

BUSINESS CASE FOR SETTLEMENT AGREEMENT

Please note all text boxes automatically expand as necessary when they are being completed. Once complete this Business Case should be sent to the Scottish Government relevant SG Sponsor Director or SG Lead Contact, copied to [People Directorate](#).

Name of organisation

[REDACTED]

Senior manager to be contacted

Name

[REDACTED]

Job Title

[REDACTED]

Email

[REDACTED]

Phone number

[REDACTED]

SG Contact or equivalent

Name

[REDACTED]

Job Title

[REDACTED]

Email

[REDACTED]

Phone number

[REDACTED]

SG Sponsor Directorate

[REDACTED]

SG Sponsor Directorate-General

[REDACTED]

(for data collection purposes)

Background and circumstances of the case

[REDACTED]

On [REDACTED] attended a meeting with [REDACTED]. [REDACTED] accompanied by [REDACTED] trade union representative and an HR representative and note taker were also present. [REDACTED]

The meeting concluded with an agreement that. [REDACTED].

Further meetings took place [REDACTED].

The [REDACTED] HR subsequently emailed [REDACTED]

[REDACTED] held a wellbeing call with [REDACTED] trade union representative and [REDACTED] HR on [REDACTED].

A further meeting between [REDACTED] and [REDACTED] took place on [REDACTED]. [REDACTED] HR was in attendance, as was [REDACTED]'s trade union representative. In summary, at this meeting, [REDACTED]:

[REDACTED]

[REDACTED]. On [REDACTED] wrote to [REDACTED] .

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The meeting took place on [REDACTED] chaired the meeting and [REDACTED] attended along with [REDACTED] trade union representative. An HR representative was also present, as was a note taker. During the meeting, in summary, [REDACTED] advised that:

[REDACTED]

On [REDACTED].

[REDACTED] submitted an appeal [REDACTED].

An appeal hearing took place on [REDACTED] and was chaired by Sharon Fairweather, Director for Internal Audit and Assurance within the Scottish Government. [REDACTED] attended along with [REDACTED] trade union representative. An HR representative and note taker were also present.

On [REDACTED], Ms Fairweather wrote to [REDACTED] advising that she had decided to uphold the original decision. In her letter, she addressed each of [REDACTED]'s grounds of appeal and determined that, [REDACTED]. In all the circumstances, Ms Fairweather considered that the decision to [REDACTED] and upheld the decision.

Following this, [REDACTED] lodged a claim of unfair dismissal with the Employment Tribunal on 1 April 2021.

[REDACTED]

Judicial Mediation is scheduled for [REDACTED] to attempt to bring this case to a resolution, ahead of the Employment Tribunal on [REDACTED].

[REDACTED].

Risks arising (including legal advice on risk of legal challenge by employee and prospects of success)

[REDACTED]

Confirmation that the relevant management procedures have been followed

As per the procedures and evidence in the paperwork held by [REDACTED], [REDACTED] HR maintained contact with the individual throughout [REDACTED]'s line manager and [REDACTED] HR had regular contact with [REDACTED].

As detailed in the background and circumstances of this case, all relevant management procedures were followed throughout the handling of this case and advice sought [REDACTED] at each stage. [REDACTED]. There is a clear paper trail [REDACTED].

An assessment of the value for money offered by the proposal by reference to the completed (attached) Employment Information Schedule

[REDACTED].

Any non-financial considerations, e.g. where it is desirable to end a person's employment but dismissal is not warranted

n/a – claimant has been dismissed

Options

[REDACTED]

Recommendation

To negotiate a settlement [REDACTED] (in the region of £95,000 inclusive of non-contractual and accrued annual leave) ahead of or during Judicial Mediation with [REDACTED] to mitigate potential costs of defending the case at Employment Tribunal and any potential associated costs and risks.

Handling / Communications

[REDACTED]

Signed
Date

[REDACTED]
[REDACTED]

Attached completed employment information schedule

ACCOUNTABLE OFFICER

Confirmation that this business case is appropriate and complies with the SPFM guidance

Signed
Date

[REDACTED]
[REDACTED]

Send the completed form to your SG Sponsor Team

If you do not have a Sponsor Team, send the completed form to your DG Office, copied to

[SG People Directorate](#) /Finance Business Partner / [Severance Policy Team](#)

Scottish Government People Directorate Comments:

I am content with the recommendation that a settlement agreement is pursued in order to conclude this active employment tribunal and that this is in line with the relevant provisions of the SPFM. I note that legal advice on prospects and risks of proceeding with the case has been obtained. I further note that the proposed total settlement figure includes contractual payments made to the individual on their dismissal.		
Name: Judith MacKinnon	Job Title: Head of People Advice	Ext No : 43296

Scottish Government Finance Business Partner Comments:

Name:	Job Title:	Ext No :

Scottish Government Public Spending Division (Severance Policy Team):

Does the scheme comply with the Settlement and Severance chapter of the Scottish Public Finance Manual?		
Yes:	No:	
Comments: [REDACTED]. Please note that policy interests and our role is to scrutinise the business case and provide advice. The final decision regarding approval of the business case lies with the Accountable Officer		
Name: [REDACTED]	Job Title: Senior Policy Officer	Ext No : [REDACTED]

Scottish Government Sponsor Director or Lead Contact Comments:

I am content to approve the recommendation, for the reasons given. [REDACTED].		
Name: [REDACTED]	Job Title: [REDACTED]	Ext No : [REDACTED]

FOR MINISTERIAL USE - if appropriate		
Approved:	Date:	
Conditions attached to approval or reasons for refusal:		
Cabinet Secretary [insert portfolio]		
Name:	Name of Ministerial Private Office :	Ext no:

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To be returned to the public body by the SG Sponsor Team within a target of 5 working days if the SG does not find the case to be contentious or unusual. Or within 15 working days if there may be elements which are contentious or unusual, or if the case is being referred to Scottish Ministers.