

SCOTTISH GOVERNMENT STAFF HANDBOOK

Welcome to the Scottish Government Staff Handbook.

Please take the time to familiarise yourself with its contents so that you are aware of what is expected from you and what you can expect from your employer.

Much of the guidance provided in the Handbook supports our Aim, Vision and Values, and we hope that you find it useful in understanding your role within our organisation.

What is the Staff Handbook?

1. The Handbook is:

- a statement of the terms and conditions of service for staff in the Scottish Government Main (SGM) collective bargaining unit and for Senior Civil Servants in the Scottish Government and its associated bodies; and
- a summary of our employment policies and procedures that form part of those terms and conditions.

2. The Staff Handbook sets out, in 13 chapters, what is expected from you and what you can expect from your employer. It does not, however, contain all the rules that require to be followed. For example, the rules for those involved in financial work are set out in the Scottish Public Finance Manual and Finance Guidance Notes, and those involved in procurement follow instructions in our Procurement Policy Manual.

Scottish Government Main (SGM) collective bargaining unit

3. SGM comprises of Core Directorates General of the Scottish Government and Agencies and Non-Ministerial Offices.

Also included as part of SGM

Staff serving elsewhere on assignment, loan or secondment are regarded as part of SGM except where explicit provision has been agreed for other arrangements to apply.

*Agencies may, after appropriate consultation, operate slightly different policies and procedures. When this is the case, Agencies will advise staff accordingly.

Partnership Agreement

4. The Handbook was compiled in consultation with the Council of Scottish Government Unions (CSGU), under the terms of the partnership agreement. Management and the CSGU signed a partnership agreement in July 2007, which commits both parties to conducting their industrial & employee relations business in partnership. That business covers all matters relating to the general welfare, terms, conditions and working practices of staff.

5. For information on the partnership agreement and supporting arrangements, including guidance for line managers and the facilities agreement, see the Industrial and Employee Relations Intranet page.

Enquiries

6. Enquiries about the content of the Handbook should be directed to the HR Shared Service Centre.

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1.1 Recruitment

Introduction

1.1.1 The Scottish Government is responsible for its own recruitment practices and procedures for bands A, B and C within the framework laid down by the Civil Service Order in Council 1995 and the Recruitment Code issued under it by the Civil Service Commissioners (Civil Service Commissioners' Recruitment Code)

Conditions

1.1.2 The Office of Civil Service Commissioners (OCSC) requires that we:

- ensure that our recruitment practices deliver recruits who are appropriate to our needs and who are able to do the work required subject to reasonable adjustments under the terms of the Disability Discrimination Act 1995 (DDA); and
- retain records for at least three years of the recruitment criteria in use and of the performance of successful candidates at the recruitment board.

Senior Civil Service

1.1.3 As with all recruitment, appointment to the Senior Civil Service is on the basis of fair and open competition and campaigns are run in conjunction with the Office of the Civil Service Commissioners (OCSC). For more information about the Senior Civil Service, see Chapter 5: 'Senior Civil Service'. Please direct any enquiries regarding Senior Civil Service recruitment to the contact telephone number in Chapter 5.

Fast Stream Development Programme

1.1.4 Qualifications for appointment to the Fast Stream Development Programme are set out in Chapter 1, Section 5: 'Fast Stream Development Programme'.

Checks Before Appointment

1.1.5 Before an unconditional offer of appointment is made, checks regarding health, character, capability, security clearance, and nationality must be satisfactorily completed to ensure that the candidate meets the qualifications for appointment.

Serving staff and open competitions

1.1.6 Serving civil servants who meet the specified qualifications for appointment may apply for open competitions in any Civil Service Department or Agency, including the Scottish Government. Common standards of selection will apply to both in-service and external candidates. The Resourcing Toolkit contains further information on external recruitment to the Scottish Government

1.2 Working Arrangements

Introduction

1.2.1. Not all appointments in the Scottish Government are full time. Where the job holder works less than full time conditioned hours this is defined as part-time. Subject to business need, part-time workers can work any number of hours and attendance is not necessarily required on every working day. Further information about flexible working, including part-time working, is available on the Intranet. Part-time staff generally have the same terms and conditions of service as their full time equivalents, with the exception of pay and leave as summarised below and also that part time staff are not normally expected to transfer to a post outside reasonable travelling distance of their home.

Pay

1.2.2 Pay for part-time staff is calculated as follows:

Full-Time Equivalent Salary ÷ 37 Hours x Number of Hours Worked

1.2.3 Information about payments for extra hours worked and overtime for part-time staff is available on the Intranet.

1.2.4 Annual leave allowances for part-time staff are calculated pro-rata to the number of hours worked per week - for example, for someone working 18½ hours per week, where the full-time leave allowance is 5 weeks (25 days), the part-time allowance is:

18½ hours x 5 (weeks) = 92½ hours

1.2.5. Annual leave allowances for part-time staff are expressed in hours.

Public and Privilege Holidays

1.2.6 Part-time staff are entitled to time-off in proportion to the weekly hours worked. Further information about public and privilege holidays can be found on the Intranet.

1.3 Probation

Introduction

1.3.1 The purpose of probation is to provide a period during which the Scottish Government can judge whether a new recruit is suitable for continued employment within the Scottish Government. It gives us the opportunity to make sure that they:

- Have the ability to meet the performance requirements of their job.
- Are likely to have a satisfactory attendance record.
- Are likely to meet the Scottish Government's standards of conduct.

1.3.2 Appointments to the Senior Civil Service, external and internal, are not normally required to complete a probationary period. For information about the Senior Civil Service, see Chapter 5: 'Senior Civil Service'.

1.3.3 Special Advisers and fixed term appointees who have been recruited without fair and open competition, except for those employed under the New Deal arrangements, do **not** serve a probationary period. In the latter's case this is because of the short-term nature of their appointments and that they were recruited under one of the exceptions to fair and open competition permitted under the Civil Service Commissioners' Recruitment Code (CSCRC).

Guidance

1.3.4 Guidance on probation is available on the Intranet, which describes the probation procedure and to whom it applies.

1.4 Letters of Appointment and Information on Pensions

Letters of appointment

1.4.1 Scottish Government (SG) employees are given a written statement of their main terms and conditions of employment within 2 months of starting work with the Scottish Government. For staff in Bands A-C, your appointment letter provides this information. For SG members of the Senior Civil Service (SCS) your SCS contract provides this information.

Information on pensions

1.4.2 New Civil Service pension arrangements were introduced from 1 October 2002. Staff appointed before 1 October 2002 were pensionable from the outset under the Principal Civil Service Pension Scheme (PCSPS), unless the option to be covered instead by a personal pension or the State Earnings Related Pension Scheme (SERPS) was exercised. At 1 October 2002 all staff were invited to choose one of the three options available under the new arrangements:

- The classic pension scheme.
- The classic plus pension scheme.
- The premium pension scheme.

1.4.3 Most staff appointed on, or after, 1 October 2002 are able to choose between the premium pension scheme and the stakeholder based partnership pension account. **New recruits to the Civil Service from 1 October 2002 are not eligible to join Classic or the Classic Plus pension schemes.** Not everyone will have exactly the same choice. The choice available will depend on a number of factors including previous service in the Civil Service, receipt of any pension benefits, health etc. The choice available will have been determined by the information provided at the recruitment stage. Joining the Civil Service pension arrangements is not compulsory: cover by a personal pension or the State Second Pension Scheme (S2P) may also be taken.

1.4.4 Full details of all the pension schemes are available on the Intranet.

1.6 Appointment and Management of Specialists

1.6.1 We have a significant and diverse range of professionally qualified staff working in a large number of specialisms. These range from agricultural officers, accountants, economists and statisticians to health professionals, scientists, IT specialists, lawyers and many more. You have access to learning and career opportunities on the same basis as your non-specialist colleagues. However, your career development within the specialism is managed by your Chief Professional Officer/Head of Profession/Director as appropriate.

1.7 Re-appointment, Re-instatement and Re-employment

1.7.1 Re-appointment means appointment to the Civil Service following an earlier period of employment in the Civil Service which satisfies article 6(1)(d) of the Civil Service Order in Council 1995 and the Recruitment Code issued under it by the Civil Service Commissioners (Civil Service Commissioners' Recruitment Code).

The Scottish Government Re-Appointment policy is being developed.

1.8 National Insurance

Introduction

1.8.1 National Insurance (NI) is the money paid by individuals to finance state pensions and other social security benefits administered by the Department of Work and Pension (DWP). Many benefits (known as 'contributory benefits') are only payable if a person has paid enough NI contributions (NICs). Records of individual NICs are administered and kept by the Inland Revenue (National Insurance Contributions Offices).

1.8.2 Your NI Number is your account number allocated to you:

- to record your NICs and credited contributions; and
- as a reference number for the whole social security system.

You should use it in all your dealings with Inland Revenue (IR) and the DWP.

Contributions

1.8.3 Your NICs are collected along with income tax under the Pay As You Earn (PAYE) procedure and will stop during any periods of unpaid leave/absence.

1.8.4 Enquiries about payment of NICs should be directed to the HR Shared Service Centre. For all other enquires about National Insurance see Additional sources of information below, but note pensions information below.

Pensions

1.8.5 The earnings-related state pension scheme introduced from 6 April 1978 is in 2 parts:

- a basic pension; and
- the State Second Pension, S2P (previously known as SERPS). S2P provides an extra pension on top of the basic pension and it is earnings related. Pension schemes that pay more than a minimum level of benefit can choose to opt out of S2P. This is called 'contracting out'. The Civil Service classic, premium and classic plus pension schemes are contracted out - this means that members pay reduced NICs and will not receive S2P. If you have a personal pension such as our **partnership** pension account, you and the Scottish Government (as your employer) pay the standard (higher) rate of NICs and you can either stay with S2P or contract out. If you contract out of S2P, the Government will pay a refund (known as a rebate), which will vary with your age, into a personal pension or stakeholder pension of your choice. This can be to one of the **partnership** pension account providers or any other of your choice.

