	Human Resources Policy Document	
		Effective Date:
	Outside Activities Policy	26 May, 2009


Title : **Outside Activities Policy**

Status : *Revision of original Policy on Employees
Undertaking Paid Work Outside ESF and ESL or
Engaging in Activities related to their work that
may bring Financial Gain,*

Approval Date : **26 May, 2009**

Date for Next Review : **May, 2010**

Originator : **Keith Tucker, Director, Human Resources**

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Originator: *Human Resources, ESF Centre*

Originator: Keith Tucker Director, Human Resources Date:	Reviewed by: SMT Date:	Approved by : Functional Director/ Chief Executive Date:
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REVISION STATUS TABLE

Revision No	Effective Date	Summary of Revision	Reviewed		Approved	
			By	Date	By	Date
A		For review by SMT	Keith Tucker	25 May 2009	SMT	26May 2009

POLICY DOCUMENT ANNUAL REVIEW

This Policy document is subject to an Annual Review by ESF that is formally documented to ensure its continuing suitability, adequacy and effectiveness. Areas subject to review include, but are not limited to, follow-up action from previous reviews, policy conformity, review of complaints, status of corrective and preventive actions, and improvements for the forthcoming year. ESF reserves the right to amend this Policy by notice following such review in circumstances in which it considers such change to be necessary or appropriate.

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1. PURPOSE

This Policy provides guidelines to Staff Members who wish to take up employment, service or work (whether paid or voluntary) other than their ordinary paid employment at their school or office. It ensures fair and transparent guidelines for ESF stakeholders.

By outlining such guidelines, this Policy aims to safeguard the quality of education for ESF students, to safeguard the welfare and professional integrity of Staff Members in the context of the many possible demands upon their skills and time; and to protect the reputation and 'brand' identity of ESF education.

2. SCOPE


This Policy applies to all Staff Members in all ESF and ESL entities, namely: -

1. Primary Schools;
2. Secondary Schools;
3. Private Independent Schools;
4. Kindergartens;
5. ESL Head Office;
6. ESF Centre.

Out of Scope: This Policy does not cover ownership issues of Staff Member work products; this is covered in the Copyright Policy.

3 DEFINITIONS / ABBREVIATIONS

ESF	-	the English Schools Foundation
ESL	-	ESF Educational Services Limited
Senior Managers	-	Members of the Senior Management Team of ESF or the management team of ESL
Staff Member	-	Any employee of ESF and/or ESL
Principal	-	Principal of an ESF School or ESL School or kindergarten.
Head of Department	-	Head of the relevant department within the school or ESF office
Chief Executive	-	Chief Executive Officer of ESF
Director HR	-	Director Human Resources of ESF
Outside Activity	-	any employment, service or work undertaken by a Staff Member (whether paid or voluntary) other than their ordinary paid employment at ESF

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4. RESPONSIBILITIES

4.1 Principals and Senior Managers

Principals and Senior Managers are responsible for considering any applications for permission to take up tutoring Outside Activities carefully, and review the potential impact on the reputation of ESF, the school or office prior to granting such permission.

4.2 Director HR

The Director HR is responsible for considering any applications for permission to take up non-tutoring Outside Activities carefully, and review the potential impact on the reputation of ESF, the school or office prior to granting such permission.

4.3 Staff Members

Staff Members must consider the potential impact of any proposed Outside Activity on the reputation of ESF, the respective school or office as well as themselves, before making an application for permission to take up the Outside Activity. Staff Members must also declare and confirm Outside Activities on an annual basis.


5. PRINCIPLES

5.1 ESF is committed to providing the highest possible quality of education to students within ESF educational system. A crucial factor in achieving this aim is commitment of the highly qualified and appropriately experienced Staff Members who are employed as leaders and teachers in schools and as managerial, technical and administrative support staff. Thus, it is necessary to ensure that ESF is seen to be fair, honest and impartial in its dealings with the members of the public. Any action that compromises ESF in its commitment to quality; professional integrity of Staff Members and any dealings that may impair the reputation of ESF is strongly prohibited.

5.2 It is essential that Staff Members employed in full-time professional, technical or administrative roles should be fully committed to their work. Paid employment outside school or office hours may detract from the performance of Staff Members during working hours because they are tired or lack concentration or energy.

5.3 Staff Members who have an interest in an activity, enterprise or business with a purpose related to the objects and powers of ESF, or who have a spouse, personal partner or a close family member in such a situation are open to accusations of conflict of interest or professional misconduct if they are perceived to have used their professional position for direct or indirect financial gain.

5.4 An activity, enterprise or business organised or supported by a Staff Member or a close family member, spouse, personal partner or a close family member, may in some way be perceived to be endorsed or recommended by ESF. This impression could be given as a result of a known Staff Member directly participating in the activity, enterprise or business; by referring to ESF in promotional material including word of mouth; or by locating the activity, enterprise or business in ESF premises. These types of situations shall be avoided.

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6. PROCEDURE

6.1 Visa Requirements

Any Staff Member considering outside paid employment whose primary visa is sponsored by ESF must seek permission from ESF to obtain a “side-line” visa from the Immigration Department enabling them to work for another employer in Hong Kong. The Staff Member must apply and declare their possible Conflict of Interest before getting approval from the Principal, Senior Manager or Director, HR (see Appendix I).

6.2 Paid Employment Outside ESF

6.2.1 Staff Members who wish to undertake paid employment outside their ESF contract must inform their Principal (for school staff) or relevant ESF Senior Manager (for Principals and ESF Centre Staff Members) about the nature of the employment and obtain their permissions in writing. A copy of the letter giving permission should be placed on record in the HR Department at ESF Centre.

