies to all employees. The Brigade requires that the efficient and effective performance of your official duties shall not be impaired by you holding outside/secondary employment.
- 1.2 This policy should be applied in line with the Brigade's [values](#):
 - Service – We put the public first.
 - Courage – We step up to the challenge.
 - Learning – We listen so that we can improve.
 - Teamwork – We work together and include everyone.
 - Equity – We treat everyone fairly according to their needs.
 - Integrity – We act with honesty.
- 1.3 The Brigade has a duty, under regulation 6 of the Management of Health and Safety at Work Regulations 1999, to ensure you are provided with appropriate health surveillance. You should consider the possible impact that the nature of your outside employment may have on your overall personal health and effectiveness while carrying out your role within the organisation.
- 1.4 The Working Time Regulations 1998' (WTR) provide rules on maximum working hours and minimum breaks which the Brigade will apply to its employees including those balancing a secondary role outside of the Brigade and those on standby duty as a retained firefighter.
- 1.5 The following provisions are to ensure that employees do not exceed maximum working hours, have sufficient rest breaks and are reflected in the NFCC policy on Working Time:
 - A limit of an average of 48 hours per week (over a 17 week period).
 - A limit of an average of 8 hours' work in 24 hours for night workers if the work has any special hazards or results in physical or mental strain (although for purpose of continuity of service, staff engaged in 'civil protection services' are exempt from this provision).
 - A right to an uninterrupted 11 consecutive hours' rest per day or 24 hour period.
 - A right to a day off each week (24 hours, or 48 hours per fortnight).
 - A right to a 20 minute in-work rest break if the working day is longer than six hours.
 - A right to 90 hours of rest in a week.
- 1.6 It is your responsibility to comply with the above limits when you do undertake your permitted outside employment.
- 1.7 Operational staff on the shift or day duty system are not permitted to undertake outside employment without first obtaining the written consent of the Commissioner or the officer to whom the Commissioner has delegated the responsibility – see section 4 below. Approval is subject to the conditions contained in this policy and will not be unreasonably withheld.
- 1.8 Operational staff on the flexible duty system are not permitted to undertake outside employment without first obtaining the written consent of the Assistant Commissioner for Fire Stations. Due to the call-out commitment of the flexible duty system, consent will not normally be granted. Where consent is granted, the Brigade may apply such conditions and restrictions as it considers fit. Further, where consent is granted, this consent will be re assessed following any promotion (temporary or permanent) or on any other occasion where the applicant's role within the Brigade changes significantly.

- 1.9 Staff employed on fire and rescue service staff (FRS) and control staff terms and conditions are permitted to undertake outside employment without permission providing it does not conflict with any of the restrictions or conditions contained within this policy. If you are in any doubt as to the propriety of undertaking any proposed outside employment, then you are expected to consult the assistant director (AD) people services. If you act in accordance with this provision and follow the advice given by the AD people services, then you will be deemed to have fulfilled your obligations in this respect.

2 Outside employment

2.1 What is outside employment?

"Outside employment" means paid or unpaid work outside of the Brigade and includes, without limitation:

- Working for hire or gain for any person, firm, company or organisation other than the Brigade.
- Carrying on a trade or business either in self-employment or as an employee of any organisation or business other than the Brigade.
- Holding office in any firm, company, organisation or business (e.g. as a company director or licensee of licensed premises).
- Any other undertaking of work or employment for a company or organisation which is unpaid or voluntary (e.g. cub scout leader, charity work etc).

- 2.2 "Work/working" and "employment" means activities involving mental or physical effort which involve a degree of regularity (i.e. more than once per quarter), and/or a mutuality of obligation or commitment between the employee and an external organisation/person.

- 2.3 The "appropriate manager" shall be a station commander (SC) for operational staff, FRS grade E or above for FRS staff, and control commander (CC) or above for control staff.

- 2.4 "Head of service" is either head of service, assistant director or assistant commissioner as appropriate.

