

Your request

You asked for the following information:

In an FOI response (FOI202000103809) you have shared some correspondence relating to Ministerial pay freezes and I would like clarification of the following statement, which has obviously been worded very carefully and checked with the legal advisors.

Scottish Government Ministers and the Law Officers have previously agreed to freeze pay as at their April 2009 pay level. The Salaries Scheme does not give the power to withhold an annual increase. To achieve the required reduction, pay increases are deducted from the Ministers' and the Law Officers' net salaries and repaid to the Scottish Consolidated Fund. The disclosure reflects the salary awarded under the Scottish Parliamentary Salaries Scheme.

I would therefore ask the following questions under FOI:

1. 'Scottish Government Ministers and the Law Officers' this does not say that ALL Scottish Government ministers, nor ALL Law Officers. Can you please confirm that ALL ministers since 2009 have continuously agreed that deduction and continue to make the commitments

The BBC Article referred to states that ALL ministers have done this continuously, so why does your statement not use the word ALL? BBC statement is below..

But since 1 April 2009, all Scottish government ministers, including Ms Sturgeon, have chosen not to accept their full entitlement - a voluntary pay freeze which means that their take-home salary remains at 2008/09 levels.

As a result, the first minister's pay is still £135,605, with cabinet secretaries earning £96,999.

2. 'Previously agreed' suggests that this was a one-off agreement but it would appear that this must be a choice which is renewed frequently, can you please confirm whether any of the ministers who have taken up office have made exactly the same continuous commitment
3. Does the "salary awarded" reflect the full salary package or simply the salary which is taken. If a member has moved elements of their salary package into voluntary pensions or other salary sacrifice options would that result in a reduction the amount that is paid into the Scottish Consolidated Fund - if this has occurred then which ministers die not offset the difference set out below (for example £11,205 per minister in 2017-2018)

Year	Entitlement as an MSP	Entitlement as a Cabinet Secretary	Total salary entitlement	Increase	Ministerial salary after freeze
	£	£	£	%	£
2008-09	55,381	41,618	96,999	n/a	96,999
2009-10	57,521	43,227	100,748	3.9%	96,999
2010-11	57,521	43,227	100,748	0.0%	96,999
2011-12	57,521	43,227	100,748	0.0%	96,999
2012-13	57,521	43,227	100,748	0.0%	96,999
2013-14	58,096	43,660	101,756	1.0%	96,999
2014-15	58,678	44,097	102,775	1.0%	96,999
2015-16	59,089	44,406	103,495	0.7%	96,999
2016-17	60,685	45,605	106,290	2.7%	96,999
2017-18	61,778	46,426	108,204	1.8%	96,999
2018-19	62,149	46,704	108,853	0.6%	96,999

4. On 5th April 2018 Ross Ingebrigsten asks (presumably a colleague) why the Daily Mail would be asking this question. Is it part of FOI that the reason for a request has to be given or might in fact influence the nature of the response. Can you also please confirm that the redacted names
5. The amount reimbursed of £540,000 seems to be low as there are 10 cabinet secretaries who according to the table above should have returned over £400k up until end of 2017 can you please break down how much has been returned into the three categories (FM, Cabinet Minister, Ministers) and also give a table as above for Scottish Government ministers (non Cabinet) to show the salary difference

The response to your request is as follows:

1. I refer you to the answer in FOI202000103809 which confirms that Scottish Government Ministers and the Law Officers have previously agreed to freeze pay as at their April 2009 pay level. This applies to the First Minister, Cabinet Secretaries, Ministers and Law Officers, and has been in place since 2009. If an individual ceases to hold such an office, for example, following a cabinet reshuffle or election, then the arrangement comes to an end for the individual but the arrangement is then implemented for their successor.
2. This arrangement has been in place for all these office-holder roles since 2009. It has been in place every year since 2009.
3. The Salaries Scheme does not give the power to withhold a salary increase. The full gross annual salary rate is therefore paid to each individual from which tax, NI and pension contributions are deducted. An additional deduction is then made from the net salary to bring it down to the net salary that would have been paid had the increase not been applied. Reimbursement is based on net salary and not gross salary.
4. In this instance I am not able to supply the requested information as the exemption 38(1)(b) – Personal Information applies.

5. In this instance the Scottish Government does not have the information you have requested. This is because the Scottish Parliament is responsible for Ministerial Pay. You may wish to contact the Scottish Parliament to request this information. You can contact them by emailing foi.officer@scottish.parliament.uk or writing to FOI Specialist, Scottish Parliament, Edinburgh, EH99 1SP. This is a formal notice under section 17(1) of FOISA that the Scottish Government does not have the information you have requested.