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1. Our standards of behaviour policy

As civil servants, we are guided by and required to adhere to the principles set out in the [Civil Service Code](#), to act with integrity, honesty, impartiality and objectivity. This requirement, among others, is specifically referenced in our [terms and conditions of appointment](#).

As employer, we have a duty of care to support staff in the workplace. This means having appropriate policy and procedures that are informed by civil service requirements, employment and equality law and [our organisational values](#). It also includes ensuring staff are aware of expected standards, and how to raise concerns if they experience behaviour they feel does not meet these standards.

Everyone should feel confident to be themselves in the work environment and take responsibility to respect differences in thought, background or experience. As Scottish Government (SG) colleagues in the service of Scotland, we have a role to play in supporting each other to have a positive work experience. This means demonstrating and being role models for our organisational values, which are:

- we act with integrity
- we are inclusive
- we are collaborative
- we are innovative
- we are kind

Our values represent who we are, who we aspire to be, and what we believe in. They guide how we act, the decisions we take and how we work together, across the government, to improve the lives of the people of Scotland and help us support ministers. Find out [how we can all live our values](#).

This policy has been developed with the Council of Scottish Government Unions (CSGU).

What the policy covers

The standards of behaviour applies to all SG Main and Marine staff working in Scottish Government core, and executive agencies and non-ministerial offices that are part of the [Scottish Government Main/Marine Bargaining Unit](#).

This includes senior civil servants, civil servants in Bands A to C and special advisers, whether on permanent or fixed term contracts, and those on graduate training schemes.

The standards apply to staff regardless of length of service and continue to apply to those Scottish Government staff on secondment or loan outwith Scottish Government Main and Marine.

While this policy applies across the SG Main bargaining unit, executive agencies and non-ministerial offices (NMOs) may have local procedures in place to reflect local contact points and, for NMOs, their status as a direct employer of staff. References to Scottish Government in this policy should be read as references to individual bodies.

If you're not directly employed by, but working in or providing services to Scottish Government, for example as a contractor or on secondment to Scottish Government, we expect you to adhere to our standards of behaviour. You should however, look to your own employing organisation's policy if you wish to, for example, to raise a grievance about unacceptable behaviour.

2. Standards of behaviour policy framework and principles

All staff must act in accordance with our standards of behaviour, which is underpinned by a policy framework which aims to:

- protect the dignity of staff and provide advice, information and support
- raise awareness of standards of behaviour expected of staff and their responsibilities
- ensure policies and procedures meet legal and civil service requirements, and are consistent with [our organisational values](#)
- ensure that colleagues are aware of the detrimental effects of unacceptable behaviour on both the individual and the organisation as a whole and be aware unacceptable behaviour may be considered in line with our disciplinary policy and procedures

Policy principles

Through our standards of behaviour policy, we are committed to:

- promoting and role modelling [our organisational values and expectations](#), enabling and requiring colleagues to conduct themselves responsibly and professionally at work
- supporting staff to understand and meet the obligations of the [Civil Service Code](#) which are set out in [terms and conditions of appointment](#) or, if appropriate, the [code of conduct for special advisers](#)
- creating and supporting an environment in which colleagues are treated with consideration, dignity and respect. This includes where differences are valued and appropriate policies, procedures, learning and development activity and systems promote the dignity of staff at work
- supporting a culture where bullying, harassment, including sexual harassment, victimisation or discrimination in any form, against any colleague, has no place. Also a culture where there is no victimisation of any colleague who has made or assisted someone else to raise a concern in good faith about unacceptable behaviour in the workplace
- setting out what behaviour is unacceptable in the workplace, with clear policy and procedure on expected standards and routes to raise concerns or allegation of inappropriate behaviour (experienced or witnessed)

- supporting colleagues where issues are raised and ensuring appropriate handling, including investigating fairly in accordance with the relevant policies and procedures

3. How we are expected to act

Our value principles describe how staff are expected to act day in, day out, as civil servants [in the service of Scotland](#).

Everyone has differences in thought, background and experience and all staff should be treated with respect, regardless of whether personalities, characters and management styles may differ. Everyone must adhere to the standards of behaviour and conduct at all times in the workplace and must not behave in a way that is in contravention of the standards of behaviour.

We all have a shared responsibility for modelling and upholding our organisational values. We want to ensure and promote an inclusive culture where people's differences are genuinely respected and people feel safe and supported.

We act with integrity

Our actions reflect the values of the Civil Service

Value principles:

- we are impartial, demonstrate high ethical standards, respect, protect and fulfil human rights and uphold the rule of law
- we speak up for what is right, even when it feels difficult
- we are evidence based, open, transparent and honest
- we build relationships based on trust

We are inclusive

We have a respectful work environment which includes everyone

Value principles:

- we listen to the voices of everyone and respect uniqueness
- we value equity and create a sense of belonging
- we continually strive to build a more diverse workforce, representative of the communities we serve

We are collaborative

We work with others to realise Scotland's full potential

Value principles:

- we work with others to improve our effectiveness and make things happen
- we share connections, ideas and knowledge across boundaries
- we actively listen and respond to the needs of our people, partners, ministers and colleagues to co-produce a healthier, safer and more prosperous country

We are innovative

We test different approaches and develop new solutions

Value principles:

- we are flexible with our approach, seeing opportunities and pursuing them
- we embrace ambiguity and uncertainty and have a positive attitude to change
- we are professional and skilled
- we are efficient with the money we spend, accountable for the decisions we make and take balanced risks

We are kind

We care and show kindness towards people and the natural environment

Value principles:

- we put the well-being of the people of Scotland and our colleagues at the centre of what we do
- we are mindful about our impact on future generations
- we treat everyone with empathy, compassion and care

4. Standards of conduct policies and guidance

Our conduct policies support the standards of behaviour and set out in more detail how colleagues are expected to conduct themselves in specific circumstances. You should familiarise themselves with these policies alongside the standards of behaviour:

- [IT Code of Conduct](#) - setting out guidance on the acceptable use of SCOTS, in particular email and use of the intranet, as well as personal use of Scottish Government IT facilities
- [propriety standards of conduct](#) - detailing the standards of propriety including the duty to ensure that no appearance of bias or misuse of position is given or can reasonably be inferred from personal conduct. It also ensures that colleagues don't use their official position to further personal interests, or the interests of others who have no legitimate entitlement to the benefit. The standards also explain how to declare and register interests
- [gifts and hospitality policy](#) - outlining when it is appropriate to accept gifts, reward or hospitality
- [substance misuse policy](#) - setting out our policy in relation to misuse of alcohol, drugs and substances including information about support available
- [social media guidance](#) - explaining standards around the responsible and careful use of social media and the difference between official, professional and personal use
- [confidentiality and official information](#) - laying out duties of confidentiality and service and the use of official information
- [outside interests or occupations](#) - confirming the requirements to register outside occupations or activities
- [flexible working hours](#) - setting out flexible working rules and policy
- [diversity and equality policy](#) - setting out our organisational commitment to diversity and equality
- [trans inclusion and equality policy](#) - setting out support available for staff transitioning and our commitment to enhancing trans equality and inclusion
- [comments and moderation policy](#) – setting out expected standards of conduct when commenting on Saltire or Viva Engage

5. Our responsibilities

Everyone has a responsibility for adhering to the SG [standards of behaviour](#). This includes preventing and addressing any perceived bullying, discrimination, victimisation or harassment including sexual harassment. This page sets out our specific responsibilities under the standards of behaviour policy.

Your responsibilities

As a colleague, you need to:

- make yourself aware of, and adhere responsibly to, the standards of behaviour, ensuring that you role model and demonstrate positive behaviours, participating in any related learning and development activity including mandatory training on inclusive cultures
- be aware of your own behaviour and the effect this may have on others around you, remembering that inappropriate behaviour is behaviour which is viewed as unacceptable to the recipient. It doesn't matter whether any perceived harassment, including sexual harassment, victimisation, discrimination or bullying is unintentional
- treat colleagues, service users and internal or external contacts with respect and dignity, carrying personal responsibility for your behaviours and actions at and away from your workplace
- understand there is no place for unacceptable behaviours in Scottish Government. Help ensure colleagues, service users and internal or external contacts don't suffer any form of unacceptable behaviour by conducting yourself in a manner that does not cause offence to others
- raise any concern using the appropriate policy and procedure noting that malicious or vexatious complaints or false allegations will be handled in accordance with [our disciplinary policy and procedure](#)
- understand that, even when a disclaimer is attached, personal views you express could be considered as a breach of standards of behaviour; be mindful of your obligations as a civil servant

Manager or countersigning officer responsibilities

If you're a manager or countersigning officer, you need to:

- role model and demonstrate positive behaviours ensuring that your work area is supportive and respectful, valuing diverse perspectives and fostering an inclusive working environment

- make sure you and your team are familiar with and comply with the required standards of behaviour. Ensure you participate in any related learning and development activity so managers are trained and staff are aware of what is expected of them
- take appropriate prompt action to prevent and stop inappropriate behaviours that you see or are made aware of
- support anyone in your team to raise a concern
- ensure there is no victimisation of any colleague who has made or assisted someone else to raise a concern or grievance

Senior leader responsibilities

If you're a senior leader, you need to:

- role model and demonstrate positive behaviours to enable a supportive and respectful work area
- develop a team culture where everyone is treated with respect and dignity and open communication is encouraged and diverse perspectives are valued
- ensure policies and procedures are applied consistently and fairly (with advice from HR)
- work with HR through feedback channels to continuously improve the policy and procedures

People Directorate responsibilities

The People Directorate have a responsibility to:

- provide guidance and support, where required, about standards of behaviour and ensure these are applied consistently
- engage sensitively with other corporate policy teams where appropriate
- provide guidance and support to managers where required to manage unacceptable standards of behaviour and ensure appropriate actions are taken
- monitor and review the standards of behaviour in line with Scottish Government requirements, values and any changes in employment law

Council of Scottish Government Unions (CSGU)

Trade union colleagues will:

- provide initial support should members wish to discuss standards of behaviour
- provide professional support, advice and representation with members following discussions about acceptable or unacceptable behaviours and provide continued support where appropriate
- engage with the HR People Advice and Wellbeing team to offer assistance in identifying appropriate action to resolve issues
- provide feedback to the employer on lessons learnt to work in partnership to continually improve the process and outcomes

6. Unacceptable behaviour and examples

There is no single definition of unacceptable behaviour, although it is often described as unwanted conduct affecting the dignity of people in the workplace. Within the Scottish Government, the key to establishing unacceptable behaviour is that the behaviour, actions, comments or conduct experienced is viewed as unacceptable to the recipient.

The Equality Act 2010 provides specific protection for individuals against harassment, victimisation or discrimination on the grounds of a 'protected characteristic'. These are age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex, and sexual orientation. The specific characteristics of pregnancy and maternity are protected against direct discrimination and victimisation. Harassment, including sexual harassment, victimisation or unlawful discrimination on the grounds of a protected characteristic is therefore not just unacceptable but is also unlawful.

Section 7 describes the different types of discrimination and [our equal opportunities and diversity policy](#) explains rights and responsibilities under the Equality Act 2010.

Everyone has a responsibility to behave appropriately and report any incidents of unacceptable behaviour, supporting colleagues who feel they have been subject to such behaviour. In certain circumstances, a failure to demonstrate appropriate standards of behaviour in the workplace may be regarded as bullying, harassment, victimisation or discrimination. It may also fall to be considered under our [disciplinary policy and procedures](#).

There are many examples of unacceptable behaviours which have a detrimental effect on both individuals and the Scottish Government as a whole. They can significantly lower morale, motivation and/or cause increased absenteeism and staff turnover. Read a list of examples of unacceptable conduct and behaviours below - this is not an exhaustive list.

What are vexatious or malicious complaints?

The presumption is that a complaint is genuine and made in good faith, even if it is not upheld. However, if a complaint is considered to be vexatious or malicious this will be handled in line with our disciplinary policy and procedure.

Examples of unacceptable behaviour

These examples describe unacceptable standards of conduct and behaviour. They are for illustration only and are not exhaustive.

Unacceptable behaviour regarding policies and procedures

Failure to comply with Scottish Government policies and procedures and those that underpin the [Scottish Government terms of appointment](#) covers behaviours such as:

- misuse of the flexi system
- antisocial behaviour, for example smoking in a non-smoking area, being rude to a member of the public
- refusing to obey a legitimate instruction
- under the influence of alcohol, or use/possession of illegal drugs while at work or acting in an official capacity
- deliberate damage to our property
- insubordination
- negligence that causes financial loss, damage to property or injury to people
- [misuse of our computer equipment/systems](#)
- [breaches of security](#)
- theft or fraud
- deliberate falsification of records
- being absent/uncontactable while working remotely for long periods without explanation
- being late for work
- failure to report an absence by 10am on the first day of absence if you work a standard working pattern; if you work a non-standard pattern, phone before your scheduled start time to give as much notice as possible

Unacceptable behaviour regarding the Civil Service Code

Failure to uphold the [Civil Service Code](#) and act in line with the values of honesty, impartiality, integrity and objectivity in fulfilling our official duties covers behaviours such as:

- misuse of official position, for example by using information acquired in the course of one's official duties to further one's private interests or those of others

- deceiving or knowingly misleading ministers, Parliament, or others
- being influenced by improper pressure from others or the prospect of personal gain
- ignoring inconvenient facts or relevant considerations when providing advice or making decisions
- frustrating the implementation of policies once decisions are taken, by declining to take, or abstaining from, actions which flow from those decisions
- acting in a way that unjustifiably favours or discriminates against particular individuals or interests
- acting in a way that is determined by party political considerations, or using official resources for party political purposes
- allowing one's personal political views to determine any advice you give or your actions

General examples of unacceptable behaviour and assumptions

These include:

- refusing to work with, ignoring or deliberately isolating or excluding colleagues, including from social events
- excessive, or inappropriate, detailed supervision
- lack of supervision which leaves the individual feeling unsupported or demoralised
- discouraging someone from taking advantage of relevant and suitable training on grounds of irrelevant difference
- raising a malicious or vexatious complaint
- undermining an individual's authority and/or misuse of balance of power
- taking credit for others' work
- reducing a job to tasks inconsistent with a person's grade, skills and abilities
- not taking the blame when things go wrong
- unfair work allocation
- unjustifiably blocking promotion or training opportunities
- withholding information, ostracising, marginalising, spreading rumours, etc.
- displaying or circulating offensive materials
- any sexist, racist, sectarian, homophobic, biphobic, transphobic, ageist, ableist, language or behaviour

It is furthermore unacceptable to make assumptions about:

- an individual's personal or social life or sexual orientation
- their physical or mental capability
- capability on the grounds of age
- the existence of a non-visible impairment ability or competence

Unacceptable behaviour that verbal, written and online

You must not make inappropriate comments, electronic messages or contact, about an individual's:

- religious or other beliefs
- sexual orientation
- gender identity or trans history
- race (including colour, nationality, ethnic or national origins)
- age
- disability, impairment or condition
- pregnancy or maternity
- marriage or civil partnership status
- socio economic background or other personal circumstances, for example their trade union involvement

This applies whether spoken via email, internal messaging, social media, mobile apps and so on.

Any sexist, racist, sectarian, homophobic, transphobic, biphobic, ableist, ageist engagement in any conduct online is also unacceptable in the workplace or even unlawful. This includes making derogatory remarks, bullying or intimidating other users, or posting hateful, threatening, discriminatory, harassing or pornographic content. This moreover covers conduct on social media which may have been carried out using personal equipment or out of working hours, depending on the circumstances or impact.

Further examples of unacceptable written, online or verbal behaviour include:

- leering, suggestive and/or unwelcome gestures, facial expressions, mimicry, imagery, comments, jokes, banter or innuendo
- use of offensive language, name-calling, taunts, jokes, mockery
- inappropriate questions about someone's personal or sex life, or discussion about an individual's own sex life
- unwanted or derogatory comments about dress or appearance

- where requested, deliberate non- use of an individual's pronouns and/or names and/or acting on any changes communicated in relation to those names or pronouns
- aggression, threats, shouting, swearing, abuse
- humiliating, ridiculing or belittling efforts in front of others or in private
- gossip, speculation or spreading rumours about an individual's personal life, for example their sexual orientation, gender identity or trans history

Physical:

- inappropriate propositions, physical contact or advances towards an individual including sexual harassment or sexual advances
- inappropriate behaviour towards an individual's property or acts affecting a person's surroundings
- assault, attacks, abuse or intimidation

7. Types of unacceptable behaviour

This page explains some of the forms of behaviour which are unacceptable.

Bullying

Bullying in the workplace does not have a legal definition. It can however be viewed as any offensive, intimidating, malicious, isolating or insulting behaviour. It can also cover abuse or misuse of authority to undermine or humiliate somebody. This behaviour can relate to the actions of a single person or a group. When considering if someone has been bullied at work, the effect of the alleged bullying as well as any intent behind, should be considered; bullying can occur even where there has been no intent to bully. Bullying behaviour can be harassment if it relates to a 'protected characteristic'

Discrimination

Discrimination can take a number of forms which include:

- direct discrimination when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perception discrimination), or because they associate with someone who has a protected characteristic (see discrimination by association)
- discrimination by association is discrimination against someone because they are associated with another person who possesses a protected characteristic
- perception discrimination is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic
- indirect discrimination can occur when an organisation has a condition, rule, policy or even a practice that applies to everyone but particularly disadvantages individuals who share a protected characteristic and there is no objective justification for it

Harassment

Harassment includes unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. It can be harassment if

the behaviour is intentional or has one of these effects even if this was not intended. The behaviour can take place as an isolated incident or over a period of time and can include spoken or written words, imagery, graffiti, gestures, mimicry, jokes, pranks, banter and physical behaviour that affects the person. It can still be against the law even if the person being harassed does not ask for it to stop.

There are three types of harassment:

- harassment related to certain 'protected characteristics' – age, disability, gender reassignment, race, religion or belief, sex, sexual orientation which apply when an individual:
 - has a relevant protected characteristic
 - is harassed because they are thought to have a certain protected characteristic when they do not or because they have a connection with someone with a certain protected characteristic
 - witnesses' harassment, if what they've seen has violated their dignity or created an intimidating, hostile, degrading, humiliating or offensive working environment for them
- sexual harassment occurs when an individual is subjected to unwanted conduct of a sexual nature which need not be sexually motivated, only sexual in nature. Sexual harassment can be unlawful, irrespective of the intent as behaviours that appear harmless to one person, may be more serious and deeply offensive to another. It can include physical gestures like wolf-whistling and catcalling, non-consensual physical contact, telling offensive jokes and displaying or sharing pornographic images. Sexual harassment can happen to men, women and people of any gender identity or sexual orientation. It can be carried out by anyone of the same sex, a different sex or anyone of any gender identity.
- less favourable treatment because of how an individual responded to previous harassment whether they rejected or 'submitted to' (accepted) the unwanted conduct. The previous harassment must have been either sexual harassment or harassment related to sex or gender reassignment.

The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient. Anyone is able to complain of behaviour that they find offensive even if it is not directed at them.

Victimisation

Victimisation can occur when a person is put at a disadvantage or treated in a less favourable way because they have, or intend to, make a complaint about an incident of discrimination or harassment or other form of unacceptable behaviour. It includes situations where a complaint hasn't yet been made but someone is victimised because it's suspected they might make one.

An individual is protected from victimisation even if the allegation turns out to be wrong and is not upheld, providing that it was made in good faith.

Vexatious or malicious complaints

The presumption is that a complaint is genuine and made in good faith but if a complaint is considered to be vexatious or malicious, this will be handled in accordance with the [disciplinary policy and procedure](#).

A vexatious complaint is one that is unreasonable, without foundation and is pursued, regardless of its merits, solely to harass, undermine, annoy or subdue a colleague.

A malicious complaint is one that is made with the intention of causing harm, for example, deliberately seeking to defame a colleague or manager and raising a complaint with this intent. This could be through lying about an issue or incident in the knowledge that this will cause harm, or knowingly basing a complaint on rumour and gossip with the intention of causing harm.

8. Reporting and further support

Everyone has a responsibility to report any incidents of unacceptable behaviour. It's best to raise any issues informally as early as possible. This can minimise the potential for negative personal impact and reputational harm. You should raise issues with your manager in the first instance, or a more senior manager in your directorate if you can't discuss it with your manager.

There are points of contact and supporting guidance to ensure there is an escalation and reporting route available to everyone, including:

- [the Civil Service Code](#) - contact a [nominated officer](#) or [the HR People Advice and Wellbeing team](#)
- [grievance policy](#) and [procedure](#) - contact [the HR People Advice and Wellbeing team](#)
- the [Scottish Government terms of appointment](#)
- if the concern relates to unacceptable behaviour and conduct, contact [the HR People Advice and Wellbeing team](#) who can direct you further
- if the concern relates to harassment, including sexual harassment, contact **[REDACTED s.38(1)(b) Personal data relating to third party]** or **[REDACTED s.38(1)(b) Personal data relating to third party]** in [the HR People Advice and Wellbeing team](#)
- security concerns - read the guidance on how to [report a security concern](#)
- complaints about [ministers/former ministers](#)

Other sources of support:

- the [counselling and wellbeing services](#) can provide free confidential support and advice to colleagues on a variety of personal and work-related issues
- [HR People Advice and Wellbeing team](#) provide confidential support and signposting around personal and work-related concerns. They also provide advice and guidance to colleagues and managers on all areas of health and wellbeing
- [Employee Assistance Service](#) is available 24 hours a day, 365 days a year online and on free phone 0800 032 9849. It provides professional support and guidance to colleagues employed by the Scottish Government who are

experiencing emotional, practical, health and social problems from trained welfare and counselling practitioners. A wide range of counsellors are available. You can also request to be contacted by someone from a particular background or with particular experience if you have a preference

- [Council for Scottish Government Unions \(CSGU\)](#) provide support to their union members

DISCIPLINE POLICY

Disciplinary rules and procedures promote orderly employment relations, fairness and consistency in the treatment of individuals. The procedures described here will help ensure that our conduct standards are applied.

If for any reason you do not comply with the standards of conduct expected of you, consideration will be given to whether disciplinary action should be taken against you.

Our disciplinary procedures exist to ensure that all cases are handled consistently, fairly and impartially, and are based on principles of natural justice.

Who does the policy apply to?

The policy applies to all colleagues who have completed their probation period in the Scottish Government, its Agencies and Associated Departments, and other bodies as appropriate. This includes colleagues on loan or secondment to other organisations¹.

It is used where problems of misconduct are related to behaviour².

It may be initiated irrespective of whether misconduct occurs in or outwith the workplace. In the latter case, action will normally only be taken where misconduct has a bearing on the officer's position as a Civil Servant or public servant. Criminal convictions in particular may be grounds for disciplinary proceedings.

What are the key requirements?

- Managers should deal with minor misconduct as part of day to day management responsibilities.
- Disciplinary decisions concerning the Permanent Secretary will be taken by the Head of the Home Civil Service after consultation with the First Minister and, as appropriate, the Prime Minister.
- Decisions concerning officers in SCS Band 2 and above, the Chief Executives of Agencies or the Heads of Associated Departments will be taken by the Permanent Secretary.
- Decisions concerning the Chief Executives of associated bodies will be taken by the Chair of the board.
- HR Help is available to offer advice in individual cases and should always be consulted when the matter is to be dealt with formally.
- Disciplinary penalties vary depending on the seriousness of the offence. In all cases HR will determine whether an individual should be suspended from duty.
- Anyone arrested and refused bail, or charged with or convicted of any criminal offence must report the facts to the HR Help as quickly as possible³.
- Disciplinary action may be taken in parallel with criminal proceedings.

¹ Individuals on inward loan or secondment are bound by our rules of conduct, but any misconduct will be dealt with under their own organisation's discipline policy

² Work-related performance issues are normally dealt with under Less than Effective Performance Procedures

³ Traffic offences for which the penalty has not included imprisonment or disqualification from driving need not be reported.

- Everyone has the right to appeal against any disciplinary penalty imposed.

Last review

The policy was last reviewed in November 2015. No amendments were made.

Related policies:

This policy should be read in conjunction with the policies and guidance on conduct.

PART TWO: PROCEDURES

Guiding Principles

- Disciplinary cases will be dealt with expeditiously but fairly. Procedures will be followed without discrimination, whether direct or indirect, on grounds of sex, marital/civil partnership status, being pregnant or on maternity leave, age, sexual orientation, disability, race including nationality and ethnic origin, religion or belief, working pattern, employment status, gender reassignment, caring responsibility, or trade union membership.
- Anyone accused of an offence of a disciplinary nature will be informed of the complaint against them.
- Allegations of misconduct will be investigated before disciplinary action is taken.
- Staff will be given the opportunity to state their case before any decisions are taken.
- Staff have the right to be accompanied by a Trade Union representative or colleague during formal disciplinary meetings and hearings.
- Meetings to investigate an issue are not disciplinary hearings.
- Informal discussions or counselling sessions do not attract the right to be accompanied unless they could result in formal warnings or other actions. If it becomes clear during the course of such a meeting that disciplinary action may be called for, the meeting should be ended and a formal meeting arranged at which the member of staff will have the right to be accompanied.
- No-one will be dismissed for a first disciplinary offence except in a case of gross misconduct when the penalty may be summary dismissal without notice or compensation in lieu of notice.

Process

Dealing with a minor offence

Line managers should deal with minor misconduct as part of day to day management responsibilities.

In all cases it is important to establish the facts and consider whether the matter should be dealt with informally or under the formal disciplinary procedures. In some cases there may be significant underlying reasons for a change in conduct. For example coming in late may be due to domestic problems.

HR Help is available to offer advice on dealing with a minor offence.

Dealing with a serious offence (including gross misconduct)

Where an allegation of misconduct is more serious, or where minor offences are repeated after warnings, line management must immediately consult HR Help. The HR Professional Adviser Unit will advise on the appropriate steps to take and the management of the case.

Serious disciplinary offences (including gross misconduct) will be dealt with promptly and in the following manner:

1. Where the facts are not clear an independent investigating officer (not previously involved in the complaint against the officer) will be asked to make investigations. The investigating officer should be at least band B level.
2. Before an investigation begins, the member of staff concerned will be advised in writing that he or she is being investigated, of his or her right to remain silent and of his or her right to be accompanied by a trade union representative or colleague.
3. These investigations may include interviewing staff, including the officer concerned, and may also include a search of workplace property including desks and cupboards etc. Where any search is being undertaken in the course of a disciplinary investigation, it will be undertaken by at least 2 people. Where any search involves a search of accommodation ordinarily occupied by the officer concerned, it will normally be conducted in the presence of the officer. Only exceptionally, or where the officer has consented in writing, will the search be carried out in the officer's absence. Personal belongings will not be searched without the officer's consent.
4. The investigating officer will report the facts in writing to the appointed HR Adviser. The HR Adviser will decide whether there is a case to be answered.
5. If it is decided that there is no case to answer, the officer against whom an allegation has been made, and where appropriate, the officer making the complaint, will be informed of this in writing. A decision not to proceed with disciplinary action in cases of alleged serious fraud, other than where the individual is being prosecuted, will be taken by the Permanent Secretary, or the Registrar General or Chief Executive of an agency, as appropriate, after consultation with one of the Scottish Ministers. For Non-Department Public Bodies, this decision will be taken by the Chief Executive.
6. If it is decided that disciplinary action should be taken, HR will provide the officer with a written statement setting out the facts and details of the charge (see also criminal proceedings).
7. The officer will be invited to submit a written reply to the charge within a reasonable time (normally 10 working days). This should include any relevant personal, domestic or social circumstances.
8. A disciplinary hearing will be convened during which the officer may make oral representations.

9. The disciplinary hearing will be chaired by a Deciding Officer. The Deciding Officer will be a line manager from Band C or above who has had no previous involvement in the complaint against the officer and who is one level higher than the individual concerned. An HR Adviser with no previous involvement in the case will advise the Deciding Officer on points of procedure and employment law. The officer who is the subject of the complaint will be entitled to be accompanied by a trade union representative or work colleague.
10. The Deciding Officer will decide whether or not the disciplinary charge is well founded, and if so, what penalty is appropriate.
11. The Deciding Officer will inform the officer of the decision, the reasons for the decision and, where appropriate, any penalty as quickly as possible after the hearing. The officer will receive confirmation of these details in writing together with the procedures for lodging an appeal.

Suspending individuals from duty during an investigation

HR may suspend from duty an officer who has been accused of a disciplinary offence or who is under criminal investigation.

Decisions to suspend staff with or without pay may be made at any time during the disciplinary procedure or criminal investigation..

Where it is decided that pay should continue during the period of suspension it will be paid at the basic pay rate (i.e. that which would be paid during the first 6 months of sickness absence).

Determining penalties

There is no set tariff of penalties for particular offences. The seriousness of the misconduct will determine the penalty to be imposed.

In cases of gross misconduct the penalty will normally be summary dismissal without notice or compensation in lieu of notice.

Appeals

All staff have a right of an internal appeal against a disciplinary penalty, including dismissal, and will be informed of the procedures to follow.

The officer appointed to hear the appeal will be a member of the Senior Civil Service or equivalent.

Record keeping

Line managers must keep notes of any oral warnings and copies of any written warnings that they issue under the formal disciplinary procedures.

Written warnings must be copied to the HR Professional Adviser Team. The need to retain a written warning will be reviewed after 6 months.

Any written warnings given by line management and passed to the HR Professional Adviser Team will not normally be taken account of in any subsequent disciplinary hearings after a lapse of 12 months.

A full record of disciplinary proceedings which have resulted in a finding against the officer charged with the disciplinary offence will be placed in the officer's career file and kept by HR.

With the exception of serious offences no account will be taken of an earlier offence and any subsequent disciplinary proceedings after a lapse of 5 years. Where an earlier offence is considered serious enough to be taken into account in any subsequent disciplinary action, the officer concerned will be notified.

No record of any hearsay or unsubstantiated allegation will be kept on an officer's career file.

PART THREE: EXAMPLES AND FURTHER GUIDANCE

There is no single definition of unacceptable behaviour, although it is often described as unwanted conduct affecting the dignity of people in the workplace. Within the Scottish Government, the key to establishing unacceptable behaviour is that the behaviour, actions, comments or conduct experienced is viewed as unacceptable to the recipient.