3 Restrictions/conditions on outside employment

3.1 You must not undertake outside employment which:

- Impairs or might reasonably be thought by the Brigade to impair your ability to act at all times in the best interests of the Brigade.
- May conflict with any of the Brigade's activities or interests. Please also see [Policy number 898](#) - Declaration of interests.
- May lead to suspicion of undue favour or improper influence being exercised, for example through contracts, or any kind of consent, permission, licence, etc. which the public seek from the Brigade.
- May bring the Brigade into disrepute.
- May jeopardise the safety of yourself, colleagues in the Brigade or the public because it means you are not in a fit state, for example because of inadequate rest periods. Please refer to [Policy number 357](#) - Health and safety.

- 3.2 Outside employment must not have a direct or indirect connection with any matters in which the Brigade has a statutory duty or responsibility.

- 3.3 The Fire and Rescue Services Act 2004 Part 4 section 37 states "No member of a police force may be employed by a fire and rescue authority for the purpose of discharging any of the authority's functions under this Act". The Brigade understands this does not apply to special constables.

- 3.4 The following conditions must be strictly observed:
- 3.5 Outside employment must not be undertaken for any person, firm or company which provides services provided by the Brigade, for example conducting fire safety activities within the London Fire Brigade area. If in doubt then you should consult your head of service or the AD people services and include the response in your application.
- 3.6 Outside employment must not be undertaken for any person, firm or company which provides services provided by the Brigade, for example conducting fire safety activities outside the London Fire Brigade geographical area, which may nonetheless impact upon premises inside the London Fire Brigade. It is your individual responsibility to ensure that this condition is met before undertaking employment activities. If in doubt you should consult your head of service or the AD people services.
- 3.7 Outside employment must not be undertaken for any person, firm or company whose activities are relevant in any way to the performance of the Brigade's functions within or outside the London Fire Brigade which include but are not limited to the Fire and Rescue Services Act 2004 Section 6, and the Regulatory Reform (Fire Safety) Order 2005 Part 2 Fire Safety Duties.
- 3.8 Outside employment which conflicts with your work for the Brigade must not be undertaken. If in doubt you should consult the AD people services.
- 3.9 Outside employment must not be undertaken during your working hours for the Brigade.
- 3.10 Outside employment must not be undertaken on official premises or using Brigade equipment, computer facilities, resources or intellectual property at any time (even after working hours). This includes making or receiving telephone calls, sending or receiving e-mails or other forms of communication connected with outside employment.
- 3.11 In addition to there being no impairment of the proper execution of official duties, there must be no interference with any contractual requirement to work overtime or additional hours on such duties or to attend training courses or to work at any location or on any recognised duty system either on a temporary or permanent basis.
- 3.12 Outside employment must not be undertaken for a period of at least 11 hours before an you are due to report for work, training or other official duties with or for the Brigade.
- 3.13 Outside employment must not be undertaken for any person, firm or company who is, currently or periodically, an applicant to the Brigade for a statutory consent or permission, for a discretionary licence (e.g. petroleum licence), or for any purpose where the application is or would be dealt with by the department in which the employee is serving. If you propose to undertake outside employment for, or to hold any pecuniary (financial) interest in, any person, firm or company, then you are responsible for ascertaining from them whether they are applicants to the Brigade for any statutory consents or permissions.
- 3.14 Outside employment must not be undertaken for any person, firm or company:
- (a) in a contractual relationship with the Brigade (e.g. for the provision/supply of goods, services or facilities); or
 - (b) concerned in any property (i.e. building/land) transaction with the Brigade;
- either directly or indirectly without first obtaining the written consent of the AD people services.

If you propose to undertake outside employment for any person, firm or company then you are responsible for ascertaining from the person, firm or company whether any contractual or commission relationship with the Brigade exists or is proposed.

If you undertake outside employment for any person, firm or company then you are responsible for advising the person, firm or company of your employment with the Brigade and the prohibition contained in this paragraph.