1.8.6 Staff in the following categories are not contracted-out:

- prior to 1/1/95 part-time staff whose conditioned hours of attendance were less than 15 hours per week;
- staff serving on short term fixed term appointments; and
- staff who are members of the Federated Superannuation Scheme for Universities (FSSU) or Universities Superannuation Scheme (USS).

1.8.7 For further information about pensions, see Chapter 1, Section 4: 'Letters of Appointment and Information on Pensions'.

Additional Sources of Information

1.8.8 Further information about National Insurance is available from your local Social Security Office (part of the DWP's JobCentre Plus network) or Inland Revenue NI Contributions Office. See the DWP website for information about National Insurance and benefits. See the HM Revenue and Customs website for information about National Insurance including the various classes of contributions. Both websites provide addresses of local offices.

2. Equal Opportunities and Diversity

Equal Opportunities

2.1.1 Our policy on equal opportunities is that all staff should be treated equally irrespective of their sex, marital/civil partnership status, age, race, ethnic origin, sexual orientation, disability, religion or belief, working pattern, employment status, gender identity (transgender), caring responsibility, or trade union membership.

Diversity

2.1.2 We are committed to increasing the diversity of staff within the organisation. We will manage and develop all of our staff ignoring all irrelevant differences. Furthermore we will positively value the different perspectives and skills of all staff and make full use of these in our work. Our Diversity Strategy "Positive About You", revised as "Positive about You - 2004 and Beyond", and our Scottish Government Diversity Delivery Plan, set out our programme for mainstreaming diversity throughout our policies and set targets for increasing our under-represented groups.

Discrimination and Harassment

2.1.3 We are committed to treating every member of staff with dignity and respect and staff should likewise treat their colleagues with dignity and respect. Our Dignity at Work policy helps to ensure that everyone has equality of opportunity in his or her terms and conditions of employment and can work in an environment free from unfair discrimination and harassment.

Equal Opportunities Officer

2.1.4 To monitor and review the progress of our equal opportunities and diversity policies, and to take overall responsibility for their implementation, we have appointed an Equal Opportunities Officer. The role is currently undertaken by the Interim Head of HR.

Complaints

2.1.5 If you have a complaint about any equal opportunities or diversity issue, you can deal with it either through our grievance procedure described in Chapter 12, Section 1 or through our Dignity at Work policy.

Monitoring

2.1.6 To enable us to assess and maintain the effectiveness of our policies, the Scottish Government collects data on aspects of diversity. We use this data to monitor and analyse our staff in post and the effects on different groups of staff of each of our HR policies. This information is held in accordance with the principles set down in the Data Protection Act 1998.

2.1.7 To record the ethnic origin of our staff and to allow us to analyse minority ethnic representation, we use a monitoring form containing categories relating to those in the 2001 Census. The confidentiality of all ethnic data collected on individuals will be safeguarded, consistent with the conduct of effective monitoring for equal opportunities purposes and the Data Protection Act 1998.

3.1 Health & Safety at Work

Introduction

3.1.1 As an employer, the Scottish Government has a duty to look after the health, safety and welfare of its employees. Staff have a duty to protect themselves and not endanger colleagues. How this should be achieved in practice within the Scottish Government is explained in detail by the Health and Safety Management System (HSMS). The HSMS is essentially a health and safety manual which spells out who is responsible for what, how it is to be achieved, and when.

The Health and Safety Management System (HSMS)

3.1.2 Health and Safety Management System (HSMS) is available on the Intranet. The HSMS consists of a:

- a Policy Statement which sets out the Government's commitment to health and safety;
- a summary document; and
- a number of procedures aimed at ensuring this commitment is delivered.

The HSMS is a continuously developing document and new procedures will continue to be added.

Individual Responsibilities

3.1.3 One of the most important procedures detailed in the Health and Safety Management System is HSMS 01 - Health & Safety Responsibilities. This procedure describes the roles of managers and employees in the Scottish Government and section 5 provides details of individual responsibilities for health and safety.

Risk Assessment

3.1.4 The Management of Health and Safety at Work Regulations 1999 contain an explicit requirement for employers to carry out an assessment of the risks to the health and safety of his employees whilst they are at work. The procedure HSMS 05 - Risk Assessment describes the Scottish Government's processes for risk assessment. Wherever possible, generic risk assessments covering the more common workplace activities are used. Health and Safety Liaison Officers have been trained in risk assessment techniques. Your line manager, however, should be the first point of contact for staff seeking a risk assessment of an activity not covered by a generic assessment.

Display Screen Equipment Risk Assessments

3.1.5 The Scottish Government is committed to ensuring that the workstations of all employees are risk assessed, and that all staff are provided with information and training on best health and safety practices associated with using their computer. Procedure HSMS 08 - The Use of Display Screen Equipment has been written to

explain the process. If you have not had your workstation assessed or received any information on the risks associated with using computers then you should contact your line manager or local Health and Safety Liaison Officer (HSLO).

Reporting Accidents and Incidents

3.1.6 An important aspect of health and safety management is the reporting of all accidents and incidents including property damage, incidents, near misses and sudden illness. The reporting form is available on the Health and Safety Intranet site. More detailed information on accident and incident recording can be found within the procedure HSMS 06 - Accident and Incident Recording.

First Aid Arrangements and Staff Taking Ill On Duty

3.1.7 First aid facilities are provided in all Scottish Government offices. In most offices there are staff who have been trained in first aid and can help people who fall ill at work or sustain accidental injuries. Lists of workplace first aiders are displayed in public places and also available on the Health and Safety Intranet site. Further information about becoming a workplace first aider is available on the Intranet.

When people are unable to act for themselves, first aiders or colleagues will need to decide whether they should be taken home, to their own or the nearest NHS doctor or to hospital. In emergency cases when someone has to go to hospital, an ambulance should be called **immediately**.

In less urgent circumstances, arrangements should be made for people to get home or to a doctor in as quick and comfortable a way as possible. Where a lift cannot be organised in a colleague's car or an official car, a taxi may be authorised.

Fire Safety Arrangements

3.1.8 Trained Fire Precautions Officers (FPOs), responsible for ensuring adequate fire safety arrangements, have been appointed for each Scottish Government building. Staff have a responsibility to familiarise themselves with fire evacuation arrangements not only in their normal workplace but also any other parts of that building and any other premises visited. Evacuation routes will, of course, vary depending on which building you are in and where you are within that building. However, as a general guide you should know:

- How to raise the alarm if you discover a fire. In larger buildings, this will mean using manual 'break glass' points.
- The location of your nearest available fire exit.
- The location of your assembly point.

These basic steps are repeated on Fire Action Notices posted throughout Executive buildings. More detailed local information on fire detection, alarm and evacuation arrangements should be available from your fire marshal. You should only attempt to fight a fire if you have been trained to do so - in most cases, this will only apply to fire marshals. More information on fire safety arrangements is available in procedure HSMS 10 - Fire Safety Management and Evacuation.

Additional Sources of Information

3.1.10 You can access further health and safety information and advice from the following sources:

- Your line manager
- The Health and Safety Intranet site see in particular Frequently Asked Questions.
- Health and Safety Liaison Officers (HSLOs)
- Other Duty Holders (Fire Precautions Officers, Fire Marshals and First Aiders)
- If you are a member of a trade union, your local union representative
- E-mail the Occupational Health and Safety Branch
- Senior Occupational Health and Safety Advisor
- Occupational Health & Safety Advisor
- Occupational Health and Safety Advisor
- Occupational Health and Safety Administrator

Contact Mailbox: Occupational Health and Safety Branch

3.2 Health Promotion

Health Promotion Strategy

3.2.1 The Health Promotion Unit, under the auspices of the Joint Health Steering Group, coordinates all health promotion activities in the Scottish Government. The Health Promotion section of the Intranet contains further information, including our policies on:

- Mental Health
- Smoking
- Substance Misuse

4.1 General Principles and Rules

Introduction

4.1.1 As a civil servant you are a servant of the Crown and owe a duty of loyal service to the Crown as your employer. Since constitutionally the Crown acts on the advice of Ministers who are answerable for the Scottish Government and agencies in Parliament, that duty for all practical purposes is owed to the Government of the day.

4.1.2 The Civil Service Code summarises the constitutional framework within which all civil servants work and the values we are expected to hold.

4.1.3 Civil servants need to be, and to be seen to be, honest and impartial in the exercise of their duties. You must not allow your judgement or integrity to be compromised in fact or by reasonable implication

Rules

4.1.4 Full details of the rules that must be followed are provided in the Conduct section of the Intranet and this section of the Staff Handbook.

4.1.5 Where reference is made in these sections to the Director General, this includes equivalents in Agencies and Associated Departments.

4.1.6 If you breach any of these rules you may be subject to disciplinary action as described in Chapter 4, Section 7. If through negligence on your part other people breach these rules you may be liable to disciplinary action.

4.1.7 If you have sufficient grounds for believing that the conduct of another member of staff may be in breach of any of these rules/requirements, or that an unlawful act has been committed, you should follow the guidance in Chapter 4, Section 8 'Whistleblowing'.

4.2 Confidentiality and Official Information

Introduction

4.2.1 As a civil servant, you are bound by the provisions of criminal law, including the Official Secrets Act, which protect certain categories of information. A basic guide to the Official Secrets Act is available on the Intranet. You will continue to be bound by these provisions when your employment with the Civil Service ends.