Everyone has a responsibility to behave appropriately and report any incidents of unacceptable behaviour, supporting colleagues who feel they have been subject to such behaviour. In certain circumstances, a failure to demonstrate appropriate standards of behaviour in the workplace may be regarded as bullying, harassment, victimisation or discrimination. It may also fall to be considered under our disciplinary policy and procedures.

These [examples](#) describe unacceptable standards of conduct and behaviour. They are for illustration only and are not exhaustive.

The gravity of the misconduct will determine whether it is dealt with as a minor or serious offence.

Examples of disciplinary penalties:

- Written reprimand.
- Forfeiture of one or more annual pay awards or a pay freeze for one or more future settlements.
- Monetary payment by way of a fine or restitution, in whole or in part, either for culpable loss or damage caused by the officer or for unauthorised absence from duty. Such payments may be recovered by deduction from pay with the individuals prior knowledge.
- Suspension from duty for a specific period with loss of pay.
- Ban for a specific period from applying for promotion.
- Move to a post in a lower pay range or band including removal of, or eligibility for, temporary responsibility supplement.
- Dismissal.

This list is for illustrative purposes only: it is not exhaustive.

Guidance

HR Help is available to offer advice in individual cases and should always be consulted when the matter is to be dealt with formally.

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Scottish Government Grievance Policy

1. The purpose

The Scottish Government (SG) is committed to promoting and modelling organisational values. All staff are required to meet the obligations set out in the [Civil Service Code](#) and our [standards of behaviour](#), treating everyone with dignity and respect.

Staff should expect equality of opportunity and to work in an environment free from bullying, harassment, discrimination and victimisation, where work related concerns, problems or issues can be raised and responded to.

This policy and [accompanying procedure](#) was developed in consultation with the Council of Scottish Government Unions (CSGU). They set out the framework for staff to raise work-related grievances and how the Scottish Government will respond and support all parties involved, in line with [statutory guidance](#).

Whilst this policy does not form part of terms and conditions of appointment, staff are required to follow the provisions of the policy and procedure. Both the policy and procedure may be amended in agreement with CSGU from time to time.

Cases currently ongoing under the Fairness at Work policy will continue to be progressed under that policy. Any grievances raised from 21 April 2022 will be progressed under this revised grievance policy and procedure.

2. The scope

This policy applies, regardless of length of service, to all SG Main and Marine staff ('staff') including senior civil servants (SCS) and special advisers (SPADs). This also includes staff working in SG core, as well as executive agencies and non-ministerial offices (NMOs) who are part of the [SG Main pay bargaining unit](#).

While this policy applies across the SG Main bargaining unit, executive agencies and non-ministerial offices may have local procedures in place to reflect local contact points and, for NMOs, their status as a direct employer. References to Scottish Government and HR People Advice and Wellbeing team (HR PAW team) in this policy should be read as references to individual bodies and their local HR teams where appropriate.

Staff should use this policy to raise a grievance about issues or behaviour they experience at work. This may include situations where concerns, problems or complaints are raised about working relations or about other issues which affect staff in work.

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In most cases, the [procedure for handling grievance cases](#) will be followed. Depending on the [specific nature of the grievance](#) however, the procedure may be applied flexibly in a way that's appropriate to the nature of the case. In the case of a formal complaint about a minister's or former minister's behaviour, the [updated procedure for handling complaints about ministers](#) will be used.

Individuals not employed by, but working in or providing services to Scottish Government, should adhere to [Scottish Government standards of behaviour](#). They cannot raise a formal grievance under this policy and should follow their employer's own policy for raising a formal grievance. However, they are encouraged to seek to resolve concerns informally in the first instance.

2.1 What our grievance policy covers

A grievance is a concern, problem or complaint that a member of staff wishes to address and, if possible, resolve with their employer.

Potential areas of grievance include (but are not limited to):

- bullying and harassment
- discrimination
- organisational change
- terms and conditions as they affect individuals - read more about [specific cases](#)
- victimisation
- working environment, including health and safety
- working practices
- working relationships

It's important to recognise that managers are required to make decisions that affect staff and sometimes decisions may not meet the expectations of every individual concerned. However, you should be aware such decisions will usually be considered legitimate as long as decisions are:

- reasonable
- meet the requirements of our specific policies
- are objectively justifiable
- do not discriminate unlawfully

2.2 What is not covered under the grievance policy

This policy shouldn't be used where staff:

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- **are subject to, and wish to challenge the outcome of a policy process** such as attendance management, performance management, disciplinary action or dismissal - in this situation, the appeals process set out in the relevant policy should be followed
- **believe they are being asked to act in a way that conflicts with the Civil Service Code** - in this case, staff should use the raising a concern under the [Civil Service Code and whistleblowing policy](#), which includes guidance on how to report illegal or other unlawful activity

3. Grievance policy principles

The grievance policy and procedure must be progressed fairly with all parties without unreasonable delay to resolve issues raised in line with these principles:

- grievances should be raised informally, normally with the manager in the first instance, except where it's inappropriate to do so. Where a grievance is of a specific nature, such as those set out in [specific cases](#), guidance should also be sought from the HR People Advice and Wellbeing team (PAW team)
- formal grievances should be progressed in line with the grievance policy and raised without undue delay. This should be within six months of the alleged concern, problem or complaint arising, or of any informal dispute resolution processes concluding (including mediation). Exceptionally, there may be instances where formal grievances raised outwith this timescale may be considered. A decision will be taken as to whether or not it would be reasonable to take forward such cases
- formal grievances will be assessed initially by the [HR PAW team](#), to give advice on handling the grievance, except for cases involving a minister or former minister which will be considered by propriety and ethics in the first instance
- staff can seek advice from the [HR PAW team](#) and trade unions if they are a member at any stage
- any member of staff who raises a grievance formally will be entitled to be accompanied at formal meetings by a companion who may be either a recognised trade union representative or a colleague (not a family member) supporting in a non-professional capacity; the right to be accompanied does not apply to meetings as part of an informal process, however, any such requests will be considered by the appropriate manager. Legal representation is not permitted at any meeting



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- all staff have a right to request consideration of workplace adjustments in the grievance process
- there is a right of appeal against the outcome of the formal grievance decision
- all parties must respect confidentiality throughout and after the process seeking advice where necessary. It's important to note that certain matters may need to be discussed with HR/trade unions or, where individuals may be at risk of harm, with other relevant persons. Where this is the case staff should be kept informed. Any breaches in confidentiality will be treated seriously and where appropriate, considered under the Scottish Government discipline policy and procedure
- HR PAW team/propriety and ethics, deciding officers (DO), investigating officers (IO) and appeals managers (AM) should declare any actual or potential conflict of interest ideally at the outset or during the grievance if they're not aware/conscious of this at the outset and subsequently become aware of this. They should have no prior involvement with any aspect of the matter being raised and no close association with the member of staff raising the grievance or the subject of the complaint. Read more about the [roles and responsibilities](#) in the grievance process
- staff should act in good faith when raising or responding to a grievance and should represent the facts truthfully in line with our [standards of behaviour](#); the presumption is that a complaint is genuine but if a complaint is considered to be [vexatious or malicious](#), this will be handled in accordance with the disciplinary policy and procedure

4. Raising a grievance

In most cases, staff should look to raise their grievance [informally](#), where possible, normally with their manager in the first instance, except where it's inappropriate to do so. [Informal resolution](#) and discussion is often the best way to resolve any concerns or issues which arise in the workplace. This includes where the grievance is about a minister or former minister. Where a grievance is of a specific nature, such as those set out in specific cases, guidance should also be sought from the HR People Advice and Wellbeing team (HR PAW team).

Staff are therefore encouraged, if they feel comfortable, to [seek resolution to their grievance informally](#), speaking to the other person and seeking support from their manager or more senior manager if needed and/or the HR PAW team. Where the grievance relates to a decision taken by the manager or the manager's behaviour, staff should discuss this with them. If they feel unable to do so, they should speak

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informally with another appropriate manager for example, the countersigning manager or a more senior manager in the directorate.

If staff are aware of or observe another colleague experiencing unacceptable behaviour, they should encourage them to seek support. Alternatively, staff may wish to raise with their manager any unacceptable behaviour they witness or feel impacted by.

4.1 Raising a formal grievance

There are however, some situations where informal resolution may not be the right option, and advice on handling, as set in specific cases, should be sought before proceeding. Staff therefore also have the ability to [raise their grievance formally](#), using the formal [grievance notification form](#).

4.2 Specific cases

There may be grievances of a specific nature, such as those described in this section, where the handling of the grievance may require the grievance procedure to be applied flexibly in a way that's appropriate to the nature of the case.

About a minister's or former minister's behaviour

Where the concern, problem or issue relates to a minister's or former minister's behaviour, staff are encouraged, if they feel comfortable, to seek resolution informally, with support from their manager or more senior manager. They may also if needed, seek advice from propriety and ethics who may draw on support from the HR People Advice and Wellbeing team (HR PAW team). Further guidance about [raising a grievance about a minister](#) is available.

Where the concern cannot be resolved informally, a formal complaint will be handled under the updated [procedure for handling complaints against a minister](#). A [flowchart detailing the procedure](#) is also available.

About a third party

Where staff wish to raise a grievance about a third party for example, about a contractor, agency worker, or other stakeholder, they should contact the HR PAW team for specific advice. Staff should be aware that as the Scottish Government is not the employer of third parties, there may be limits as to how far the Scottish Government is able to investigate the grievance. Staff will be advised as to how the grievance will be taken forward under the procedure and how they will be supported.

About a trade union representative

Trade union representatives are subject to the same standards of conduct as other Scottish Government staff. However, there may be occasions where depending on

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the circumstances, this may need to be discussed with a senior full time official of the relevant union. If staff have concerns or wish to discuss trade union representation, please get in touch with the Head of Employee Relations, Reward and Expenses.

Collective grievance

Where two members of staff, or a group of staff, wish to raise a collective grievance or multiple grievances about the same concern, problem or complaint, the informal process should be followed in the first instance to try to resolve the problem through the line management chain. In circumstances where there are several line management chains advice should be sought from the [HR PAW team](#). Where agreement cannot be reached and the parties wish to raise formally, advice should be sought from the [HR PAW team](#) on how to handle the case collectively under the procedure.

Counter grievances and disciplinary proceedings

Staff who wish to raise a grievance where a grievance has already been raised about an individual and/or they are subject to disciplinary proceedings as a result of a grievance, should contact the [HR PAW team](#) for advice on how the grievance will be taken forward.

The HR team will consider the circumstances and will determine if the grievance/disciplinary action will be considered first or if those processes can run concurrently with the grievance. The HR team can decide to temporarily suspend either a disciplinary or grievance process if it's determined one should take precedence. Decisions will be made on a case by case basis.

Disputing the terms of a collective agreement

The Scottish Government recognises [trade unions](#) for the purposes of collective bargaining which is the route that variations to terms and conditions, including some HR policies are introduced. The outcome of collective bargaining applies to all staff, whether or not they are members of a trade union.

Where staff wish to dispute the terms of a collective agreement which has been agreed with recognised trade unions - for example relating to the substance of terms and conditions or an HR policy - this should be raised with the HR (Employee Relations and Reward team in first instance) and/or, with the recognised trade union (where they are a member) who will give advice on how it will be handled under the procedure.

Harassment, including sexual harassment

Advice on handling a grievance about harassment under the procedure should be sought from the HR PAW team unless the concerns relates to a minister or former

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minister in which case advice should be sought from propriety and ethics. Whilst cases should ideally be raised within six months of the instance of alleged harassment, staff may come forward about harassment beyond this time period and a decision will be taken as to whether or not, this is capable of being progressed.

Every case is different, and it may not be possible, or advisable, to seek to resolve the concern, problem or issue informally.

5.0 Responsibilities

Everyone has a responsibility to report any incidents of unacceptable behaviour they experience.

Responsibility as a member of staff

Staff are expected to:

- ensure they are aware of the [standards of behaviour](#) expected of them
- make themselves aware of and adhere to the grievance policy and procedure, working with their manager and being open to options to resolve the grievance
- make all reasonable efforts to resolve grievances informally in the first instance where appropriate through discussion with relevant parties, action and/or [workplace mediation](#)
- submit any formal grievance in writing using the [grievance notification form](#) and without delay, keeping to the timescales set out in the grievance process
- be truthful, objective and co-operative, participating fully in any investigation which may include being called as a witness
- maintain confidentiality throughout the grievance process and not divulge any information to a third party, except those providing support or professional guidance, ensuring sensitive information is protected appropriately
- maintain cordial, respectful and professional relationships with others in the workplace in line with expected standards of behaviour throughout the grievance process, remaining calm and acting in a fair and reasonable manner

Manager responsibilities

Managers are expected to:

- ensure that they and their team are familiar with this policy and procedure
- make every attempt to resolve staff grievances [informally](#) and within the timeframes detailed in the procedure, where possible, keeping all parties advised if this is not the case and maintain records of informal grievances



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- discuss issues in an approachable and non-judgemental way with staff who are party to a grievance providing support and signposting to other support available
- engage as appropriate with trade unions
- create an environment of openness and trust in their team and maintain objectivity, impartiality and confidentiality
- recognise that if a member of staff raises a concern relating to them, they can do so informally with another appropriate manager for example, the countersigning manager or a more senior manager in the directorate
- seek advice from the HR People Advice and Wellbeing team when necessary and take steps to implement agreed actions – advice must always be taken immediately on the handling of [grievances of a specific nature](#)

People Directorate responsibility

HR People Advice and Wellbeing team (HR PAW team) have a responsibility to:

- assist managers to identify and implement appropriate management action to resolve informal issues where required
- provide advice and guidance on the application of the policy and the process signposting all parties to the support available
- declare any actual or potential conflict of interest; have no prior involvement with any aspect of the matter being raised and no close association with the member of staff raising the grievance or the subject of the complaint
- facilitate access to a workplace mediation service (where appropriate)
- liaise with HR policy teams, propriety and ethics and trade unions where appropriate
- assess formal grievance cases as they arise, giving advice on appropriate route to handling and any interventions required
- organise formal grievance investigations where required
- maintain appropriate confidentiality and objectivity throughout the grievance process
- maintain records of formal grievances received
liaise with the HR policy team on application of the policy, ongoing monitoring and effectiveness
- provide specialist advice and support in [specific cases](#)

Recognised trade unions (CSGU)

Trade union colleagues will:

- provide initial support should staff wish to discuss a potential grievance
- engage with the HR PAW team at an early stage and seek to support early informal resolution for all parties as well as offering assistance in identifying appropriate action to resolve issues

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- provide professional support, advice and representation during the grievance process to members and, following the outcome of the grievance, continued support where appropriate
- declare any actual or potential conflict of interest; have no close association with the member of staff raising the grievance or the subject of the complaint
- provide support to members where appropriate through the appeals process
- provide feedback to the employer on lessons learnt to continually improve the process and outcomes

Investigating officers (IO)

Investigating officers will:

- be B1 member of staff or above
- be sufficiently independent and able to conduct an objective and unbiased fact finding investigation, determining only the facts of the case
- declare any actual or potential conflict of interest; have no prior involvement with any aspect of the matter being raised and no close association with the member of staff raising the grievance or the subject of the complaint
- engage with the deciding officer and adhere to the terms of reference
- identify all relevant evidence, engage with relevant parties and produce an investigation report that fairly and objectively accounts for all relevant evidence timeously
- treat all disclosures of sensitive information with respect and maintain confidentiality

Deciding officers (DO)

Deciding officers will:

- be at least one grade above the person raising the grievance
- declare any actual or potential conflict of interest; have no prior involvement with any aspect of the matter being raised and no close association with the member of staff raising the grievance or the subject of the complaint
- produce terms of reference for the investigation, and engage with the investigating officer, as required
- meet with the individual raising the grievance and any other relevant parties as appropriate
- conduct the grievance hearing and consider all relevant evidence □ maintain confidentiality
make recommendations as appropriate
- produce an outcome letter that details their decision timeously taking advice from the HR People Advice and Wellbeing case manager as required

Appeal managers

Appeal managers will:

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- be a C Band member of staff or above, at least two grades above the individual being investigated
- declare any actual or potential conflict of interest; have no prior involvement with any aspect of the matter being raised and no close association with the member of staff raising the grievance or the subject of the complaint
- engage with the HR team as required, facilitating good relationships with parties to the grievance
- conduct the appeal hearing and consider all relevant evidence
- maintain confidentiality
- make recommendations as appropriate
- produce an outcome letter which details their decision timeously, taking advice from the HR People Advice and Wellbeing case manager as required

Propriety and ethics

Propriety and ethics will:

- provide corporate oversight of and coordination on sensitive issues
- work closely with People Directorate, amongst others
- be the contact point for concerns relating to ministers (informal or formal)
-

6. Support

Cases currently ongoing under the Fairness at Work policy will continue to be progressed under that policy. Any grievances raised from 21 April 2022 will be progressed under this revised grievance policy and procedure. If you need support and advice you can contact:

- the [HR PAW team](#) or your local HR team
- propriety and ethics
- the [Scottish Government Counselling and Wellbeing team \(CAW\)](#)
- your recognised [trade union](#) representative (if you're a member)
- the [Employee Assistance Service \(EAS\)](#)

7. Additional Information

[ACAS](#)

[Scottish Government whistleblowing policy and procedure](#)

[Civil Service Code](#)

[Scottish Government standards of behaviour](#)

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Terms used in the grievance policy and procedure

Member of staff raising the grievance: the person(s) making a complaint

Subject of complaint: the subject(s) of the complaint will be the person who is alleged to have behaved inappropriately or the issue which is being raised, if this does not relate to an individual

The manager: the line manager or an appropriate manager best placed to consider an informal grievance and provide appropriate support during any informal or formal grievance. A member of staff may have to raise their concern with another appropriate manager such as their countersigning manager if the grievance relates to the behaviour or a decision made by their line manager

Appeal manager (AM): the person appointed to consider an appeal

Companion: a person who may accompany a member of staff to formal meetings and, where agreed, by the manager to informal discussions; the companion may be either a recognised trade union representative or a colleague (not a family member) supporting in a non-professional capacity

Deciding officer (DO): the person appointed by the Scottish Government to consider the grievance and decide on appropriate action

Employee Assistance Service (EAS): external service available 24/7 to provide wellbeing support to staff and managers

HR team: can include the HR People Advice and Wellbeing team, local HR team (where applicable) and / or (for ministerial cases) Propriety and Ethics (P&E)

HR People Advice and Wellbeing (HR PAW) case manager: the Scottish Government HR PAW officer who will manage the grievance process

Counselling and Wellbeing (CAW): internal team who provide counselling and wellbeing support to those involved in the grievance process

Investigating officer (IO): the person appointed, to undertake an impartial collection of facts and evidence and produce a report

Parties: the individual raising the grievance, the individual/s about whom the grievance has been raised, or where the grievance relates to a corporate issue, the relevant team / individuals

Trade union representative: if parties are a member of a trade union, they may wish to discuss with their representative who can offer appropriate advice/support

Witness: anyone who may have witnessed the incident/s which are the subject of the grievance or who has other information relevant to the grievance

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Raising a Concern under the Civil Service Code and Whistleblowing Policy

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• **Part One: Scope and Application**

This section details the purpose of this policy, the legal requirements, who this policy applies to and the key requirements.

Purpose

We are committed to ensuring high standards of conduct in all that we do. These standards are reinforced by the Civil Service Code¹ and the standards expected in terms of your conduct².

However, wrongdoing can occur. It is important that you know what to do if, in the course of your work, you come across something that you think is wrong, illegal or endangers others within the Scottish Government (SG) or the public.

These pages will guide you through the process of raising a concern within the SG, including a concern which you believe goes against the core values in the Civil Service code, i.e. integrity, honesty, objectivity and impartiality and/or a concern relating to a breach of the conduct policies, criminal or unlawful activity by others or any security risks or breaches.

Some of these concerns may be regarded as a “qualifying disclosure³” (sometimes known as “whistleblowing”) under the Public Interest Disclosure Act 1998 (“PIDA”).

The Permanent Secretary and the Executive Team are committed to ensuring that whatever action is found to be necessary is taken. They will be updated on progress of cases and any action taken.

Legal Requirements

Qualifying Disclosures (“whistleblowing”)

A qualifying disclosure has a specific, legal meaning. Making a qualifying disclosure is often called “whistleblowing”. When an individual raises a concern about past, present or imminent issues, or an attempt to cover up those issues it may be regarded as a qualifying disclosure in specific circumstances. The individual must reasonably believe that the disclosure of information is in the public interest and that the information tends to show one or more of the following has been, is being or is likely to occur:

- A criminal offence, e.g. fraud.
- Someone’s health and safety is in danger.
- Risk or actual damage to the environment.
- A miscarriage of justice.
- Your employer is not complying with the law.

¹ [Link to Civil Service Code](#)

² [Link to Grievance policy -](#)

³ [Link to protected disclosure legislation](#)

The above list is not exhaustive and what amounts to a qualifying disclosure is fully set out in the Public Interest Disclosure Act 1998 (PIDA).⁴ PIDA protects an individual, (often called a whistleblower) who has made a qualifying disclosure, from detriment arising in consequence of the disclosure.

This policy provides a process by which the above concerns can be raised within the Scottish Government. You are encouraged to raise issues in the first instance in this way because:

- This is the easiest way for you to obtain legal protection.
- It also makes it more likely that a subsequent disclosure to an outside body will be covered by the Act.

Who does this apply to?

- **All Civil Servants** employed in the Core Scottish Government, AIB, Disclosure Scotland, Education Scotland, SAAS and Transport Scotland⁵, (“SG”)
- **Individuals seconded into the SG** – you will be treated as being subject to the Civil Service Code and Civil Service Management Code for the purposes of this policy. You can therefore use this policy for any concerns you wish to raise under the Civil Service Code and you will have access to the Civil Service Commission (see Annex C for an explanation of the role of the Commission).
- **Individuals seconded out of the SG** – unless your secondment arrangement provides otherwise, you retain your status as a civil servant for the duration of the secondment. This means you will continue to be bound by your Civil Service terms and conditions, the Civil Service Code and the Civil Service Management Code. You should therefore use this policy. You will have access to the Civil Service Commission.
- **Individuals on loan from the SG to another Government Department** - you continue to be bound by the provisions applicable to all civil servants, including the Civil Service Code and the Civil Service Management Code. You should therefore, depending on the terms of your loan, either use this policy or the policy and procedure of the department you are loaned to. You will have access to the Civil Service Commission.
- **Individuals providing a service to the SG e.g. contractors.** You should follow the process set out in the policy to raise a concern if it falls under the categories of concern listed in this policy. We expect you to follow the provisions of the Civil Service Management Code and the Civil Service code while undertaking work for the SG. However, as a non-civil servant, you will not be able to raise a concern with the Civil Service Commission directly and the SG does not guarantee the protections afforded under PIDA in respect of whistleblowing claims. It may be more appropriate for you to raise your concern under the SG’s complaint handling process if you are dissatisfied with the service provided by the SG or a member of staff.

⁴ [Link to protected disclosure information](#)

⁵ Civil Servants employed by Non-Ministerial Departments (including Revenue Scotland, FSS , SHR, OSCR CJS, NRS, SPPA and the Scottish Fiscal Commission) who are part of SG Main have separate policies.

Key Requirements

- Under the Civil Service Code everyone has a right and a responsibility to speak up and report behaviour that they reasonably believe contravenes the Code's values.
- You and your line manager should be engaged in regular, open discussion about your work and working environment where you may wish to discuss any concerns informally.
- If you experience something in the workplace which you consider to be in conflict with the Code and/or you perceive it to be wrongdoing, it is important that the concern is raised as soon as possible.
- Proof of your concern is not required (the SG will investigate as required), but you must have a reasonable belief that it relates to one of the [categories of concern](#) (set out below) which can be dealt with under this policy and is not of a wholly personal nature.
- If you have raised a concern with your manager or a Nominated Officer they will arrange a meeting with you to determine how to take the concern forward e.g. an internal inquiry, formal investigation etc.
- You will receive confirmation when the matter is concluded and, if appropriate, the outcome of any investigations and any steps that will be taken as a result.
- If you have raised a concern and you do not believe it has been appropriately investigated you may raise your concern with the next level of management. For concerns relating to the Civil Service Code you may raise your concern with the Civil Service Commission.
- Individuals are encouraged to raise any concerns they may have about perceived wrongdoing as soon as they notice it.
- Individuals raising a concern covered by the policy will be afforded protection.
- Concerns will be handled responsibly and professionally. Help and support will be available to individuals where concerns are raised under this policy.

Part Two: Procedures

Guiding Principles

Process

This section details the types of concern you can and cannot raise under this policy, the process for raising a concern, including what information is needed and how your concern will be handled. Annex D contains flowcharts which summarise the process.

What types of concerns can I raise?

There are a number of situations which might cause concern and could be raised under this policy. The below is not an exhaustive list, but provides information about some situations which might require investigation.

All that is required for your concern to be actioned is a reasonable, honest belief that wrongdoing, including breaches of the core values in the Code, has occurred, is occurring or is likely to occur. Depending on the nature of your concern, it may either breach the Civil Service Code and/or be regarded as a qualifying disclosure (“whistleblowing”) in terms of PIDA.

Categories of Concern which can be raised under this policy

Civil Service Code concerns:

- misuse of official position, for example by using information acquired in the course of one’s official duties to further one’s private interests or those of others;
- deceiving or knowingly misleading Ministers, Parliament, or others;
- being influenced by improper pressure from others or the prospect of personal gain;
- ignoring inconvenient facts or relevant considerations when providing advice or making decisions;
- frustrating the implementation of policies once decisions are taken, by declining to take, or abstaining from, actions which flow from those decisions;
- acting in a way that unjustifiably favours or discriminates against particular individuals or interests;
- acting in a way that is determined by party political considerations, or using official resources for party political purposes;
- allowing one’s personal political views to determine any advice you give or your actions.

General concerns:

If you are unsure whether your concern is relevant under this policy, it is still important that you raise it so that it can be considered and investigated if appropriate. Further advice is available from your manager or a Nominated Officer.

Concerns that you cannot raise under this policy

This policy should not be used to raise concerns of a HR or personal nature, for example, complaints relating to a decision by managers, terms and conditions of employment and complaints against ministers. Such concerns should be raised under the relevant alternative policy, for example, the SG's Grievance Policy.

This policy also does not apply to complaints from a member of the public about the service the Scottish Government provides. Such complaints will be dealt with under the [SG's complaint handling process](#).

This policy does not apply to matters of individual conscience where there is no suggestion of wrongdoing by an individual or a directorate but an individual is, for example, required to act in a way which conflicts with a deeply held personal belief.

How to raise a concern

Informal

If something is on your mind, you may wish to discuss this informally with your line manager before raising it formally. Your line manager may wish to seek informal advice from a Nominated Officer.

Formal

It is important that any relevant concern is raised as soon as possible. Proof is not required (the SG will investigate as required), but you must have a reasonable belief that it relates to one of the categories of concern which can be dealt with under this policy.

The following steps should be adhered to:

- a) The concern should, in most instances, be raised with your management chain (Band C and above) who will know how to progress your concerns or where to go to if not. (For [fraud concerns](#) you can also contact the dedicated, confidential telephone line on 08000 151628).
- b) There may be certain rare occasions, however, when raising a concern with your manager would be inappropriate because, for example:
 - It may implicate the manager in some way
 - It is about a senior manager within the line management chain or somewhere else in the directorate
 - It is particularly serious and needs to be dealt with as a matter of urgency
 - you believe your line manager is not best placed to deal with the concern or you do not feel comfortable raising your concern with them.

If any of the above applies then you should determine the level of seniority to raise the concern to. This could include escalating your concern to your DD, Director or DG.

Escalation examples:

- If you believe the concern may [implicate your manager](#) in some way, [or it relates to someone more senior than your manager](#), it should be raised with somebody more

senior in either the line management chain or another senior person in the Directorate. If you feel uncomfortable doing this, the concern should be raised directly with a Nominated Officer.

- If it is felt that the concern is particularly **serious and urgent** and you are worried that approaching your manager in the first instance may delay consideration or resolution of the matter, for example in the case of National Security, the concern should be raised immediately with a more senior manager or a Nominated Officer.
- If you believe the concern is **extremely serious and urgent** and it cannot be raised with the line manager, another line manager, a Nominated Officer, or a senior manager, then it can be raised with the Chief Executive/Director-General or equivalent. The concern should only be raised in this way if you have given serious consideration to all other internal options. You may be asked to explain why you did not raise the concern with your manager or a Nominated Officer.

Details of how to contact the Nominated Officers can be found at [Annex A](#).

While we encourage staff to raise concerns, you should not, in raising a concern act in bad faith or raise a malicious, vexatious or knowingly untrue concern in order to harm colleagues or your directorate. This will not be actioned under this policy. If after due consideration we believe that you have acted in this way, you may face disciplinary action, which depending on the seriousness could result in dismissal.

Throughout any investigation, you will still be expected to continue your duties/role as normal. In exceptional circumstances where this is not possible the case should be referred to your People Advice and Wellbeing Officer via [HR Online](#) to provide advice on what actions could be taken.

If you are the subject of a concern and the concern is founded you may be subject to disciplinary action.

If you do not believe that your concern has been appropriately investigated and concluded, you may raise your concerns about the process with the next level of management or a Nominated officer and they will advise you of what will happen next. If your complaint relates to a concern under the Civil Service Code and you are a civil servant you may also raise your concern with the independent Civil Service Commission.

Confidentiality and anonymity

The best way to raise a concern is to do so openly, as this makes it easier to investigate and provide feedback.

Any concerns raised under this policy will be treated in a sensitive manner. Any request for confidentiality will be respected as far as possible. However, if the situation arises where it is not possible to resolve the concern without revealing your identity (for example in matters of criminal law), we will aim to advise you before proceeding. The same considerations of confidentiality should be afforded to the individual(s) at the centre of the concern, as far as appropriate.

You may choose to raise concerns anonymously, i.e. without providing your name at all. If this is the case, the act of investigation itself may serve to reveal your identity. You are

therefore encouraged, where possible, to put your name to concerns raised in the first instance to enable a full investigation to take place. When anonymous concerns are raised they will be treated as credible and investigated so far as is possible.