- 3.15 It is a condition in contracts entered into by the Brigade for professional work that employees of the Brigade shall not be employed by contractors without first obtaining the written consent of the AD people services.
- 3.16 Outside employment must not be undertaken by one employee for another employee, who is responsible for supervising them, or whom they supervise, in their work for the Brigade. If you are intending to employ another Brigade employee (with whom they must not be in any supervisory relationship) then you must obtain permission to do so from the appropriate manager.
- 3.17 Outside employment must not be undertaken for any person (other than a Brigade employee), firm or company with whom you deal with in the course of official duty. Outside employment must not be undertaken by you in any area of work that may reasonably be thought to bring or potentially bring the Brigade into disrepute. It is your responsibility to ensure that this condition is met before undertaking employment activities. If in doubt you should consult your head of service or the AD people services beforehand.
- 3.18 Under no circumstances must any article of Brigade uniform or equipment be worn or used for any purpose associated with outside employment. Please refer to [Policy number 320](#) - Wearing of uniform and personal appearance.
- 3.19 Under no circumstances must the name of the LFC or the Brigade or the fact that an employee is an employee of the Brigade be used in any way in connection with outside employment or any pecuniary (financial) interest, other than inclusion of such information as employment details on a CV or application form.
- 3.20 Outside employment must not be undertaken by employees absent from work on sick leave (including periods when they would not have been rostered for duty) unless the work is undertaken on the advice of the occupational health advisor **and** with the prior permission of the appropriate manager. Please refer to [Policy number 1005](#) - Supporting health and wellbeing policy.
- 3.21 You shall not disclose or make use of, for your private advantage, any information not available generally to the public which you may acquire in the course of your employment with the Brigade.
- 3.22 While occasional literary or artistic work is permissible, special consideration would have to be given to publication in any media on subjects relating to your individual employment with the Brigade. Permission must be gained before engaging in this type of activity.
- 3.23 In the event that you undertake outside employment for any person, firm or company, who subsequently applies to the Brigade for any statutory consent, permission, discretionary licence etc., or becomes involved in any contractual relationship or property transaction with the Brigade, you must immediately terminate the employment unless they have obtained the written consent of the AD people services. You should be aware that failure to comply with the requirements of this paragraph may, in addition to being liable to disciplinary action, also give rise to criminal liability both at common law and under statute.
- 3.24 If you are in any doubt as to the propriety of undertaking any proposed outside employment, then you are expected to consult the AD people services beforehand. If you act in accordance with this provision and follow the advice given by the AD people services, then you will be held to have fulfilled their obligations in this respect.

4 Permission to undertake outside employment by operational staff

- 4.1 Operational staff on the shift or day duty system must seek permission to undertake outside employment. A new permission must be sought on any occasion when you propose a change in the identity of the outside employer or in the nature of the outside employment undertaken, or for each individual instance/type of outside employment. Requests should be submitted to the appropriate line manager along with confirmation (and record where appropriate) of any AD people services approval or not. Applications may be submitted via the app, a link to which can be found on the Outside Employment page of Hotwire [here](https://londonfire.sharepoint.com/sites/HW-WorkingHere/SitePages/Outside-Employment.aspx):
<https://londonfire.sharepoint.com/sites/HW-WorkingHere/SitePages/Outside-Employment.aspx>.
- 4.2 Staff must not accept an offer of employment with an outside employer until express permission has been given under the terms of this policy.
- 4.3 Permission to undertake reservist service in the Armed Forces will be approved by the assistant commissioner/head of service. The application must be submitted to the appropriate line manager. Please refer to [Policy number 947](#) - Outside employment in the reserve forces policy.
- 4.4 Applications to undertake outside employment where you will be externally employed (whether paid or voluntary) must detail the hours worked per week and should include with the application a full job description of the role applied for on official or company letterhead or headed e-mail. Where it is not possible to provide the job description with the application, this must be provided within 28 days of a granted permission. Failure to do so will normally result in the refusal or withdrawal of permission.
- 4.5 Applications to undertake outside employment where you will be self-employed must detail the hours worked per week and include a full description of the duties to be undertaken to include as much detail as required by the Brigade. These details should include specific reference and response to any part of the policy where it might reasonably be considered that a contravention may arise e.g. fire safety, disrepute, conflict of interest etc.
- 4.6 In all cases where permission is granted, it must be clearly understood that the Brigade reserves the right to withdraw or otherwise amend the terms of that permission, at any time, on one month's notice (or sooner in some cases as set out at 7.1 and 7.3).
- 4.7 Permission will not be granted for any outside employment that, in the opinion of the Brigade, is dangerous or otherwise poses a risk of serious injury or illness to you or which conflicts or may reasonably be thought to conflict in any other way with the stipulations set out in this policy. The Brigade may require you or your outside employer to indemnify the Brigade against potential liabilities and losses arising from any injury sustained by you during the course of outside employment.
- 4.8 Trainee firefighters (TFFs) will be advised at their 'Welcome Day' of the procedures to follow and the expectation of not undertaking outside employment during initial training. Other than in exceptional cases to be approved by AC fire stations, an application to undertake new outside employment for TFFs can only be made following posting to a station and submitted to their station commander. Where a TFF joins the Brigade already holding outside employment and does not wish to relinquish this pending posting to a station (which may be agreed, for example, in respect of outside employment as a retained firefighter or a reservist) they should contact their course lead in the first instance who will forward the request to an appropriate manager. In this situation the TFF is not expected to undertake outside employment activities during initial training. On completion of initial training, receiving stations will be notified of TFFs' outside