Guidance

4.2.2 Detailed guidance on Confidentiality and Official Information is available on the Intranet, which covers the following:

- Background
- Introduction
- Duties and Obligations
- Classified Information
- Requests for Information by Telephone
- Openness
- Outside Activities
- Trade Union Activities
- General Principles
- Disciplinary Sanctions
- Publications on Official Subjects
- Publication of Personal Memoirs
- Broadcasts/Press Interviews
- Speeches or Lectures
- Attendance at Outside Seminars or Conferences
- Surveys or Research Projects Conducted by Outside Bodies or Individuals
- Inventions
- Retention of Fees

4.3 Standards of Propriety

Guidance

4.3.1 As a Civil Servant employed by the Scottish Government you are bound by the provisions of the Civil Service Code and are expected to perform your duties with honesty and impartiality. Guidance on the Standards of Propriety expected of Scottish Government staff is available on the Intranet. There is specific guidance in relation to the following areas of Propriety:

- Outside Appointments
- Gifts and Hospitality
- Relations with Outside Organisations
- Insider Trading
- Private Purchases by Civil Servants
- Sales and Letting of Contracts to Civil Servants
- Bankruptcy or Insolvency
- Borrowing
- Conflict of Interest
- Reporting of Arrests and Convictions
- Care of Official Property
- Official Telephones, Stationery, Equipment and Services

4.4 Political Activities

Introduction

4.4.1 Civil servants owe their allegiance to the Crown. In its executive capacity, the authority of the Crown is exercised through the Government of the day. You are therefore required to serve the Government of the day of whatever political persuasion. For the Civil Service to serve successive governments of different political complexions it is essential Cabinet Secretaries, Ministers and the public should have confidence that civil servants' personal views do not cut across the discharge of their official duties. The intent of the rules governing political activities by civil servants is to allow them the greatest possible freedom to participate in public affairs without infringing these fundamental principles. The rules are concerned with political activities liable to give public expression to political views, rather than privately held beliefs and opinions.

Guidance

4.4.2 Guidance on Political Activities for Scottish Government staff is on the Intranet. There is specific guidance on each of the following areas of Political Activity:

- Defined Political Activities
- The Politically Free Group
- The Intermediate Group
- The Politically Restricted
- General rules concerning political activity
- Parliamentary Candidature
- Limitations on political activity
- Code of Discretion
- Appeals
- Enquiries about political activity

4.5 Information Technology (IT) Code of Conduct

4.5.1 The IT Code of Conduct provides guidance on the use of SCOTS (Scottish Government Information Technology system) and, in particular, e-mail and the use of the World Wide Web. It outlines our policy on the personal use of the IT facilities and gives guidelines on what use is **not** acceptable.

4.5.2 The code applies to all users of the SCOTS system or of any other IT systems supplied by the Scottish Government including Agencies. This includes individuals seconded to the Scottish Government and others (e.g. contractors) who might transmit information across internal or public networks by means of e-mail or Internet services.

4.5.3 The full IT Code of Conduct is provided on the Intranet. Failure to comply with this Code could lead to disciplinary action as described in Chapter 4, Section 7: 'Disciplinary Procedures'.

4.6 Preparation and Serving of Refreshments by Staff

4.6.1 It is not part of your duties to prepare and serve tea, coffee or other refreshments within the office or at meetings, regardless of whether or not the cost is to be met from official funds.

4.6.2 Meetings at which it is considered desirable to provide tea, coffee or other refreshments should, where possible, be held in buildings where catering services are available to provide the required service. Only if this is not possible and it is considered that the provision of refreshments is necessary, should you be asked if you would be prepared to **volunteer** to carry out such duties.

4.6.3 You must not be made to carry out such duties against your will and your right to decline must be recognised.

4.7 Discipline: Disciplinary Procedures

Introduction

4.7.1 The standard of conduct required of staff is summarised in Chapter 4, although this summary is not conclusive or exhaustive. Staff who fail to maintain these standards may be subject to disciplinary action under disciplinary procedures. Disciplinary procedures are an aid to good management. They are not to be seen primarily as a means of punishing staff though, depending on the circumstances, penalties may be imposed on staff who break the rules. Problems which are work related will normally be dealt with under the Performance Management system.

Guidance

4.7.2 Guidance on the Scottish Government Disciplinary Procedures is available on the Intranet. There is specific guidance on:

- Scope & Application
- Principles
- Annex A - Examples of Misconduct
- Annex B - Examples of Disciplinary Penalties

Appendix - Disciplinary Procedures

- Minor Offences
- Serious Offences
- Penalties & Suspension
- Criminal Proceedings & Appeals
- Records of Disciplinary Proceedings

4.8 Whistleblowing - Civil Service Code & Public Interest Disclosure (PIDA) Act 1998

Introduction

4.8.1 The Public Interest Disclosure Act 1998 enables staff who 'blow the whistle' about any of the instances of wrongdoing, set out in the Act, to complain to an employment tribunal, if they suffer any form of detriment for doing so or in the case of a dismissal. A summary of its provisions is available on the Intranet.

4.8.2 Staff should be aware that, alongside the provisions of the Public Interest Disclosure Act 1998, they have the protections set out in the Civil Service Code

- Staff must consider the provisions of the Act alongside the appeals mechanism set out in the Civil Service Code.

What should I do if I become aware of wrongdoing?

4.8.3 If you believe you are being required to act in a way which conflicts with the Civil Service Code, you should normally report the matter, in the first instance, to your immediate line manager. If this does not resolve the issue, you should then approach the next person in your line management chain. If you think that these people might themselves be involved in wrongdoing, you should contact a more senior member of staff. If the situation remains unresolved, the matter should then be reported to 'The Scottish Government Nominated Officer' who will investigate your concerns and let you know what action should be taken.

4.8.4 If you believe that the response does not represent a reasonable response to your concerns, you may report the matter to the Civil Service Commissioners.

4.8.5 You should also use these procedures if you wish to make any other disclosure covered by the 1998 Act.

4.8.6 It is for you to decide what action to take, taking account of the provisions of the Act and of the Civil Service Code. It is preferable - and this is at the heart of the Public Interest Disclosure Act - to raise the matter internally if appropriate and practical. In order to safeguard the interests of both the organisation and its workforce, it is important to air these issues and concerns in this way.

4.9 Dignity at Work

4.9.1 The Scottish Government is an equal opportunity employer, committed to treating every member of staff with dignity and respect. It is the Scottish Government's policy to ensure, as far as reasonably practicable, that all staff have equality of opportunity in their terms and conditions of employment and are able to work in an environment free from harassment, victimisation, discrimination and/or bullying.

4.9.2 All of our employees should be treated with respect, irrespective of their sex, marital/civil partnership status, age, race, ethnic origin, sexual orientation, disability, religion or belief, working pattern, employment status, gender identity (transgender), caring responsibility, or trade union membership. The Dignity at Work policy sets out the responsibilities of both managers and staff in helping to ensure that the Scottish Government is free from harassment, victimisation, discrimination and bullying.

5.1 SCS General

5.1.1 The Senior Civil Service (SCS) comprises the most senior staff in the Scottish Government including agencies. The Scottish Government may determine which posts are included in the Senior Civil Service, provided that they have a JESP (Job Evaluation for Senior Posts) score of at least 7, and which staff will fill them.

5.1.2 Responsibility for management of the Senior Civil Service is principally a matter for the Scottish Government. However, some terms and conditions are determined centrally by Cabinet Office. Summarised below, with cross-reference to other parts of the Staff Handbook where appropriate, are areas within the Staff Handbook where the rules, although similar, are particular to the Senior Civil Service.

5.1.3 The Cabinet Office assists the Scottish Government in developing expertise and promoting cohesion across the Senior Civil Service, through a common broad management framework and by encouraging mobility across the civil service. Much of this is achieved through provision of central programmes, support and co-operation rather than by applying central rules or requirements.

5.2 Senior Leadership Committee

5.2.1 The Senior Leadership Committee (SLC) advises the Head of the Home Civil Service on the senior staffing position across the service as well as on individual appointments. The "SLC Group" of posts is listed by the Secretary of SLC and made available to the Scottish Government. In general they meet all the following criteria:

- The post has a JESP score of 18 or more.
- The pay of present incumbent or the proposed pay range is in Pay Band 3
- The post reports directly to the Permanent Secretary.

The Prime Minister appoints Permanent Secretaries (on the recommendation of the Head of the Home Civil Service). Other appointments to the SLC Group must be approved by the Prime Minister on the recommendation of the Head of the Home Civil Service.

5.2.2 The Scottish Government should consult Cabinet Office before making moves affecting any members of this group, before appointing or temporarily appointing anyone within or into the group, and before retiring SLC Group staff early on any grounds.

5.3 Terms and Conditions

Introduction

5.3.1 The terms and conditions laid down centrally for Senior Civil Servants are summarised below.

Contracts

5.3.2 The Scottish Government requires Senior Civil Servants to sign a personal contract before taking up:

- A first appointment in the Senior Civil Service;
- Any post which involves both a step change in responsibilities and an automatic pay increase payable under Scottish Government rules in recognition of those responsibilities; and
- A first post in the SLC Group.

Performance Management

5.3.3 Chapter 6, Section 2: 'Performance Management' describes the Performance Management System for the Senior Civil Service. This includes arrangements for unsatisfactory performance. A summary of the grading structure is provided in Chapter 6, Section 1: 'Grading of staff'.

Pay

5.3.4 Chapter 7, Section 1: 'Remuneration of staff' provides details of the Senior Civil Service pay system, including the recommendations of the Senior Salaries Review Body (SSRB).

Hours

5.3.5 Chapter 9, Section 1: 'Hours of Work' sets out the hours of work for members of the Senior Civil Service. Senior Civil Servants may be required to work such additional hours as may be reasonable and necessary for the efficient performance of their duties. Senior Civil Servants are not entitled to the payment of any overtime or travelling time.

Holidays and Leave

5.3.6 The full-time annual leave allowance for members of the Senior Civil Service is 30 days. Information about Public and Privilege holidays is in Chapter 9, Section 3: 'Public and Privilege Holidays'.

Conduct

5.3.7 Chapter 4 provides guidance on conduct and discipline. Chapter 4, Section 7 that deals with our disciplinary procedures describes the different steps required with disciplinary decisions for members of the SCS in Pay Band 2 and above.

Appeals and Legal Representation at Public Expense

5.3.8 Chapter 12 provides guidance on appeals, including our standard grievance procedure, and legal representation at public expense.

