

## **SCHEDULE OF THE PRINCIPAL TERMS AND CONDITIONS OF APPOINTMENT**

### **1. PERMANENT APPOINTMENT**

In addition to the terms contained in your letter of appointment, the following paragraphs summarise, or refer to, your main terms and conditions of service as they apply at present. Your employer is the Scottish Ministers, as agent of, and acting on behalf of, the Crown. As a Crown employee you are part of the UK Civil Service. Scottish Ministers have delegated authority to exercise the statutory functions of an employer for staff in the Scottish Government. Additional information relating to your employment is provided on the intranet.

### **2. CONTINUITY OF EMPLOYMENT**

No employment with a previous employer will count towards your period of continuous service for the purposes of employment protection legislation.

Any previous employment with the Scottish Government will count towards your period of continuous service, for the purposes of employment protection legislation.

### **3. HOURS**

#### **Full time employees**

You will work a 5 day week of 37 hours excluding meal breaks of one hour per day. Your hours of attendance will normally be as follows:

Monday-Thursday	8.30 am-5.00 pm
Friday	8.30 am-4.30 pm

You may have the opportunity to work a flexible working pattern, details of which can be obtained from and authorised by your manager.

For part time staff and shift workers, separate arrangements are in place which will have been communicated to you on appointment.

### **4. LEAVE**

You are entitled to 5 weeks paid annual leave (pro-rata for part time employees) in each leave year, which runs from 1 February to 31 January. You will be entitled to 6 weeks paid annual leave (pro-rata for part time employees) after completing 4 years of reckonable service. Full details are available on the intranet.

In addition, the Scottish Government usually observes 11½ days public and privilege holiday per annum (pro-rata for part time employees). Information on public and privilege holiday dates are available on the intranet.

Should you leave the Scottish Government or transfer to another Government Department, your leave entitlement will be pro-rated to the actual period worked. Before you leave you should make every effort to take any outstanding annual leave prior to your departure. **Payment will only be made for any remaining balance which you have been specifically prevented from taking for business reasons.** If you have exceeded your annual leave entitlement for the year at the time of your departure, your final salary will be reduced accordingly.

## 5. OVERTIME

If overtime is necessary, you will be invited to volunteer. If there are insufficient volunteers, you may be required to work overtime. If so, the Scottish Government will try to give you at least 48 hours notice. Information on the rules relating to overtime, including rates of payment, is available on the intranet.

## 6. OVERPAYMENTS

Whilst every effort is made to ensure that payments made to employees are accurate, overpayments can occur. Where an overpayment occurs, it is Scottish Government policy to recover the overpayment. The procedure for recovery is set out in the Scottish Public Finance Manual which is available on the intranet.

If you voluntarily participate in any of the Scottish Government non-pay benefit schemes and then cease to be an employee, you must comply with the agreed final payment arrangements. If you fail to comply, any outstanding monies will be regarded as an overpayment and treated accordingly.

You are responsible for checking your payslips and reporting any errors or overpayments to the pay team immediately.

## 7. SICK ABSENCE

You must inform your manager by 10.00 am on the first working day on which you are unable to work because of illness or incapacity. Full details of your obligations are contained with the Attendance Management Policy which can be found on the Scottish Government Intranet.

You may be allowed sick absence on full pay (less any social security benefits received) for up to 6 months in any rolling period of 12 months. Then, after that, on half pay up to a maximum of 6 months, up to a total of 12 months of paid sick absence in any rolling period of 4 years or less. Any Statutory Sick Pay due will be paid within the maximum of full pay.

If you have received (or claimed but not received) any benefit from the Department for Work and Pensions (DWP) during the period beginning 57 days before your entry to the Scottish Government you will have received a letter from the DWP about this. **If you have not already sent this letter to HR Shared Services you should do so immediately.**

If your attendance is unsatisfactory because you have frequent or long term sick absence, your suitability for continued employment will be reviewed in accordance with the Attendance Management Policy, which can be found on the intranet.

## **8. FAMILY FRIENDLY POLICIES**

The Scottish Government operate various family friendly policies including maternity, paternity, adoption, shared parental leave, parental leave, flexible working hours and alternative working patterns. Full details of all these arrangements can be found on the intranet.

## **9. MOBILITY**

As a UK civil servant you can be expected to transfer to a post within reasonable travelling distance of your home. You can be required to serve away from home for temporary periods of detached duty. Further information about detached duty can be found on the intranet.