Information needed to raise a concern

You should try to provide the following information:

- the background and reason behind the concern;
- whether you have already raised a concern with anyone and the response; and
- any relevant dates.

This information should demonstrate that there are reasonable grounds for the concern to be acted upon. It is important that matters are **not** investigated by yourself. Remember, all that is required for your concern to be actioned is a reasonable, honest belief that wrongdoing, including breaches of the core values in the Code, has occurred, is occurring or is likely to occur.

If applicable, any conflict of interest must be declared from the outset.

How the concern will be handled

All investigations will be conducted sensitively and as quickly as possible. While we cannot guarantee that the outcome will be as you may wish, we will handle the matter fairly and in accordance with policy.

Once a concern has been raised with your management chain (Band C and above) or a Nominated Officer, they may arrange a meeting with you to determine how the concern should be taken forward. This may involve an internal inquiry or a formal investigation. Depending on the nature of the concern, the manager or Nominated Officer will then establish who will investigate and deal with the concern, for example, for an alleged security breach, the Office of Protective Security may investigate. If requested a written confirmation will be sent to you within five working days, however, this may not be possible depending on the nature of the concern.

If a meeting is arranged, you may wish to be accompanied by a trade union representative or a colleague who is not involved in the area of work to which the concern relates. The meeting may be conducted over the telephone rather than face to face.

The manager or Nominated Officer will aim to update you on the progress of the concern within 28 days, where possible. However, depending on the nature of the investigation / concern it may not be possible or appropriate to provide full details.

For more complex or high risk concerns the Nominated Officer will raise the concern with the Integrity Group (see Annex B for more details) to determine the most appropriate action.

The manager or Nominated Officer will confirm when the matter is concluded and, if appropriate, the outcome of the investigation, maintaining security and confidentiality for all parties as far as possible.

It is for the SG to be satisfied that the concern has been investigated and concluded appropriately. However, if you do not believe that your concern has been appropriately investigated and concluded, you may raise your concerns about the process with the next level of management and they will advise you of what will happen next. If your complaint relates to a concern under the Civil Service Code and you are a civil servant you may also raise your concern with the independent Civil Service Commission.

Throughout any investigation, you will still be expected to continue your duties/role as normal. In exceptional circumstances where this is not possible the case should be referred to your People Advice and Wellbeing Officer to provide advice on what actions could be taken.

If you are the subject of a concern and the concern is founded you may be subject to disciplinary action.

Protection

We are committed to seriously consider any concerns you raise with us and to ensure they are investigated appropriately and that consideration of your concerns will be fair.

If your concern could be considered a 'qualifying disclosure' and you believe that you have been subject to detriment in consequence of making that disclosure or raising your concern, you should notify either the Nominated Officer or your People Advice and Wellbeing Officer via [HR Online](#) .

If you believe that you have been subject to unacceptable treatment because you raised a concern under this policy, you should inform your line manager or someone else in your line management chain, or seek advice from the Nominated Officer in order that this can be investigated.

Investigation of any alleged detriment or unacceptable treatment may lead to disciplinary action.

Raising a concern externally

It is important that concerns are raised internally, as soon as possible. This will allow us the opportunity to address and resolve any concerns quickly. We are confident that there are sufficient internal avenues available to deal with any concerns raised.

We would caution staff against raising concerns externally before internal routes have been exhausted. While PIDA affords protection to staff who make qualifying disclosures in certain limited circumstances, disclosure of concerns externally may not be a qualifying disclosure and may breach the Official Secrets Act. You should always seek advice before raising a concern externally and we would expect that staff utilised internal advice and support wherever possible.

The protection from detriment afforded by PIDA requires that you have a reasonable belief that making a qualifying disclosure of information is in the public interest before raising a concern externally. In order to satisfy the 'public interest' test, disclosures must not be of a purely personal or private nature. Qualifying disclosures to certain regulatory bodies will not be dealt with under this policy e.g. The Health and Safety Executive, known as

'prescribed persons'⁶, can be made under PIDA in certain circumstances. In order to be protected from detriment under this policy, however, you will need to follow the procedure set out in the PIDA.⁷ If you wish to raise a concern in this way, it would be advisable to seek your own legal advice.

⁶[Link to blowing the whistle to a Prescribed Person guidance](#)

⁷ [Link to Public Interest Disclosure Act 1998 legislation](#)

Part Three: Support

We recognise that you may feel nervous when raising or considering whether to raise a concern. There are various channels of support available to you throughout the process:

- your manager and the Nominated Officer can advise you on available support. This may include for example a move to a different work area if necessary.
- you can use the Employee Assistance Programme (EAP). However, please note that the EAP is not a body with whom you can raise your concern under this policy. It can only provide emotional support and advice and you should not divulge details of the concern.
- trade union members may wish to seek advice and support from their representatives on the process of raising a concern and be accompanied to meetings during the investigation. You should note however that, depending on the nature of the concern and the subject matter, information arising from the investigation may not be able to be shared in detail with you or with your trade union representative. Any concerns you wish to raise under this policy should be discussed initially in general terms without going into specifics with your full time union representative. Further details can be given if it is agreed that there is no conflict or breach of confidentiality, if this is the case another full time union representative will be allocated to support you by your own trade union.

Roles and Responsibilities

Individuals are responsible for:

- Reporting any wrongdoing in accordance with Civil Service Code and this policy and related guidance and procedures;
- Complying with any request to assist with an investigation or attend any other meeting to resolve a Whistleblowing or Code case; and
- Maintaining confidentiality by not discussing any case with anyone other than those authorised to deal with that case.

Managers are responsible for;

- Ensuring their teams are aware of the whistleblowing policy and guidance including how to raise a concern;
- Upholding and promoting the Civil Service Code to colleagues;
- Reporting any concerns raised with them by colleagues to the Nominated Officer/s;
- Supporting colleagues who raise a concern and those who may be the subject of or involved in a Whistleblowing / Civil Service Code case until the process is concluded; and
- Ensuring they comply with this policy, guidance and procedures, including the requirement that they must not ask their colleagues to carry out any form of surveillance or monitoring of the actions of others.

Nominated Officers are responsible for:

- Acting as a contact point for colleagues who wish to raise a concern under this policy, guidance and procedures;
- Signposting colleagues to the most appropriate person and sources of personal support and further advice/guidance to deal with their concern if it is clearly not a Whistleblowing or Code issue but rather, for example, of an HR/Personal Nature;
- Raising more complex or high level risk concerns with the Integrity Group to determine the most appropriate action;
- Coordinating any investigation/s which may include more than one investigating department e.g. IT Security & HR;
- Updating if appropriate the Integrity Group on progress;
- Convening the Integrity Group as required to agree an appropriate course of action after receiving the investigation report and to communicate this to the member of management identified as needing to be consulted or made aware;

- As far as they appropriately and lawfully can, providing regular progress updates and communicating the outcome of cases to colleagues who have raised a concern;
- Ensuring the Secretary of the Integrity Group is sent all case information and this is kept in accordance with the relevant legislation and the Scottish Government's policies and procedures on the management of, security of and access to, information; and
- Recommending any changes to the policy and the guidance and procedures in the light of their experiences in delivering their role.

Nominated Officers are:

- Jennifer Inglis-Jones, Deputy Director Internal Audit
- **[REDACTED s.38(1)(b) Personal data relating to third party]**, Internal Audit

You can contact a Nominated Officer either by phone or email the dedicated Nominated Officer/s mailbox at SGNominatedOfficers@gov.scot

The Integrity Group (in relation to complex or high level risk concerns) is responsible for:

- Deciding whether an investigation should take place and if so, what form it should take and appointing an Investigating Officer to undertake it;
- Receiving the investigation report and deciding on an appropriate course of action to consider the case;
- Meeting at least six monthly to consider all new Whistleblowing or Code concerns, review any on-going cases and discuss general matters relating to the policy.

When a new concern is reported by the Nominated Officer a response from the members of the group will be sought within 10 working days.

See further details about the [Integrity Group at Annex B](#)

Investigating Officer is responsible for:

- Carrying out an impartial and independent investigation;
- Reporting findings to the Nominated Officer and if appropriate the Integrity Group in an unbiased, factual and fair manner.

Scottish Government - Integrity Group

The primary purpose of the Integrity Group is to improve the Scottish Government's prevention of and response to fraud, bribery, corruption and wrongdoing.

The Integrity Group is responsible for monitoring relevant cases of suspected external and internal wrongdoing that are reported to the **Governance & Risk Team** through formal reporting lines. This includes supporting and reporting on the concerns raised under the 'Raising a concern under the Civil Service Code and Whistleblowing policy and guidance'. It is also available to advise on the handling of specific allegations of external and internal wrongdoing where required.

The permanent members of the Integrity Group are:

- The SG Counter Fraud Champion (Chair)
- Head of Governance and Risk
- The Head of Finance Programme Management
- A nominated HR representative
- The Chief Information Security Officer
- A nominated Scottish Government Legal Directorate (SGLD) advisor
- A nominated Internal Audit representative.

The Integrity Group may co-opt additional members with particular knowledge or expertise to assist in consideration of a specific case or require individual members of staff to attend its meetings, including Nominated Officers when appropriate.

Individual Integrity Group Members

Integrity Group members will be responsible for ensuring the necessary action in their functional areas. The immediate actions of the functional areas, insofar as they are appropriate to the particular case, will include:

- **Counter Fraud Champion and Fraud Response Team:** Leads in promoting an anti-fraud culture including communications; coordinating the reporting of fraud and lessons learned across the SG, including fraud alerts; assist in assessing the risk of fraud in policies and programmes; work with counter fraud networks in the public, private and voluntary sectors; coordinate fraud investigation activity across the SG; lead, on behalf of the Integrity Group, counter fraud policy development.
- **Governance and Risk:** Supports the work of the Integrity Group including the coordinating, monitoring and reporting, as appropriate, of the preparation, investigation and handling of all allegations of wrongdoing. This includes managing the implementation of a comprehensive fraud action plan as directed by the Group and the formal reporting of progress through official channels.
- **Finance** (in conjunction with business areas): Safeguard funds possibly at risk; plug any immediately obvious gaps in financial controls; consider the case for recovery action and initiate action to recover funds as required; determine the financial effects of frauds; arrange, where necessary, for notation of the relevant accounts.

- **HR** (in consultation with the other Integrity Group members): If it is appropriate, arrange to suspend SG members of staff pending the outcome of investigations (and review the notice of suspension at regular intervals throughout the investigation); appoint an Investigating Officer; liaise with SGLD on legal implications under employment legislation; consider, in consultation with line management, the sensitivity of the allegations in terms of public interest and whether the Communications Directorate and/or Ministers should be briefed; implement disciplinary procedures against perpetrators of frauds and other members of staff whose actions may have facilitated frauds; consider the action to be taken if lesser instances of misconduct have been identified during the investigation.
- **Information Security**: Protect accounting and other records; safeguard relevant records and assets possibly at risk; restrict access to offices and records of individuals involved by altering or withdrawing cards/passwords; pursue cases of straightforward theft; lead on information assurance work and counter fraud activity on information and communication technology.
- **SGLD**: Provide advice as appropriate.
- **Internal Audit**: If appropriate, carry out investigations and liaise with the appropriate Police/Procurator Fiscal Service contacts; make recommendations for improvement where appropriate and advise on potential lessons to be learned.

While these responsibilities are listed separately, they are clearly inter-linked and close liaison on developments in specific areas is essential, as is the involvement of line management at an appropriate level. It will invariably be necessary to act with extreme urgency at this stage.

Civil Service Commission

The Civil Service Commission operate across the UK and have been helping to uphold the standards of the Civil Service since their original appointment in 1854. The current Commission was established as an executive Non Departmental Public Body (NDPB) under the Constitutional Reform and Governance Act 2010 (the CRAG Act). The Commissioners are appointed by the Crown following open competition. The Commission and its Commissioners are therefore independent of the Civil Service.

The Commission has powers under the CRAG Act to hear and decide on complaints raised by civil servants [under the Civil Service Code specifically](#). It does not hear complaints on issues outside of the Civil Service Code, for example personnel grievances.

Can I take my concern straight to the Civil Service Commission?

You may raise a concern direct with the Commission, however where appropriate, the Commission will expect that you have raised the concern within the SG first in accordance with this policy. If you raise a concern directly with the Commission, without it first being raised within the SG, the Commission will ask why it is not appropriate to raise the matter internally first. The Commission will inform you directly about whether they are prepared to investigate the concern.

How can I contact the Civil Service Commission?

Further information on how to raise a concern with the Commission is available from:

[Link to the Civil service Commission](#)

Civil Service Commission

G/8

1 Horse Guards Road

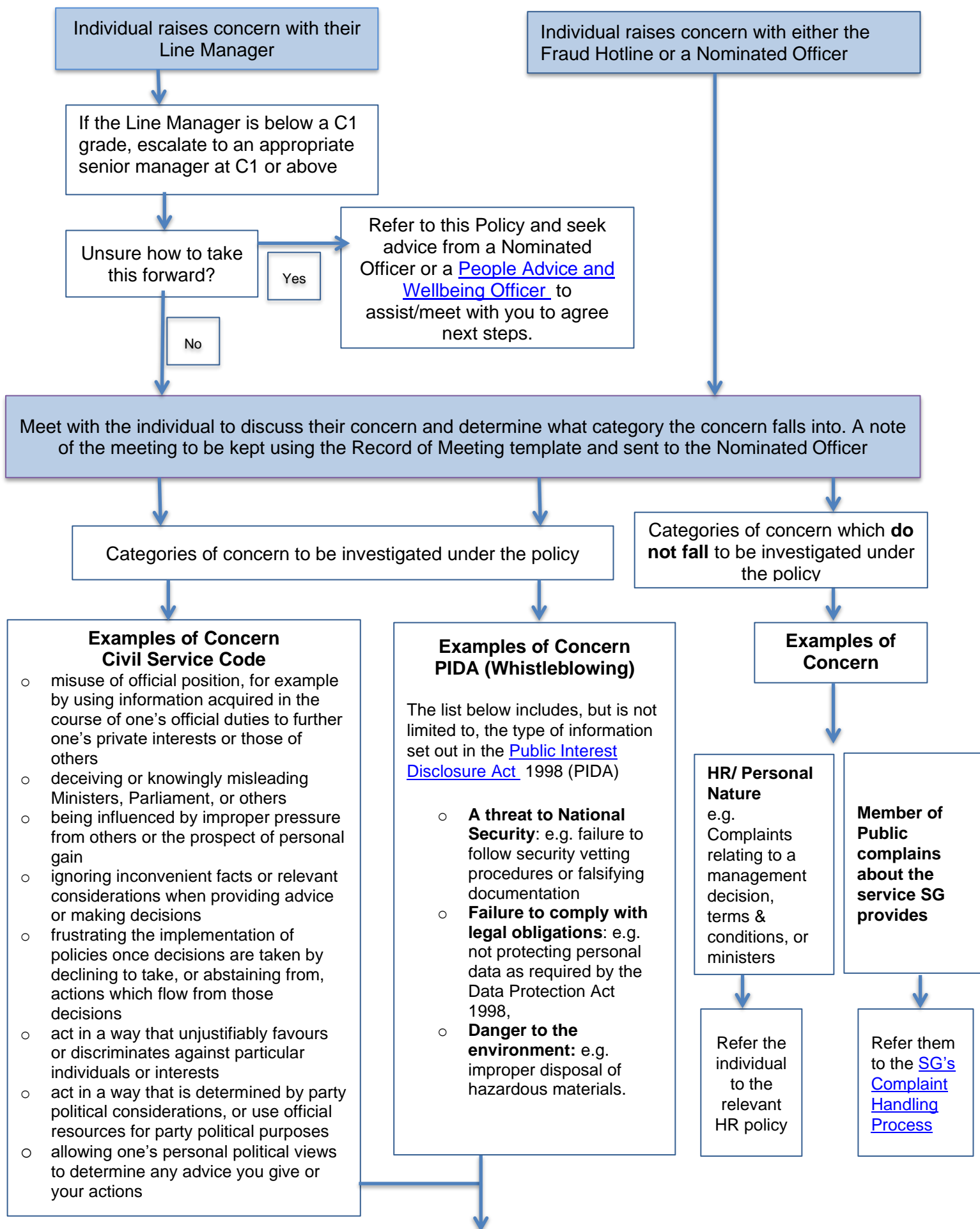
London

SW1A 2HQ

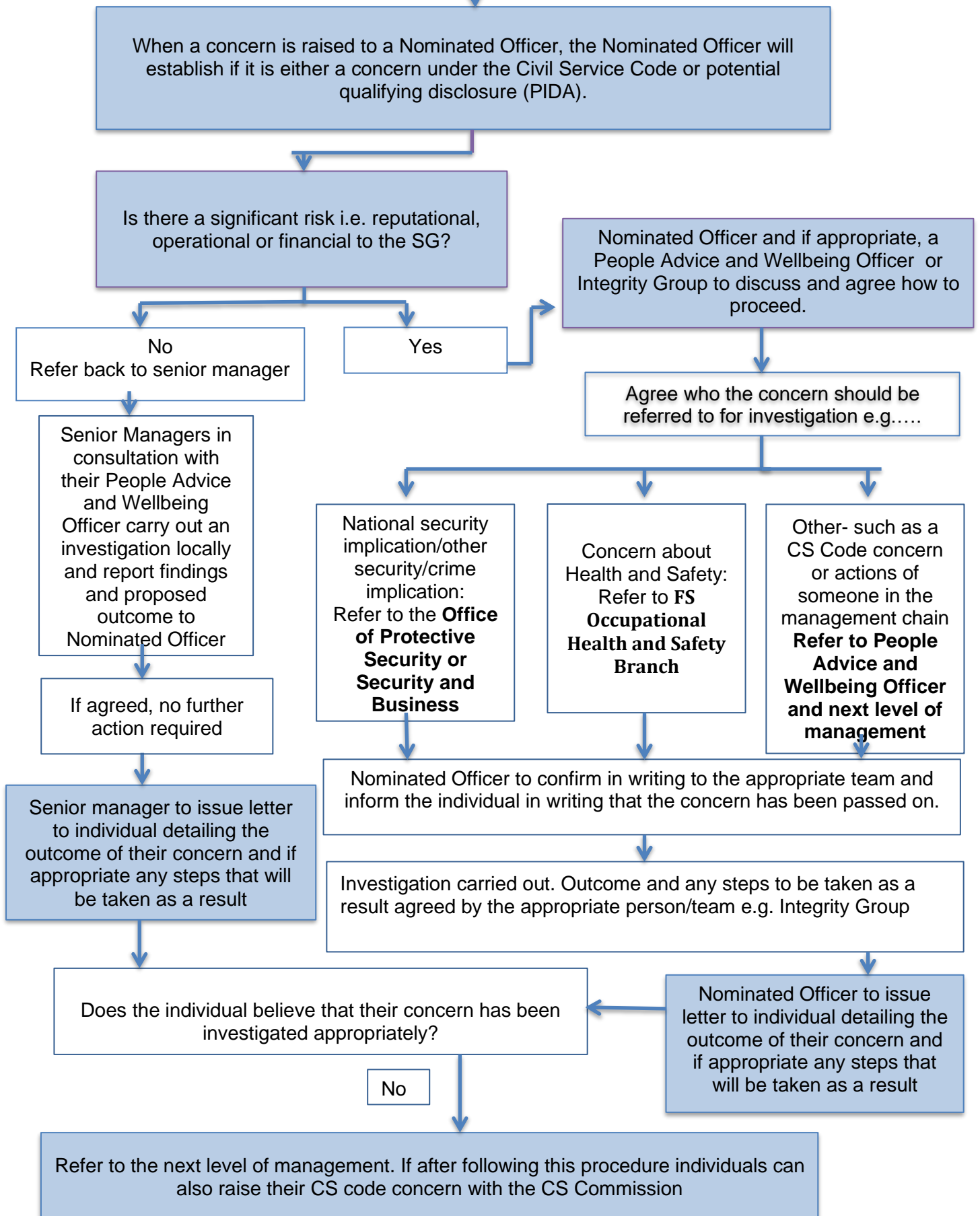
E-mail: info@civilservicecommission.org.uk

Tel: 020 7271 0831

Process Summary Flowcharts



straight



Policy Audit

Publication date: 02 June 2021

Attendance Management

1. [Introduction - policy purpose, aims and application](#)
2. [Roles and Responsibilities and Procedures for Staff and Managers](#)
3. [Required Levels of Attendance and Hospital Appointments](#)
4. [Support to help staff achieve Required Attendance Levels](#)
5. [What May Happens when required levels not achieved – intermittent and long-term absence](#)
6. [How the Equality Act \(2010\) affects these requirements](#)
7. [Recording and Authorising absence on eHR, Statements of Fitness for Work \(Fit Notes\), Health and Safety and Access to Absence information](#)
8. [Appeals](#)
9. [Useful Links](#)

Flowcharts:

Intermittent Sickness Absence Management Procedures
Long Term Absence Management Procedures
Poor Attendance Procedures

1. Introduction - policy purpose, aims and application

Purpose

1.2 The purpose of the Attendance Management policy is to maximise the well-being and performance of every employee

Why do we need this policy?

1.3 Ideally, all staff will enjoy good health and be able to attend for work consistently. However, the reality is that any of us may find ourselves unwell and unable to attend work either due to minor ailments or sometimes due to a more serious illness. If this happens it's important that everyone – the employee, his or her manager, and HR – is clear about what support is available and what the organisation expects.

What are its aims?

1.4 The main aim is to provide support to staff not only to regain good health but to enjoy well-being in its fullest sense. This guidance explains how line managers can help with this, and the backup available from advisors in the SG HR People Advice and Wellbeing team and services such as the [Employee Assistance Service](#), and Occupational Health.

1.5 It also aims to make clear the level of attendance expected and what may happen if this cannot be achieved. As sickness absence has an impact on colleagues and a financial cost, it is difficult for us to deliver if the individuals who make that happen are unable to come to work.

What are the underlying principles?

1.6 The underlying principles are:-

- **All absence is regarded as genuine.** Managing attendance does not mean questioning whether someone is “really” sick. It is assumed that all absence reports are made honestly.
- **Staff well-being is important.** The reality is that anyone may be unwell from time to time and if you are sick we aim to offer support, not punishment. We want to help staff regain good health, and offer a range of services to support this.
- **Everyone needs to know their roles and responsibilities.** This policy sets out what staff and managers are expected to do, and what help HR will provide.
- **Everyone should be treated fairly and consistently.** Staff are entitled to expect this from management and HR. We will make clear what is involved, support people to do it, and address any situation where this does not happen.
- **All disabled staff will have necessary reasonable adjustments made** to support them in carrying out their duties.
- **Absence affects other people and the organisation as a whole.** We have to take into account the interests of staff who are covering for absent colleagues.
- **Discrimination and harassment are unacceptable.** None of our policies should be used to discriminate unfairly against or harass any employee on irrelevant grounds, including those set out in our equal opportunities policy statement. If such action is proven this will be treated as a disciplinary matter.

To whom does this policy apply?

1.7 All permanent and fixed-term contract staff who are within the SG Main bargaining unit for pay purposes, and to outward secondees, regardless of working pattern. It also applies to associated bodies. Anyone who is unsure if the policy applies to them should contact HR via [HR Online](#) on i-Fix or their bodies HR Team for advice. For staff on probation, the principles of managing attendance, absence reporting and return to work interviews also apply. However, during the probation period there is more active monitoring of absences with a special trigger point and procedures for dealing with poor attendance ([see paragraph 2.7](#)).

2. Roles and Responsibilities and Procedures for Staff and Managers

Roles and Responsibilities

2.1 **Senior managers** (Deputy Directors and above, and their designated equivalents in Agencies and other associated bodies)

- Actively monitor absence statistics in their business area and benchmark against other areas and organisations, to identify trends;

- Work with HR Business Partners as appropriate, to respond appropriately to any issues raised by such statistics.
- Ensure that their managers have the practical management skills and awareness of the policy and procedure to carry out their responsibilities.

2.2 Line managers

- Take an active interest in staff health and wellbeing, even before an absence problem has been identified or a trigger point reached.
- Be aware of any patterns of absence amongst staff (e.g. regular absence on particular days) and if there is any cause for concern, contact the [HR People Advice Team](#) for help.
- Hold a meeting with an employee who has reached the intermittent absence trigger point and discuss with the HR People Advice and Wellbeing (PAW) Team whether it is appropriate for an advisory letter to be issued. If it is decided that a letter should be issued it is signed jointly by you and HR and issued by you, the line manager.
- Upload a digital or scanned 'Fit Note' to the Oracle Cloud Document of Records upon receipt.
- Seek advice from the [HR People Advice Team](#) if a member of your staff is absent for more than 4 weeks and stay in touch appropriately with that individual during their absence.
- Understand how to conduct an effective Return to Work discussion and do so when appropriate.
- Understand your procedural responsibilities as set out in [paragraph 2.6](#) and apply them appropriately, consistently and fairly.

2.3 All staff

- Know the attendance levels which are expected and make a reasonable effort to meet these expectations;
- Understand and adhere to your procedural responsibilities set out in [paragraph 2.5](#) of this guidance.

2.4 HR People Advice and Wellbeing (PAW) Team

- Support and advise staff who require further assistance (e.g. by referring them to the Occupational Health Service or Wellbeing Services Managers)
- Carry out the line manager's responsibilities on his or her behalf in exceptional circumstances where it would be inappropriate for the line manager to do so (e.g. if a grievance allegation has been made by the employee against the manager)
- Contact any employee who has not returned to work as agreed with their line manager and has not got in touch to explain why.

- Support and advise managers who are dealing with any attendance management issues, see [intermittent absence](#) and [long term absence](#).
- Discuss with the line manager whether it is appropriate for an advisory letter to be issued. If it is decided that a letter should be issued it is signed jointly by the line manager and HR and issued by the line manager.

Procedures for Staff and Managers

2.5 All staff

- To telephone and speak to the line manager (or agreed alternative, if the line manager is unavailable contact another equivalent grade manager) as soon as reasonably practical and in any event before their scheduled start time. For officers on standard working patterns this will be before 10 am on the first day of absence. For officers on non-standard working patterns e.g. shift working this will be before their scheduled start time giving as much notice as possible. If possible, please indicate an expected return date.
- To keep in touch with the line manager to let him or her know of the expected return date and advise of any changes to this expectation.
- If you fall ill during a period of annual leave you can choose whether the period of illness should be treated as sick absence or as annual leave. If you wish the period of illness to be treated as sick absence you must follow the normal absence management procedures and inform your line manager on your first day of illness or, where that is not practicable, as soon as possible thereafter. Your absence will then be recorded as sick absence (rather than annual leave). In certain circumstances additional evidence of sickness may be required. See also [annual leave guidance](#).
- If the absence exceeds seven consecutive calendar days a Statement of Fitness for Work ([Fit Note](#)) note should be submitted to the line manager at the earliest opportunity. Fit Notes should be sent digitally, either by scanning or taking a picture and the manager will upload it to Oracle Cloud Document of Records.
- To participate in the Return To Work discussion on the first day back. While some managers may have knowledge about the sickness absence reason nobody is expected or required to disclose or discuss confidential information about their health or personal lives. The line manager, however, will be better able to advise and support if they have some awareness of the circumstances. As an employer, we have a responsibility to identify health or health and safety issues that affect our staff. To do this effectively, we need your co-operation in the timely reporting of illness and accurate recording of the reason for your absence. This enables HR to monitor individual records and general absence trends to see if support, intervention action or further identification of underlying causes is needed.
- To close the sickness absence record on Oracle Cloud which the manager will approve after the Return to Work discussion. You must provide self-certification for absences of seven consecutive days or less. This is done via the recording and closing of the absence on Oracle Cloud. However, you can, if you wish to keep your health issue confidential, contact the [HR People Advice Team](#) direct to provide appropriate self-certification.. Certification is necessary to meet

contractual and statutory sick pay conditions. In addition, general and specific monitoring of health is important to enable HR to identify work related health issues and any health and safety measures.

- To advise the line manager in advance, where possible, of planned medical treatment and expected absence. It will be helpful if information on dates and duration of absence can be provided.
- If during a period of sick absence you wish to take a period of annual leave, you should do so by contacting your line manager giving as much advance notice as possible. This should help ensure that you receive the correct salary payment timeously for the annual leave period. You should be aware that taking annual leave when absent due to sickness will not interrupt a period of sick absence and will count towards the limited period for sick pay and sickness absence trigger points. See also [annual leave guidance](#).
- To maintain awareness of this policy and procedures.

2.6 Line managers

- To respond appropriately when an employee reports a sickness absence. This means:-
 - Offering sympathy and support
 - Treating all information given about the absence as private, i.e. not disclosing details or discussing the absence other than with HR;
 - Not questioning the genuineness of the absence or putting pressure on the person to come to work;
 - Opening a sickness absence record on Oracle Cloud on the first day of the absence refer to [Oracle Cloud – recording sick leave](#);
 - Agreeing with the employee when he or she will next make contact, which should be determined by them, and being available to take that call. If someone says they do not want to be contacted then you should always respect that. In this case contact HR who will set up alternative keep in touch arrangements.
 - If an employee falls ill during a period of annual leave they can choose whether the period of illness should be treated as sick absence or as annual leave. If they wish the period of illness to be treated as sick absence they must follow the normal absence management procedures and inform you on their first day of illness or, where that is not practicable, as soon as possible thereafter. Their absence will then be recorded as sick absence (rather than annual leave). In certain circumstances additional evidence of sickness may be required. See also [annual leave guidance](#).
 - If during a period of sick absence an employee wishes to take a period of annual leave they should do so by contacting you and giving as much advance notice as possible. This should help ensure that they receive the correct salary payment timeously for the annual leave period. You should ensure that they are aware that taking annual leave when absent due to sickness will not interrupt the period of sick absence and will count towards the limited period for sick pay and sickness absence trigger points. See also [annual leave guidance](#).

- To support the employee when they come back to work. This means:-
 - Conducting an effective Return to Work (RTW) discussion on the person's first day back, or arranging for an appropriate alternative (such as their next line manager) to do so (e.g. if on leave).
 - Approving the closure of the sick absence record on Oracle Cloud after the RTW discussion has taken place, noting any comments from the discussion as appropriate in the Documents of Records. Where the individual does not want to disclose the nature of his/her illness ensuring that he/she meets self-certification obligations by contacting the [HR People Advice Team](#) direct.
- To take formal action (in conjunction with HR) when an employee has reached the absence trigger point. Note that sick absence due to pregnancy related issues do not count towards trigger points and will not result in formal HR or pay-related action.