Leaving the Civil Service

5.3.9 Chapter 11, Section 1: 'Notice and References' sets out the notice period to be given by members of the Senior Civil Service on resignation. Chapter 11, Section 3: 'Normal Retirement Age' sets out the retirement age.

Outside Appointments

5.3.10 Chapter 4, Section 3 includes our Business Appointment rules that you are required to follow, including when you need to obtain Government approval before taking any form of full, part-time or fee-paid employment within two years of leaving Crown employment.

Probation

5.3.11 External appointees to the Senior Civil Service are not normally required to complete a probationary period. This is however considered on a case by case basis.

Recruitment

5.3.12 Chapter 1, Section 1: 'Recruitment' gives information about recruitment to the Senior Civil Service.

6.1 Grading of Staff

Introduction

6.1.1 Our grading structure for posts below the Senior Civil Service (SCS) consists of 3 broad bands (A, B and C) with 9 supporting pay ranges and a separate range (BFS) for fast-stream staff. For information about the Fast Stream Development Programme see Chapter 1, Section 5: 'Fast Stream Development Programme'.

Bands A-C

6.1.2 The 9 Supporting pay ranges in Bands A to C, are in order from the most junior to the most senior: A2, A3, A4, B1, B2, B3, C1, C2, C3. The Pay and Grading Review Benchmark Guidance describes these pages.

6.1.3 The grading structure is linked to the pay structure and the value of pay awards within the grading structure is subject to collective bargaining between Management and the recognised Trade Unions. For information about pay, see Chapter 7, Section 1: 'Remuneration of Staff'.

Senior Civil Service

6.1.4 The grading structure originates from the broad framework laid down by the Cabinet Office. The Senior Civil Service (SCS) consists of a four pay and performance band structure: 1; 1A; 2; and 3, each covering a range of JESP (Job Evaluation for Senior Posts) scores.

6.1.5 Further information on pay is shown in Chapter 7, Section 1: 'Remuneration of staff'.

6.1.6 The SCS Performance Management System described in Chapter 6, Section 2: 'Performance Management' identifies the competence framework which sets out the key behaviours required by Senior Civil Servants.

6.1.7 For further information about the SCS, see Chapter 5. Any enquires about the SCS should be directed to the contact telephone number in Chapter 5.

6.2 Performance Management (PM)

Bands A-C

6.2.1 Performance Management is a tool for managing and developing your performance. Performance Management's main principles are to:

- Encourage people to focus on delivering outcomes
- Encourage managers to manage effectively
- Offer incentives for high performance
- Reward people fairly for their contribution
- Support personal and professional development
- Enhance individual performance
- Help staff to reach their full potential

6.2.2 The normal Performance Appraisal year runs from 1 April to 31 March, and assesses performance against an agreed set of objectives determined before the start of the appraisal year, but can be updated as necessary throughout the year. Performance Appraisal is used to determine pay awards.

6.2.3 Comprehensive guidance on all aspects of Performance Management, including roles and responsibilities, setting objectives, skills for success, career aspirations, personal learning plan, and awarding performance markings can be found on the Intranet.

Senior Civil Service

6.2.6 The SCS Performance Management and Reward Principles provides a means to assess management of individual performance and a better link between organisational success, individual contribution and reward. It links objective setting to business objectives; encourages the development of skills and knowledge; focuses on personal development through the mid-year development review and the Personal Development Plan; and rewards results through the performance review and pay and bonus awards.

6.3 Inefficiency and Limited Efficiency

6.3.1 The Scottish Government has procedures in place for dealing with inefficiency due to poor performance or poor attendance and also limited efficiency in respect of performance.

6.3.2 If an individual's work is of an unacceptable standard and it is clear, after following the Scottish Government's Performance Management Procedures, that performance is unsatisfactory and not likely to improve, the individual may be dismissed for inefficiency due to poor performance.

6.3.3 If, after following the Scottish Government's Managing Attendance procedures, frequent or continuing absence adversely affects the efficient running of the office, an individual may be dismissed for inefficiency due to poor attendance.

6.3.4 Additional information about leaving on dismissal for inefficiency terms is provided in Chapter 11, Section 4: 'Dismissal for Inefficiency'.

6.3.5 Limited efficiency denotes performance which is not sufficiently poor to be considered inefficient but:

- No longer measures up to the requirements of the post. or
- Where an individual is not carrying out their full duties satisfactorily.

6.3.6 Where attempts to reach the required standard of performance under the Performance Management System are unsuccessful, consideration might be given to offering early retirement or early severance. Additional information about early retirement/severance is provided in Chapter 11, Section 5: 'Introduction to Categories of Early Retirement or Severance'.

6.4 Resourcing - Internal

6.4.1 The selection and movement of staff within the Scottish Government is carried out in accordance with the Resourcing Policy. Those involved in any stage of the process should be aware of and adhere to the contents of this policy. The operational arrangements and detailed guidance can be found in the Resourcing Toolkit.

7.1 Remuneration of Staff

Introduction

7.1.1 The Scottish Government determines the remuneration of its staff below Senior Civil Service level. Responsibility for Senior Civil Service pay has not been delegated the Scottish Government although it may exercise discretion within a broad framework laid down by Cabinet Office.

Senior Civil Service (SCS)

Permanent Secretaries

7.1.2 The exact position on the pay range is set individually for each Permanent Secretary by the Government on the recommendation of the Permanent Secretaries Remuneration Committee (which the Government normally expects to accept). The Committee comprises members of the Senior Salaries Review Body (SSRB), the Head of the Home Civil Service and the Permanent Secretary of the Treasury.

Members of the Senior Civil Service

7.1.3 The overall pay framework is laid down by the Cabinet Office. The Scottish Government has four Pay Bands: 1, 1A, 2 and 3. Optional Pay Band 1A is used as this structure best meets our needs in recognising that there are considerable variations in job weight at Deputy Director level. Use of Band 1A provides flexibility to recognise heavier weight posts.

7.1.4 The minimum and maximum levels for each Pay Band are set each year by the Government, taking into account the recommendations of the Senior Salaries Review Body (SSRB). These minima and maxima apply to both full-time and part-time staff when your pay is expressed on a full-time basis. You are eligible for performance bonuses, subject to a minimum award recommended by the SSRB. The pay review date for staff within the Senior Civil Service is 1 April.

Bands A-C

The Scottish Government Main (SGM) Bargaining Unit

7.1.5 Collective bargaining for Scottish Government Main (SGM) staff on pay and related matters such as overtime, allowances, working hours and leave is conducted with those Trade Unions recognised by Scottish Government management under the terms of a Framework Agreement.

7.1.6 The Scottish Prison Service, Historic Scotland, Crown Office and Procurator Fiscal Service, Scottish Court Service, Registers of Scotland, and the Scottish Fisheries Protection Agency are not part of SGM. These Agencies are responsible for their own pay arrangements and they are not covered by this section.

Pay policy

7.1.7 SGM policy on pay supports the business needs of the Office. In determining policy, account is taken of the need for pay to be set at a level which will ensure the recruitment, retention and motivation of staff. Also taken into account is the Government's policies on the Civil Service and public sector pay and the need to observe public spending controls.

7.1.8 Subject to over-riding Government policy, negotiations with the recognised unions about pay will be conducted on an annual basis. Pay awards within SGM take account of levels of individual performance and provide for progression up a pay range.

Pay review date

7.1.9 The pay review date for all staff in Bands A-C within SGM (i.e. below Senior Civil Service) is 1 August. SGM pay awards are performance related. Any award arising from a pay settlement is based on an individual's performance in the preceding performance appraisal year. To be eligible to receive an award, individuals must be employed by the Scottish Government on 1 August of the relevant pay year and meet the required performance standard within the relevant appraisal period.

Equal Pay Policy

7.1.10 The Scottish Government is an equal opportunities employer and all staff should be treated equally irrespective of their sex, marital/civil partnership status, age, race, ethnic origin, sexual orientation, disability, religion or belief, working pattern, employment status, gender identity (transgender), caring responsibility, or trade union membership, and receive equal pay for doing equal work or work of equal value. With this in mind the Scottish Government will operate a pay and reward system which is transparent, based on objective criteria and free from bias.

7.1.11 In support of this commitment to equal pay, the Scottish Government will:

- examine existing and future pay practices for all staff in SGM (including those who are absent on maternity leave and domestic career breaks) to ensure that they comply with best equal pay practice;
- carry out regular monitoring of the impact of these practices;
- inform employees of how these practices work and how their pay is arrived at; and
- provide training and guidance for those involved in making decisions about pay and benefits.

7.1.12 Through this action, the Scottish Government will aim to avoid unfair discrimination in its pay and reward system, to reward fairly the skills, experience and potential of all staff and act as a model employer for other organisations in Scotland. This equal pay policy statement has been agreed with the Council of Scottish Government Unions.

Pay Supplements

7.1.13 Management may award pay supplements in order to address recruitment and retention difficulties, varying market pressures and any other problems affecting the filling of posts. Further information about pay supplements is available on the Intranet.

7.1.14 Staff in SGM are informed of pay matters through the publication of Intranet articles. Senior Civil Service staff are informed by individual letter.

Further Information and Contacts

7.1.15 Further information about the pay arrangements in SGM and the Senior Civil Service can be obtained from the HR Shared Service Centre and the Senior Staff Team respectively. Both Teams are located in Saughton House, Edinburgh, EH11 3XD.

7.2 Advances of Pay

New Entrants

7.2.1 If, as a new recruit, you need time to adjust your existing financial commitments (e.g. rent, fares to work) to monthly pay you may ask the HR Shared Service Centre (HRSSC) or Agency Human Resources Unit to arrange for a mid-month advance of pay for up to your first two months in the Scottish Government or agency. The advance will not exceed 50% of your gross monthly salary and will be recovered from your salary at the end of the month in which the advance is issued. Any overpayment will be recovered from the salary payable at the end of the next month.