employment status, e.g. a pending application, or existing outside employment having been approved if appropriate.

- 4.9 Operational staff who temporarily move from the shift or day duty system to the flexible duty system (e.g. because of temporary promotion or acting up) will normally be required to cease outside employment for the duration of the temporary move (in line with paragraph 1.6 above).
- 4.10 A confidential record containing details of permitted outside employment will be maintained by Central Operations Business Support (COBS) and copies of permissions will be kept on each individual's personal record file (e-PRF).
- 4.11 Permission is subject to you providing details of the weekly hours worked for your outside employment and re-applying for permission should these weekly hours notably change. This is to ensure that both the Brigade and you comply with the Brigade's and your health and safety responsibilities and the working time regulations. The Brigade will regularly confirm the status of your outside employment, and hours, it is your responsibility to ensure they are accurate.

5 Processing applications

- 5.1 An application to undertake or change outside employment should be submitted initially to the appropriate manager (see paragraphs 1.6 and 4.1 above). This manager should consider the application and all the appropriate factors (including the hours to be worked and any other approved applications) and make a recommendation on whether the application should be granted or refused within 14 days.
- 5.2 The manager (station commander/FRS E/control commander) should meet with you to discuss your application and to confirm that you understand the provisions within this policy and your responsibilities to comply with them. In addition, the manager may discuss your welfare with you because it is recognised that there may be financial challenges which mean staff have to undertake additional paid employment. Such challenges may affect wellbeing, so managers should refer to [Policy number 1005](#) - Supporting health and wellbeing policy.
- 5.3 The application should then be sent for consideration and processing by selecting a recommendation within the app, adding any appropriate notes in support of the decision and then using the 'submit' option.
- 5.4 The final decision on whether or not a request for permission will be granted, and whether any restrictions will be applied, will be made within 14 days following consideration by officers in Central Ops. This consideration will include the appropriate manager's recommendation and any policy implications where appropriate.
- 5.5 Once a final decision has been made, the applicant and appropriate manager will be notified of the outcome and, if agreed, provided with an approval reference number. It is not until this point that permission to undertake (or change) outside employment should be considered granted. Applicants whose permission has been refused will be notified in the same way, including, where appropriate, the reasons for a refusal, but without a reference number.

6 Sickness

- 6.1 Working whilst on sick leave (unless undertaken on the advice of the occupational health advisor and with the prior permission of the appropriate manager), whether paid or unpaid, will be regarded as working without permission and this will be regarded as a serious breach of discipline, which could lead to dismissal for a first offence. Please refer to [Policy number 392](#) - Discipline conduct procedure .