**In addition to the minimum mobility requirement detailed, for all full time staff in Band B and above the following is also applicable;**

You can be required to transfer to anywhere in the United Kingdom or abroad.

## **10. NOTICE**

As a Crown employee, appointments are held at the pleasure of the crown and a period of notice cannot be demanded as a right when appointments are terminated. Unless you are dismissed on disciplinary grounds, the following minimum periods of notice will apply:

- staff with less than 4 years continuous service - 5 weeks notice
- staff with 4 years or more continuous service - not less than one week for each year of continuous employment plus one week, to a maximum of 13 weeks notice

If the minimum period of notice cannot be given for any reason other than in relation to a disciplinary dismissal, you will receive compensation in lieu of the unexpired period of notice.

If you are retired for certain reasons prior to the date on which you would expect to receive your state pension you may be subject to a longer period of notice. Details are available on the intranet.

### **For staff in Band B or below**

If you decide to leave the Scottish Government you are required to give not less than one month's notice, which the Scottish Government can insist be worked

### **For staff in Band C and above**

If you decide to leave the Scottish Government you are required to give not less than 3 months' notice, which the Scottish Government can insist is worked.

## **11. PENSION ARRANGEMENTS**

All employees are eligible to join the Civil Service Pension arrangements. Information on pension schemes and benefits can be found at [www.civilservicepensionscheme.org.uk](http://www.civilservicepensionscheme.org.uk).

## **12. RETIREMENT/PENSION AGE**

The Scottish Government has a "no retirement age" policy for staff in Bands A-C. This means that you are free to continue in employment for as long as you wish, subject to the rules on effective performance, and satisfactory conduct and attendance which are available on the intranet.

## **13. ACCEPTANCE OF OUTSIDE APPOINTMENTS**

Subject to Business Appointment rules, you may be required to obtain the agreement of the Scottish Government before accepting any offer of employment outside your Scottish Government employment, or which would start within up to two years of leaving Civil Service employment. Details of the Business Appointment and Outside Occupations and Activity rules are available on the intranet.

## **14. DATA PROTECTION ACT 1998**

The Scottish Government collects personal information to administer data and support staff and to deliver services across the organisation. Processing is necessary for compliance with our legal obligations.

The following information is collected by our eHR, eOvertime, Flexi and Records systems:

- Name, date of birth, address, contact telephone numbers, National Insurance (NI) number, bank details, emergency contact/next of kin, payslip data, pensions data and marital status
- Current job information, employee contract, employment history, disciplinary records and training Information
- Annual leave records, flexi records and sick leave records.
- Disability information, diversity monitoring including ethnicity, nationality, gender, religious beliefs and sexual orientation.

For staff administrative purposes data may be shared with the Department of Work and Pensions (DWP), Her Majesty's Revenue and Customs (HMRC), National Fraud Initiative (NFI) and the Pensions administrator.

Only specific Human Resources staff and line management can access your data held in Scottish Government records and systems.

Employees are entitled to review/update their personal information held on HR systems.

If you want to request additional information about your data and our privacy policy please contact HR Shared Services. Under the Data Protection Act 1998, you are entitled to request a copy of your HR records (known as a Subject Access Request (SAR)). You can do so by contacting the Data Protection Team or email [dpa@gov.scot](mailto:dpa@gov.scot). Further details, including the contact details of our data controller, can be found on the intranet.

## **15. CONDUCT AND DISCIPLINE**

Civil servants are required to act in accordance with the terms of the Civil Service Code at all times. A summary of the current version of the Code is attached at Annex A. You must familiarise yourself with this and all Scottish Government conduct and discipline policies. Copies of these policies, together with the current Civil Service Code are available on the Scottish Government intranet

The standards of behaviour expected of Scottish Government employees are contained in the Guide to Standards of Behaviour. You are required to familiarise yourself with and to comply with the Guide, which is available on the Scottish Government intranet. You are also required to familiarise yourself with and to comply with rules on conduct and discipline, including the separate rules which apply during your probationary period only, all of which are available on the intranet.

## **16. GRIEVANCES**

The Scottish Government has a Fairness at Work policy which you should familiarise yourself with if you have a grievance relating to your employment. The policy is available on the intranet.

## **17. USE OF OFFICIAL INFORMATION**

All civil servants are subject to the Official Secrets Acts. The provisions of the Acts as they affect civil servants are summarised in Annex B attached. You should read it carefully. All civil servants owe duties of confidentiality and loyal service to the Crown. These require civil servants to exercise care in the use of information which they acquire in the course of their official duties and to protect information which is held in confidence. The rules governing the use of official information and related activities are available on the Intranet and you are required to familiarise yourself with them. Any breach of these rules may result in disciplinary action and, in certain circumstances, criminal or civil proceedings.