7.2.2 If you wish to apply for a mid month advance of salary you must complete and sign the application form (Application for Mid Month Advance) along with a counter signature from your line manager (or higher if they are unavailable). Deadlines will be published each month for the last day these forms should be with the Payroll Team, normally by the 5th working day of the month at the latest

Christmas Salary Advance

7.2.3 If you are not a new recruit already with a mid month advance of pay, you can request an advance of salary prior to Christmas. The sum advanced will not exceed 50% of your net pay for the month up to a maximum of £300, and will be recovered in full from your December salary. Any overpayment will be automatically recovered from your January salary.

7.2.4 The arrangements for an advance of salary at Christmas are published in Intranet articles in October/November along with the application form which must be signed. The deadline will also be published on the Intranet.

Holiday Pay Advance

7.2.5 If you are not a new recruit already with a mid month advance of pay, you can request an advance of salary prior to going on leave for a period of not less than 5 working days. The advance for up to one week's holiday is 15% of gross monthly salary and 30% for up to 2 weeks' holiday. The advance will be recovered from the salary payable at the end of the month in question. Any overpayment will be automatically recovered from the salary payable at the end of the next month.

7.2.6 If you wish to apply for an advance of salary prior to leave you must complete and sign the application form. Requests must be with the Payroll Team no later than the first working day of the month at the end of which the advance is expected to be paid with the monthly salary.

Season Ticket Scheme

7.2.7 We have contracts with the main bus companies and Scotrail to operate a purchase order/warrant scheme. This scheme enables you to purchase a yearly travel

pass for travel between home and office and to repay the cost of the ticket by monthly deductions from your salary.

7.2.8 Information about the Season Ticket Scheme is provided on the Intranet.

Bicycle Purchase Scheme

7.2.9 We have contracts with the main bicycle retailers to operate a purchase order scheme for staff in Scottish Government Main Bargaining Unit (SGM). This scheme enables you to purchase a bicycle for travel between home and office and to repay the cost of the bicycle by monthly deductions from your salary.

7.2.10 Information about the Bicycle Purchase Scheme is provided on the Intranet.

Greens Health and Fitness Club

7.2.11 We have a contract with Greens Health and Fitness Club to provide a corporate membership to use their leisure facilities. The yearly membership fee will be paid by the Scottish Executive and you will repay the cost of this by monthly deductions from your salary.

7.2.12 Information about the scheme is provided on the Scottish Executive Intranet.

7.3 Voluntary Deductions from Pay

7.3.1 The Scottish Government has arrangements in place for voluntary deductions to be made from the payroll in certain circumstances (e.g. Trade Union membership subscriptions, Civil Service Clubs, Charitable Giving Through Payroll and Capital Credit Union).

7.3.2 If you wish to have voluntary deductions taken from your salary you, or the recipient body, must provide Payroll Team with the appropriate authorisation. Any instructions received from the recipient body must be authorised by you and carry your signature.

7.3.3 Arrangements will stop during any periods of unpaid service.

8.1 Reimbursement of Travel and Subsistence Costs Incurred on Official Business in the UK and Overseas

Introduction

8.1.1 The Scottish Government will reimburse or meet costs that you necessarily incur whilst undertaking official business and in other specified circumstances subject to the overriding principle that reimbursement is not appropriate unless additional cost is wholly and properly incurred during the course of carrying out official duties.

8.1.2 Detailed advice on all travel and subsistence matters and procedures, including the rules under which costs incurred can be reimbursed and procedures for making claims, is provided on the Intranet. It is your responsibility to familiarise yourself with the arrangements for reimbursement of costs incurred. It is also your responsibility to ensure that any claim form you submit is completed correctly and includes only the items which you are eligible to claim for the journey undertaken.

8.1.3 Failure to comply with these rules and procedures could lead to disciplinary action, that may result in dismissal. Submission of a fraudulent travel and subsistence expenses claim constitutes a serious disciplinary offence and will result in disciplinary action being taken against you as described above. It will not be a defence to argue that you were unaware of the rules. If you have any doubt about those rules or their application in respect of your eligibility to claim specific costs incurred you must consult CCS Finance for advice before incurring the expenditure. It is not appropriate to make assumptions or to expect colleagues, other than those in CCS Finance, to provide advice about these rules.

Planning of Official Journeys

8.1.4 Official travel must be planned with the aim of keeping total expense to the minimum taking account of business needs. You and your line manager must consider whether there is a real need to travel or whether there is a satisfactory alternative (e.g. correspondence, telephone, videoconferencing)

8.1.5 When it is decided that travel is necessary you must use the most efficient and economic means of travel, taking into account subsistence costs and savings in official time. If there is no evidence of this on a claim form, the CCS Finance may question claims before payment is made. The Travel Management Intranet site provides information on all aspects of official travel related services available.

8.1.6 When you are on official business or otherwise on duty away from your permanent workplace, you are covered for death or injury under the Civil Service Injury Benefit Scheme (CSIBS). The CSIBS pays benefits to bring your income up to a guaranteed level if you are injured or killed while on duty. These payments are for loss of earnings only and are not compensation for pain and suffering or loss of mental or physical ability. Payments may be paid to you or your dependants. Temporary awards are made if there is a chance you may return to full-time work. Permanent awards are made if the amount you earn is permanently affected. The Civil Service Injury Benefits Scheme booklet on the Cabinet Office, Civil Service Pensions

website provides additional information. Further information about this and other insurance matters when travelling on official business is provided on the Travel and Subsistence Intranet site.

8.1.7 If you are a countersigning officer you must ensure that any claim submitted to you is valid, accurate, complete and complies with the rules that apply to the claim. The full role and minimum Band level/pay range level of a counter signatory is described on the Intranet. If doubt exists about the rules surrounding an item claimed, Countersigning Officers should first consult CCS Finance. Where the Countersigning Officer is satisfied that errors in claims are genuine e.g. misunderstanding of rules etc, he/she should give the claimant relevant advice. If, however, a Countersigning Officer suspects dishonesty in a claim submitted to him/her for countersignature he/she must refer the matter immediately to the HR Shared Service Centre for advice.

Standing/Casual Travel and Subsistence Advance

8.1.8 You may apply to CCS Finance for an advance of funds to cover anticipated travel and subsistence expenses. Guidance on how to apply for either a standing or casual travel and subsistence advance is provided on the Travel and Subsistence Intranet site.

8.2 Relocation Costs and Allowances

Introduction

8.2.1 We are responsible for reimbursing appropriate approved costs which you necessarily incur as a result of you being placed on detached duty or if you transfer on permanent and compulsory transfer terms to a new workplace location.

8.2.2 Detached duty applies to a posting to a temporary workplace for up to three years. Permanent and compulsory transfer terms apply to a transfer to a new permanent workplace where the clear intention is that the posting will be for longer than 3 years.

Guidance

8.2.3 Information about the reimbursement of travel costs and out of pocket expenses incurred whilst on detached duty and also permanent transfer expenses and allowances is available on the Relocation pages on the Intranet. This information, however, is not intended as a comprehensive guide to cover all scenarios or all allowances available.

8.2.4 Relocation Services will generally provide staff who transfer on permanent and compulsory terms with information on an individual basis once Human Resources has confirmed the precise terms of your transfer.

8.3 Compensation for Loss of or Damage to Personal Property

Introduction

8.3.1 The Scottish Government will consider compensation (in the form of a discretionary payment) for loss of, or damage to, personal property arising in the course of official duty provided that the following conditions are satisfied:

- the loss or damage is verifiable;
- the loss or damage is not covered by insurance or any provision for free replacement;
- you have not been negligent; and
- you have reported the loss formally to a responsible authority, for example the **Security Branch**.

8.3.2 You will not normally be compensated for cash lost or stolen on official duty. Compensation will be considered only if:

- the amount or part of the amount is verifiable;
- there was an official need for the cash to be carried on duty;
- you have not been negligent;
- you have reported the loss formally to a responsible authority, for example Security Branch; and
- the loss is not covered by insurance.

How to submit a claim

8.3.3 Claims for ex-gratia payments are considered on a case by case basis. The claimant must complete a compensation claim form, and the claimant's line manager must complete a line manager's report form.

9.1 Hours of Work

Conditioned Hours

9.1.1 If you are a full time member of the Senior Civil Service, you are required to work a minimum (over a 5 day week) of 41 hours in London or 42 hours elsewhere, including daily meal breaks of one hour. You may be required to work such additional hours as may from time to time be reasonable and necessary for the efficient performance of your duties. You are not entitled to any payment of overtime for additional hours worked. Any enquiries regarding Senior Civil Service hours of work should be directed to the contact telephone number in Chapter 5, Section 3: 'Terms and Conditions'.

9.1.2 The conditioned hours of work for full-time staff in Bands A-C are 42 hours per week (including a one hour meal break each day). If you work full-time in London they are 41 hours per week (including a one hour meal break each day).

9.1.3 Anything less than the above conditioned weekly hours is part-time. If you work part-time, the proportion of hours you work is based on a 37 net hour week (excluding meal breaks) and you are required to work the number of hours specified in either your letter of appointment or letter confirming your change from full-time to part-time work.

9.1.4 If you are in Bands A-C, you are entitled to claim overtime for all hours worked at Management's request in excess of your conditioned hours. Overtime working is at Management's discretion. Overtime Rules and Rates and Guidance on Claiming Overtime is provided on Intranet.

9.1.5 Most staff have the opportunity to work a flexible working pattern. Those who do not work a flexible working pattern, including flexible working hours, or whose work precludes participation in the flexible working hours scheme are required to attend, unless otherwise specified, during the normal office hours of 8.30am to 5.00pm on Monday to Thursday and 8.30am to 4.30pm on Friday.

9.1.6 For those who are required to attend during normal office hours, the hours of attendance for a "half-day" are as follows:

Monday- Thursday 8.30am - 12.15pm 1.15pm - 5.00pm

Friday 8.30am - 12 Noon 1.00pm - 4.30pm

Breaks

9.1.7 Arrangements for staff to take refreshments **during working hours** are entirely at the discretion of line management. In this respect your line manager should make it clear to you what these arrangements are e.g. their frequency and duration, whether you should take refreshments at your desk or whether you should retire to the staff restaurant or another designated area of the office. The general presumption is that

where you remain at your desk to consume your refreshments during working hours, you should continue working.