- 6.2 You are not precluded from maintaining your status as a landlord or from holding a position in a company whilst you are off sick. However, you must not undertake work in this regard whilst on sick leave.
- 6.3 Operational staff who are absent sick as a result of an injury or infirmity (physical or mental impairment), which may be attributable to outside employment, must inform the appropriate manager in writing. You also need to inform the Brigade of any exposure to hazardous substances whilst undertaking outside employment whether you are absent sick or not.
- 6.4 Operational staff absent from duty because of sickness or injury, which in the opinion of the appropriate manager, acting as necessary on medical advice, is wholly attributable to outside employment, will be entitled to only such sick pay, if any, as the AD people services may determine.
- 6.5 If you wish to provide insurance to cover loss of sick pay, then you will meet any costs incurred. You will be required to notify your line manager if you know or should reasonably know that the reason for your absence is attributable to your outside employment.

7 Withdrawal of permission for outside employment

- 7.1 The Brigade reserves the right to withdraw permission for outside employment where it is reasonably deemed necessary to do so. This might include for example concerns for the staff members current health and wellbeing. In such instances you will be provided details by your manager of why your permission for outside employment is being withdrawn and you will have an opportunity to discuss this further. A record should be made by the manager with a copy given to you and to be saved on to your e-PRF. Managers can seek advice from the HR Helpdesk.
- 7.2 If you are seeking restoration of permission for outside employment, then you must submit a new application via the app for initial consideration by your line manager in accordance with paragraph 4.1. Such applications will be processed without delay.
- 7.3 Where, in the opinion of the Brigade, continuation of the outside employment;
- poses a risk of serious injury or illness to you, your colleagues, or a member of the public,
 - may hamper your return to work from sickness absence, or
 - conflicts or may reasonably be thought to conflict in any other way with the stipulations set out in this policy.

Then permission may be withdrawn with less notice, including summary withdrawal.

8 Disciplinary action

- 8.1 If you are found to be in breach of the terms of this policy, you may face disciplinary action. Undertaking outside employment without permission or breaching any of the conditions will be regarded as a serious breach of discipline and in certain circumstances could lead to dismissal for a first offence. Please refer to [Policy number 392](#) - Disciplinary conduct policy.
- 8.2 It is the duty of all managers to bring to the notice of the head of service/assistant commissioner, as a disciplinary matter, any reasonably suspected breach of this policy.

9 Review procedure

- 9.1 You have the right to appeal against any decision made under this policy through the Brigade grievance procedure.

10 Records

- 10.1 Please send records by email to RecordsServices@london-fire.gov.uk. Records will be kept on your electronic personal record file (e-PRF) and retained in accordance with [Policy number 788](#) – Electronic personal record files (e-PRF). Personal data shall be processed in accordance with [Policy number 351](#) – Data protection and privacy policy.

11 Help and support

- 11.1 Please contact the HR Helpdesk on extension 89100 (option 3) and by email to IT.HR@london-fire.gov.uk or contact Central Operations Business Support (COBS) by email to ODSGAdmin@london-fire.gov.uk. Please contact a Professional Standards Adviser in the Professional Standards Unit (PSU) on extension 31880 and by email to PSU@london-fire.gov.uk regarding any alleged breaches of conduct.
- 11.2 This policy may also be available on request in other alternative accessible formats as set out in [Policy number 290](#) – Guidance note on translation and interpretation. Please contact Communications on extension 30753 and by email to communications.team@london-fire.gov.uk to discuss your needs and options.
- 11.3 The Brigade invites your engagement so that it can learn so if you have a suggestion that can improve this policy then please submit your idea via the [Staff Suggestion Scheme on Hotwire](#) as set out in [Policy number 887](#) – Staff suggestion scheme. Any changes do need to go through the agreed engagement, consultation, negotiation or governance requirements

Document history

Assessments

An equality or sustainability impact assessment and/or a risk assessment was last completed on:

EIA	06/02/23	SIA	L - 14/06/23	HSWIA	01/08/23	RA	NA
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Audit trail

Listed below is a brief audit trail, detailing amendments made to this policy/procedure.