6.2.2 Permission may be given where :

- (a) the paid employment is of direct educational or professional benefit to ESF as a whole or to the school;
- (b) the paid employment is of professional benefit to the individual concerned and relevant to his/her role within ESF or the school;
- (c) the line manager is confident that the paid employment will not impair the individual’s performance in their normal role in ESF or the school; and
- (d) the purpose of this Policy is not compromised.

6.2.3 Tutoring


Particular care must be taken over paid work which involves the tutoring and coaching of an individual student or a group of students. It is not acceptable for such work to be undertaken with students who are on the roll of the school where a teacher or other Staff Member is employed. Work with students attending other ESF schools may be permissible, but in no circumstances must teachers or other Staff Members canvass for work on behalf of colleagues employed at other schools.

All Staff Members who engage in Outside Activities in the form of Private Tutoring should take note of the following regulations:

- (a) Teachers should avoid potential conflicts of interest, by refraining from tutoring students in their own classes or schools.
- (b) If ESF/ESL facilities are to be used as a venue for private tutoring, the Principal, Business Manager, or Chief Financial Officer, ESF should be consulted. Permission to use the facility should be sought, and an appropriate fee will be charged for that use.

6.3 Activity, enterprise or business with a purpose related to the objects or powers of ESF

6.3.1 Any Staff Member who has an interest in an activity, enterprise or business with a purpose related to the objects or powers of ESF must inform the Principal (in the

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case of school staff) or the relevant ESF Senior Manager (for Principals and ESF Centre staff) about the nature of the activity, enterprise or business and sign a declaration of interest form, which will be available for public inspection. The declaration of interest must be made every year (See Appendix I).

6.3.2 An activity, enterprise or business in which a Staff Member (or spouse, personal partner or close family member) has an interest must not claim or give the impression that it is recommended, approved or otherwise endorsed by ESF, unless, in exceptional circumstance, the written approval of the Chief Executive has been obtained.

6.3.3 An activity, enterprise or business in which a Staff Member (or his/her spouse, personal partner or close family member) has an interest must pay a full commercial rent for any use it may make of ESF premises and make clear in its promotional material that its activities are not recommended, approved or endorsed by ESF, unless, in exceptional circumstances, the written approval of the Chief Executive has been obtained. Each school should maintain an up-to-date list of all the activities, enterprises or businesses which rent its premises, together with the name(s) of the person(s) responsible for paying the rent and the name of any Staff Member who has an interest in the activity, enterprise or business. The list should be available for public inspection.

6.4 Conflict of Interest arising while carrying out Outside Activity

In the event that Staff Members become aware of a potential conflict of interest, or perception of such conflict, while carrying out Outside Activities, they must immediately notify the Principal, Head of Department and/or Director HR. In the event that ESF/ESL determines that a conflict of interest arises or may arise, ESF/ESL will notify the Staff Members and they must immediately cease to carry out the Outside Activity.

6.5 Declaration


Staff Members engaged in Outside Activities must declare and confirm such Outside Activity on an annual basis (see Appendix II). Failure to comply with this policy may be construed as a serious act of misconduct which may render the staff member liable to disciplinary action.

7. EMPLOYMENT VISAS

Staff Members who hold employment visas sponsored by ESF to enable them to work in Hong Kong should note that the conditions of their visa require them to obtain the permission of both ESF and the Immigration Department to undertake work outside of ESF. Refer to the Joining ESF Policy for further information on visas.

8 COMPLIANCE

Any matters concerning the implementation of this Policy in a particular school/organisation should be raised with the Principal or Senior Managers with a view to reaching a mutually workable solution. Any matters of non compliance should be raised with the Director, Human Resources, ESF Centre.

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Appendix I

ESF Conflict of Interest Certificate

Revised: 1 Sep 2005

All Board/School Council Members and Senior Staff must complete a Conflict of Interest Certificate upon initial appointment and annually in September of each school year.

Return the form, along with any appropriate declaration, to the Human Resources Department. If you wish to include a declaration under the "Exceptions" portion of the Certificate, we will advise you later of your exception status.

If you have any questions concerning this Certificate, please contact the Director HR.

Conflict of Interest Certificate

I certify that neither I, nor, to my knowledge any member of my immediate family is engaged, or since the date of my last certificate has been engaged, directly or indirectly in any activity which creates a conflict of interest which is or may be adverse to the best interests of the Foundation or any of its subsidiaries except as noted below.

I further certify that I will immediately disclose any situation in the future that may possibly be interpreted as involving a conflict of interest.


Exception: (If none, indicate so, otherwise please describe in detail using the sample memo below. You may wish to disclose an activity even though in your opinion it does not create a conflict of interest. In such cases a statement to this effect should be made.)

Please check one of the following.

- I have no conflict of interest
 - I have a conflict of interest: _____
- _____
- _____
- _____

Name:	Capacity:
Signature:	Department/School (if applicable):
Date Signed:	

Please send the completed form to Director HR, ESF

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Appendix II

Annual Declaration of Outside Activities

To : Director, Human Resources

I declare, in compliance with Outside Activities Policy, that

- I have obtained permission from Principal and Senior Managers for taking up tutoring Outside Activities
- I have obtained permission from Director, Human Resources for taking up non-tutoring Outside Activities

Details of the Outside Activities, of which the permission is given, are as follows :-

I declare that there is no conflict of interest relating to the above Outside Activities.

In case of any change to the details declared above, I undertake to inform ESF immediately and obtain the written approval from the Principal and Senior Manager (for tutoring Outside Activities), or Director, Human Resources (for non-tutoring Outside Activities), so that there shall be no conflict of interest with my existing employment.

Signature : _____

Name : _____

Date : _____