Flexible Working

9.1.8 Flexible Working provides you with different ways to meet your working hours commitment. Information about Flexible Working is provided on the Intranet. Information about part-time working arrangements is provided in Chapter 1, Section 2: 'Working Arrangements'. If you would like to work part-time you should make a request to your line manager, in line with the Scottish Government's policy on Flexible Working.

Flexible Working Enquiries

9.1.9 Any enquiries about flexible working, including alternative working patterns, should be directed in the first instance to the HR Shared Service Centre.

Working Time Regulations

9.1.10 The Working Time Regulations (WTR) set out statutory rights and obligations about working hours and rest. Managers and staff should be aware of their responsibilities and ensure that the regulations are complied with.

9.1.11 The calculation of working hours excludes meal breaks spent at leisure. If you work full time conditioned hours and take a 1 hour meal break each day you will, under the terms of the regulations, have worked 37 rather than 42 hours.

9.1.12 One of the main provisions of the WTR is that there is a limit of an average of 48 hours per week, over 17 weeks, which a worker can be required to work. Individuals can choose to work longer but persistent working in excess of 48 hours per week should be avoided wherever possible. Where this is unavoidable, and you are willing to work longer hours **voluntarily**, you must complete, and sign, a **voluntary waiver form**.

9.1.13 If you have any job(s) outwith the Scottish Government you, or your line manager, **must** notify the HR Helpdesk.

9.1.14 Line managers may not take action against staff who do not volunteer to work in excess of the limits.

Additional Sources of Information

9.1.15 Information about the Working Time Regulations is available on the Department of Trade and Industry's (DTI) website.

9.2 Annual Leave

9.2.1 The annual leave year runs from 1 February to 31 January.

9.2.2 Staff in Bands A to C are given 25 days annual leave when they first join the Scottish Government, rising to 30 days annual leave after 10 years qualifying service.

9.2.3 The annual leave allowance for members of the Senior Civil Service (SCS) is 30 days.

9.2.4 If you join or leave the Scottish Government during the annual leave year, your entitlement will be in proportion to the amount of the leave year left to run.

9.2.5 Further information on annual leave is available on the Intranet.

9.3 Public and Privilege Holidays

9.3.1 This entry gives details of the public and privilege holiday arrangements which apply to staff in the Scottish Government Main bargaining unit (SGM) and to staff in the Senior Civil Service.

9.3.2 The public and privilege holidays which will be observed during the first part of 2007 are:

Public Holidays	Privilege Holidays
Good Friday	Queen's Official Birthday
Easter Monday	Friday (p.m. only) preceding the Autumn Holiday
May Day Holiday	St Andrew's Day Holiday
Spring Holiday Monday	Boxing Day
Autumn Holiday Monday	
Christmas Day	
New Year's Day	
Day following New Year's Day	

9.3.3 Full information on Public and Privilege Holidays is available on the Intranet.

9.4 Special Leave

9.4.1 Special leave, either paid or unpaid, may be granted to cover domestic and non-domestic situations. Responsibility for authorising requests for special leave lies with line managers. Further information, including circumstances where special leave must be granted and circumstances where it would normally be granted, is available on the Intranet.

9.5 Career Breaks

9.5.1 Domestic Career Breaks are discretionary periods of unpaid leave. They are not granted automatically and in all cases are subject to the requirements of the Scottish Government. They are to help you cope with domestic responsibilities, such as, but not limited to, the care of a relative, partner, dependant or young children. The scheme can also be used to accompany partners when they have to work either abroad or elsewhere in the UK, beyond reasonable travelling distance. Further information on Domestic Career Breaks, including eligibility, length, and application form, is available on the Intranet.

9.6 Maternity Leave

9.6.1 You may be entitled to both paid and unpaid maternity leave to enable you to care for your baby following birth. The Work and Families Act 2006 introduced new legislation which applied to women whose babies were due on or after 1 April 2007.

9.6.2 Regardless of your length of service, if you are pregnant you are entitled to take up to 12 months' leave - that is:

- **Ordinary Maternity Leave (OML)** 26 weeks
- followed by
- **Additional Maternity Leave (AML)** 26 weeks

9.6.3 While you can decide how much maternity leave you wish to take, you must take a minimum of two weeks' leave immediately after your baby is born. This is known as **Compulsory Maternity Leave (CML)**.

9.6.4 Full details of our maternity leave arrangements are provided on the Intranet.

9.7 Paternity Leave

9.7.1 You will be entitled to paid paternity leave to enable you to care for babies and/or to support the mother following birth if you meet the relevant qualifying conditions. To qualify for paternity leave you must declare that you:

- are the biological father of the child or the mother's husband or partner; and
- have or expect to have responsibility for the child's upbringing; and
- will take time off work to support the mother and/or care for the child

9.7.2 You must also have been employed by the Scottish Government or an associated Department or Agency for a continuous period of 26 weeks ending with the end of the 15th week before the expected week of childbirth.

9.7.3 Full details of our paternity leave arrangements are provided on the Intranet.

9.8 Adoptive Leave

9.8.1 You will be entitled to adoptive leave, to enable you to take time off work when your new child is placed with you, if you meet the relevant qualifying conditions. To qualify for adoption leave you must:

- have been notified by an adoption agency that you have been matched with a child for the purposes of adoption; and
- have notified the agency that you agree to the child being placed with you for adoption; and on the date of placement;
- have been continuously employed with the Scottish Government or an associated Department or Agency for a period of not less than 26 weeks ending with the week in which the notification was given; and
- submit to the HR Shared Service Centre (HRSSC) the appropriate evidence of entitlement.

9.8.2 Evidence of entitlement is a document, known as a "matching certificate", issued by the adoption agency stating:

- the name and address of the adoption agency;
- your name and address;
- the name and date of birth of the child;
- the date on which you were notified that you had been matched with the child; and
- the date on which the agency expects to place the child with you, or the date of placement if this has already occurred

9.8.3 Failure to provide evidence of entitlement may result in you losing the right to take adoption leave.

9.8.4 Full details of our adoptive leave arrangements are provided on the Intranet.

9.9 Parental Leave

9.9.1 You may be entitled to **unpaid** parental leave to enable you to look after a child or make arrangements for a child's welfare. The Parental Leave Directive gives all parents of children born after 15 December 1999 the right to up to 13 weeks unpaid parental leave before the child's 5th birthday. Mothers and fathers will be able to take parental leave in blocks or multiples of one week with the exception of parents of disabled children who can take it in blocks or multiples of one day. In all cases a maximum of 4 weeks' unpaid parental leave in a year can be taken in respect of any individual child. In the case of twins a maximum of 8 weeks parental leave in a year will be available.

9.9.2 Full details of our parental leave arrangements are available on the Intranet.

9.10 Attendance during National Emergencies (Reserve Forces)

Introduction

9.10.1 Special provisions apply to Civil Servants called to serve in the Reserve Forces during national emergencies. Reservists have a statutory right to return to their employer on the same or equivalent terms.

Individuals

9.10.2 If you receive a call out notice and intend responding to it you should let your line manager know and apply for special unpaid leave - see Chapter 9, Section 4: 'Special Leave'.

Pay

9.10.3 You will be paid a military salary for the period of the call out. Any short fall in salary between your Civil Service pay and military pay will be made up by the Ministry of Defence (MOD).

Pension

9.10.4 Upon reporting to your mobilisation centre you will be given the option of choosing whether your service should reckon under the Civil Service Pension arrangements or the Armed Forces Pension Scheme (AFPS). Reckoning under the AFPS can occur after 6 months service where you have a preserved pension in the AFPS or are in receipt of a pension from the AFPS. If you are a member of the Civil Service Pension arrangements you will continue to accrue reckonable service unless you opt to join the AFPS.

9.10.5 The Scottish Government will continue to pay employers' contributions (refundable by MOD). The way in which you will pay your employee contribution will depend on the pension arrangement to which you belong:

- **Members of classic** will have the option of paying arrears either by additional periodical contributions or from their lump sum on retirement. The Scottish Government's pension administrator, the Department for Work and Pensions (DWP) will advise you of the implications of both so that you can make an informed choice.
- **Members of classic plus and premium** will pay arrears of contributions by additional payment on return to their employing department
- **Members of partnership** will need to let the Pensions Administration Section (PAS) know if they wish to continue with their contribution so that arrangements can be made for employer and employee contributions to be passed to the partnership provider.

9.10.6 All reservists will be covered by the provisions of the Armed Forces Pension Scheme for death or injury attributable to Reserve Forces service. This does not affect entitlement to death benefit under the Civil Service Pension Scheme.

9.10.7 Payments for added years and Additional Voluntary Contributions (AVCs) cannot continue during a period of Reserved Forces service.

9.10.8 If you have any questions about the pension arrangements and how they apply to you, you should contact the Department's Pension Administrators - the Department for Work and Pensions, Financial Services Pensions, Room BP 5202, Benton Park View, Longbenton, Newcastle on Tyne, NE98 14X.

Annual Leave

9.10.9 You will

- Accrue **Reserve Forces** annual leave during the period of the call out.
- Be allowed to take this **before** returning to work.

9.10.10 You will **not**

- Accrue **Scottish Government** annual leave entitlement during your period of forces service and will need to make an appropriate adjustment. For example if your entitlement is 30 days leave per year (2.5 x 12) and you are called up for 6 months, the Scottish Government will deduct 15 days (2.5 x 6) from your entitlement.

9.10.11 Before you depart you may wish to consider (in consultation with your line manager) managing the balance of your leave.