Page/para nos.	Brief description of change	Date
Page 2, para 1.4	Wording – the Authority understands this does not apply to special constables – added.	16/04/2009
Page 5, para 3.20	Wording - special constables are not regarded as members of a police force - added.	16/04/2009
Throughout	Control commander replaced by operations manager in line with the current job title.	03/11/2010
Throughout	Department names updated in line with the Top Management Review.	27/10/2011
Page 7 para 6.1	This paragraph has been updated please read to familiarise yourself with the content.	17/09/2013
Page 11	SIA date added.	08/10/2013
Page 5, para 4.1-4.3	Anti-bribery statement added.	29/04/2014
Page 12	Subjects list and Freedom of Information Act exemptions tables updated.	03/02/2015
Page 3, para 2.4 Page 5, para 4.2 Page 4 and 5 (paras. 3.11-3.12 and 3.21) Page 7, para 6.2 Throughout Throughout	New definition of 'work/working' and 'employment' added. Words 'engage with recruitment processes' amended to 'accept an offer of employment'. Addition of words 'without first obtaining the written consent of the Head of HRM'. Clarity provided on employees who undertake outside employment by virtue of a status e.g. landlord or company director. References to absence of '7' and '21' days in 12 months and 3 years respectively, amended to '14' and '42' days. Re-arranged paragraphs e.g. disciplinary section moved from paragraph 6 to paragraph 8.	18/01/2018
Throughout Page 8 and 9	Minor changes to wording on Page 2, para 1.7. Minor changes to wording on Page 7, para 7.2, 7.4 and 9.1. Changes to wording of question 5 in Appendix 1 and declaration.	30/01/2018

Page/para nos.	Brief description of change	Date
Throughout Page 1 Page 2, para 1.7 Throughout Page 9 Page 2, para 2.1 Page 6, para 4.8	Reviewed as current with the following changes made. Owner title changed from 'Head of Human Resource Management' to 'Assistant Director, People Services'. 'Head of Human Resource Management (Head of HRM)' replaced with 'assistant director, people services'. The word 'Authority' replaced with 'Brigade' due to the abolition of the LFEPA and 'LFEPA' replaced with 'LFC'. 'Station manager' replaced with 'station commander' due to role to rank changes. Additional sentence re (TFF's). Additional paragraph re TFF's and arrangements when posted to station.	12/10/2020
Throughout	Appendix 1 Application Form removed, and replaced with references to new e-form and e-mail address where it can be obtained from reflecting procedural changes to how applications are processed.	30/10/2020
Page 2, Para 2.1 Page 6, Para 4.8 Throughout	Sentence removed modified and entered in para 4.8 re modifying application process post RB discussion. Modified paragraph Changes to title from head of HRM to AD people services.	25/06/2021
Page 5, Para 4.1, Page 6 Para 5.3, Page 7, Para 7.3	Modifications linking to the revised administration and new app with link.	06/04/2022
Page 6, Para 5.1 Para 5.2 & 5.3 Page 7, Para 7.1 & 7.2 Throughout	Reference to attendance deleted. Both Paragraphs deleted. Both paragraphs deleted with new wording in Para 7.1 regarding the possible withdrawal of outside employment. Hotwire links updated.	19/12/2022
Page 6, Para 4.10	Updated to include reference that applications are retained in accordance with PN0788 - E-prf. SDIA updated.	24/07/2023
Page 9	SDIA and HSWIA updated.	04/08/2023
Page 6, para 4.10	Reference to PN0588 corrected to PN0788.	05/09/2023
Throughout	Modified to include monitoring requirements under Working Time Rules (WTR) and addressing HMI and MOPAC feedback including NFCC WTR information.	17/01/2024
Throughout	Reference to new Discipline conduct procedure PN392 and Professional Standards Unit added.	12/02/2024
Page 2, para 1.2	Values included.	25/03/2024
Throughout Page 9, para 10.1 Page 9, para 11.2	Minor changes made. Data protection details added. Access to alternative policy format details added.	13/05/2024

Page/para nos.	Brief description of change	Date
Page 9, para 10.1 Page 9, para 11.3	Records Services details added. Staff Suggestion scheme details added.	31/05/2024

Subject list

You can find this policy under the following subjects.

Employment	Outside employment
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Freedom of Information Act exemptions

This policy/procedure has been securely marked due to:

Considered by: (responsible work team)	FOIA exemption	Security marking classification