

Notice Periods by Scottish Government

As a Civil Servant you do not have an automatic right to a period of notice if your employment with the Scottish Government is terminated. However, your contract of employment with the Scottish Government does give you the right to notice periods under certain circumstances. Details of these notice periods are given below. Note - "**Early Retirement**" in this guidance refers to leaving Scottish Government employment **prior to pension age of 60**. (The Scottish Government has a "no retirement age" policy for staff in Bands A-C, whereby staff can continue to work for as long as they wish, and the Senior Civil Service (SCS) has a retirement age of 65. However staff may choose to resign at, or after, pension age of 60 with, where applicable, immediate payment of civil service pension benefits.)

Dismissal for inefficiency

The Scottish Government will give you the periods of notice set out in the table below if you are dismissed for inefficiency due to poor attendance or unsatisfactory performance.

Service	Notice Period
Staff with less than 4 years continuous service	5 weeks
Staff with 4 or more years continuous service	not less than one week for each year of continuous employment plus one week, to a maximum of 13 weeks

Compulsory early retirement and severance

The Scottish Government will give you 6 months notice if you are to be retired compulsorily:

- on structural grounds; or
- on limited efficiency grounds; or
- on being made redundant.

Medical retirement

The Scottish Government will give the following periods of notice should you be retired on medical advice from the medical advisors to the Principal Civil Service Pension Scheme (PCSPS):

- 5 weeks if you are still on probation. This may be extended by up to a further 3 weeks if you are considering appealing against the decision; and
- 9 weeks in other cases, unless a shorter period is mutually acceptable.

These periods of notice will be increased, where appropriate, to not less than one week for each year of continuous employment plus one week, to a maximum of 13 weeks.

Compensation in Lieu of Notice

Where the minimum period of notice cannot be given, you will be given compensation in lieu of the unexpired period of notice. **This does not apply:**

- to flexible and approved early retirements and voluntary redundancy where notice is negotiable;
- where you leave voluntarily with the agreement of the Scottish Government before the end of the period of notice; or
- where you are dismissed for disciplinary reasons.

Fixed Term Appointments (on merit through fair and open competition)

Fixed Term Appointments (FTAs) on merit through fair and open competition are for the periods set out in appointment letters and are normally less than 4 years. FTAs may, however, be terminated at any time prior to the expiry of the fixed term period by the fixed term appointee or by the Scottish Government.

If your appointment is terminated **before** the end of the fixed term period, as you have been recruited through fair and open competition you have a right to the notice, or compensation in lieu of notice, described above (unless, for some reason, your appointment letter specified a longer period of notice in which case that will be honoured). **However**, where such a period of notice would go beyond the expiry date of your fixed term appointment, notice will be reduced to only cover the unexpired period of that appointment. (A period of notice, or a compensation payment, cannot cover a period beyond the expiry date of a fixed term appointment.)

Fixed Term Appointments (without fair and open competition)

Fixed Term Appointments (FTAs) without fair and open competition are for the periods set out in appointment letters and are normally for no more than 11 months. FTAs may, however, be terminated at any time prior to the expiry of the fixed term period by the fixed term appointee or by the Scottish Government. If the department terminates your appointment before it is due to expire you will be given 5 weeks notice (or a period equal to the unexpired part of your fixed term appointment, where this is less than 5 weeks) in writing unless you are summarily dismissed on disciplinary grounds.

Rights of Appeal

The Scottish Government will inform you of your internal right of appeal against dismissal and, where applicable, to any right of appeal to the Civil Service Appeal Board (CSAB) or in the case of medical retirement to a Medical Board.

Notice by Staff

Resignation before pension age of 60

If you resign before pension age of 60 you are expected to give at least the following minimum periods of notice in writing:

Band C and above (recruited or promoted to that level since September 1990)	3 months, [unless different arrangements are set out in your letter of appointment/promotion]
Band C and above who were at that level before September 1990	1 month
other monthly paid staff below Band C	1 month
Fixed-term staff (without fair and open competition)	2 weeks.

Resignation at, or after, pension age of 60

In order that all necessary pension actions can be taken it is advisable that you give the Human Resources Shared Service Centre (HRSSC) 3 months notice of the last day of your employment. (See contact point given below.)

Actuarially reduced retirement

If you are taking actuarially reduced retirement you must give the HRSSC 6 months notice of the last day of your employment, though a shorter period of notice may be agreed where this would not be prejudicial to the efficient running of the Scottish Government. (See contact point given below.)

Withdrawal of Notice of Resignation or Retirement

You do not have a right to withdraw your notice but may do so with the agreement of the Scottish Government.

Enquiries

If you have any enquiries relating to this section you should contact the Human Resources Shared Service Centre.