Application of these procedures to probationers

2.7 Probationers are required to demonstrate that they can attain an acceptable standard of attendance. Attendance may give cause for concern and have implications for the decision on their employment if seven working days of sick absences are accrued, whether self-certificated or medically certificated, during the nine month probationary period. HR may also decide to review the sick record if there are concerns about the pattern of absences, e.g. being off on the same day/occasion on a regular basis. In these circumstances probation may be extended or employment terminated.

2.8 For lengthy periods of illness, HR will decide on the action to be taken. Advice may be sought from the OHS. If the OHS advises that you have a condition which comes within the scope of the Equality Act (2010), consideration will be given to adjustments to your duties or hours. Probation may be extended or, where a return to work within a reasonable period or maintaining an acceptable attendance standard is unlikely, employment may be terminated.

2.9 If probation is extended, the HR PAW Team will advise on the standard of attendance that is expected during the period of the extension. For example, if probation is extended for a further six months, the PAW Team will normally consider taking action if sick absences during this period add up to a total of 5 working days. If further action becomes necessary, the appointment could be terminated.

3. Levels of Attendance and Hospital Appointments

What levels of attendance are expected?

3.1 Like many employers we use a 'trigger point' system to help identify situations where absence requires investigation and possible action.

3.2 For all permanent and fixed term contract staff the 'trigger point' is a total of 11 working days absence (whether self-certificated or medically certificated) in any 12 month rolling period. The trigger point for probationers is 7 working days in the 9 month

probationary period. (The introduction of pro-rata trigger points for staff who work less than 5 days per week is currently under consideration.)

3.3 Should an employee be absent for more than 4 weeks, the absence is likely to be treated as long-term and the manager should seek advice from the [HR People Advice Team](#) as to whether it is appropriate to refer to the Occupational Health Service.

3.4 Sickness absence relating to pregnancy will not count towards trigger points and will not result in HR action.

Hospital appointments

3.5 Hospital appointments and any prior preparations for outpatient treatment are not treated as sick absence but as medical/dental appointments and should be recorded as such on Oracle Cloud. Where the appointment lasts less than a full day, staff should make every effort to attend work before and/or after the appointment, and will be credited with a flexi update for the actual appointment and reasonable travel time (up to the length of a normal working day).

3.6 However, if the employee is unfit for work as a direct result of the treatment received at a hospital appointment, this does constitute sick absence and should be recorded and managed as for any other such absence as described in this guidance. If managers are in doubt as to whether such an absence should be treated as sick absence, they should consult HR via [HR Online](#) on I-Fix for advice.

3.7 If such an absence is due to a hospital appointment or treatment being given directly in relation to an Equality Act condition, consideration will be given to any necessary reasonable adjustments (such as the sickness absence not counting towards trigger points) on a case by case basis.

4. Support to help staff achieve Required Attendance Levels

Return to Work (RTW) discussions

4.1 When an employee has been absent the line manager should schedule a meeting with the employee when they return. We believe that effective RTW discussions can help prevent short-term problems becoming longer-term, help staff to access further support if required, and demonstrate that an employee's presence at work is important to managers.

4.2 Managers may use their discretion in how they approach such a discussion. If someone has been off for a day with the cold or a 'bug' the RTW may simply involve updating them on the work situation. In other circumstances, it may be appropriate to enquire into the reasons for the absence (if the employee chooses to disclose this) and explore any features of the work environment which may be contributing to someone's attendance and need to be addressed. Managers are expected to take RTW discussions seriously and conduct them appropriately, fairly and consistently. However, they must bear in mind that if the employee does not wish to disclose the reason for their absence they do not have to do so. However, this is in discussion with the line manager and does not remove the responsibility of the employee to provide appropriate certificates. For absences of seven consecutive days or less, a self-certificate is necessary. This is provided by completion of their absence details on Oracle Cloud. If preferred, the employee can submit the reason for absence direct to the [HR People Advice Team](#). [Fit notes](#) should be provided

for absences over 7 days. Self-certification and Fit Notes are necessary to meet contractual and statutory sick pay conditions and health monitoring.

4.3. Further guidance on how to handle RTW discussions including employees returning from a period of long-term sick absence is available on Saltire.

4.4 Unless otherwise specified in this guidance, RTW discussions do not have to be recorded. However, a note can be drafted and saved in the Document of Records of Oracle Cloud if desired by both employee and line manager.

5. What may happen when required levels not achieved

5.1 Although everyone's circumstances are unique, situations where this might be the case tend to fall into two categories – intermittent absence (i.e. several episodes adding up to 11 days or 7 days for probationers) or a single long-term absence.

Intermittent absence

5.2 If an employee has been absent for a total of 11 working days in a 12-month rolling period the line manager should contact the [HR People Advice Team](#) to discuss whether any further action needs to be taken. The manager is expected to do this in all cases even if it is felt that action would be inappropriate, so that he or she can benefit from support from the HR PAW Team (see [paragraphs 2.7-2.9](#) for staff on probation).

5.3 Action is not automatic; nor is it intended to be punitive. Its purpose is to ensure that the person is aware that the trigger point has been reached and provide an opportunity to address any underlying causes. Factors which will be taken into account include: the pattern, frequency and duration of absences; ongoing medical condition; previous attendance record; the nature of duties.

5.4 The approach to be taken is as follows.

Firstly, the line manager should ascertain whether the employee is willing to disclose the reason for his or her absence(s). If not, HR should be notified and the HR People Advice Team will take over. HR will also take over if there is a grievance complaint pending between the employee and the line manager.

Secondly, if the employee is willing to disclose the reason, the line manager should conduct a discussion of their absence history and this should be recorded. This may be part of the RTW interview for the most recent absence, or may be a separate conversation, depending on the circumstances. The aims of this discussion are:-

- to explore whether there are underlying reasons for the pattern of absence which may require further support;
- to give the employee a chance to provide any additional information which they consider relevant and generally explain their point of view on their absence history;
- to gather any additional information relevant to a decision about what, if anything, happens next.

This discussion is intended to be supportive and constructive and enable the line manager and HR to make a decision about further action which is based on all the available information. It is not a disciplinary interview.

Thirdly, the line manager will discuss the situation with HR and reach a joint decision on what, if anything, should happen next. If the line manager and HR agree that it is necessary to do so, they will jointly write to the employee (the letter is issued by the line manager) to advise that:-

- the trigger point has been reached;
- the person's attendance will be monitored over the next six months;
- if the trigger point is reached again over that period a formal review meeting will be held;
- there are support services available and how to access them.

5.5 If it is decided to issue a letter the line manager is also expected to tell the employee beforehand so that it does not come 'out of the blue'. The line manager should also be available to answer any questions from the employee or refer him or her to further support such as EAP.

5.6 If the trigger point is breached again within the 6 month monitoring period a formal review meeting is required. The meeting is conducted by the HR PAW Team. The employee concerned can choose whether or not their line manager is also present. The employee also has the right to be accompanied by a colleague or a trade union representative. The possible outcomes of the review meeting include:-

- The employee is placed on a formal trial period for six months and given a formal written warning to this effect.
- The employee is referred to the Occupational Health Service to identify whether there is an underlying medical condition and/or whether any further support can be offered to improve future attendance. Further support can include making reasonable adjustments in the workplace including adjusting the trigger point, making adaptations to the duties, supplying aids and equipment
- No further action.

5.7 If absence continues to be of concern during a trial period, the HR PAW Team will review the case. A number of options are available to the HR PAW Team to consider including dismissal on the grounds of inefficiency due to poor attendance. See flowcharts.

Long-term sickness absence (over 4 weeks)

5.8 If a member of your staff is absent for more than 4 weeks you should contact the [HR People Advice Team](#) for advice. You should have received a [Fit Note](#) from the employee and from this (and from other contact with the employee) you **may** have details of the nature and likely length of the absence. The case will be allocated to the HR People Advice Team who will discuss with you the appropriate action that should be taken. Early intervention by an occupational health specialist can improve the chance of a positive outcome and this will be borne in mind when deciding whether an OHS referral should be made.

5.9 Where a referral is made, OHS advisors will see the employee and provide an OHS report, including a medical opinion. One of the things that the OHS will consider is whether the person is disabled according to the Equality Act (see section 6). The HR People Advice Team will discuss this report and medical opinion with the employee and

the line manager, and agree any appropriate action. The aim is to facilitate a return to work within a reasonable period but if this is not possible, dismissal or retirement on grounds of ill-health may ultimately be considered (see [Flowcharts](#)).

5.10 After a period of long term sickness your member of staff may have a considerable amount of annual leave still to take within the remainder of the leave year period. You should provide the employee with a fair and reasonable opportunity to take this leave within the remainder of their leave year. Where the employee is returning to work on a phased return basis, you may wish to propose to the employee that they use some of this leave as part of their phased return.

Only very exceptionally where the employee has not been able to take this leave should you consider extending the normal leave carry-over rules, e.g. where business needs have made it difficult for him/her to take their full leave allocation.

6. How the Equality Act (2010) affects these requirements

6.1 The Equality Act (2010) makes it unlawful to discriminate against disabled people in connection with employment. Employers must make “reasonable adjustments” to the workplace so that disabled members of staff can contribute. These adjustments are not limited to changing the physical office environment and may also include changes to duties, including any phased return.

Intermittent absence

6.2 Disability-related absences **may** need to be discounted when considering the overall level of absence, so that someone who is off sick more frequently because they are disabled is not discriminated against. This is true whether or not he or she has declared his/her disability to the SG or relevant body.

Long-term absence

6.3 If someone is off for more than 4 weeks, they **may** be referred to the Occupational Health Service. One of the things OHS will consider is whether the person is disabled according to the Equality Act. Duties, working pattern or the physical environment might need to be adjusted to enable a return to work. The OHS advice will be sent to the HR PAW Team, who will discuss what reasonable adjustments may be required with the line manager and the employee.

What managers must do

6.4 Managers who consider that an employee may have a disability must take advice from the [HR People Advice Team](#). Adjustments may also need to be made to absence reporting procedures to help disabled staff comply with this, e.g. a deaf person may need to e-mail rather than phone if they are reporting sick. If there is any doubt about whether the Equality Act applies to a particular situation the HR PAW Team can advise.

7. Recording and Authorising absence on Oracle Cloud

7.1 Oracle Cloud supports staff to record a sickness through a 'sickness journey' with helpful prompts. Guidance is also provided on how [to open or close a sickness absence](#) or to amend it

What to do with a Fit Note

7.2 Statement of Fitness for Work (Fit Notes)

If an employee is sick for more than seven consecutive days and cannot work, they need to provide a Statement of Fitness for Work, or 'Fit Note'. The purpose of the Fit Note is to put focus on what an employee **may** be able to do at work rather than what they cannot do.

On the form a recognised healthcare professional), such as doctors, registered nurses, occupational therapists, hospital or doctors surgery pharmacists, and physiotherapists will be able to advise one of two options:

Not fit for work – this means that the healthcare professional's assessment of the employee is that they have a health condition that prevents them from working for the stated period of time.

May be fit for work taking account of the following advice – this means the healthcare professional's assessment of the employee is that their condition does not necessarily stop them from returning to work. For example, they could return to work but may not be able to complete all of their normal duties, or they could benefit from amended working hours or workplace adaptations. On the statement the healthcare professional will state the period of time their advice is for i.e. how long, in their view, reduced hours/duties and/ or workplace adaptations need to be in place.

Please note: The Fit Note is intended as a guide for the employer. It is for the employer to determine whether the advice can be accommodated. However, managers must be alert to their responsibilities under the Equality Act and consideration should be given as to whether any proposed adaptations would fall under a ["reasonable adjustment" for disabled members of staff](#).

Procedures for handling 'may be fit for work' Statements

When an employee is given a Fit Note advising they may be fit for work they should forward a digital version, either by scanning or taking a picture of the document and emailing it directly to the line manager, who will upload it to Oracle Cloud Document of Records as soon as possible.

The line manager may feel they are able to agree a request for adaptations etc. locally without the requirement for HR to be involved. However where this is not the case, HR will consider the advice from the healthcare professional and discuss with the employee and the line manager. The employee may be able to provide more information on the context of the advice. When agreeing the return to work plan it should always be clear as to the length of time any amended duties or support should remain in place. In most cases these will be about temporary measures. In more complex cases it may also be necessary to seek further advice by referring the employee to Occupational Health. While every effort will be made to support an employee's return to work it may not always be possible to accommodate the healthcare professional's advice /proposals and the reasons for this should be discussed with the employee. In these circumstances for pay purposes the current 'may be fit for work' Statement should be used as if the healthcare professional had advised 'not fit for work'. Employees do not need to return to their healthcare professional for a new statement to confirm this.

NOTE: Where a member of staff takes a period of annual leave during a period of sick absence (see paragraphs 2.5-2.6) sick absence and annual leave will run concurrently. This means that a Fit Note is still required to cover this period and it is taken into account towards the limited period for sick pay and sickness absence trigger points.

Health and safety requirements

7.3 Accidents or injuries at work, and some types of illness, should be reported for Health and Safety reasons. As well as dealing with the resulting absence, any line manager who thinks H&S regulations may apply should also check the H&S Guidance on Saltire or seek advice from the Health and Safety Team.

What information is available on absence, and to whom?

7.4 Staff and managers have access to all absence information held about them on Oracle Cloud. If an employee is referred to the Occupational Health Service, a copy of the report will be shared with the manager and may be obtained by the staff member from HR on request.

7.5 [Further guidance](#) is available on Saltire regarding data protection and personal information held by People Directorate.

8. How to appeal a management decision made about attendance

8.1 You have the right to lodge an internal appeal against a decision to administer a formal warning or to extend the period of probation. This will be heard by an arbiter appointed by HR whose grade will be at least one level above that of the individual who made the original decision.

8.2 You also have an internal right of appeal against any decision made to dismiss you. Appeals against such decisions will be heard by a member of the Senior Civil Service, the Agency or associated bodies Chief Executive or equivalent. You will be given the opportunity to make written and oral representations and may be assisted by a colleague or, if you are a member, by a Trade Union representative. The decision of the officer hearing the internal appeal will be final.

8.3 Internal appeals should be raised with HR in writing within 7 working days of receiving the decision. The appeal will be heard within 20 working days of receiving the appeal or alternative timescale as agreed by all parties.

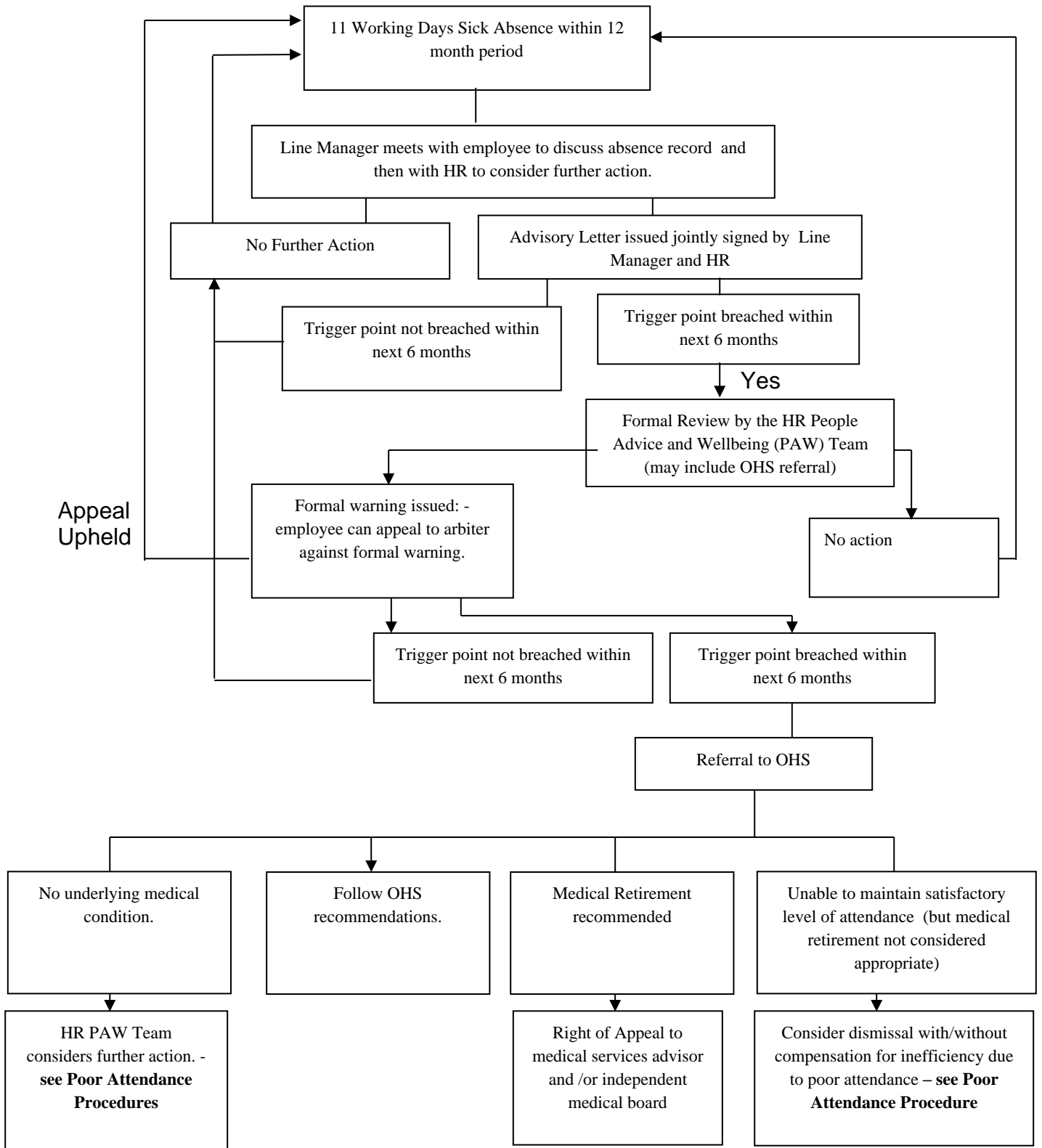
8.4 For those within SG Main only. If you have been employed for more than one year you have an external right to appeal to the Civil Service Appeal Board against dismissal and/or non-payment of compensation or the level of compensation paid (details will be given in the letter of dismissal).

8.5 Staff who have additional medical evidence supporting their case have a right of appeal first to the medical services advisor appointed by the Cabinet Office for provisions relating to Civil Service Pension arrangements and then to an independent Medical Board convened by the advisor against:

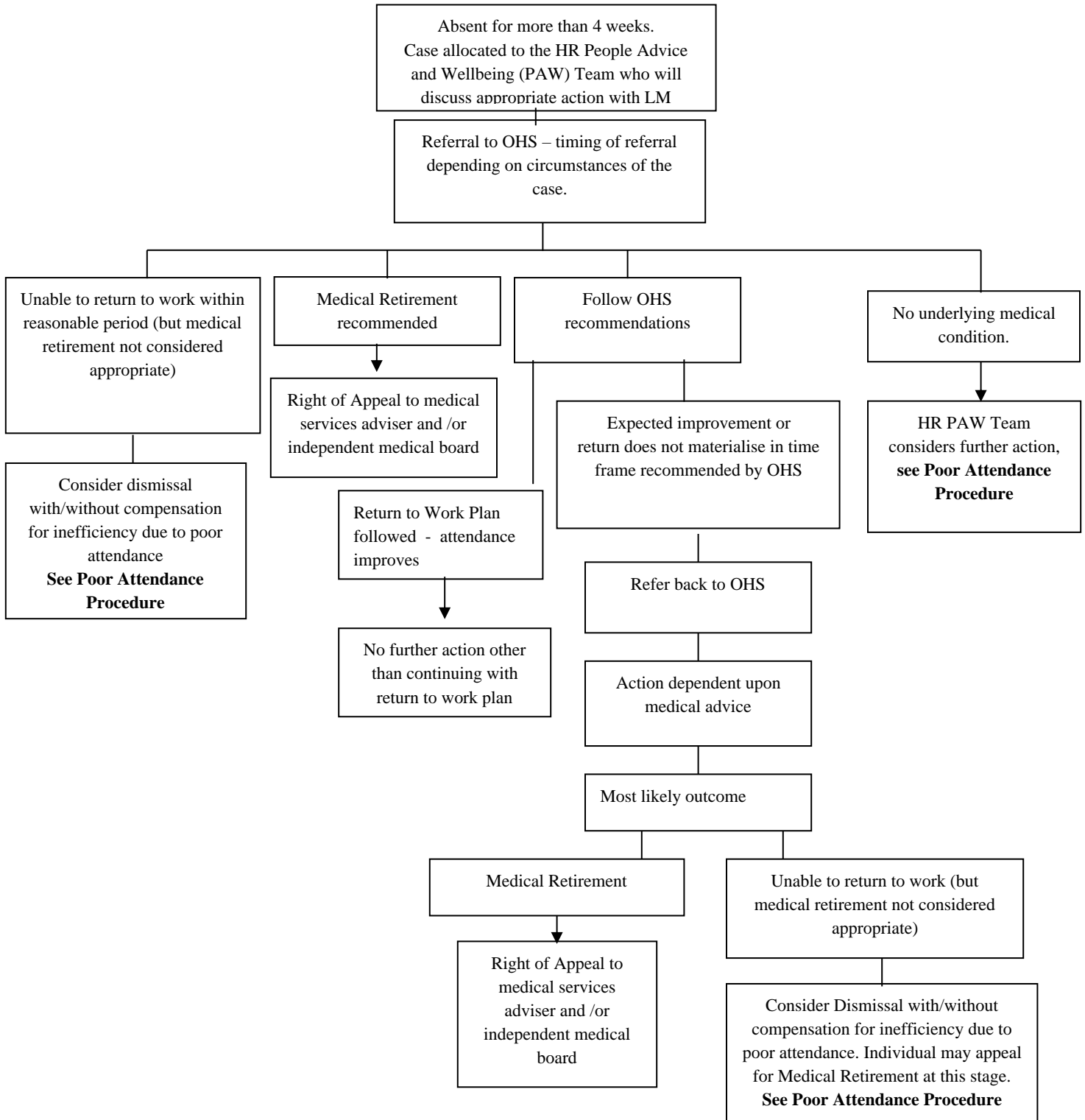
- A decision to retire them on medical grounds; or
 - A refusal to retire them on medical grounds.
-

9. Useful links

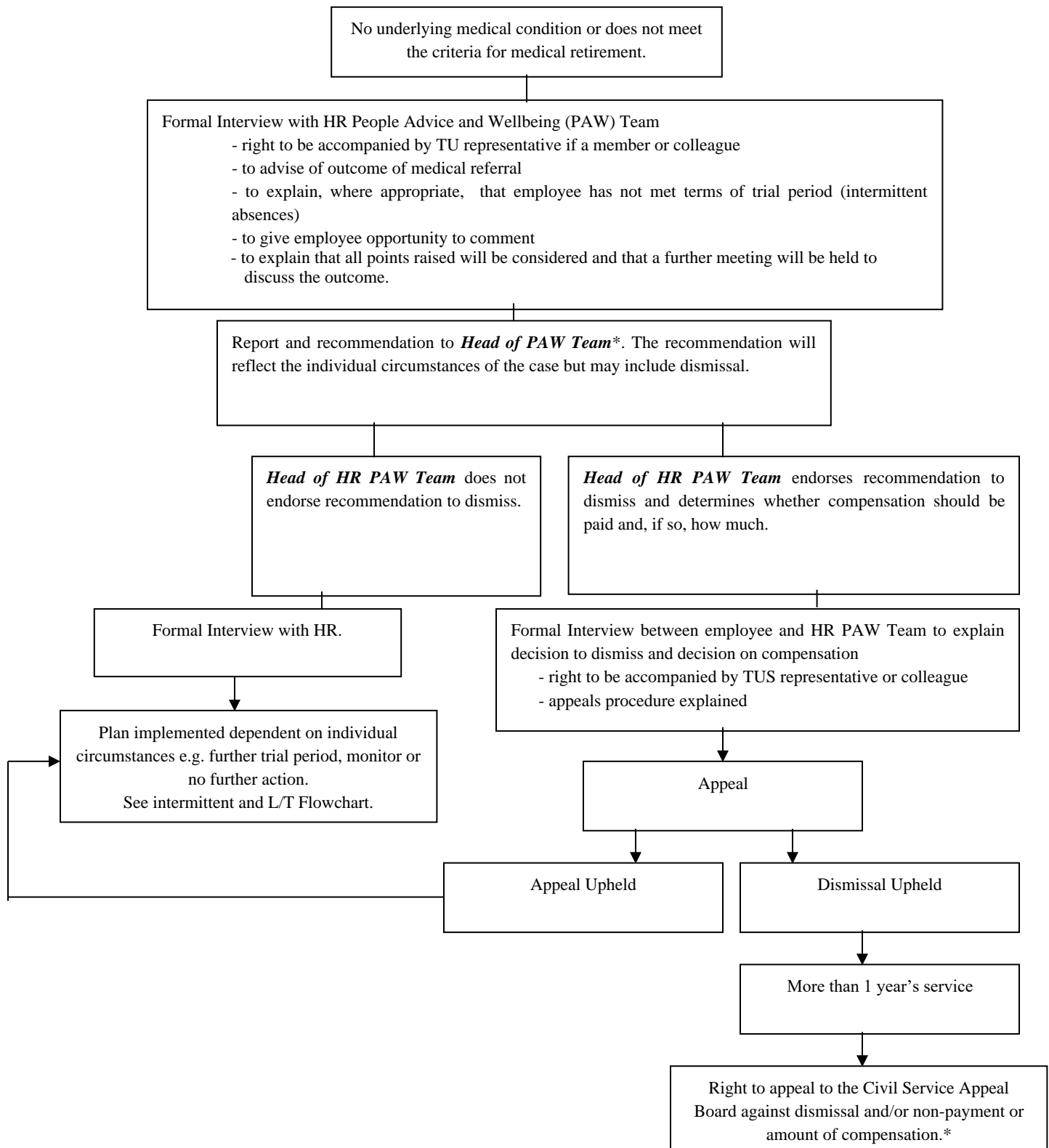
- [Health and wellbeing](#)
 - [Employee Assistance Programme](#)
 - [Welfare and Counselling Services](#)
-



Long Term Absence Management Procedure



Poor Attendance Procedures



N.B. Any reference to **Head of HR PAW Team** includes Agency or body equivalent.

*This does not apply to non civil service bodies.



Scottish Government
Riaghaltas na h-Alba

Performance Management Policy

Bands A-C

Published: April 2024

1. The Purpose

The Scottish Government (SG) wants all colleagues to have the support they need to perform at their best and to develop professionally. Our people are our greatest asset and understanding what is expected, and the tools and resources available to support performance, is critical to our organisational success.

Performance management supports delivery of the Scottish Government's [mission, vision and values](#). It covers objective setting, learning and development activities, monthly conversations, mid- year and end-year performance reviews, performance markings and management of performance which is less than effective.

This policy is designed to enable managers and staff to understand the key elements of the SG performance management policy and procedure and their individual roles and responsibilities.

2. The Scope

This policy applies to all Band A-C staff who have passed their probation and work in SG core and marine, executive agencies and Non-Ministerial Offices (NMOs) that are part of the [SG main and marine bargaining units](#).

Executive agencies and NMOs may have local procedures in place to reflect local contact points and, for NMOs, their status as a direct employer. References to Scottish Government and HR teams in this policy should therefore be read as references to individual bodies and [local HR teams](#) where appropriate.

Agency workers, consultants, contractors and inward secondees do not receive a performance appraisal as they are not employed by the Scottish Government. However, managers may be asked to provide feedback on performance to the relevant employer.

Separate arrangements apply in relation to staff joining SG on [probation](#), fixed term appointments (not fair and open), talent schemes such as the [graduate development programme](#) and special advisers (SpAds).

The expectation is that this policy should be applied as written and read in conjunction with the [bands A-C performance management procedure](#). Any exceptions to the application of the policy must be approved by the [HR policy team](#).

3. Policy principles

- at the beginning of the performance year, which runs from 1 April to 31 March, managers and staff will agree and document a set of objectives and learning and development activities
- [monthly conversations](#) should take place to review and adjust performance, priorities, development and wellbeing as well as identifying any support required
- concerns about performance which is less than effective should be raised as soon as they occur and advice sought, as required, from the [HR people advice team](#) or [other agency and body HR team](#)
- mid-year and end-year reviews must take place to review performance against objectives, recognise success, give constructive feedback and review learning and development activities

- managers should carry out an assessment of each objective and, based on the evidence, award an overall [performance marking](#) within the following five categories: Exceptional, Highly Effective, Effective, Partly Effective or Not Effective.
- markings determine entitlement to a pay award and may affect pay if someone is on formal [performance improvement procedures](#). Staff should refer to the relevant [pay award](#) applying at the time to establish how their marking may affect their pay
- staff should discuss with their manager if they disagree with the end-year final performance marking, provided they are not already on formal performance improvement procedures. If still unsatisfied, a review meeting with the countersigning manager can be requested. If the issue remains unresolved, a formal appeal may be raised and an appeal hearing will take place
- if formal performance improvement procedures are in place, staff have the right to appeal the outcome

4. Roles and responsibilities

Staff should:

- perform effectively against their objectives and deliver the agreed outcomes
- contribute actively to monthly conversations, performance reviews and development discussions
- raise any concerns about their performance, development, and wellbeing with their manager as soon as they arise
- ensure they understand the performance management policy and procedure

Managers should:

- familiarise themselves with the performance management policy, procedure, and complete [leadership essentials line manager training](#)
- set [SMART](#) objectives which ensures that work is manageable, meaningful and meets the agreed requirements
- consider any workplace adjustments, including those which relate to the SG duty to make reasonable adjustments for [disabled staff](#), seeking advice from the [workplace adjustments team](#) as required
- arrange and carry out confidential monthly conversations and performance reviews on time, raising any concerns about performance, development and wellbeing as soon as they arise, taking advice as required
- document performance review discussions capturing evidence and performance markings
- upload mid-year and end-year performance markings and appraisals to Oracle Cloud.