Right of return

9.10.12 You have a statutory right to return to work on the same or equivalent terms, although **this is subject to serving the correct notice within the correct timeframe**. In practice this means that:

- If you are employed on a permanent basis, you will return to your current work unit and (if possible) to the same post.
- If you are on loan or secondment and your call out ends - during the period of your loan or secondment you will return to the
- Employer (unless you agree otherwise with the Scottish Government) - after the end of your loan you will return to the Scottish Government.
- If you are a fixed-term appointee, you will have a right of return for the outstanding balance of your contract if this occurs before the end date of your contract.

Managers

9.10.13 You should:

- Support the application for unpaid special leave.
- Ensure the special leave application form is fully completed and sent to the HR Shared Service Centre or Agency HR Unit for formal approval. They will ensure that the appropriate pay and pension arrangements are made
- **Not** make a case for deferral or exemption from call out other than in very exceptional circumstances.
- Include in the period of unpaid leave the Reserved Forces annual leave to which the individual will be entitled before returning to work.
- Note the appropriate adjustment to the individual's annual leave during the period of call up.
- Consider with the individual managing the balance of his/her annual leave entitlement.
- Plan for the return of the individual if - a permanent member of staff - the member of staff is returning **before the end date** of a period of loan or secondment or fixed term appointment.
- Make arrangements for covering work during the person's absence.

9.11 Attendance Management

Introduction

9.11.1 For an organisation to monitor the impact of its sick absences effectively and to maximise its resources, it must:

- Ensure that managers are actively involved in managing attendance.
- Ensure that staff and managers are aware of their responsibilities.
- Ensure that the guidance on managing attendance is available to all staff and managers.
- Have sufficient information about the likely duration of an absence to be able to plan cover and minimise the impact on business delivery and to plan, where appropriate, the member of staffs return to the office.

Purpose

9.11.2 The purpose of the Scottish Government (SG) policy and guidance on Managing Attendance is to strike the right balance between employees' needs and the business needs of the Scottish Government. Important points to remember are that:

- Managing attendance does not mean being unsympathetic - indeed sympathy and understanding are implicit in the legal requirement to act reasonably.
- Sensitive, fair and firm management of attendance enhances staff commitment - people like to know where they stand.
- Sick absence impacts on the Scottish Government's ability to meet its business demands.

Contacts

9.11.2 If you don't wish to discuss attendance matters with your line manager, you can talk to someone else in your management chain. You can also contact the HR Shared Service Centre (HRSSC). You can also speak in confidence to the Scottish Government's Employee Assistance Provider (EAP) at any time, or to the SG Counselling and Welfare Services (CAWS).

9.12 Injury, Disease or Assault at Work

Introduction

9.12.1 Generally, it is your responsibility to report incidents and accidents in which you are involved. Where this is not possible, your line manager or head of branch should report them.

9.12.2 All accidents and incidents must be reported no matter how trivial the incident may appear at the time it occurs or whether it immediately results in incapacity or disablement. If the report is not made promptly, there may be difficulty proving any subsequent claim for injury benefit.

9.12.3 Information about recording accidents and incidents is provided in Chapter 3, Section 1: 'Health and Safety at Work'. The following provides information about pay and benefits in circumstances where absence is due to:

- Injury sustained, or disease contracted, in the course of duty.
- Injury resulting from an assault in the course of duty or clearly connected with duty.

9.12.4 The Civil Service Injury Benefits Scheme (CSIBS) provides compensation if you sustain a qualifying injury during the course of your official duties which then impairs your earning capacity. The CSIBS rules set out who can receive the benefits and the level of the guaranteed income. More information about the CSIBS is available on the Civil Service Pensions website under 'Additional Schemes'.

Industrial Injuries Disablement Benefit

9.12.5 Jobcentre Plus in the Department of Work and Pensions administers the Industrial Injuries Disablement Benefit (IIDB) for people who are disabled as a result of an accident at work or by a disease or deafness caused by a job they have done. More information about IIDB is available on the Department of Work and Pensions website under 'Services and Benefits A-Z'.

9.12.6 If you are absent due to an injury or a disease that satisfies the qualifying conditions for injury benefit under the Civil Service Injury Benefits Scheme (CSIBS), which is available on the Civil Service Pensions website, the Department will:

- a) Provide 6 months injury absence on full pay before normal sick pay is payable.
- b) Apply for payment of injury benefit and additional injury absence.
- c) Not make deductions from either sick pay or ordinary pay, on return to duty for:
 - disability benefit awarded under the Social Security Acts in respect of an injury at work; or
 - an increase in disability benefit or disability pension during approved hospital treatment.

d) Ensure that where any injury is due wholly, or in part, to the negligence of the Crown, the whole of such period of absence, or proportionate part thereof, does not reckon towards the time limits of the Attendance Management scheme described in Chapter 9, Section 11.

e) Ensure that any proportion of any contributory negligence on your part reckons towards the time limits of the Attendance Management scheme.

9.12.7 Absence from duty that is due to an injury or a disease that **does not** satisfy the qualifying conditions for injury benefit under the Civil Service Injury Benefits Scheme (CSIBS) will be treated as normal sick absence.

9.12.8 Where a claim for damages lies against a third party the Scottish Government will:

a) Require your claim to include a specific amount for loss of earnings.

b) Provide an advance of salary in place of any pay due for injury absence and/or any sick pay due under our sick pay arrangements.

c) Require you to repay proportionately any advance of salary where your claim is wholly or partly successful.

d) Ensure that where all, or part of, the advance is repaid, a period representing the repaid advance does not reckon towards the limits of the Attendance Management scheme.

9.12.9 Where a claim for damages is against a third party who is a servant of the Crown acting during the course of duty, or where it is alleged that a breach of duty on the part of the Crown has caused the accident, the Scottish Executive will:

a) If you are in receipt of full sick pay, ensure that your claim does not include any amount for loss of earnings.

b) If you are on less than full pay, allow you to claim damages for the amount that would bring your remuneration up to full pay.

c) Allow you to claim damages for any gross salary or wages that would have exceeded full sick pay had you not been absent due to injury.

d) Where necessary, apply the conditions at 9.12.8c and d.

9.12.10 If you are absent due to an assault in the course of your duty, or when not on duty but clearly connected with duty, that sick absence will not reckon towards the maximum period of sick absence allowed under the Attendance Management scheme described in Chapter 9, Section 11.

9.12.11 Where your absence is due to such an assault, and no claim for damages is made, the following payments will be made:

- a) Full pay, less any Social Security sick, or injury, benefits; plus
- b) Any additions for overtime, shift and night working payments, calculated on average hours worked over the immediately preceding calendar month.

Assault

9.12.12 If you make a claim for damages following such an assault, the Scottish Government will:

- a) Provide an advance of salary that represents the amount provided by paragraphs 9.12.11a and b.
- b) Ensure that your claim includes a specific amount for loss of earnings.
- c) Require you to repay proportionately any advance of salary where your claim for damages is wholly, or partly, successful.

10.1 Mobility

10.1.1 Your mobility obligation depends on your pay Band, working hours and whether you are employed on a permanent or fixed term basis.

10.1.2 If you are in Band A or work part-time in Band B, or above, you are classed as non-mobile. If you are a **full-time** member of staff in Band B, or above, you are classed as mobile. If you are employed on a fixed term basis, you are probably classed as non-mobile. If it has been necessary for you to be classed as mobile, this will be specified in your letter of appointment.

10.1.3 Additional guidance on mobility is available on the Intranet.

10.2 Movement between Departments and Agencies

Introduction

10.2.1 Staff may transfer to another Government Department or Agency on a permanent basis in order to fill vacancies, promote career development or on compassionate grounds. For information about temporary transfers, see Chapter 10, Section 3: 'Interchange'.

Movement within the Scottish Administration

10.2.2 Staff within the Scottish Government Main (SGM) collective bargaining unit (see composition of SGM in the Introduction to this Handbook) have the same terms and conditions of service and are free to move to any of the other bodies within SGM on lateral transfer, progression or promotion.

10.2.3 The following parts of the Scottish Administration are not part of SGM and therefore do not have the same terms and conditions of service:

- Crown Office and Procurator Fiscal Service (COPFS)
- Historic Scotland (HS)
- Registers of Scotland (RoS)
- Scottish Courts Service (SCS)
- Scottish Fisheries Protection Agency (SFPA)
- Scottish Prison Service (SPS)

10.2.4 Movement is normally through the Advertising Scheme. The vacancy board has a specific section for non SGM posts. However, a SGM member of staff who transfers to a non SGM body will take on the latter's terms and conditions of service. Any queries about restrictions on eligibility or the potential effect on pay and conditions of service should be directed to the contact given in the advert. There is no right of return to SGM, but staff in the Scottish Administration that are not part of SGM may apply for SGM posts when they meet the criteria for doing so. If they are successful, SGM terms and conditions apply.

10.2.5 Information about interdepartmental trawls is available to those with Government Secure Intranet facilities on the Civil Service website.

10.2.6 If your office does not have this facility you should request information about the vacancies on this site from the contact telephone number given below.

10.3 Interchange Secondment/Loan in UK, European Institutions and Overseas

10.3.1 The Scottish Government's Interchange Programme promotes, supports and encourages the temporary exchange of employees across the Civil Service and other organisations. For information about permanent transfers to other Government Departments, see Chapter 10, Section 2: 'Movement between Departments and Agencies'.

10.3.2 The Scottish Government Interchange Strategy and operational guidance can be found in the Interchange and Secondments section on the Intranet.

11.1 Notice and References

Introduction

11.1.1 Because of the Constitutional nature of the Crown, and the prerogative power to dismiss at will, Civil Servants cannot demand a period of notice as of right. However, Scottish Government (SG) staff are normally given notice. The SG policy on notice periods, which is available on the Intranet, sets out when notice applies and when compensation in lieu of notice may be appropriate.

11.1.2 You are expected to give a period of notice when you choose to resign from the Scottish Government. You do not have a right to withdraw your notice but may do so with the agreement of the Scottish Government.

11.1.3 There are generally two types of reference:

Employment/employer reference

11.1.4 As the name suggests, an employment/employer reference is provided by the employer and in the case of Scottish Government staff this is done at a corporate level within HR. The HR Shared Service Centre (HRSSC), and agency equivalents, will provide employer/employment references for current and former employees on request.