## **18. TERMS AND CONDITIONS**

Collective agreements are in place which directly affect your terms and conditions of service. Full details are available on the intranet.

We reserve the right to vary the terms of your appointment from time to time.

Collective bargaining arrangements are in place with our recognised Trade Unions and any changes to the terms of your appointment or policies relevant to your appointment will be made in consultation with the recognised Civil Service Trade Unions where applicable.

You will be notified of any changes to your terms of appointment.

## **Annex A**

### **PRINCIPLES OF THE CIVIL SERVICE CODE**

The Civil Service Code (the Code) is made under the Constitutional Reform and Governance Act 2010 and is incorporated into the employment contracts of civil servants working for the Scottish Government and its agencies, etc. The Code's terms apply at all times, including when a civil servant is not at work.

Civil servants are accountable to the Scottish Ministers and are expected to carry out their role with dedication and a commitment to them, the Civil Service and its core values to support good government and ensure the achievement of the highest possible standards.

#### Civil Service Core Values

Integrity - Putting the obligations of public service above your own personal interests.

Honesty – Being truthful and open.

Objectivity – Basing your advice and decisions on rigorous analysis of the evidence.

Impartiality- Acting solely according to the merits of the case and serving equally well Governments of different political persuasions.

#### Civil Service Standards of Behaviour

Integrity – including fulfilling your duties and obligations responsibly and always acting professionally. Civil servants must not misuse their official position or disclose official information without authority.

Honesty – including setting out facts and relevant issues truthfully and only using resources for the authorised public purpose for which they were provided. Civil servants must not deceive or mislead Ministers or be influenced by improper pressures.

Objectivity – including providing information and advice based on evidence and taking decisions on the merits of each case. Civil servants must not ignore inconvenient facts or frustrate the implementation of policies once decisions are taken.

Impartiality - including carrying out responsibilities in a way that is fair, just and equitable and which reflects the Civil Service commitment to equality and diversity. Civil servants must not act in a way which unjustifiably favours or discriminates against particular individuals or interests.

Political Impartiality – including serving the Government, whatever its political composition, to the best of your ability and complying with any restrictions that have been laid down on your political activities. Civil servants must not act in a way which

is determined by party political considerations or allow advice to be determined by personal political views.

The core values set out the standards of behaviour expected of all civil servants. More information in relation to your obligations under the Code together with a copy of the Code is available on the Scottish Government intranet.



## **Annex B**

### **A BASIC GUIDE TO THE OFFICIAL SECRETS ACTS 1911 and 1989**

This basic guide provides answers to some questions about how the Official Secrets Acts 1911 and 1989 might affect you. It does not cover everything in the Acts. Further information on the Acts can be obtained from HR Shared Service Centre, Saughton House or on the Scottish Government intranet.

The 1989 Act amends section 2 of the Official Secrets Act 1911 to create a number of new offences, including in relation to the unauthorised disclosure of information without lawful authority and making damaging disclosures. For the purpose of the 1989 Act, "information" includes any information, document or article in the possession of a Crown servant or government contractor.

The Acts apply to:

- Crown servants, including a Minister of the Crown, member of the Scottish Government or junior Scottish Ministers; civil servants; members of the armed forces, and the police force.
- Government contractors, including any person who is not a Crown servant, but who provides, or is employed in the provision of goods and services, for the purpose of any Minister or any office holder in the Scottish Administration.
- Members of the public who have, or have had, information in their possession.

Disclosures of the following types of information are protected by the 1989 Act-

- Security and intelligence (section 1)
- Defence (section 2)
- International relations (section 3)
- Crime and special investigation powers (section 4)
- Information resulting from unauthorised disclosures or entrusted in confidence (section 5)
- Information entrusted in confidence to other States or international organisations (section 6)

Crown servants may only disclose information with lawful authority and where the disclosure is made in accordance with their official duties. A disclosure by a government contractor is made with lawful authority if it is made in accordance with an official authorisation or it is for the purposes of their functions as a government contractor and it does not contravene an official restriction.

It is an offence for a Crown servant or government contractor to fail to take such care to prevent the unauthorised disclosure of information in their possession which should not be disclosed without lawful authority.

Offences under the 1989 Act may be tried either on indictment or summarily, and anyone guilty of an offence is liable to imprisonment, a fine or both.