Managers on temporary promotion (TP) can:

- as appropriate, set objectives, hold monthly conversations with staff and provide feedback to the countersigning manager on the performance of staff that directly report to them
- conduct mid-year and end-year performance reviews for staff at substantively lower grades, where they have been in post for three months as manager and are at a substantive higher grade. If not, these roles should be carried out by the more senior manager

Countersigning managers should:

- ensure objectives are set within the required categories and any mandatory requirements are clearly identified
- support managers by confidentially discussing their people management role at monthly conversations and performance appraisals, providing advice and coaching on managing performance issues as required

- consider the evidence in the completed performance appraisal form and discuss with the manager with a view to agreeing the performance marking
- where requested, hold a review meeting with staff members if they disagree with their performance appraisal marking
- conduct the mid-year and end-year performance review if the manager has not been in post for three consecutive months, is on probation, is a temporary worker (except in exceptional circumstances), is on temporary promotion (in certain situations) or is absent long term
- where requested, meet with members of staff to discuss any concerns over how their performance is being managed, working with both manager and staff member to resolve issues, taking advice as necessary

Senior management teams and leaders should:

- oversee the process and ensure that performance appraisals and markings across their business areas are applied consistently, are fair, evidence based and kept confidential, as appropriate
- ensure corporate deadlines are met
- ensure that the performance management policy and procedure is fully understood and that managers understand the overall performance criteria and how to deal with performance which is less than effective

Trade union officials should:

- provide professional support, advice, and representation during any formal performance improvement processes, encouraging members to fully engage

People Directorate

- [HR business partners](#) provide support and advice on maintaining appraisal standards to senior leaders
- the [HR people advice team](#) or [other agency and body HR team](#) provide confidential advice, support and coaching on performance issues to managers and members of staff
- the [Workplace adjustments team](#) discuss, in confidence, any support requested by members of staff in relation to workplace adjustments, including those which relate to the SG duty to make reasonable adjustments for disabled staff
- the [HR policy team](#) provides advice on the performance appraisal policy and procedure
- the [Employee Assistance Service](#) provide support for managers – register or log in to the site and search for 'manager support'
- for more information about professions, career framework, learning and development support please refer to [Professions](#)

Scottish Government: Performance Management Policy: Senior Civil Servants

1. The Purpose

The Scottish Government (“SG”) want all colleagues to have the support they need to perform at their best and to develop professionally. Our people are our greatest asset and critical to our organisational success. This policy helps everyone understand what the SG expects. It also details the tools and resources available to support performance.

Performance management supports delivery of the SG’s [mission, vision, improvement priorities and values](#) and encompasses:

- performance appraisal (including management of poor performance);
- talent reviews (including [9 box grid](#)), which in turn link to [succession planning](#);
- personal [development](#), [career conversations](#) and planning.

This policy specifically focuses on performance appraisal and covers:

- objective and standard setting
- monthly conversations
- mid and end-year performance reviews
- performance markings.

It also signposts to wider content on performance management. This includes talent reviews, 360 feedback, [9 box grid](#), development planning, SG [Leadership Framework](#), professions and [career conversations](#).

2. The Scope

SCS matters are reserved. The UK Government sets out the performance management framework for devolved administrations and other civil service bodies to reflect in their policies. The SG SCS Performance Management policy aligns with this framework. It applies in SG Main organisations that employ SCS members of staff including SG, its agencies and non-ministerial offices.

This policy applies to all SCS staff who have passed their probation working in SG core and Marine, Executive Agencies and Non-Ministerial Offices (NMOs) that are part of the [SG Main or Marine Bargaining Unit](#). It applies regardless of length of service.

While this policy applies across the SG Main and Marine Bargaining Units, Executive Agencies and NMOs may have local procedures in place to reflect local contact points and, for NMOs, their status as a direct employer. References to the SG and HR teams in this policy should therefore be read as references to individual bodies and local HR teams where appropriate.

Agency workers, consultants, contractors and inward secondees do not receive a performance appraisal as they are not employed by the SG. However, managers may be asked to provide feedback on performance to the relevant employer.

The expectation is that this policy should be applied as written and read in conjunction with the [SCS performance management procedure](#).

Separate arrangements apply to staff joining SG on probation, fixed term appointments (not fair and open) and Special Advisors (SpAds).

Any exceptions in relation to the application of the policy must be approved by the HR [policy team](#).

3. Policy principles

At the beginning of the performance year:

- a standard setting meeting takes place at Executive Team to make clear organisational priorities and performance expectations for members of the SCS for the year ahead;
- SCS staff agree with their manager and document a set of stretching [SMART](#) objectives which capture responsibilities and individual contributions reflecting local delivery and business plans;
- objectives should clearly set out “what” needs to be delivered and “how” this will be achieved over the year with equal weight being given to the “how” when assessing individual performance and the delivery of objectives; objectives should be reviewed on a quarterly basis to ensure they remain relevant and stretching;
- [monthly conversations](#) should take place to review, adjust and check on performance, priorities, development and wellbeing as well as identifying any support needed;
- mid-year and end-year reviews must take place to consider and discuss objectives, performance progress, leadership behaviours, strengths and development areas as well as reviewing the declaration and [management of outside interests](#) record;
- based on evidence, managers propose a performance marking at the mid-year and end-year review within the 4 categories of Exceeding, High Performing, Achieving or Partially met;
- a consistency check takes place at the mid-year review to evaluate distribution of proposed performance markings;
- at end year reviews, the countersigning manager submits all proposed performance markings for moderation; moderation meetings evaluate the proposed markings, ensuring there is consistency in terms of evidence gathered across the SCS cohort, and finalise markings;
- poor performance concerns should be raised as soon as possible and will be managed with advice from HR;
- performance markings are used to assess entitlement to a pay award and may affect pay if an individual is subject to formal poor performance measures; SCS staff should refer to the terms of the relevant [pay award](#) applying at the time to establish how their marking may affect their pay;
- if SCS staff disagree with their final performance marking after moderation, they should discuss this with their countersigning manager (provided they are not already on formal poor performance procedures); if the issue remains unresolved, a formal appeal may be raised and an appeal hearing will take place;
- where SCS staff are on formal poor performance procedures, they will have the right to appeal the outcome.

4. Roles and responsibilities

SCS staff should:

- perform effectively against their objectives and deliver the agreed outcomes;
- contribute proactively to monthly conversations, performance reviews and development discussions;

- raise any concerns about their performance, development, and wellbeing with their manager as soon as they arise;
- ensure they understand the performance management policy and procedures.

Managers should:

- familiarise themselves with the performance management policy and procedures;
- set stretching [SMART](#) objectives from the required categories which ensure that work is manageable, meaningful and meets the agreed requirements;
- consider any workplace adjustments, including those which relate to our duty to make reasonable adjustments for disabled staff, seeking advice from the [workplace adjustments team](#);
- arrange and carry out confidential monthly conversations and performance reviews on time, raising any concerns about performance, development and wellbeing as soon as they arise, taking advice as required;
- document performance review discussions, capturing evidence and performance markings.

Managers on temporary promotion can:

- set objectives, hold monthly conversations with staff and provide feedback to the countersigning manager on the performance of staff that directly report to them;
- conduct mid-year and end-year performance reviews for staff in substantively lower grades, where they have been in post for three months as manager and are at a substantive higher grade; if not, these roles should be carried out by the more senior manager who is familiar with the person's work.

Countersigning managers should:

- ensure the performance management policy and procedures are applied properly and any mandatory requirements are clearly identified;
- support managers by confidentially discussing their people management role at monthly conversations and performance appraisals, providing advice and coaching on managing performance issues as required;
- consider the evidence and proposed performance marking provided, submit for moderation and record the moderation outcome to share with the manager; where requested, hold a review meeting with SCS staff if they disagree with their performance appraisal marking;
- conduct the mid-year and end-year performance review if the manager has not been in post for three consecutive months, is on probation, is a temporary worker (except in exceptional circumstances) is on temporary promotion (in certain situations) or is absent long term;
- where requested, meet with staff members to discuss any concerns over how their performance is being managed, working with both manager and staff to resolve issues, taking advice, as necessary.

Senior leaders (Permanent Secretary and/or DG) should:

- oversee the process and ensure that performance appraisals and markings across their business areas are fair, consistent, evidence based and kept confidential, as appropriate;
- conduct the moderation exercise, with support from HR Business Partners, to ensure consistency of markings;
- ensure that the process and corporate guidance are fully understood, applied consistently and fairly, and deadlines met;
- ensure that poor performance is dealt with appropriately.

Trade Union officials should:

- provide professional support, advice, and representation during any formal performance improvement processes, encouraging members to fully engage.

People Directorate provide a number of functions including:

- [HR Business Partners](#) provide confidential support and advice on:
 - the application of the SCS Performance Management policy and procedures
 - specific complex cases to senior leaders
 - any emerging trends or patterns of practice/markings
 - moderation to the Permanent Secretary and DGs to ensure the spread of results reflect performance, consistency of approach and markings;
- the [HR People Advice team](#) provide confidential advice, support and coaching on performance issues to managers and members of staff;
- the [Workplace adjustments team](#) discuss, in confidence, any support requested by members of staff in relation to workplace adjustments, including those which relate to the SG duty to make reasonable adjustments for disabled staff;
- the [HR policy team](#) provide advice on the performance management policy and procedures;
- the Talent and Capability Centre of Expertise defines the skills and behaviours required of our leaders (as described in the [Leadership Framework](#)); it supports leaders with appropriate development opportunities, as well as providing advice on the 9-box grid
- the [Employee Assistance Service](#) provides support for managers - register or log in to the site and search for 'manager support'.

For more information about professions, career framework, Learning and Development support, contact the relevant Head of [Profession](#).

- 1. Purpose of the band A-C probation policy**
 2. Scope of the band A-C probation policy
 3. Principles of the band A-C probation policy
 4. Roles and responsibilities in the band A-C probation policy
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1. Purpose of the band A-C probation policy

The purpose of probation is to provide a period during which the Scottish Government (SG) can determine whether a new staff member meets conditions for continued employment. It is a time for managers to build a positive, trusting relationship with the probationer to understand their needs and support them to achieve effective performance, attendance and conduct.

If a probationer fails to satisfactorily complete the probation period, this may lead to dismissal.

2. Scope of the band A-C probation policy

The policy applies to everyone who is recruited as a new entrant through fair and open competition in bands A-C and works in SG core and marine, executive agencies and non-ministerial offices (NMOs) that are part of the [SG main and marine bargaining units](#).

There is a separate [probation policy and procedure for senior civil servants \(SCS\)](#).

While this policy applies across the SG main and marine bargaining units, executive agencies and NMOs may have local procedures in place to reflect local contact points and, for NMOs, their status as a direct employer. References to the Scottish Government (SG) and HR teams in this policy should therefore be read as references to individual bodies and [local HR teams](#) where appropriate.

If a probationer, whether they are SG staff or from another government department (OGD), is successful in applying for an Scottish Government vacancy externally, they are expected to complete a new nine-month probation period. This will enable full support and assessment to confirm whether the probationer meets the conditions for continued employment in the new role.

Fixed term appointees not recruited through fair and open competition, agency workers, consultants and inward secondees do not serve a probation period.

Separate arrangements apply in relation to modern apprentices, special advisers (SpAds), legal trainees or individuals on the [graduate development programme](#).

The expectation is that this policy should be applied as written and read in conjunction with the [probation procedure Bands A-C](#). Any exceptions to the application of the policy must be approved by the [HR policy team](#).

3. Principles of the band A-C probation policy

The probation period lasts for nine months (unless extended, or paused)

Probationers:

should remain in their initial appointed post for at least the duration of the full nine-month probation period

- are not eligible to apply for temporary promotion or internal vacancies
- must meet all performance, attendance and conduct standards and requirements in order to satisfactorily complete their probation
- concerns about performance, attendance and conduct are handled differently and should be managed as soon as they occur - you should also seek advice, as required, from the [HR people advice team](#) or [other agency and body HR team](#)
- [monthly conversations](#) should take place to review and adjust performance, priorities, development and wellbeing as well as identifying any support required
- interim and final probation reviews must take place, within the appropriate timeframe, to review attendance, conduct and performance against objectives, recognise success, give constructive feedback and review learning and development activities
- probation performance markings determine entitlement to a pay award and may affect pay - you should refer to the relevant [pay award](#) applying at the time to establish how your marking may affect pay
- employment can be brought to an end at any point during the nine-month probation period if the probationer is assessed as not suitable for continued employment on the basis of (but not limited to) [performance, attendance, or conduct](#)
- probationers have the [right to appeal](#) the outcome of formal probation procedures such as warnings, extensions or dismissal

4. Roles and responsibilities in the band A-C probation policy

Probationers should:

- take personal responsibility for familiarising themselves with and meeting performance, attendance and conduct standards and requirements
- contribute actively to monthly conversations, probation reviews and development discussions
- raise any concerns about their performance, development and wellbeing with their manager as soon as they arise
- ensure they understand the probation policy, procedure and relevant guidance if working remotely, in workplaces or on a hybrid working pattern

Managers should:

- familiarise themselves with and guide the probationer to read the probation policy and procedure
- organise both a local and corporate induction for probationers, spending sufficient time with your colleague in the office or workplace environment, given that they may not have previously worked in a government or business setting
- explain the requirements that need to be met during the probation period and set [SMART](#) objectives at the outset which ensure that work is manageable, meaningful and meets the agreed requirements
- consider any workplace adjustments, including those which relate to the SG duty to make reasonable adjustments for [disabled staff](#), seeking advice from the [workplace adjustments team](#) as required
- regularly monitor performance, attendance and conduct during the probation period, raising any concerns about performance, development, and wellbeing as soon as they arise, taking advice as required
- conduct monthly conversations, interim and final probation reviews on time, while documenting evidence and probation performance markings
- make a recommendation to the countersigning manager as to whether the appointment should be confirmed, probation extended, or the probationer dismissed (where the agreed recommendation is extension or dismissal, you must provide evidence supporting the recommendation for the HR people advice team to consider)

Managers and countersigning managers on probation can:

- hold monthly conversations and provide feedback to the countersigning manager about staff that directly report to them but are not eligible to set objectives, complete interim or final probation reviews
- regularly monitor performance, attendance and conduct during the probation period, raising any concerns about performance, development, and wellbeing as soon as they arise, taking advice as required

Managers on temporary promotion (TP) can:

- set objectives, hold monthly conversations and provide feedback to the countersigning manager about probationers that directly report to them
- conduct interim and final probation reviews for probationers, if in post for three months as manager and are at a substantive higher grade (if not, these roles should be carried out by the more senior manager)

Countersigning managers should:

- support managers by confidentially discussing their people management role at monthly conversations and probation reviews, providing advice and coaching on managing probation issues as required
- consider the evidence in the completed probation form [\[link\]](#), discussing the assessment with the manager in order to reach agreement about the probation recommendation
- set objectives, conduct the interim and final probation review if the manager has not been in post for three consecutive months, is on probation, is a temporary worker (except in exceptional circumstances), is on temporary promotion (unless at a substantively higher grade and manager for at least three months) or is absent long term
- where requested, meet with the probationer to discuss any concerns about the management of their probation, working with both manager and probationer to resolve issues, taking advice as necessary

Senior management teams and leaders should:

- ensure the probation policy and procedure is fully understood and that managers understand their role
- consider, with the support of HR business partners, data and any emerging trends on probation performance markings and outcomes within their area as part of their DG family corporate governance processes

Trade union officials should:

- provide professional support, advice, and representation during any formal probation processes, encouraging members to fully engage

The HR people advice team should:

- provide confidential advice, support and coaching on performance issues to managers and probationers
- take decisions about probation outcomes based on evidence-based recommendations from managers
- declare any actual or potential conflict of interest and ensure those involved in decision-making have no close association with the probationer

Other people directorate roles

- The [workplace adjustments team](#) will discuss, in confidence, any support requested by members of staff in relation to workplace adjustments, including those which relate to the SG duty to make reasonable adjustments for disabled staff
- The [HR policy team](#) will provide advice on the probation policy and procedure
- The [Employee Assistance Service](#) can provide support for managers by registering or logging in to the site and searching for 'manager support'
- The [HR business partner team](#) will provide support and advice to senior management on regular assurance activity

Probation policy - Senior Civil Service (SCS)

1. Purpose of the SCS probation policy

2. Scope of the SCS probation policy
 3. Principles of the SCS probation policy
 4. Roles and responsibilities in the SCS probation policy
-

1. Purpose of the SCS probation policy

The purpose of probation is to provide a period during which the Scottish Government (SG) can determine whether a new staff member meets conditions for continued employment. It is a time for managers to build a positive, trusting relationship with the probationer to understand their needs and support them to achieve effective performance, attendance, and conduct.

If a probationer fails to satisfactorily complete the probation period, this may lead to dismissal.

2. Scope of the SCS probation policy

The policy applies to everyone who is recruited as a new entrant through fair and open competition in senior civil service (SCS) and works in SG core and marine, executive agencies and non-ministerial offices (NMOs) that are part of the [SG Main and Marine Bargaining Units](#).

There is a separate probation [policy](#) and [procedure](#) for bands A-C.

While this policy applies across the SG main and marine bargaining units, executive agencies and NMOs may have local procedures in place to reflect local contact points and, for NMOs, their status as a direct employer. References to Scottish Government (SG) and HR teams in this policy should therefore be read as references to individual bodies and [local HR teams](#) where appropriate.

If a probationer, whether SG staff or from another government department (OGD), is successful in applying for an SG vacancy externally, the expectation is that they will complete a new nine-month probation period. This will enable full support and assessment to confirm whether the probationer meets the conditions for continued employment in the new role.

Fixed term appointees not recruited through fair and open competition, agency workers, consultants and inward secondees do not serve a probation period.

Separate arrangements apply in relation to modern apprentices, special advisers (SpAds), legal trainees, or individuals on the [graduate development programme](#).

The expectation is that this policy should be applied as written and read in conjunction with the [probation procedure SCS](#). Any exceptions to the application of the policy must be approved by the [HR policy team](#).

3. Principles of the SCS probation policy

The probation period lasts for nine months (unless extended or paused).

Probationers:

- should remain in their initial appointed post for at least the duration of the full nine-month probation period
- are not eligible to apply for temporary promotion or internal vacancies
- must meet all performance, attendance and conduct standards and requirements in order to satisfactorily complete their probation
- concerns about performance, attendance and conduct are handled differently and should be managed as soon as they occur with advice sought, as required, from the [HR people advice team](#) or [other agency and body HR team](#)
- [monthly conversations](#) should take place to review and adjust performance, priorities, development and wellbeing as well as identifying any support required
- interim and final probation reviews must take place, within the appropriate timeframe, to review attendance, conduct and performance against objectives, recognise success, give constructive feedback and review learning and development activities
- probation performance markings determine entitlement to a pay award and may affect pay; staff should refer to the relevant [pay award](#) applying at the time to establish how their marking may affect pay
- employment can be brought to an end at any point during the nine-month probation period if the probationer is assessed as not suitable for continued employment on the basis of (but not limited to) [performance, attendance, or conduct](#)
- probationers have the [right to appeal](#) the outcome of formal probation procedures such as warnings, extensions or dismissal

• **Roles and responsibilities in the SCS probation policy**

Probationers should:

- take personal responsibility for familiarising themselves with and meeting performance, attendance and conduct standards and requirements
- contribute actively to monthly conversations, probation reviews and development discussions
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- ensure they understand the probation policy, procedure and relevant guidance if working remotely, in workplaces or on a hybrid working pattern

Managers should:

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- explain the requirements that need to be met during the probation period and set [SMART](#) objectives at the outset which ensure that work is manageable, meaningful and meets the agreed requirements
- consider any workplace adjustments, including those which relate to the SG duty to make reasonable adjustments for [disabled staff](#), seeking advice from the [workplace adjustments team](#) as required
- regularly monitor performance, attendance and conduct during the probation period, raising any concerns about performance, development, and wellbeing as soon as they arise, taking advice as required
- conduct monthly conversations, interim and final probation reviews on time; documenting evidence and probation performance markings
- make a recommendation to the countersigning manager as to whether the appointment should be confirmed, probation extended, or the probationer dismissed; where the agreed recommendation is extension or dismissal, provide evidence supporting the recommendation for the HR people advice team to consider

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Managers on temporary promotion (TP) can:

- set objectives, hold monthly conversations and provide feedback to the countersigning manager about probationers that directly report to them
- conduct interim and final probation reviews for probationers, if in post for three months as manager and are at a substantive higher grade. If not, these roles should be carried out by the more senior manager

Countersigning managers should:

- support managers by confidentially discussing their people management role at monthly conversations and probation reviews, providing advice and coaching on managing probation issues as required
- consider the evidence in the completed [probation form](#), discussing the assessment with the manager in order to reach agreement about the probation recommendation
- set objectives, conduct the interim and final probation review if the manager has not been in post for three consecutive months, is on probation, is a temporary worker (except in exceptional circumstances), is on temporary promotion (unless at a substantively higher grade and manager for at least three months) or is absent long term
- where requested, meet with the probationer to discuss any concerns about the management of their probation, working with both manager and probationer to resolve issues, taking advice, as necessary

Senior management teams and leaders should:

- ensure that the probation policy and procedure is fully understood and that managers understand their role
- consider, with the support of HR business partners, data and any emerging trends on probation performance markings and outcomes within their area as part of their DG family corporate governance processes

Trade union officials should:

- provide professional support, advice, and representation during any formal probation processes, encouraging members to fully engage

The HR people advice team should:

- provide confidential advice, support and coaching on performance issues to managers and probationers
- take decisions about probation outcomes based on evidence-based recommendations from managers
- declare any actual or potential conflict of interest and ensure that those involved in decision making have no close association with the probationer

Other people directorate roles

- the [workplace adjustments team](#) will discuss, in confidence, any support requested by members of staff in relation to workplace adjustments, including those which relate to the SG duty to make reasonable adjustments for disabled staff
- the [HR policy team](#) will provide advice on the probation policy and procedure
- the [Employee Assistance Service](#) can provide support for managers by registering or logging in to the site and searching for 'manager support'
- the [HR business partner team](#) will provide support and advice to senior management on regular assurance activity

Travel and subsistence Advances

If you don't hold a Travel and Subsistence Charge Card and don't wish to be out of pocket while travelling on official business, you can apply for a standing or casual travel and subsistence advance. Advances cannot be requested for expenses that can be booked via Corporate Travel contracts (such as accommodation, flights, car hire and train tickets).

An advance of funds can be requested from the travel and subsistence team to cover anticipated expenses. For casual advances you should apply 10 working days before you travel.

Standing advances

If you travel regularly on official business, the amount of the advance should be the equivalent of four weeks' travel and subsistence expenses. This is restricted to meals, mileage (car/bike), taxis, bus fares, car parking and personal incidental expenses. Accommodation, flights, car hire and train travel can be paid for through the Corporate Travel Management billback facility.

Colleagues with standing advances should submit regular travel and subsistence claims to top up their standing advance.

The Scottish Government may demand immediate repayment of standing advances at any time. Repayment must be made in any event by the member of staff as soon as there is a change in post.

Colleagues who leave the Scottish Government for any reason, including on secondment, must refund outstanding travel advances before they leave.

Casual advances

Colleagues making official journeys who are applying for a casual travel and subsistence advance should state the amount required. The amount required is the estimated cost of expenses for the journey. This is restricted to meals, mileage (car/bike), taxis, bus fares, car parking and personal incidental expenses. Generally expenditure would need to be over £50 before an advance will be paid.

Accommodation, flights, car hire and train travel can be paid for through the Corporate Travel Management billback facility.

How to apply

Advances are requested through Oracle Cloud with line manager's approval. The travel and subsistence team will then approve the request before the payment is made. It takes a minimum of five working days after we've received the advance application before funds will appear in your bank account.

A second advance application will only be processed before a previous outstanding casual advance balance has been repaid in exceptional circumstances. On no account will an advance application be processed after the official journey has started.

Accounting for an advance

You must use Oracle Cloud to submit a travel and subsistence claim to offset the advance as soon as possible after your journey.

Submitting a claim

To submit a claim:

1. Go to Oracle Cloud and ensure you are on your 'me' page.
2. Select the 'expenses' page either by selecting the 'quick action', or the 'expenses' tile.
3. Select 'create report'.
4. Enter purpose of the expense report.
5. Select 'create item'.
6. Enter the details of your expenses, including the date you incurred the expense. For template, select Expenses T&S Report Template. Complete the relevant expense type. Add a description, which needs to state the reason for your travel (e.g. "to accompany the First Minister to the COP conference") and places visited including address of location(s) and if any travel has been booked via CTM. Please note this information can be reported including as part of freedom of information, so it needs to be clear and specific. You may enter additional fields to complete depending on the type of expenses selected.
7. Select 'save and close'.
8. Select 'add attachment' to add a receipt.
9. Enter the required attachment details, then select 'ok'. If you select 'file' as attachment type, use the 'browse' button to navigate to the file location.
10. Select 'add' to add more attachments.
11. Select one of the following buttons depending on what you'd like to do:
 - Save – this allows you to save your report without submitting it for approval now. You will be able to come back to it later and make further changes if needed before submitting it.
 - Submit – this allows you to submit your report now. It will be sent for approval by your line manager.
 - Cancel – this will discard any changes you have made to this report.
12. Select 'I have read and accept the corporate travel and expense policies' check box.
13. Select 'submit'.

To view a guide on submitting an expense claim, search for the guide named 'Create an expense report', using the Oracle help centre icon.

If the amount of the expenses claimed is less than the casual advance issued, you must repay the outstanding advance via the SG online payments facility.

The exception to this is where you expect to submit a further expenses claim within the following five working days. This would apply if the amount claimed will clear the balance of the casual advance owed.

If all or part of a casual advance remains owed to the Scottish Government three months after the return date of the journey for which the advance was issued, the Scottish Government can deduct the amount owed from your salary.

If either a standing or casual advance is not repaid before you leave the Scottish Government, the travel and subsistence team will arrange for your cost centre to be debited by the outstanding amount of the advance.

Help

For further help and advice, contact the travel and subsistence team via HR online.

Travel and Subsistence Charge Card

The travel and subsistence charge card (TSCC) is a credit card which can be used to pay for meals, personal incidental expenses and fuel for hire cars.

Car hire, air or rail tickets can be paid for using the TSCC, but only in emergencies where it is not possible to use Scottish Government contracts.

Accommodation can be paid for using the TSCC but only where it cannot be booked and paid for through the Corporate Travel Management billback facility.

Only expenses for travel and subsistence can be claimed on the TSCC due to the restricted merchant categories set up by the card provider.

Applying for a charge card

To apply for a charge card, you must be a permanent member of Scottish Government staff, a Scottish Government minister, or work for an agency/NMO who have their travel and subsistence claims processed and paid for by the Scottish Government travel and subsistence team. You must travel on a regular basis, at least twice per month, to be eligible for a card.

Temporary staff, consultants, contractors and other non-permanent staff are not eligible to apply.

Colleagues cannot apply for a charge card if they hold either a casual or standing advance.

The charge card is issued to an individual and is not transferable. Only the cardholder's own travel and subsistence can be charged to the card.

To request an application form, raise an HR online query with the travel and subsistence team.

Allowances

1. Clothing and footwear allowances

You may be able to get help towards the cost of buying or hiring clothes you need for work, as well as the cost of shoes required as part of your uniform.

Eligibility for clothing allowance

All colleagues can apply for the clothing allowance to help towards the cost of buying or hiring outfits for official functions.

Colleagues below Senior Civil Service (SCS) in the visits and events team can also apply for the allowance to buy standard office clothing.

Eligibility for footwear allowance

If you are required to wear a uniform, and shoes are not provided, you can apply for payment to help with the cost of two pairs of shoes. This payment is to cover your first year in post, and one pair for each year thereafter.

Your manager will let you know what style of shoes you should buy.

Rates of payment for clothes

For the hire or purchase of evening or morning wear you should fill out Form A for reimbursement of hire/purchase costs. You will be reimbursed for hire costs up to a limit of £90.45.

If you expect to hire clothes on more than four occasions in a year, you will be reimbursed up to £387.60 per year towards the cost of purchases.

Visits and events team

Fill out Form B for reimbursement as a visits and events team member. Reimbursement is limited to £387.60 per year for the hire or purchase of evening or morning wear and/or the purchase of office clothing.

Exceptions (for colleagues below SCS):

Fill out Form C to apply for a payment in exceptional circumstances.

You will receive payment in advance. The sum will be limited to the minimum amount necessary up to a maximum of £387.60.

Rate of payment for shoes

You will get a single payment of £93.98 when you start work, and then £47.00 for each year thereafter that you continue to wear uniform.

Tax deductions

Clothing and footwear allowance payments are taxable.

How to claim the clothing allowance

Send the relevant completed form by scanning or taking a picture of the document and emailing it to the HR team.

Claims for clothing allowance should be made timeously (within three months of the claim date) and within the financial year to which the claim applies (noting this may not always be possible for claims nearing the end of the financial year). There may be a delay in processing for claims submitted outwith these timescales. Late claims may also have implications for tax and national insurance contributions.

How to claim the footwear allowance

Your manager should email HR Help if you:

- become eligible for the footwear allowance
- are due further payments

2. Meal allowance

This is a payment to cover the cost of purchasing a morning or evening meal that you would have otherwise taken at home.

Eligibility

You may be paid the meal allowance if you:

- start or finish work at least three hours before or after your normal time
- sleep overnight at the office, either before starting early duty or after finishing late duty.

You may also receive this payment if you are required to work at weekends or on public and privilege holidays for six hours or more per day.

You can only claim a payment where you have incurred additional expense by purchasing a meal. You will need a receipt to support your claim.

You will not receive the allowance if you:

- work night duty instead of day duty
- sleep at the office for your own convenience
- have conditions of service that require you to work or be on call at night, as well as your normal day duty
- are required to work overtime away from your permanent workplace and you are claiming subsistence

Rate of payment

Each individual payment is up to the value of £4.90. Payments are taxable and non-pensionable.

You must make sure you have the appropriate receipts and these are kept these for audit purposes.