11.1.5 The Scottish Government policy in relation to employer references is to provide only a basic level of information such as dates of employment, performance markings and number of sick absences, etc. The main reason for this is to provide strictly factual information as to do otherwise is subjective and could be open to misinterpretation.

Personal reference

11.1.6 The Scottish Government will not provide these for the reasons given above. However, if you nominate a colleague (which could be your line manager) to provide such a reference they may do so on the proviso that they do so outwith their capacity as an employee of the Scottish Government, restrict comments to those of a personal nature with no reference to your work and do not reply on official headed paper.

11.2 Action before Leaving

Introduction

11.2.1 When you leave the Scottish Government the HR Shared Service Centre (or Agency equivalent) will remind you:

- That the Official Secrets Acts and the duty of confidentiality continue to apply - see Chapter 4, Section 2: 'Confidentiality and Official Information'.
- That permission is needed before publishing memoirs - see Chapter 4, Section 2: 'Confidentiality and Official Information'.
- Of the business appointment rules - see Chapter 4, Section 3: 'Standards of Propriety'.

and if you are leaving before pension age of 60,

- that, provided you comply with the relevant time limits, it may be possible to have a transfer value in respect of pensionable service in the Civil Service paid to your new pension scheme instead of preservation for payment at pension age of 60. Staff with non-preservable benefits, i.e. less than 2 years service, may also transfer to another scheme instead of being put back into the State Second Pension. A resignation pack giving information on pension awards will be sent to you by the Scottish Government's Authorised Pension Administrators.

11.3 Normal Retirement Age

Introduction

11.3.1 A new national default age of 65 was introduced on 1 October 2006, making compulsory retirement below age 65 unlawful from that date unless it can be objectively justified. The guidance for Bands A-C staff below applies to staff in the Scottish Government Main Bargaining unit (SGM). (Non SGM Agencies may determine their own retirement age policy for staff outwith the Senior Civil Service.)

Retirement Age Policy

11.3.2 With effect from 1 October 2006:

- The Scottish Government introduced a 'no retirement age' policy for Band A-C staff; and
- the Cabinet Office raised the normal retirement age for the Senior Civil Service (SCS) from 60 to 65. However, staff in the SCS can apply for retention beyond age 65.

11.3.3 Staff in Bands A-C now have a right to work beyond age 60 for as long as they wish and will continue to be subject to the normal Scottish Government conduct, performance, and attendance procedures.

11.3.4 There is a distinction between 'retirement' age and pension age. The changes to the normal retirement age policies do not affect the current Civil Service pension age of 60 and staff are still free, if they wish, to leave Scottish Government employment at any time beyond age 60 with immediate payment of pension benefits.

11.3.5 However, as a result of the "no retirement age" policy, age retirement no longer exists for Band A-C staff. Therefore, when staff in Band A-C choose to leave Scottish Government employment, they will be classed as having either:

- Resigned prior to pension age; or
- Resigned at or beyond pension age with immediate payment of pension benefits

11.3.6 Staff resigning at, or beyond, pension age should give 3 months notice of their last day of employment to ensure that all necessary pensions action can be taken. Failure to do so may result in the late payment of pension.

11.4 Dismissal for Inefficiency

Introduction

11.4.1 If you are to be dismissed for inefficiency due to either unsatisfactory performance or attendance - see Chapter 6, Section 3: 'Inefficiency and Limited Efficiency'. You have an internal right of appeal against that decision, and Human Resources (HR) will advise you of the process to be followed should you wish to appeal.

Compensation

11.4.2 If a decision is taken to dismiss you for inefficiency a decision is also required as to whether you should be paid compensation and, if so, how much. The maximum amount of compensation that may be paid is set out in Section 11 of the Civil Service Compensation Scheme (CSCS). If it is decided that you should receive compensation it is necessary to assess in percentage terms the extent to which, if at all, the inefficiency has been beyond your control. The compensation payable will then be calculated by applying that percentage to the maximum that could be paid under the CSCS in your case.

11.4.3 HR will inform you of the decision regarding compensation. If it is decided that you are not to be given compensation, or are to be given less than 100% compensation, you have an internal right of appeal against that decision, and HR will advise you of the process to be followed should you wish to appeal.

11.4.4 You may have a further right of appeal to the Civil Service Appeal Board (CSAB), provided you satisfy the relevant conditions set out in Chapter 12, Section 1: 'Appeals', against decisions to:

- Dismiss you on grounds of inefficiency, and
- Not to pay compensation or the extent to which compensation should be paid.

11.5 Categories of Early Retirement or Severance

Introduction

11.5.1. There are 5 categories under which staff can retire or be retired early.

These are:

- Compulsory Early Retirement or Severance (CER/CES);
- Flexible Early Retirement or Severance (FER/FES);
- Approved Early Retirement
- Actuarially Reduced Retirement
- Medical Retirement

Information

11.5.2 If you are to leave under any of the above categories, the HR Shared Service Centre, or Agency Personnel Unit, will provide you with details of your individual benefits. The Intranet provides further information on early retirement/severance, including a summary of the above categories and eligibility.

11.5.3 Compulsory and Flexible Early Retirement (CER and FER) applies to staff aged 50 or over. Compulsory and Flexible Early Severance (CES and FES) applies to staff aged under 50. Human Resources Division (HRD) administers all aspects of early retirement or severance arrangements.

11.5.4. The Cabinet Office must be consulted about any proposals to retire staff in the Senior Civil Service (see Chapter 5 for information about the Senior Civil Service) on any grounds.

11.5.5. Details of the benefits payable under the various categories are available on the Civil Service Pensions website.

11.5.6 If you have any questions about the pension implications of retiring early, you should contact our Pension Administrators - the Department for Work and Pensions, Financial Services Pensions, Room BP 5202, Benton Park View, Longbenton, Newcastle on Tyne, NE98 14X.

11.6 Redundancy Agreement

11.6.1 It is in the best interests of the Scottish Government and its employees to maintain as stable an environment as is practicable in which job security can be safeguarded. Every effort will therefore be made to ensure that staff surpluses do not arise and to avoid compulsory redundancies. However, where redundancies are unavoidable they will be dealt with in accordance with the principles and procedures as set out in the Redundancy Agreement, which is available on the Intranet.

12.1 Appeals

12.1.1 All staff have a right of appeal against management decisions that affect them adversely.

12.1.2 There are dedicated procedures for appeals against certain management decisions. Appeals against decisions not covered by these dedicated procedures will be covered by the Scottish Government grievance procedures.

12.1.3 Full details of the dedicated appeals and grievance procedures can be found on the Intranet.

12.2 Legal Representation at Public Expense

Introduction

12.2.1 Staff may be involved in legal proceedings or formal enquiries arising from their employment. Unless the circumstances are covered by the rules set out in paragraphs 12.2.2 and 12.2.3, the Scottish Government has discretion to grant staff so involved some or all of their legal representation or to pay for some or all of their legal costs. In deciding whether to exercise this discretion the following considerations will be taken into account:

- whether or not it is in the Scottish Government's interest to grant assistance;
- whether the act giving rise to the proceedings or inquiry was committed or suffered within the scope of the member of staff's employment.

Rules

12.2.2 The Scottish Government will provide legal representation for members of staff who are sued for damages as a result of actions carried out in the course of their employment. This representation will be by the solicitor acting for the Crown. Any damages and/or liability for the other sides' costs will also be met from public funds. This right does not apply if:

- the Scottish Government considers that the member of staff was acting outside the scope of his or her employment; or
- the member of staff refuses to co-operate with the solicitor or fails to provide instructions.

12.2.3 The Scottish Government will also:

- provide legal advice to members of staff assaulted in the course of their official duty; and
- permit members of staff involved in an inquest or fatal accident enquiry as a result of their official duty to be represented by the legal representatives of the Scottish Government, provided there is no conflict of interest; and
- when a formal enquiry might lead to a member of staff being blamed, consider with the legal adviser whether the individual concerned should be given legal representation at public expense; tell the relevant trade union of the provisional decision and give sympathetic consideration to their views; and
- provide legal representation for members of staff sued as the result of the findings of the enquiry for actions carried out in the course of their official duty, unless the member of staff appears to have been guilty of wilful or gross negligence.

Right of Appeal

12.2.4 Members of staff who are refused legal representation or assistance with legal expenses may appeal to their Director General.

Liability

12.2.5 Subject to paragraph 6, the Crown will accept responsibility for the civil liabilities, including costs, of a member of staff incurred in connection with his or her performance of the functions of a director (or any similar position, however described) or other officer of a company, provided that the Department has given written confirmation that the appointment is one to which this paragraph applies.

12.2.6 Paragraph 12.2.5 will not apply if:

- the liability arises from any wilful default or bad faith on the part of the member of staff; or
- the member of staff is otherwise indemnified against the liability.

13. Industrial & Employee Relations

Introduction

13.1.1 The Scottish Government attaches importance to ensuring effective consultation and involvement of staff. It is, of course, a personal decision whether or not to join a trade union. However, the Scottish Government encourages staff to join an appropriate trade union and to play an active part within it, making sure that their views are represented.

Partnership

13.1.2 Management and the Trade Union Side of the Scottish Government Main bargaining unit (SGM) are committed to conducting their industrial & employee relations business in partnership. That business covers all matters relating to the general welfare, terms and conditions and working practices of staff. The Scottish Government recognise 3 Civil Service unions, which are represented by the Council of Scottish Government Unions for collective bargaining purposes:

- Public and Commercial Services (PCS)
- Prospect
- FDA

13.1.3 Further information, including the partnership process and agreement and the arrangements for facility time are available on the Intranet.

- Partnership Process
- Partnership Board
- Partnership Facilities Agreement
- Trade Union Side & Recognised Constituent Unions
- Responsibilities of Individual Managers
- Management and Trade Union Agreements
- Industrial Action