You should discuss with your manager if your meal costs more than £4.90 to explain the extra expense. Your claim may be approved if the cost is reasonable and justified.

How to claim

SCOTS users should use the Oracle Cloud system to make a claim.

Claims should be made timeously (within three months of the claim date) and within the financial year to which the claim applies (noting this may not always be possible for claims nearing the end of the financial year). There may be a delay in processing for claims submitted outwith these timescales. Late claims may also have implications for tax and national insurance contributions.

Step-by-step guide for employees:

- in the Oracle home page, select 'Time and Absences'
- select the relevant time card, and click 'add' to create a new entry
- add your assignment number (your employee number)
- type 'Meal Allowance' and select option in 'Hours type'

- leave 'cost centre override' and 'programme code override' blank
- select date the meal was taken
- leave 'start time and 'end time' blank
- type up to '4.90' in 'Quantity' to reflect the amount you are claiming for
- click 'ok'
- when you have added all your entries, click 'submit' and your claim will be submitted to your manager for approval

Step-by-step guide for managers:

- in the Oracle home page, you will see a new notification in the top right-hand corner - select this button
- review the claim to ensure it is accurate – checking the 'hours type' and the quantity claimed for in particular
- if you are content with the entry, click 'approve'
- the claim is now submitted to HR for payment

Non-SCOTS users should fill out line 12 of the Pay 1 Overtime form.

Your manager should send the completed form by scanning or taking a picture of the document and emailing to the HR team.

[View an example overtime claim.](#)

3. On-call allowances

Being on-call means you are required, at management request, to remain continuously and immediately available and fit for work after leaving the office or stopping work for the day.

You can claim a single on-call allowance for time spent on-call specifically at management's request. This can be either because of a one-off requirement, or as part of a regular out of hours support requirement within your directorate or organisation.

Eligibility for on-call allowance

If you are in Bands A to C of the Scottish Government Main bargaining unit and are on-call, you can claim for the allowance. A regular on-call arrangement should be part of a rota arrangement within a team or wider business area, and nobody can be permanently on-call (7 days a week, 52 weeks a year). Where on-call arrangements are required to support organisational requirements, they should be consistent with the Scottish Government's right to disconnect commitment, particularly regarding the frequency of on-call.

You will be eligible for the allowance as long as you:

- give details of how to contact you
- remain within reasonable travelling distance of your contractual place work or other agreed location

You cannot claim on-call allowance if:

- you are on leave (for example annual leave, sick absence)
- on-call is not a specific management requirement

Rate of payment for on-call allowance per day

A single period of on-call during the working week (Monday to Friday) will usually be from the end of one working day through to the beginning of the next to cover the full out of hours period - for example Monday evening through to Tuesday morning. However, shorter periods of up to 10 hours may also be claimed. A single period of on-call at the weekend (or a public holiday) runs from midnight to midnight (24 hours), which attracts the rate shown in the following table.

Payment period	Amount due
A period up to 10 hours (Monday to Friday)	£10.73
A period over 10 hours and up to 24 hours (Monday to Friday)	£22.06
Saturday, Sunday and public and privilege holidays (per 24-hour period)	£33.06

Normal overtime and travel rules will apply if you undertake work when on-call. You will be eligible to claim a minimum one hour of overtime, even if you worked for less than an hour when on-call.

The minimum overtime arrangements apply across a single on-call period. For example, if you're on-call Monday through to Tuesday and are required to undertake

2 x 20 minutes of overtime during your on-call period, you can claim one hour overtime as the minimum overtime arrangements apply.

If you're on-call Monday through to Tuesday and are required to undertake 3 x 30 minutes of overtime during your on-call period, you can claim one and a half hours of overtime to reflect the total period on overtime. The minimum overtime arrangements will not apply.

If you are called into work while on-call, you will still receive the on-call allowance plus any overtime pay due to you.

Examples to guide you on how to submit a claim on the Oracle Cloud system are also available on this page.

How to claim

SCOTS users should use the Oracle Cloud system to make a claim.

Claims for on call allowance should be made timeously (within three months of the claim date) and within the financial year to which the claim applies (noting this may not always be possible for claims nearing the end of the financial year). There may be a delay in processing for claims submitted outwith these timescales. Late claims may also have implications for tax and national insurance contributions.

Step-by-step guide for employees:

- in the Oracle home page, select 'time and absences'
- select the relevant time card, and click 'add' to create a new entry
- add your assignment number (your employee number)
- type 'On Call' and select option in 'hours type'
- leave 'cost centre override' and 'programme code override' blank
- select the date you were on call - for a single continuous period of on-call that is over two calendar days (for example starts Monday evening and ends Tuesday morning), select only the date the period of on call started, which in this example would be the Monday
- enter the 'quantity of hours' for the on-call period
- click 'ok'
- when you have added all your entries, click 'submit' and your claim will be submitted to your manager for approval

Step-by-step guide for managers:

- in the Oracle home page, you will see a new notification in the top right-hand corner - select this button
- review the claim to ensure it is accurate - checking the 'hours type' and the times recorded in particular
- if you are content with the entry, click 'approve'
- the claim is now submitted to HR for payment

Non-SCOTS users should fill out line 11 of the Pay 2 Overtime form. You should send completed forms by scanning or taking a picture of the document and emailing it to the HR team. Your manager should send your on-call allowance forms.

Contact HR Online if you have any questions.

Examples of on-call claim rates and what to enter in the claim

Example 1 – Tuesday evening through to Wednesday morning

You finish work at 6pm on Tuesday and are rostered to be on-call until 8am on Wednesday. As this is one continuous period of 14 hours, you are entitled to claim £22.06.

You should add on-call, select the date as the Tuesday (the date when the period of on-call started), and type '14' into the quantities box.

If you were then also on-call on the same basis for Wednesday to Thursday, you would follow the same process but enter the date as the Wednesday as a separate claim and so on.

Example 2 - Wednesday evening

You finish work at 6pm on Wednesday and are rostered to be on-call to 10pm the same evening. As this is one continuous period of 4 hours, you are entitled to claim £10.73.

You should add on-call, select the date as the Wednesday (the date when the period of on-call started), and type '4' into the quantities box.

Example 3 - Friday evening through to Monday morning

You begin an on-call period at 6pm on a Friday and are rostered to be on-call until the following Monday at 8am. As this continuous period of on-call involves different payment rates, it must be claimed as four separate claims and dates.

You should add separate on-call entries for Friday (6 hours entered in the quantities field), Saturday (24 hours entered in the quantities field), Sunday (24 hours entered in the quantities field), Monday (8 hours entered in the quantities field).

Overall, you are entitled to £10.73 for the Friday evening, £33.06 for Saturday, £33.06 for Sunday, and £10.73 for Monday (£87.58 in total).

Example 4 - Saturday afternoon and evening

You are on call for 12 hours on Saturday only, from 9am to 9pm. You should claim one period of 12 hours for time spent on-call, which means you are entitled for one payment of £33.06 to reflect the weekend rate.

Example 5 - Friday evening through to Tuesday morning (including a Monday public holiday)

You begin an on-call period at 6pm on a Friday and are rostered to be on-call until the following Tuesday at 8am. Monday is a public holiday. As this continuous period

of on-call involves different payment rates, it must be claimed as five separate claims/dates.

You should add separate on-call entries for Friday (6 hours entered in the quantities field), Saturday (24 hours entered in the quantities box), Sunday (24 hours entered in the quantities field), Monday (24 hours entered in the quantities field) and Tuesday (8 hours entered in the quantities field).

You are entitled to £10.73 for the Friday evening, £33.06 for each 24-hour period of Saturday, Sunday and Monday (public holiday), and £10.73 for the Tuesday morning (£120.64 in total).

Eligibility for overtime payments while on-call

The minimum overtime arrangements apply across a single on-call period. For example, if you're on-call Monday evening through to Tuesday morning and are required to undertake 2 × 20 minutes of overtime during your on-call period, you can claim one hour overtime as the minimum overtime arrangements apply.

If you're on-call Monday evening through to Tuesday morning and are required to undertake 3 × 30 minutes of overtime during your on-call period, you can claim one and a half hours of overtime to reflect the total period you were working. The minimum overtime arrangement will not apply in that example, because it has been exceeded during the on-call period.

For on-call periods covering Friday evening through to Monday morning, the minimum overtime arrangement applies across the whole period. For example, if you worked 20 minutes on Saturday and 20 minutes on Sunday (40 minutes in total), you would be entitled to claim the minimum one hour of overtime.

However, if you worked for 30 minutes each day on Friday evening, Saturday, Sunday and Monday morning you can claim two hours of overtime to reflect the total period of working. This means the minimum overtime arrangement will not apply in that example, because it has been exceeded during the on-call period.

If you are called into work whilst on-call, you will still receive the on-call allowance plus any overtime pay due to you.

4. Night duty allowance

You can claim the night duty allowance if you are not on a shift roster and are required to work between 8pm and 6am.

Eligibility for night duty allowance

If you are not contracted to work a shift pattern you can claim the night duty allowance in addition to overtime (or extra hours, if you work part-time).

You can also claim the night duty allowance if you are on-call and as part of these arrangements are required to work.

Rate of payment for night duty allowance

The night duty allowance is a percentage of your hourly overtime plain time rate:

- 25% for hours worked between 8pm and 11pm
- 33.3% for hours worked between 11pm and 6am

How to claim

SCOTS users should use the Oracle Cloud system to make a claim.

Claims should be made timeously (within three months of the claim date) and within the financial year to which the claim applies (noting this may not always be possible for claims nearing the end of the financial year). There may be a delay in processing for claims submitted outwith these timescales. Late claims may also have implications for tax and national insurance contributions.

Step-by-step guide for employees:

- in the Oracle home page, select 'time and absences'
- select the relevant time card, and click 'add' to create a new entry
- add your assignment number (your employee number)
- type 'night duty' and select the relevant option in 'hours type'
- leave 'cost centre override' and 'programme code override' blank
- select the date you are claiming night duty
- enter the 'start time and 'end time' for the night duty period
- click 'ok'
- when you have added all your entries, click 'submit' and your claim will be submitted to your manager for approval

Step-by-step guide for managers:

- in the Oracle home page, you will see a new notification in the top right-hand corner - select this button
- review the claim to ensure it is accurate – checking the 'hours type' and the times recorded in particular
- if you are content with the entry, click 'approve'
- the claim is now submitted to HR for payment

Non-SCOTS users should fill out lines 8 and/or 9 on the Pay 2 Overtime form.

You should send completed forms by scanning or taking a picture of the document and emailing it to the HR team.

Calculate night duty allowance

We calculate your hourly overtime plain time rate using this formula:

$(\text{Full time salary} \div 35 \text{ hours}) \div 52.2 \text{ weeks} = \text{hourly overtime plain rate}$

The full-time salary figure should include the value of any allowance that are taken into consideration when calculating overtime.

Example

Mr Smith is a B1 on a salary of £23,383. He can claim the night duty allowance for working overtime from 7pm to midnight.

His hourly overtime plain time rate is:

$(£23,383 \div 35 \text{ hours}) \div 52.2 \text{ weeks} = £12.80$

His night duty allowance payment is therefore calculated as follows:

8pm to 11pm (3 hours)

$£12.80 \times 25\% = £3.20$

$£3.20 \times 3 \text{ (hours)} = £9.60$

11pm to midnight (1 hour)

$£12.80 \times 33.3\% = £4.27$

$£4.27 \times 1 \text{ (hour)} = £4.27$

Mr Smith is due a night duty allowance payment of £13.87.

Contact HR Online if you have any questions.

5. Sea allowances

You may be able to claim for one or more sea allowances if you work at sea and are in the Scottish Government main bargaining unit:

- sea allowance
- additional hours allowance
- discard vessel allowance
- officer in charge allowance

Sea allowance

This allowance compensates you for:

- being absent from home
- living on-board a vessel
- working irregular hours (including at night)
- incidental expenses

The rate of payment is £68.15 per 24 hours, from when you board the vessel. It also applies to any period greater than 12 hours following a 24-hour period (if you have been on-board overnight).

The same flat rate is paid regardless of your pay range and when you do the work. The allowance is taxable, but not pensionable.

Sea allowance is not paid when you are required to sleep ashore. Standard travel and subsistence may apply.

Additional hours allowance

This is paid for extra hours worked at sea compared to work done during standard weekly hours, and applies to duties aboard:

- Marine Directorate research vessels
- research vessels owned by other maritime institutes
- commercial fishing vessels chartered by Marine Directorate
- other commercial fishing vessels

The rate of payment is £90.02 per 24 hours, from when you board the vessel. It also applies to any period greater than 12 hours following a 24-hour period (if you've been on-board for at least 12 hours).

The same flat rate is paid regardless of your pay range. To qualify, you must make yourself available for work directed by the officer in charge (subject to the working time policy). The allowance is taxable, but not pensionable.

Additional hours allowance is not paid for a designated day of rest.

Before sailing your manager may agree to a request for time off in lieu (TOIL) instead of additional hours allowance. The equivalent to a day at sea will be seven hours.

You must take any agreed TOIL within 60 days of your return from sea. Taking TOIL does not affect your eligibility for other sea allowances.

Discard vessel allowance

This compensates for the difficult working conditions and lack of basic facilities often experienced on discard trips. It covers work as discard observers on-board a commercial vessel less than 40 metres in length.

The rate of payment is £68.15 per 24 hours, from when you board the vessel. To qualify, you must have been on-board for at least 12 hours.

The same flat rate is paid regardless of your pay range. The allowance is taxable, but not pensionable.

Officer in charge allowance

This is paid for the additional responsibilities carried out by the officer in charge of a research vessel cruise.

The rate of payment is £20.06 per 24 hours, from when you board the vessel. It is a flat rate, payable to one officer in charge per day only. The payment is taxable, but not pensionable.

How to claim

On the Marine Directorate team page there is a list of seagoing allowances claim forms in the useful resources section. You can send your form by scanning or taking a picture of the document and emailing it to the HR team.

Claims should be made timeously (within three months of the claim date) and within the financial year to which the claim applies (noting this may not always be possible for claims nearing the end of the financial year). There may be a delay in processing for claims submitted outwith these timescales. Late claims may also have implications for tax and national insurance contributions.

6. Shift disturbance allowance

A shift disturbance allowance is paid to staff who are required to work a number of different attendance patterns on a rotating basis. This could be, for example, early, back and night shifts, where start and/or finish times fall outwith core Scottish Government hours. Core hours are currently 7am to 7pm.

Two rates of shift disturbance allowance will apply:

- 12.5% will apply for working an alternating 2-shift system
- 21% will apply for working a 3-shift system (or more)

The full rotation of the shift rota must be worked to qualify for the appropriate allowance.

Shift disturbance allowance is calculated as a percentage of basic pay only. It is pensionable and is subject to tax and National Insurance deductions.

The shift disturbance allowance will not apply where staff work a fixed pattern (for example permanent early, back or nights without rotation). Depending on the specific hours worked, staff may qualify for other relevant payments.

Read more about shift working.

Flexible Working Hours (Flexi) Policy

1. Section One: The Flexi System

1.1 Key features of the Flexi Policy:

- bandwidths of Monday to Friday, 7.00 a.m. to 7.00 p.m.;
- credit carry over between flexi periods of up to 28 hours (four days for full-time staff), pro-rata for part time staff;
- up to 28 hours (four days for full-time staff) flexi-leave in each accounting period, pro-rata for part time staff;
- debit carry over between flexi periods of up to 10½ hours (1½ days for full-time staff), pro-rata for part-time staff; and
- a continuous 30 minute break must be taken by all staff who work more than 6 hours.

1.2 The Flexi arrangements apply to the working arrangements of most permanent and fixed-term Scottish Government staff in Bands A-C. Subject to business requirements being met and the approval of your manager, your hours of attendance may be flexible within the bandwidth hours. If, due to the nature of your role, it is not possible for you to work flexibly within the bandwidth hours, your manager will notify you of your required attendance times which will be within bandwidth hours or reflect the hours of a contractual shift requirement.

Where flexi arrangements are unable to apply you must continue to record hours of attendance via Oracle.

Senior Civil Service colleagues are not part of the Flexi arrangements but can use their timecard on Oracle to record all hours worked, including those falling outwith the FWH bandwidths.

Secondees to the Scottish Government, those on a student placement, workers engaged via an employment agency, and contractors are not part of the Flexi arrangements.

If, after being subject to a corporate process, it is determined that the Flexi policy will not or will no longer apply to you, you will be notified of your required attendance times which will be within bandwidth hours. In these circumstances you must continue to record hours of attendance via Oracle.

1.3 You will be credited with hours you work within the flexi bandwidths. Working outside the flexi bandwidth should always be agreed with your line manager beforehand. If you work outwith the flexi bandwidth you should clock in and out as normal using the web clock. Your time will be added to your time card automatically.

If overtime has been pre-authorised and agreed you can be paid for hours worked outwith the flexi bandwidth, then you should follow the Standard overtime – rules and rates guidance on Saltire on how to claim payment. If you are claiming overtime or time off in lieu (TOIL) you should not record worked hours on the system – instead you will record your time within your overtime/TOIL time claim. Line managers **must**

ensure that staff are not reimbursed twice for the same hours worked, i.e. Flexi credit and payment of overtime/travel time.

2. Section Two: Definitions

Flexi Accounting Period

2.1 A flexi accounting period lasts for four weeks, starting on a Monday and finishing on the relevant Friday. The dates of the accounting periods are available on Saltire.

Flexi limits for full-time staff

2.2 There are 140 hours in each flexi accounting period. The limits to the number of hours which may be worked and carried forward in any one flexi accounting period are limited as follows:

- Staff are able to carry forward up to 28 hours (four days) accumulated flexi credit between flexi accounting periods.
- Staff are able to carry forward up to 10½ hours (1½ days) accumulated flexi debit between flexi accounting periods.
- Any hours worked before 7.00 a.m. and after 7.00 p.m. should be recorded and your manager will then be notified via their dashboard.

Breaks

2.3 No member of staff may work more than 6 hours without a continuous break of not less than 30 minutes. This should not fall at the beginning or end of the six-hour period. This break must be continuous and cannot be made up of a total of various smaller breaks. Staff who intend to work more than 6 hours in a day should take their 30 minute break after working at least 30 minutes and before working 5 hours 30 minutes.

Young Workers

2.4 Young workers under the age of 18 are entitled to take a rest break of 30 minutes when their daily working time is more than 4 ½ hours.

Carry-over limits

2.5 Excess flexi credits or debits that have accumulated by the end of the accounting period should be dealt with in the following manner, unless there are exceptional circumstances:

2.6 Where the accumulated flexi debit exceeds 10½ hours staff and line management will have a discussion to understand the reasons and circumstances.

Where there is a continued excess debit carry over staff may be subject to disciplinary procedures.

2.7 At the end of a flexi accounting period accumulated flexi credit should not exceed 28 hours (4 days). There will be no auto adjustment to flexi balances, so staff and line managers must jointly monitor flexi and ensure arrangements are in place to take time off so that, within an agreed reasonable period, excess balances are managed down to the policy limits. No payment will be made for accumulated time at the end of an accounting period, nor will any payment be made as compensation for staff who work in excess of the flexi-hours scheme limits, unless a prior agreement for overtime has been given by the line manager.

In exceptional circumstances:

2.8 Where the accumulated flexi debit at the end of an accounting period is more than 10½ hours, line managers will discuss with staff the specific circumstances. An excess accumulated debit may happen due to sick absence where you have been unable to reduce the total deficit. If you are concerned about an excess flexi debit, please discuss this with your line manager in the first instance. Should line managers need further advice, they can contact the People Advice and Wellbeing Team via HR Online.

Taking Flexi Leave

2.9 Up to 28 hours (four days) flexi leave may be taken during each flexi accounting period. Line managers have discretion to allow additional hours to be taken as flexi leave, e.g. to allow staff to manage larger accumulated balances. You should provide your line manager with at least 2 working days' notice of your request for time off. In exceptional circumstances where you are unable to give 2 days' notice you should make the request as soon as possible. You should note that you may require to rotate your time off to ensure appropriate cover is maintained, e.g. it may not be possible to have every Monday off. You should note that approval to a request for time off is at management's discretion and subject to business needs.

Annual Leave

2.10 Annual leave is recorded on Oracle and you will receive a Flexi credit on your time card equivalent to the hours of annual leave you have recorded. For further details on how to record and manage annual leave on Oracle Cloud please view the annual leave - request and manage guidance on Saltire.

Sick Absence

2.11 If you are off sick for a whole day, your time card will be credited with your daily contracted hours. If you become ill during the day and are unable to continue work, the actual hours of attendance will be made up to your daily contracted hours. Your absence should be recorded in line with the Scottish Government's attendance management and sickness absence policies.

Authorised Absence

2.12 A credit for the total time worked will be given and this will include time spent travelling minus normal home to office travel time. Payment for travel time cannot be claimed in addition to a flexi credit. Travel time cannot be claimed for time during your contractual hours. This credit can include time spent at working lunches, where staff are required to spend their lunch in their official capacity and are unable to use their lunch break as they wish.

Staff Training

2.13 Credit will normally be given which reflects the time spent traveling to and undertaking training.

Further Education

2.14 Credits will be given which reflects the time spent travelling to and undertaking the course. Credit is limited to a normal working day of 7 hours, or your normal contracted hours, as appropriate.

Detached Duty

2.15 Detached Duty is a period of temporary assignment to another SG location. If you are on detached duty you must discuss with local management the specific attendance requirements for the period of detached duty. These may differ from your 'normal' working arrangements.

Hospital, Medical, Dental Appointments etc. (including blood donation)

2.16 A Flexi credit equal to the duration of your appointment plus travel from and to the office/home for that appointment will be given for authorised absences during your normal working hours. You are expected to make every effort to arrange appointments as early or as late as possible in your working day. If you do not come into the office before or after your appointment your credit will be less your normal home to office travel time.

Industrial/Employee Relations and Union Duties

2.17 A Flexi credit equal to the duration of the absence will be given to union members for authorised purposes.

Health and Safety at Work Activities

2.18 A Flexi credit equal to the duration of the absence will be given to safety representatives for authorised purposes.

Disruption to Work

2.19 In the event of travel disruption or where a workplace is closed the expectation is that the majority of staff will be able to work from home. Full details of how disruption to work is managed and potential impact on flexi is available on Saltire.

Overtime

2.20 Overtime for staff in the Scottish Government Main Bargaining Unit must be authorised by line management in advance. Guidance on overtime is available on Saltire.

Transfer to another area

2.21 Your Flexi credit/debit will transfer with you to a new business area. You should discuss any Flexi credit/debit with your new line manager. If your new area is not covered by Oracle Cloud your current line manager should confirm your final flexi balance with your new line manager. You should make all efforts to manage any excess flexi credit to within policy limits before your transfer. The transfer of any credit in excess of policy limits should be discussed and agreed between your current and new line manager.

Leaving the Scottish Government

2.22 Line managers should ensure that in cases of retirement, resignation or transfers out of the Scottish Government, they notify HR Shared Services of any Flexi credit/debit that is likely to exist on the final day. Where possible staff should reduce any Flexi credit/debit prior to their date of leaving the Scottish Government.

2.23 If you leave the Scottish Government, you are not eligible for payment of flexi credit accrued in excess of 28 hours. If you have a Flexi debit at the time of departure, you will have that debit offset either against any balance of annual leave due or through a reduction in final pay.

3. Section Three: Staff on a Non-Standard Working Pattern

Application of Rules

3.1 Staff on most working patterns should participate in the Flexi arrangements. The rules applicable to full time staff are applicable to staff on non-standard working patterns subject to the following modifications:

Bandwidths

3.2 The days on which you work and the number of hours to be worked are agreed with your line manager or set out in your contract. The bandwidths during which hours may be worked should be clarified at the outset. If you are part-time, but work full days, the bandwidths applicable on those days are the same as for full time staff. If you work part days, your start and finish times may be varied in consultation with your line manager.

3.3 Please see previous reference within the guidance regarding breaks. As such breaks are outwith your working hours, you will not be paid for them.

Hospital, Medical, Dental Appointments etc.

3.4 If you work a non-standard pattern, you should try to arrange appointments outwith your normal working hours wherever possible. If appointments are arranged in working hours, an appropriate credit may be authorised by your line manager.

Overtime

3.5 If you work a non-standard working pattern, you do not qualify for overtime unless you have worked, in total, the relevant full time hours i.e. 35 hours per week. If you work in excess of your contracted hours, an extra hours payment may be claimed.

Overtime and part-time extra hours for staff in the Scottish Government Main Bargaining Unit must be authorised by line management in advance. There is no requirement to clock in or out of Flexi when working overtime or extra hours. Guidance on overtime and extra hours is available on Saltire

Carry Over Limits

3.6 Part time workers may take a pro rata equivalent in flexi credit, flexi debit and flexi leave to that which applies to full time workers. The following formulas should be used to calculate the limits which apply within each accounting period. Line managers must monitor these limits are adhered to.

Maximum flexi leave and carry over limit:

Full time Standard weekly hours	35
4 days credit/time off in 4 week period	28 hrs

Part time entitlement = $(28 \div 35) \times$ normal weekly hours = Flexi credit/time off in 4 week period

Maximum carry over deficit:

Full time Standard weekly hours	35
Maximum debit	10 hrs and 30 minutes = 10.5

Part time entitlement = $(10.5 \div 35) \times$ normal weekly hours = Maximum flexi debit in 4 week period

Public and Privilege Holidays

3.7 If you are on a non-standard working pattern and your entitlement is greater than the public and privilege hours that fall on your working days in the year, the surplus amount is taken as leave. However, should your entitlement be less than the public and privilege hours that fall on your working days in the year, the deficit for that year would have to be made up using annual leave or flexi leave.

4. Section Four: Misuse of Flexi

4.1 Minor infringements of Flexi may not constitute a disciplinary offence, however if you misuse or abuse Flexi, you may be subject to disciplinary action.

4.2 Examples of misuse of Flexi might include:

- being 'clocked in' whilst not undertaking work;
- taking a lunch break whilst 'clocked in';
- 'Adding a flexi credit/update where time hasn't been worked;
- deliberate falsification of records.

These examples are not an exhaustive list of what may constitute a potential breach of Flexi policy. If you are a line manager and require further information about dealing with misuse of the Flexi, you should contact the People Advice and Wellbeing Team via HR Online.

Suspension from Flexible Working Hours Arrangements

4.3 Your Head of Branch/Unit may also suspend you from the Flexi arrangements where there are concerns over your use of Flexi. The HR PAW Team is available to offer advice in particular cases but it is for Heads of Branches/Units to take the decision to suspend. You may also be liable for any of the penalties prescribed for disciplinary offences.

4.4 Where your Head of Branch/Unit considers that the particular misuse is a minor disciplinary offence, they should not suspend you from the scheme but will warn you as to future conduct. After a second warning, your Head of Branch/Unit may suspend you from the scheme for up to three months.

4.5 Where the offence is considered a serious disciplinary matter, your Head of Branch/Unit may suspend you from Flexi until the conclusion of the disciplinary process after taking advice from the HR PAW Team.

If you are suspended from Flexi your daily hours will be discussed with you and set by your line manager. They will reflect your contracted hours and will specify a start and end time along with appropriate breaks. You must continue to record your hours on Oracle, but you will not accumulate flexi credits.

Gross Misconduct

4.6 Fraudulent manipulation of the system, such as falsification of Flexi records, may be treated as gross misconduct and may lead to dismissal. Line managers

should contact the HR People Advice and Wellbeing Team for advice immediately upon discovery.

Apply for a Flexible Working Pattern

1. Apply for a flexible working pattern

Flexible working - getting started

Flexible working covers a range of options designed to let you work in a way that suits you and the organisation's needs. Anyone employed by the Scottish Government or associated bodies can request to work flexibly.

This might mean:

- working from home (colleagues in Social Security Scotland should consult local guidance)
- hybrid working
- job sharing
- part-time working and compressed hours
- partial retirement

If you want to request formal or informal flexible working, talk to your manager. Options may not be suitable for all posts, and some arrangements are only available either formally or informally (depending on the flexibility you are requesting).

Your request for flexible working will be considered along with the needs of the department.

2. Formal flexible working

Job sharing, part-time working and compressed hours can all be requested by a formal flexible working application. You can read further guidance about partial retirement.

You will need to seek your manager's approval to change your hours. Any agreed change in hours will usually be permanent and any formal arrangements will result in a new contract of employment. You can formally apply for a change of hours twice in any 12-month period. Contracted working hours and daily working hours must be presented as a multiple of three minutes.

Where hours have been altered, a revised job description should be drawn up and objectives agreed at the outset. These should be achievable within your new agreed hours.

Reducing or increasing your hours will impact your pay and any allowances, annual leave, and public and privilege holiday entitlement. Your pension entitlements will also be affected.

Formal changes can take up to two months to be considered, or longer if there are any issues with your application.

3. Informal flexible working

Hybrid working

Hybrid working will be managed as an informal local arrangement and your contract of employment will not be amended to reflect any hybrid working arrangement.

Compressed hours

Colleagues can choose to work compressed hours either as an informal or formal arrangement, where an informal arrangement does not require a contractual change. For informal compressed hours, colleagues would have a local agreement with their manager to take a flexi day using accrued flexi leave on set days each month. But where critical work was required, the arrangement offers the flexibility for you to work on the set day rather than take the day off.

Home working

In general, permanent home working arrangements will not be agreed. However, colleagues may need to work from home as a reasonable adjustment. In this scenario, and if the duties of the role can be done from home on a permanent basis, home working arrangements will be considered on a case-by-case basis. Where a case is complex or a member of staff or manager would like support in considering or implementing a request, you can discuss this with the workplace adjustments service (or equivalent HR contact if you do not work in core Scottish Government). They can help you identify adjustments or seek input from other professionals.

Where home working is agreed, you and your manager will record the arrangement in the employee passport. Doing this captures all the relevant detail and allows for flexibility to record any changes to adjustments due to changing needs. For example, your manager could set out any requirements when attendance at an office may be required, such as at stakeholder meetings, and record dates for reviewing the arrangements to ensure they are still meeting your needs.

Your parent office will still be classed as your place of work. When attending the parent office, your travel to work would still be at your own cost and normal travel and subsistence expenses rules will apply. (This is unless you have alternative reasonable adjustments arrangements agreed by the workplace adjustments service, or equivalent HR contact if you do not work in core Scottish Government.)

4. Flexible working application process

Once you have discussed your options, you should formally apply to your manager, stating the following:

- your current working pattern
- the flexible working pattern you're applying for, noting the hours and days you wish to work (excluding any lunch breaks)
- the date you wish the change to take effect
- if you've made a previous application and when that was
- whether your application is for caring purposes
- for home working, which hours you'll be working from home

Your application must be in writing (email or letter) and dated. You should explain what effect, if any, your request would have on business, and how this could be dealt with.

Guidance for senior civil servants is also available on applying for senior civil servant roles as a job sharer.

If your application is approved by your manager, update Oracle Cloud to formalise the request.

5. How to approve or refuse a flexible working request

As a manager you should:

- advise the individual of the outcome
- agree the effective date of the change
- if relevant, make staff aware of the effects of working long hours

Your colleague will need to update their own Oracle Cloud record with their change of hours. The effective date is the first working day of the new pattern. They will also receive a new contract letter.

Refusing a flexible working request

A manager can only refuse an application on one or more of these business grounds:

- potential for additional costs
- adverse effect on ability to meet customer demand
- inability to reorganise work among existing staff
- inability to recruit additional staff
- adverse effect on quality
- adverse effect on performance
- lack of work during the periods the applicant proposes to work
- planned structural changes

You must consult your colleague before you make a decision and invite them to a meeting to discuss the request. You should consider the impacts and practical considerations of the request and, if the request cannot be accepted in full, whether it's possible to agree to an alternative arrangement. If a request is to be refused, you should explain the reasons for refusing a request with your colleague and provide a letter setting out:

- the date on which the decision was made
- the business ground(s) for rejecting the request and why they apply
- details of the appeals procedure

The letter should clearly relate to the situation in the business area in which the applicant works.

6. Appealing a refused application for flexible working

You can make an appeal within 14 days of receiving a flexible working application refusal.

The appeal should be heard within 14 days of receiving your letter of appeal. You can ask a colleague or union representative to attend the appeal meeting with you.

For reasons of fairness and independence, the colleague appointed to consider your case will not have been involved in the original decision. This would normally be your countersigning officer.

An appeal by a senior civil servant will normally be considered by a senior manager one grade above them who was not involved in the original decision.

The appeal decision

You will receive the appeal decision within 14 days of the hearing.

Where an appeal is upheld, steps will be taken to enable you to put in place your flexible working pattern with your manager.

If an appeal is dismissed, you'll receive a copy of the report prepared by the colleague who considered the appeal. This will explain the reasons for the decision.

There is no appeal procedure beyond the decision made by the appointed deciding officer.

If your appeal is dismissed, but you're still interested in job reshaping leading to partial retirement, email HR Help to discuss your options.

Guidelines for Managers Dealing with Flexible Working Requests

Managers are responsible for approving any changes to working patterns.

You must consider all flexible working requests objectively and with sensitivity, and treat all applicants equally and fairly. It may not be possible to accommodate every flexible working request.

For each applicant, you should think about:

- whether the work can be carried out in a more flexible way
- the likely effects on customer service
- if the benefits will outweigh any additional costs
- how to supervise the new pattern
- how the change will affect the rest of the team
- if and when you will review the arrangement

If you agree to an informal request for flexible working, you should record this locally. If it's a formal request, this should be requested on Oracle Cloud when it is available. As part of hybrid working, working from home is on a voluntary basis. Contracts that have an individual's home as their contractual place of work won't be issued.

An exception may be where it's appropriate for formal homeworking agreements to be in place as part of an adjustment under equality legislation.

You can agree a hybrid working arrangement where your employee splits their time between home and a contractual place of work informally. This must take into account business needs and expectations.

Job Sharing

Job sharing enables two people who work part-time to share the responsibilities of one job.

Job sharing can be beneficial for you and your colleagues, particularly if you want to develop new skills and better communication channels with other teams.

Benefits for colleagues and managers include:

- access to a larger number of posts
- access to a wider pool of talent
- less of an impact during periods of annual/special leave and sick absence
- pairing of complementary skills
- fewer absences and more flexibility

How job sharing works

If you'd like to job share, discuss this with your manager in the first instance. You'll need to find a suitable colleague to work with if an agreement is reached.

You can also contact the job share network for more information.

Shared workloads and hours should be agreed from the outset and two separate job descriptions and objectives must be drawn up. Both colleagues should also talk to each other regularly.

Time off

The job-sharing colleagues can take leave at the same time, or agree to co-ordinate their time off.

Further information

If you'd like to know more about job sharing in the Scottish Government, contact the job share network, or use these resources:

- read the Civil Service guide to job sharing
- read the latest job share blogs from the UK Civil Service
- join the job share network on Yammer

Partial Retirement

1. Partial retirement

Partial retirement lets you draw some or all of your Civil Service Pension, and work part-time or at a lower grade.

MyCSP require a minimum of four months' notice to process your partial retirement request.

Who can apply?

Anyone in the alpha scheme bands A to C and senior civil servants. You need to meet the following five conditions:

1. You must be in the alpha scheme. If you're in partnership and have previously accrued Civil Service Pension benefits that you want to access, read the Civil Service Pensions guide. You're still able to access your pension and reduce your working pattern, but this is not 'partial retirement' from a civil service pension perspective.
2. Your job can be 'reshaped' (with no adverse effect on the business) by reducing your earnings (including any permanent pensionable allowances) by at least 20%. This can be done by reducing your hours, for example from five days a week to four, changing your responsibilities and re-grading your post. Alternatively, you could move to a lower grade post within your division.
3. You must apply to take your partial retirement no later than three months after reshaping your job.
4. You can only opt for partial retirement once. Read the Civil Service Pensions guide to partial retirement for further information.
5. You must take sufficient pension to cover any Guaranteed Minimum Pension (GMP) and/or a sufficient lump sum to cover any Widow(er)'s Pension Scheme (WPS) liability. Check with your manager before applying to make sure that you meet the conditions.

You must also:

- confirm you've read the thinking about partial retirement guide - this document may not be fully accessible, contact pension enquiries for more information
- read the step by step guide to partial retirement on MyCSP's website and complete the application form in step 3

2. Appealing a refused application for partial retirement

You can appeal within 14 days of receiving a partial retirement application refusal. Contact the HR people advice team for more information.

The appeal should be heard within 14 days of receiving your appeal. You can ask a colleague or union representative to attend the appeal meeting with you.

For reasons of fairness, the colleague appointed to consider your case will work outside your business area.

Someone at band C or deputy director level will hear appeals for band A to C applications. An appeal by a senior civil servant will normally be considered by a senior manager one grade above them.

The appeal decision

You'll receive the appeal decision within 14 days of the hearing.

Where an appeal is upheld steps will be taken to enable you to put in place partial retirement with your manager.

If an appeal is rejected, you'll receive a copy of the report prepared by the colleague who considered the appeal, giving grounds for rejection.

There's no appeal procedure beyond the decision made by the appointed deciding officer.

If your appeal is rejected, but you're still interested in job reshaping leading to partial retirement, you should contact HR Online on iFix to discuss your options. Senior civil servants can approach the senior staff team.

3. Partial retirement and your pension

For details about the alpha scheme, refer to the Civil Service Pensions website.

If you take benefits before pension age, your benefits will be reduced for early payment.

You can carry on working in your reshaped job and build up further pension.

Questions

You can contact the pensions team through HR Online if you have any questions about partial retirement.

4. Responding to a partial retirement request

As a manager you must consider how a partial retirement request might affect business needs and service delivery.

You should also think about the advantages of retaining your colleague's services so that you don't lose their valuable experience and knowledge.

You must consider all requests objectively and with sensitivity, and you should treat all applicants equally and fairly. It may not be possible to accommodate every partial retirement request.

Factors to consider

For each applicant, you should think about:

- whether the job can be reshaped
- the likely effects on customer service
- if the benefits will outweigh any additional costs involved
- how the manager will supervise and manage the new arrangement
- how the change will affect others in the division

For further advice, contact HR Online on iFix. In cases of senior civil servant posts, advice can be obtained from the senior staff team.

How to process multiple requests

Where more than one request is being made within a division at bands A to C, you should consult the deputy director before you approve any cases.

For multiple senior civil service applications, the manager should discuss the applications with all other relevant senior managers.

5. Accepting or refusing a partial retirement request

To accept a partial retirement request, as a manager you should:

- discuss the request with the colleague who made it
- agree with your director that the member of staff can reshape their post
- agree the timescale
- forward the application to the pensions team through HR Online

The pensions team will issue a letter of confirmation to the successful applicant and a copy will be sent to your manager.

Refusing a partial retirement request

You may decide to refuse an application to reshape a job on business grounds.

Reasons could include:

- potential of additional costs
- adverse effect on ability to meet customer demand
- inability to reorganise work among existing staff
- inability to recruit additional staff
- adverse effect on quality
- adverse effect on performance
- lack of work during the periods the applicant proposes to work
- planned structural changes

You should discuss the reasons for refusing a request with your colleague and provide a letter outlining:

- the date on which the decision was made
- the business grounds for rejection
- if it may be possible to approve the application with a later start date
- details of the appeals procedure

You should email letters to rejected applicants in bands A to C to the diversity team.

Letters to rejected senior civil servant applicants should also be copied to the senior staff team.

Part-time Working and Compressed Hours

1. Working part-time or compressed hours

Part-time working means working anything less than the standard 35 hour week.

Compressed hours are where you continue to work the standard 35 hour week but over fewer days than the standard working week. For example, you could work longer working days Monday to Thursday, or work a nine-day fortnight. These are designed to give you a better work-life balance, but reducing your hours will also affect your salary, holiday and pension entitlement.

There's no limit to what pattern or hours are worked, but not all requests for reduced hours can be granted. Part-time working may not be suitable for all posts. You should discuss options with your manager.

Use the drop-down menu in Oracle Cloud to choose preferred working pattern. Contracted working hours and daily working hours must be presented as a multiple of three minutes.

If your preferred working pattern is not listed on Oracle Cloud drop-down menu, your manager will need to add it to the current list, if approval is granted.

You will need to apply to change your hours after this has been discussed with your manager and business area. Any agreed change in hours will usually be permanent and any formal arrangements will result in a new contract of employment. You can formally apply for a change of hours only twice in any 12-month period

Find out how to apply for a flexible working pattern.

2. Effects on your pay and leave

If you change your working hours, HR Shared Services will notify you with information on your revised pay, leave and public and privilege holiday entitlement. As a part-time worker, your pay and leave are calculated as a proportion of the full-time equivalent.

Salary

Your salary is calculated on the following basis:

$(\text{Full-time per annum salary} \div \text{full-time weekly hours}) \times \text{part-time weekly hours} = \text{part-time annual salary.}$

If you currently work full time (35 hours per week) and are on £29,013 but are moving to part time (24 hours per week), the calculation would be:

$(29013 \div 35) \times 24 = \text{£19,894.62}$

It is your responsibility to satisfy yourself that the information on your payslip is correct. Please visit HR Online via iFix on Saltire if you notice an error or have any queries about your information.

Overtime

Any overtime must be authorised by your manager in advance. Part-time workers are entitled to an extra hours payment for hours worked below 35 hours. Overtime rules will apply to hours worked over the standard 35 in a week.

Annual leave and public and privilege holidays

Annual leave and public and privilege holidays are calculated as a proportion of the full-time equivalent for anyone who works part-time. Your leave will be recorded in hours regardless of working part-time or full-time and should be recorded in Oracle Cloud. Find out how to calculate your part-time annual leave entitlement.

You must record any public or privilege holidays you take on Oracle Cloud absence page.

To add an absence in Oracle Cloud, select the link

- select 'me'
- select 'time and absences'
- select 'existing absences'
- select 'add an absence record'
- complete the following details: when, details, comments and attachments
- select submit

To view a guide on request and record annual leave, search for the guide named 'create, update, or delete an absence record (employee)', 'create, update, or delete an absence record (manager)' using the Oracle help centre icon.

How much leave you can carry forward may also be affected.

Contact HR for additional guidance.

3. Effects on your flexi

If you're eligible, you'll be able to continue to use the Oracle Cloud Flexi Online system while working any flexible working arrangement. However, the flexible working hours leave you can take and carry over will be proportionate to your hours worked.

Find out more about tracking your time on the Oracle Cloud Flexi Online System, search for the guide named 'view and amend existing time cards', using the Oracle help centre icon on the right-hand side of the screen.

4. Part-time working and pensions

Working fewer than full-time hours will affect your pension entitlement.

Read more about your pension, or visit the Civil Service Pensions website.

How to boost your pension provision while working part-time

You can increase your pension provision in one of several tax-efficient ways:

- purchase added pension – use the added pension calculator to see what this would cost
- if you're a member of the Alpha scheme, you can build up a portion of your pension that can be paid earlier than your normal pension age without any reduction
- Effective Pension Age – Civil Service Pension Scheme: EPA (Effective Pension Age) - Civil Service Pension Scheme

You can also:

- pay into the Civil Service Additional Voluntary Contributions (CSAVC) scheme to buy additional benefits
- contribute to a stakeholder pension with Legal & General (subject to eligibility)
- Please note Partnership is an alternative to Alpha membership. Alpha or Partnership: alpha or partnership? - Civil Service Pension Scheme

Part-year or Term-time Working

1. Working part-year or term-time

Part-year or term-time working is working anything less than the standard 52 weeks a year.

You can do this by working:

- during the school term only
- on a week-on, week-off basis
- on a set number of days each month

How to apply for part-year or term-time working

Talk to your manager about your options before you apply. Give the dates you wish to take as unpaid periods each year.

Part-year or term-time working may not be suitable in a limited number of posts. If this is the case, the business reasons for the decision will be explained to you. You can only formally apply for a change of hours twice in any 12-month period.

If your application is successful, your change of hours is fixed for 12 months and will need to be renewed every year by 1 February.

2. Effects on your pay and leave

As a part-year worker, your pay and leave are calculated as a proportion of the full-time equivalent.

You will be paid in one of two ways:

- unpaid leave for non-working periods
- an average salary for the year, paid in 12 equal instalments

An average salary is only available if your non-working periods total a minimum of four working weeks in a year (and each single period is at least one working week). Weeks don't need to be consecutive.

Different pay calculations apply to the two options. An average salary may give a lower annual salary than the unpaid leave option. Choosing an average salary means your hours and non-working periods will be expected to stay the same for 12 months.

You must agree your planned absences annually with your manager before submitting your request on Oracle Cloud. They'll ensure your leave allowance and salary are appropriately adjusted in Oracle Cloud.

If you're on average salary arrangements, HR Shared Services will see if an overpayment or underpayment of salary has been made. Where an overpayment has occurred, you'll need to repay the excess.

Overtime

Any overtime must be authorised by your manager in advance.

Stopping or changing a part-year arrangement mid-year

In exceptional circumstances, you may be permitted to change your working pattern or your average salary arrangements.

If you're on average salary arrangements, HR Shared Services will see if an overpayment or underpayment of salary has been made. Where an overpayment has occurred, you'll need to repay the excess.

If you're on unpaid leave for non-working period arrangements, you must notify HR of changes in sufficient time to make the necessary adjustments.

3. Effects on your flexi

If you're eligible, you will be able to continue to use the Oracle Flexi Online system while working a part-year or term-time arrangement.

4. Part-year working and pensions

Working part-year will affect your pension entitlement.

Find out more about your pension, or visit the Civil Service Pensions website.

How to boost your pension provision while working part-year

You can increase your pension provision in one of several tax-efficient ways:

- purchase added pension – use the added pension calculator to see what this would cost
- if you're a member of the Alpha scheme, you can build up a portion of your pension that can be paid earlier than your Normal Pension Age without any reduction

You can also:

- pay into the Civil Service Additional Voluntary Contributions (CSAVC) scheme to buy additional benefits

5. Example pay and leave calculations

These example calculations illustrate how pay and leave are calculated for a part-year working pattern based on:

- Salary = £29,013 (full-time equivalent)
- Annual leave entitlement = 6 weeks (210 hours)
- Public and privilege holiday entitlement = 11.5 days (80.1 hours)
- Non-working periods (2024 to 2025 term dates):
 - 8 to 19 April (12 days)
 - 1 July to 9 August (40 days)
 - 23 December to 3 January (12 days)

Calculations are for full-time (35 hours) and part-time workers (20 hours).

Full-time unpaid leave for non-working periods pay option

In months where no absences (working period) occur, you'll receive your normal, gross salary of £2,417.75. This includes January where absence falls on public or privilege holidays.

In months with non-working periods, your pay is calculated using the following formula:

Salary ÷ 12 months ÷ calendar days in month × (calendar days – absence days)

For example, in April you'll receive £1,450.65, which is calculated as: £29,013 ÷ 12 ÷ 30 × 18.

Then you'd receive:

- £2,417.75 in June
- no pay in July
- £1,715.82 in August
- £1,715.82 in December

Full-time average salary pay option

Your total number of working days in the year is 304 (61 days of absence). Please note there will be a minimal difference in calculations during a leap year.

Your average weekly hours are:

working days in year ÷ calendar days in year × 35 (net hours). This is calculated as: $304 \div 365 \times 35 = 29.15$ hours.

So, your average monthly salary rate is:

annual salary ÷ 35 × average weekly hours ÷ months in year. This is calculated as: $£29,013 \div 35 \times 29.15 \div 12 = £1989.45$

Full-time leave allowances

How you choose to be paid doesn't affect how your leave allowance is calculated. Your annual leave is calculated using the following formula:

hours annual leave \div calendar days in year \times calendar days in working period. This works out as: $210 \div 365 \times 304 = 174.9$, rounded up to nearest quarter hour = 174.75 hours.

Your public and privilege holidays (PPH) are calculated using the following formula: PPH hours \div calendar days in year \times calendar days in working period. This works out as: $85.1 \div 365 \times 304 = 70.87$, rounded up to nearest quarter hour = 71 hours.

Part-time - unpaid leave for non-working periods pay option

In months where no absences occur, you'll receive your normal, gross pro rata salary of £15,682.70. This includes January where absence falls on public or privilege holidays.

In months with absences your pay is calculated using the following formula: salary \div 12 months \div calendar days in month \times (calendar days – absence days). For example, in April you'll receive: $\text{£}15,682.70 \div 12 \div 30 \times 20 = \text{£}871.26$

Then you'd receive:

- £871.26 in June
- no pay in July
- £618.31 in August
- £618.31 in December

Part-time: average salary pay option

Your total number of working days in year is 304 (61 days of absence). Your average weekly hours are:

working days in year \div calendar days in year \times net weekly hours. This is calculated as: $304 \div 365 \times 20 = 16.657$ hours

So, your average monthly salary rate is:

annual salary \div 20 \times average weekly hours \div months in year. This is calculated as: $\text{£}15,682.70 \div 20 \times 16.657 \div 12 = \text{£}1,088.44$.

Part-time leave allowances

How you choose to be paid doesn't affect how your leave allowance is calculated. Your annual leave is calculated using the following formula:

hours annual leave (pro rata) / calendar days in year \times calendar days in working period. This works out as: $120 \div 365 \times 304 = 99.94$, rounded up to nearest quarter hour = 100 hours.

Your public and privilege holidays are calculated using the following formula: PPH hours (pro rata) \div calendar days in year \times calendar days in working period. This works out as: $46 \div 365 \times 304 = 38.31$, rounded up to nearest quarter hour = 38.5 hours.

Shift Working and Changes to Working Patterns

1. Shift working

If you are working a formal shift pattern the normal rules around shift disturbance allowance, overtime and allowances still apply.

What we mean by shift working

A shift is defined as a number of different attendance patterns on a rotating basis. For example, early, back and night shifts, where start and/or finish times fall outwith the core Scottish Government hours of 7am to 7pm.

Shift arrangements must be designed to ensure colleagues complete their normal contracted weekly hours, that is, 35 hours per week. This could be an average if there is a longer shift rotation. A shift might not necessarily follow the regular pattern of five days on, two days off. You may have to attend on more or fewer than five days per week. Whatever shift pattern is agreed, colleagues must complete as a minimum their contracted hours.

For example:

- Week 1 – 35 hours
- Week 2 – 33 hours
- Week 3 – 40 hours
- Week 4 – 40 hours

Contact HR via HR Online to let them know who in your team is moving to shift working to make sure their record and pay is updated. You must also advise HR when the shift working ends so any allowance should stop.

Shift disturbance allowance (SDA)

Two rates of allowance apply:

- SDA of 12.5% will apply for working an alternating two-shift system
- SDA of 21% will apply for working a three-shift system (or more)

You must work the full rotation of a shift rota in order to qualify for the appropriate allowance. This means that colleagues must be rotating and working a mixture of, for example, early and back shifts. It isn't payable if you mostly work a single pattern and only occasionally work alternative hours.

Weekend working and night duty

The shift disturbance allowance covers disruption to work/life from a more irregular work pattern. You won't be entitled to weekend working or night duty allowances.

Overtime

The usual overtime rules apply and you can make a claim if you work more than your contracted hours.

If the additional hours occur at the end of your normal shift you can claim weekday overtime. If these are on a Saturday and/or Sunday you can also claim the relevant weekend premium.

If the additional hours occur on a non-working day you can claim weekend overtime. This is assuming the first rest day as Saturday equivalent and second rest day as Sunday equivalent.

Where the additional hours occur between 8pm and 6am you can claim night duty allowance.

Flexi

When you're shift working you'll no longer be on the flexi working hours system. You'll be expected to complete your contracted hours during your shift(s) and anything in excess will be claimed as overtime. Managers can make local arrangements for adjusting flexi balances at the end of the shift working period instead of claiming overtime.

Help and support

If you need advice or have any queries about implementing shift or alternative working arrangements, contact HR via HR Online.

2. Working a rotating pattern during core hours

If you're asked to work a rotating pattern within the core Scottish Government hours of 7am to 7pm this is not defined as shift working and you don't need to tell HR.

For example:

- 7am to 3pm
- 11am to 7pm

You must complete your contracted weekly hours of 37 hours per week.

The shift disturbance allowance does not apply to this pattern of work.

Weekend working

If your rotating work pattern covers Monday to Sunday and you're rostered to work at the weekend, this is part of your contracted weekly hours. You are therefore not entitled to make any claim for overtime. You can, however, make a claim for weekend premium if you must work between the hours of midnight on Friday and midnight on Sunday.

If your rotating work pattern covers Monday to Friday, the normal weekend overtime rules apply.

Night duty

Normal rules and processes for night duty apply.

Overtime

The usual overtime rules apply and you can make a claim if you work more than your contracted hours.

If the additional hours occur at the end of your normal shift you can claim weekday overtime. If these are on a Saturday and/or Sunday you can also claim the relevant weekend premium.

If the additional hours occur on a non-working day you may make a weekend overtime claim. This is assuming the first rest day as Saturday equivalent and second rest day as Sunday equivalent.

Where the additional hours occur between the hours of 8pm and 6am you can claim night duty allowance.

If your rotational pattern covers Monday to Friday the normal overtime rules will apply.

Flexi

You'll stay on the flexi working hours system as long as your rotational pattern remains Monday to Friday. If it extends beyond this then you'll no longer be on the flexi working hours system.

Help and support

If you need advice or have any queries about implementing shift or alternative working arrangements, contact HR via HR Online.

3. Adjustment to working hours (non-shift)

If you move to an adjusted, but otherwise regular, working pattern this is not defined as a shift. This is the case even where hours of attendance fall outwith the core Scottish Government hours of 7am to 7pm.

For example:

- 6am to 1pm
- 2pm to 10pm

You must complete your contracted weekly hours of 35 hours per week.

Contact HR via HR Online to let them know who in your team has adjusted their working hours to make sure their record is updated. You must also advise HR when this ends and any allowance should stop.

The shift disturbance allowance does not apply to this pattern of work.

Weekend working

If your working pattern covers Monday to Sunday and you're rostered to work at the weekend, this is part of your contracted weekly hours. You're therefore not entitled to make any claim for overtime. You can, however, make a claim for weekend premium if you must work between the hours of midnight on Friday and midnight on Sunday.

Where your rotational pattern covers Monday to Friday, the normal weekend overtime rules will apply.

Night duty allowance

If your working pattern requires you to work between the hours of 8pm and 6am this is part of your contracted weekly hours and you're not entitled to claim night duty allowance.

Overtime

The usual overtime rules apply and you can make a claim if you work more than your contracted hours.

If the additional hours occur at the end of your normal shift you can claim weekday overtime. If these are on a Saturday and/or Sunday you can also claim the relevant weekend premium.

If the additional hours occur on a non-working day, you may make a weekend overtime claim. This is assuming the first rest day as Saturday equivalent and second rest day as Sunday equivalent.

Where the additional hours occur between the hours of 8pm and 6am you may claim night duty allowance.

If your working pattern covers Monday to Friday the normal overtime rules will apply.

Flexi

During these revised working arrangements, you'll no longer be on the flexi working hours system. You'll be expected to complete your contracted hours and you can claim anything in excess as overtime. Managers can make local arrangements for adjusting flexi balances at the end of the shift working period instead of claiming overtime.

Help and support

If you need advice or have any queries about implementing shift or alternative working arrangements, contact HR via HR Online.

Working Longer Hours

The Working Time Regulations 1998 (as amended) specify the maximum working time a worker can legally work over a reference period.

The regulations state that a worker's working time, including overtime, in any reference period which is applicable shall not exceed an average of 48 hours for each seven days. You should be aware of your responsibilities under, and ensure that you comply with, the regulations.

It's important that, as your employer, we know how many hours you work. You must notify HR Help via HR Online if you do any work outwith the Scottish Government which could count towards your total working time.

Public Transport Disruption – Emergency Arrangements

In the event of public transport disruption:

- you must make every effort to report for duty at your normal place of work unless instructed otherwise
- all colleagues, irrespective of grade, have a duty to carry out whatever work is required of them, whether Civil Service or other work
- all travel expenses are subject to tax and National Insurance contributions and should be claimed through payroll, unless the disruption has been caused by industrial action

If you live within walking distance you are expected to report at your own expense. Staff in normal health will be expected to spend up to an hour walking both to and from their normal place of work. The distance this represents will depend on your age, physique and general fitness as well as the difficulty of the journey.

Travelling expenses

Claims for reasonable travel expenses incurred by you because of an emergency may be paid, provided no unnecessary or avoidable expense is reimbursed and you would normally travel more than four miles daily, each way.

In exceptional circumstances, your travel expenses may be reimbursed if you live fewer than four miles from your place of work if, for example, you have a disability.

These arrangements cover, for example:

- mileage allowance and, subject to the production of receipts, any reasonable extra parking or garage fees incurred as a result of travelling by private vehicle, either to work or to an alternative railway or bus station
- extra rail or bus fares incurred (with a corresponding reduction where a refund for the season ticket has been or will be made) if your current season ticket hasn't been accepted by public transport authorities as valid for the alternative route travelled

Mileage allowance

Reimbursement of reasonable travel expenses may include paying mileage allowance to colleagues who normally use public transport. This would apply if they have to use their own private motor vehicles at extra expense to travel to and from their permanent workplace during the emergency.

Payment of mileage allowance is governed by the following conditions:

- no payment is made in respect of any unnecessary or avoidable distance travelled
- mileage allowances are not paid under these rules for any part of a journey which qualifies for mileage allowance under other (non-emergency) rules
- normally more than four miles have been travelled daily each way

Mileage allowances can't be paid to staff who normally drive to and from their permanent workplace. However, an allowance may be paid in respect of any additional mileage travelled when carrying official passengers.

Passenger supplements may be paid whether or not you're entitled to claim mileage allowances under the terms and conditions above. The allowance can't be paid in respect of colleagues normally carried nor in addition to an allowance payable for the same person under the non-emergency rules.

Phone calls

If you need to make official phone calls because of the abnormal situation, the cost will be reimbursed.

Industrial action

You must submit claims for expenses incurred during industrial action which affects your travel to work to the travel and subsistence team. You should indicate clearly the claims are submitted under emergency arrangements and give all the details necessary for the claim to be considered. This should include, where appropriate, the amount of refund on a season ticket which has been or will be made.

The claim should be annotated with the following wording:

'I do/do not (delete as appropriate) normally use my car for journeys between my home and my permanent workplace.'

Help and support

For further help and advice, raise a query to the travel and subsistence team through HR online.

Annual Leave – A guide for Managers

1. Dealing with annual leave requests

Approving annual leave

Your team members need your permission before they can take annual leave. When considering an annual leave request, you need to balance your colleague's right and need to take time off with the demands of our business.

Colleagues are legally entitled to 5.6 weeks' holiday per year. For a standard five-day pattern this is equal to 28 days' leave. Annual leave and public and privilege holidays are included in these 5.6 weeks. However, we offer colleagues a more generous annual leave entitlement.

Your team members should have ample and fair opportunity to take their annual leave when they choose. As a manager you must ensure they take at least four weeks annual leave each year from their statutory entitlement, which includes public and privilege days.

However, there may be occasions when you can't grant annual leave. For example, if your team is affected by seasonal peaks when workloads increase, or other staff have had annual leave approved for the same period. In such circumstances it may be possible to grant some leave, but not the full period requested.

Refusing annual leave

If you decide to refuse a request for annual leave, either in full or in part, you should:

- meet with the individual to explain the reason(s) for your decision
- try to identify alternative dates which are acceptable to all concerned

Colleagues have the right to appeal against any decision by management. You must therefore ensure that any decision to refuse a request for annual leave can be properly justified.

2. Recording and monitoring annual leave

Recording annual leave

Oracle Cloud will record most colleagues' annual leave as soon as you authorise it. If colleagues don't use Oracle Cloud, you must ensure they record their annual leave on a non-Oracle Cloud users annual leave form.

You should review when a colleague carries over, from one year to the next, more than the carry over limit. The HR shared service centre may request annual leave forms for non-Oracle Cloud users at any time for audit purposes.

Monitoring annual leave

It's your responsibility to make sure your team members take their leave and they have no more than 10 days untaken leave at the end of the leave year.

Annual leave carry-over of 10 days or below do not require your approval. However, if your team members wish to carry over any more untaken leave, they'll need your approval and you should consider business needs. Oracle Cloud will automatically carry over any untaken leave balance to the next leave year. You'll need to raise a query via HR Online on iFix if your team member's carry-over balance should be reduced.

3. Moving annual leave between leave years

Bringing forward annual leave

You can allow colleagues to take up to two weeks' annual leave from the following year's annual leave allowance at any time during the year. You should check that the individual's annual leave entitlement is correctly adjusted for the current year and the next year.

You must ensure bringing forward annual leave doesn't result in the individual receiving less than 5.6 weeks holiday in the following year.

You may wish to remind your colleague about alternatives, such as special leave, flexi leave or a temporary adjustment to their working pattern.

Carrying over annual leave

Your team members may carry over up to two weeks' untaken annual leave to the next annual leave year without prior permission.

A carry-over in excess of this may be approved at your discretion (for example, if an individual has been prevented from taking annual leave due to business needs or they have a planned one-off occasion requiring a longer period of leave). Your colleague should try to use up this excess carry-over in the year they have carried it into. A further carry-over in excess of the limit should ideally not be authorised again into the next annual leave year.

Before approving a carry-over of more than two weeks' annual leave, you must consider the business requirements for the following year. You must also take into consideration the health and wellbeing of your staff.

Annual leave balances that are in excess of 10 days because of long-term absence such as maternity leave and sick absence will automatically qualify to be carried forward and are not subject to your discretion.

4. Annual leave and absences from work

Family leave and its effect on annual leave

Family leave is defined as periods of maternity, adoption, paternity, shared parental and parental leave. Colleagues continue to accrue annual leave during these periods of absence.

To ensure your team members don't carry large balances of annual leave, you should discuss with them how their annual leave will be managed. For example, they may wish to take annual leave immediately before or after a period of family leave. If a colleague hasn't managed to use their annual leave due to family leave, they can carry forward more than the usual carry over limit.

Non-reckonable service and annual leave

The following types of service do not reckon towards the accrual of annual leave:

- unpaid special leave
- other unpaid absences (excluding maternity leave, adoption leave, unpaid sick absence and sick absence at pension rate of pay)

If you use Oracle Cloud and you have a colleague who had a period of non-reckonable service, the HR shared service centre will adjust their annual leave entitlement.

If you can't access Oracle Cloud and a colleague takes an unpaid absence, you must ensure they forward their annual leave form to the HR shared service centre.

5. Ending employment and annual leave

Encourage your team members to use their annual leave before they leave their jobs. Where a colleague has been prevented from taking all their annual leave for business reasons, you may authorise a payment with their final salary.

6. Annual leave for part-time and non-standard working patterns

Annual leave entitlements for part-time colleagues and those on a non-standard pattern are calculated pro rata to the number of hours worked per week. Their annual leave allowance is expressed in hours.

They must therefore deduct the number of hours they were contracted to work on that day from their total leave entitlement.

7. Payment for excess untaken annual leave

If a colleague has genuine reasons for being unable to take their annual leave, a director or chief executive can – in exceptional cases – authorise payment for the untaken leave. Please note, payment is only considered at the end of the current leave year.

The director or chief executive must contact HR Online on iFix, confirming the number of hours the payment should cover.

Calculate a payment for untaken annual leave

To calculate untaken accrued annual leave payments for all staff use this formula:

- $(\text{annual full-time salary} \div 52.2 \text{ weeks}) \div 35 \text{ hours}) \times \text{number of hours untaken annual leave}$

You should make your colleague aware of the formula used to calculate the payment. Payments for untaken annual leave are non-pensionable and will be met from your budget.

8. Sick absence and annual leave

Annual leave continues to accrue during periods of paid and unpaid sick absence. Individuals who return to work after a lengthy period of sick absence may therefore have large amounts of untaken leave. Advice about how to manage such situations is available in the attendance management guidance.

Illness during annual leave

A colleague who falls ill while on leave can choose whether their period of illness should be treated as sick absence or as annual leave.

Illness to be treated as sick absence

They must inform you on their first day of illness, or as soon as possible if that is not practicable. Their absence should then be recorded as sick absence rather than as annual leave.

Annual leave while on sick absence

Colleagues on sick absence can choose to take annual leave while off sick. They cannot be made to do this if they don't want to.

Sick absence and annual leave will run concurrently. Annual leave taken during a period of sick absence therefore counts towards the limited period for sick pay and the absence management trigger points. The periods are six months on full pay and six months on half pay, subject to 12 months' pay in any four-year rolling period.

Recording annual leave on sick absence

You should not record annual leave when on sick absence on the colleague's Oracle Cloud record. Instead, contact HR shared service centre to confirm the period of annual leave to be taken. Remember to include the colleague's reference number. HR will reduce the colleague's annual leave balance in Oracle Cloud and arrange payment for the annual leave period.

Annual Leave Entitlement

1. How much annual leave do I get?

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

Band A to C staff are entitled to:

- five weeks' annual leave on joining which is 175 hours (pro-rated for part time staff)
- six weeks' annual leave per year after four years' reckonable service which is 210 hours (pro-rated for part time staff)

Annual leave entitlement for senior civil servants is 30 days or 222 hours per year (pro-rated for part-time staff) as per your Senior Civil Service contract.

We also provide the option to:

- carry over up to 10 days' untaken annual leave
- bring forward leave (in exceptional circumstances)

You're legally required to take at least four weeks of annual leave per leave year. This is 20 days if you work a full-time standard working pattern. Public and privilege holidays count towards this total.

Both your annual leave and public and privilege entitlement will be shown in hours rather than days on Oracle Cloud. An Oracle Cloud calculator is available which will allow you calculate your leave into hours from days. A plain text version of the calculator is also available.

Flexible or non-standard working

If you work part-time, part-year, compressed hours or shifts find out more about your annual leave allowance in annual leave for flexible or non-standard working.

How annual leave is accrued

You begin to accrue annual leave from your first day of employment. Find out what counts as reckonable service towards the higher annual leave entitlement.

Annual leave accrues monthly, which means that if you join or leave the organisation part-way through a leave year, you will have accrued only a portion of your annual leave entitlement so far that year.

Your annual leave allowance will be adjusted proportionately to reflect the number of days served if you join or leave part way through the leave year.

Annual leave entitlement and the 35-hour week

In October 2024, we moved to a 35-hour week for colleagues in Bands A to C. The shorter working week recalculated annual leave balances for both full-time and part-

time colleagues. You can read more about how the 35 hour week recalculation affected your annual leave balance.

2. Calculate annual leave for new colleagues

If you join part way through the annual leave year, your annual leave allowance for that year is calculated on a pro rata basis.

We calculate your annual leave allowance for the rest of the year using this formula, whether you work full or part time:

$(\text{Full-year allowance} \times \text{calendar days left in the annual leave year}) \div \text{calendar days in the year}$.

Please note you must use 366 calendar days for a leap year.

Example 1

You join on 21 November and work full-time. As a new entrant, your annual leave entitlement is five weeks, 25 days, or 175 hours, per year. There are 72 days remaining in the leave year, which ends 31 January.

The formula to work this out is:

$(\text{Full entitlement in hours}) \div (\text{days in the year}) \times (\text{days remaining in the leave year})$
 $175 \text{ hours} \div 365 \text{ days} \times 72 \text{ days} = 34.52 \text{ hours}$

Your annual leave allowance is therefore 34 hours and 32 minutes.

Example 2

You join on 21 November and work 20 hours per week part-time. As a new entrant, your annual leave entitlement is five weeks per year. Five multiplied by 20 hours you work every week gives you 100 hours' annual leave for the year. There are 72 days remaining in the leave year, which ends 31 January.

The formula to work this out is:

$(\text{Full entitlement in weeks} \times \text{hours worked in a week}) \div (\text{days in the year}) \times (\text{days remaining in the leave year})$
 $(5 \text{ weeks} \times 20 \text{ hours}) \div 365 \text{ days} \times 72 \text{ days} = 19.73 \text{ hours}$

This means your annual leave allowance is 19 hours and 44 minutes.

3. Higher annual leave entitlement

If you are in Bands A to C, you're entitled to six weeks (210 hours) of annual leave per year after you've accrued four years of reckonable service (full or part-time). Senior civil servants do not get a higher annual leave entitlement after four years - as per your Senior Civil Service contract you are entitled to six weeks of leave per year from the commencement of your employment.

Some periods of paid and unpaid leave will count, or 'reckon', towards the qualifying period required for a higher annual leave entitlement.

This includes time spent on:

- paid or unpaid maternity, paternity or adoption leave
- unpaid parental leave
- unpaid sick absence
- sick absence at pension rate
- unpaid special leave
- unpaid leave for domestic career break purposes

Time spent in other government departments (OGDs) can reckon towards the qualifying period where there is no break in service.

Time spent in service with HM Forces following a call-out of reservists also reckons towards the qualifying period. This must occur between two unbroken periods of employment as a civil servant with a UK Government department or agency.

Non-reckonable service

Days are classed as non-reckonable if used for:

- unauthorised absence
- industrial action

Any such periods don't break what would otherwise have been continuous service. This means you'll be able to add to the qualifying years already accrued on your return.

Previous service and reappointment

If you were reappointed under the terms of the reappointment policy then previous service can be included when calculating annual leave entitlement.

4. Bring forward annual leave

We expect you not to go over your annual leave allowance.

In exceptional circumstances, you can ask to take up to two weeks of the following year's annual leave allowance in the current leave year. This is known as anticipated annual leave. Your manager must approve your request.

You must have enough leave left for the following year to be able to take the four weeks' leave you're legally required to have each year. Public and privilege holidays count towards this total.

Recording anticipated annual leave

You should use the Oracle Cloud system to deduct any anticipated leave from the following year's annual leave allowance.

5. Carry over annual leave

You're legally required to take at least four weeks' leave per leave year. If after that you have any untaken leave remaining, you can carry over some or all of it to the next leave year.

You can normally carry over:

- up to two weeks' leave automatically
- more than two weeks' leave with your manager's approval and subject to business needs

The expectation is that before using the increase to the carry forward limit, staff will have discussed their leave with their manager. This should be with a view to taking leave where possible before the end of the leave year.

From 1 October 2024, leave is expressed in hours and so two weeks' leave will be your weekly hours multiplied by two. For example, if you work 20 hours a week over three days, your carry forward limit would be 40 hours which is two weeks' leave.

Recording details of a carry over

The Oracle Cloud system will automatically record details of any carry over on 1 February when the new leave year starts.

Annual leave carry over for the 2025 to 2026 leave year

Oracle Cloud will automatically carry over a maximum 70 hours (pro-rated for part time staff) into the following leave year. Unlike the previous eHR system, hours over this limit will be cut off. However, for 2025 to 2026 leave balances, an adjustment will be made in Oracle Cloud so full remaining balances will automatically transfer to the new leave year. This adjustment will not be made until the new leave year begins, which means that your projected annual leave balance may not yet show this adjustment, if you are trying to carry over more than 10 days.

Please note this adjustment for balances over 10 days is being made for 2025 to 2026 only and will not happen in future years.

If you are carrying more than a year's worth of full annual leave entitlement into the new leave year, you will temporarily not see your extra carried over hours to the 2025 to 2026 leave year on 1 February. The excess annual leave will be added back to your balance before the end of February.

Annual Leave For Flexible or non-standard Working

1. Part-time working

If you have a part-time working pattern, your annual leave allowance is:

- calculated pro rata
- as with other colleagues, given in hours

Example 1

You have less than 4 years' reckonable service and are entitled to five weeks of annual leave. You work 20 hours per week.

Your annual leave allowance is 100 hours, which is 5 weeks × 20 hours.

Example 2

You have 4 or more years' of reckonable service and are entitled to six weeks of annual leave. You work 20 hours per week.

Your annual leave allowance is 120 hours, which is 6 weeks × 20 hours.

2. Part-year working

If you have a part-year working pattern, your annual leave allowance is:

- calculated pro rata
- as with other colleagues, given in hours

You may work full-time or part-time during your working period. Your annual leave allowance is calculated for the number of months you work, using this formula:

- $(\text{Full-year annual leave allowance} \div \text{calendar days in year}) \times \text{calendar days in working period}$

Please note you should use 366 calendar days for a leap year.

Example 1

You're contracted to work from 1 April to 31 July, which covers 122 calendar days. You work full-time and have a 5-week annual leave entitlement.

Your full-year allowance would be 175 hours, i.e 5 weeks (leave entitlement) \times 35 hours (full-time weekly hours).

$$(175 \div 365) \times 122 = 58.49 \text{ hours}$$

Your annual leave allowance is 58.5 hours rounded up to the nearest quarter of an hour.

Example 2

You're contracted to work from 1 August to 31 December, which covers 153 calendar days. You work part-time 20 hours a week and have a 5-week annual leave entitlement.

Your full-year allowance would be 100 hours, i.e. 5 weeks (leave entitlement) \times 20 hours.

$$(100 \div 365) \times 153 = 41.91 \text{ hours}$$

Your annual leave allowance is 42 hours rounded up to nearest quarter of an hour.

3. Compressed hours

Compressed working may be a formal part of contractual terms and conditions, or an informal local arrangement agreed with your line manager.

If you are full-time and have a formal compressed working pattern, your annual leave allowance is given in hours as with other colleagues.

Your annual leave allowance is either:

- 175 hours, i.e. 5 weeks (leave entitlement) × 35 hours per week; or
- 210 hours, i.e. 6 weeks (leave entitlement after four years' reckonable service) × 35 hours per week

To take a day of annual leave, you must apply for the number of hours you're due to work on that specific day.

Example

You work compressed hours where your working pattern is recorded as eight hours and 45 minutes each day Monday to Thursday. You decide to take a day of leave on a Tuesday.

You must deduct 8 hours and 45 minutes from your allowance.

4. Shift working

As with other colleagues your annual leave allowance is given in hours.

You are full-time and your annual leave allowance is either:

- 175 hours, i.e. 5 weeks (leave entitlement) × 35 hours per week; or
- 210 hours, i.e. 6 weeks (leave entitlement after four years' reckonable service) × 35 hours per week

To take a day of annual leave, you must apply for the number of hours you're contracted to work on that specific day.

Example

Your shift working pattern and the length of your shifts vary.

You decide to take a day of leave on a Wednesday. Excluding meal breaks, you're contracted to work eight hours that day. You must deduct eight hours from your allowance.

5. Change hours and annual leave

Your annual leave allowance will be adjusted if you make a contractual change to the number of hours you work per week, for example full-time to part-time, part-time to full-time, or remaining part-time but on different weekly hours.

HR will adjust your allowance on the Oracle Cloud if you change your weekly working hours.

If you don't have access to Oracle Cloud send a non-Oracle users form to be updated to the HR pay admin team.

Annual Leave When Leaving the Scottish Government

If you leave part way through the annual leave year, your annual leave allowance for that year will be calculated on a pro rata basis.

You should try to use any remaining allowance before you leave. We will only make a payment in lieu of untaken annual leave if you were unable to take time off because of business reasons.

Your final salary will be reduced to offset any annual leave deficit you have when you leave.

Payments in lieu of untaken annual leave

We calculate payments using this formula:

- $(\text{annual full-time salary} \div 52.2 \text{ weeks}) \div 35 \text{ hours} \times \text{number of hours' untaken annual leave}$

Salary rates include:

- fixed allowances
- pay supplements (including Temporary Promotion)

Salary rates exclude:

- allowances that were reimbursements (for example the footwear allowance)
- compensatory or one-off payments
- overtime

Payments made in lieu of untaken annual leave are non-pensionable.

Pro-rata leave allowance

If you leave part way through the annual leave year, your annual leave allowance for that year is calculated pro rata.

We calculate your annual leave allowance using this formula, whether you work full or part-time:

- $(\text{full-year annual leave allowance} \times \text{days served in annual leave year}) \div \text{calendar days in year}$. Adjustments are made if you have carried forward leave from the previous leave year and/or taken leave during the current leave year

Example

Your last day at work is 2 September. Your annual leave allowance is five weeks =175 hours (25 days) and you have taken 10 days = 70 hours annual leave in the current leave year. You have accrued annual leave over 214 days of the current leave year from 1 February to 2 September inclusive. This is calculated as:

- $(25 \times 214) \div 365 = 14.66 \text{ days}$
- $14.66 \text{ Days} \times 7 = 102.62 \text{ Hours}$

Your revised annual leave allowance is therefore 15 days (105 hours), as it is rounded up to the nearest half-day. You've already taken 10 days' annual leave, so you're entitled to payment for the remaining five days.

Calculating annual leave allowance if working part-time or compressed hours

We calculate your annual leave allowance if you're working less than full time hours using this formula:

- $(\text{weekly hours} \times \text{annual leave allowance}) \div \text{calendar days in year} \times \text{days worked in annual leave year}$

If you have any carry over or leave taken, it should be taken into account towards the annual leave allowance total.

Your annual leave allowance is either:

- five weeks (175 hours) annual leave on joining
- six weeks (210 hours) annual leave after four years' reckonable service

366 days is used for any leap year.

Example (part-time)

Your contracted hours are 18 hours per week and your last day at work is 31 March 2025. Your annual leave allowance is six weeks per year. 1 February 2025 to 31 March 2025 = 59 days served in annual leave year.

$18 \text{ weekly hours} \times 6 \text{ weeks' annual leave allowance} \div 365 \text{ (calendar days in year)} \times 59 \text{ (days worked in annual leave year)} = 17.46$. This amount is rounded up to the nearest 15 minutes, which is 17.5.

You are entitled to payment for 17.5 hours (17 hours 30 minutes).

Example (compressed hours)

You're working compressed hours (35 hours weekly) and your last day at work is 30 April 2025. Your annual leave allowance is five weeks (175 hours) and you carried over five hours' annual leave from the annual leave year 20224 to 20225. You've taken 10 hours annual leave in the current leave year.

1 February 2025 – 30 April 2025 = 89 days worked in the annual leave year.
 $35 \text{ weekly hours} \times 5 \text{ weeks annual leave allowance} \div 365 \text{ calendar days in the year} \times 89 \text{ (days worked in annual leave year)} = 42.67$. This amount is rounded up to the nearest 15 minutes, which is 42.75 hours.

42.75 hours annual leave entitlement + 5 hours carried over – 10 hours taken = 37.75 hours

You are entitled to payment for 37.75 hours (37 hours 45 minutes).

Payment for Untaken leave

You're only able to receive payment for untaken annual leave in exceptional circumstances. The Working Time Regulations prevent any payment being made for statutory annual leave (5.6 weeks).

Payment will only be considered at the end of the leave year where you've been prevented from taking annual leave, not when you've chosen to take less leave. You can only receive payment for untaken leave in excess of both:

- the 5.6 weeks we're legally required to provide (which includes public and privilege holidays)
- the 10 day carry-over option

A condition of receiving the payment is that you manage your future annual leave. You won't be able to apply again.

Example 1

Bruce has five weeks' annual leave entitlement, which is 25 days. He also has 11.5 public and privilege holidays. He can therefore take 36.5 days' leave a year. We cannot buy out the 5.6 weeks (28 days) that we're legally required to provide. This leaves 8.5 days.

Bruce can carry over up to 10 days' annual leave to the next leave year, so no payment is required.

Example 2

Selina has six weeks' annual leave entitlement (30 days) and she carried 10 days from the previous year. She also has 11.5 public and privilege holidays. She can therefore take 51.5 days' leave this year.

We cannot buy out the 5.6 weeks (28 days) that we're legally required to provide. This leaves 23.5 days.

If she is unable to take leave due to work commitments, Selina can carry over up to 10 days' annual leave to the next leave year. She can therefore apply to receive a payment for 13.5 days.

How to apply

Directors or chief executives will decide whether a payment is appropriate. They should contact HR Online confirming the number of days the payment should cover.

Payments of untaken leave

We calculate payments using this formula for full-time colleagues:

- $(\text{Full-time salary} \div 260) \times \text{days of untaken annual leave}$

For part-time colleagues:

- $(\text{annual full-time salary} \div 52.2 \text{ weeks}) \div 35 \text{ hours} \times \text{hours of untaken annual leave}$

Salary rates include all:

- fixed allowances
- pay supplements (including Temporary Promotion)

Salary rates exclude:

- allowances of a reimbursable nature (for example footwear allowance)
- compensatory or one-off payments
- overtime

Payments for untaken annual leave are non-pensionable.

Recall to Work During Annual Leave

You can be asked to return early from annual leave, but only in exceptional circumstances and where it's essential to do so.

You may be asked to leave a contact address or telephone number before going on leave. You can update your personal details on Oracle Cloud.

If you are recalled from annual leave you may be reimbursed for travel and subsistence.

Sickness and Annual Leave

1. Sickness during annual leave

If you become ill directly before, during or directly after a period of annual leave, you can choose whether the absence is treated as sick absence or annual leave. You must follow normal absence management procedures for it to be treated as sick absence.

You should inform your manager on the first day of illness, or as soon as possible. They must then open a sick absence on Oracle Cloud. This will ensure your absence is appropriately recorded.

To view a guide on how a manager can add a sick absence, search for the guide named 'create, update, or delete an absence record (manager)', using the Oracle help centre icon on the right-hand side of the screen.

You will continue to accrue annual leave during:

- periods of paid and unpaid sick absence
- sick absence at pension rate of pay

You can take annual leave while on sick absence, but you can't be made to do so. Payment for annual leave will be at your normal rate of pay rather than the sick rate of pay or pension rate that might otherwise apply.

2. Taking annual leave while on sick absence

You can do this by contacting your manager to request annual leave.

You should give as much notice as possible to ensure that you get the correct pay or the period of annual leave. Annual leave will be paid at the normal rate of pay rather than the sick pay rate.

Taking annual leave won't interrupt a period of sick absence. Sick absence and annual leave can run at the same time. You will need a fit note to cover the period. The dates covered by the fit note will count towards sick pay limits and sick absence trigger points.

Take Annual Leave when Suspended from Duty

If you're absent from duty on suspension (paid or unpaid), the policy on annual leave continues to apply for the duration of your absence.

You can take annual leave. This will be paid at your normal rate of pay.

All the requirements and expectations on taking annual leave apply. You should discuss and request annual leave in the normal way with your manager, or HR shared services where appropriate.

Annual leave accrued, but not used, in the leave year will be lost.

Carry over and excess payments

Suspension from duty is not considered a reason to increase the normal carry over limit. Nor does such absence alter existing policy on payment for excess annual leave.

Public and privilege holidays

You will be considered to have taken the public and privilege holidays that occurred during your absence.

Adoption Leave

1. What is adoption leave?

Adoption leave is time off you can take when your child comes to live with you. It is one of the family-friendly benefits we provide to help you manage family and working life. This policy applies regardless of gender.

The benefits of adoption leave are:

- you can take 52 weeks' adoption leave (26 weeks' ordinary adoption leave, plus 26 weeks' additional adoption leave)
- you get 27 weeks at full pay, followed by 12 weeks' statutory adoption pay
- up to 10 keeping-in-touch days
- contractual annual leave is available during the adoption period
- you can request a flexible working pattern on return from adoption leave

Find out how your adoption leave will affect your performance appraisal.

2. Are you eligible for adoption leave?

There are different groups of parents who may qualify for adoption leave, including:

- adopters
- dual approved prospective adopters
- surrogacy and parental order parents

Adopters

You can take adoption leave if you meet the following criteria by the date of your child's placement:

- you've been notified by an adoption agency that you've been matched with a child
- you've notified the agency that you agree to adopt the child

The adoption agency issues the matching certificate which must state:

- the name and address of the adoption agency
- your name and address
- the name and date of birth of the child
- the date you were notified that you'd been matched with the child
- the date the agency expects to place the child with you (or date of placement if this has already occurred)

You should contact HR Online on iFix and attach a copy of your matching certificate as evidence of your entitlement.

Dual approved prospective adopters

You may be eligible for adoption leave if you have a child placed with you in accordance with section 22C of the Children Act 1989. This is sometimes referred to as fostering to adopt. The following criteria apply:

- you're a local authority foster parent who's approved as suitable to foster a child with the intention the placement may later become an adoption
- the local authority has notified you of its decision to place a child with you
- you've notified the local authority that you agree the child will be placed with you
- you've agreed with the local authority on a date for the placement

You should contact HR Online on iFix and attach the appropriate paperwork.

If a placement doesn't proceed to a formal adoption, your entitlement to adoption leave and pay will end. This will happen either eight weeks after the placement ends, or at the end of the adoption leave and pay period, whichever is earlier.

If you receive adoption leave and pay for fostering a child, you can't access further adoption leave and pay for the same child if the adoption goes ahead.

Surrogacy and parental order parents

If you have or intend to apply for a parental order as part of surrogacy arrangements, you may be eligible for adoption leave. You must meet the following criteria:

- you've obtained a parental order for the child or you've applied for, or intend to apply for, a parental order

- the application for a parental order must be made within six months of the child's birth and the intended parents must expect the parental order to be granted
- you've given the correct notice in writing, which must be at least 15 weeks before the expected due date
- you provide a statutory declaration that you've obtained, have applied for, or intend to apply for, a parental order for the child you're having with the help of a surrogate

You must also give details of the child's date of birth as soon as possible once they're born.

You should contact HR Online on iFix and attach the appropriate paperwork.

3. Applying for adoption leave

To apply for adoption leave, you must tell your manager when you expect the child to be placed with you and when you wish the leave to start. Once you have discussed this with your manager you must make your request in Oracle Cloud within seven days of being matched with a child.

To add your adoption leave to Oracle Cloud follow the steps below:

1. Navigate to your 'me' page.
2. Access the 'add absence' page either by selecting the 'quick action', or the 'time and absences' tile - this will open your absence dashboard,.
3. Select 'add absence'.
4. Scroll down the 'type' menu and select 'adoption leave' from the drop-down menu.
5. The adoption leave page has several sections. You only need to complete the following questions in the first section:
 - expected date of placement
 - placement match date
 - planned start date for your leave
 - planned end date for your leave
6. Only tick the 'won't return to work' box if you are not returning to work after your adoption leave.
7. Add your details and select 'submit'

To view a guide on adding an absence when in Oracle Cloud, search for the guide named 'create, update, or delete an absence record (employee)', using the Oracle help centre icon on the right-hand side of the screen when in Oracle Cloud.

Your request will go for line management approval in the first instance. Once approved, it will be assigned to HR shared services. They will then write to you within 28 days to confirm your start and end dates, along with any entitlements.

4. Start dates and pre-adoption appointments

Pre-adoption appointments

You're entitled to paid time off for up to five pre-adoption appointments. You should inform your manager of dates as soon as possible. They may ask for evidence of your appointments.

After discussing your appointments with your manager, you will need to enter your absence request in Oracle Cloud by following these steps:

1. Navigate to your 'me' page.
2. Access the 'add absence' page either by selecting the 'quick action', or the 'time and absences' tile and select 'add absence'.
3. Scroll down to the 'type' menu and select 'pre-adoption appointment' from the drop-down menu.
4. Enter the time required for your appointment and select submit.

The update should be for the number of hours you're away from the office, but no more than the hours you're scheduled to work on that day. No time should be gained as a result of the appointment credit.

To view a guide on adding an absence, search for the guide named 'create, update, or delete an absence record (employee)', using the Oracle help centre icon on the right-hand side of the screen when in Oracle Cloud.

Starting adoption leave

Adoption leave can start on any day of the week from the date of the child's placement with you. It could start from a fixed date, which can be up to 14 days before the expected date of placement.

Only one period of adoption leave is available, even if more than one child is placed with you.

Your adoption leave start date can be changed, but any proposed new date must be discussed with your manager. Your manager must submit the change to HR shared services as soon as possible.

5. Adoption leave and annual or sickness leave

Annual leave

You can take annual leave immediately before or after your adoption leave period if your manager approves it.

Neither ordinary adoption leave (OAL) nor additional adoption leave (AAL) affects your annual leave entitlement.

During adoption leave you'll still accrue public and privilege holidays.

Sickness leave

If you're ill before your adoption leave starts, you can take sick absence in the normal way. Your sickness absence can extend until the date you told us that you intended to begin your adoption leave. You can also return to work from sickness absence before your intended adoption leave start date.

Sickness during additional adoption leave

If you're ill during your additional adoption leave (AAL) period, you'll not normally receive sick pay.

However, if you wish the normal sick absence rules to apply and receive sick pay, you should tell HR by contacting HR Online and advising you want your AAL to end. In these circumstances, the normal 28-day return to work notice requirement will be waived.

You should note by choosing sick pay, your AAL period will end and once the period of sick absence has ended you must return to work.

If you can't return to work after your adoption leave due to sickness, the normal sick absence rules will apply.

6. Adoption leave and your SCOTS account

If you're on maternity or adoption leave for longer than six months, your manager should notify iTECS through iFix. This will ensure appropriate action is taken to suspend your SCOTS and eRDM accounts until you return from leave.

7. Keeping in touch while on adoption leave

Your manager may make reasonable contact with you while you're on adoption leave, and you may make contact with your manager.

The frequency and nature of the contact will depend on several factors, including:

- the nature of your work
- any agreement made about contact before your adoption leave begins
- whether either party has important news to communicate, such as changes that might affect you on your return

Before you go on adoption leave you should discuss with your manager arrangements for keeping in touch.

We must keep you informed of promotion opportunities and information relating to your job that you'd know about if you weren't on adoption leave.

You can also access news and job vacancies on Saltire. If you don't have access to Saltire when on leave you can arrange access by completing a Saltire external access request form before your adoption leave starts.

You should check Saltire for news of any changes to your terms and conditions of service.

Keeping in touch days

The purpose of adoption leave is to let you spend time with your child. However, you may work up to 10 keeping in touch (KIT) days during your adoption leave. KIT days are different from the reasonable contact arrangements with your manager.

You'll be paid for any KIT days you work. You can't be made to work during your adoption leave if you don't want to, nor do you have the right to KIT days. You should only use KIT days in exceptional circumstances and by mutual agreement. It's against the law for you to suffer any negative consequences for turning down an offer to work on a KIT Day.

You may use keeping in touch days for various purposes, such as allowing you to attend a:

- one-off training course
- conference
- team meeting about important issues that directly affect your work

Payment for keeping in touch days

If you're in receipt of contractual adoption pay, you won't be paid because you are already receiving full pay.

If you receive statutory adoption pay or nil pay, you will get a top-up to ensure you receive full pay for that day.

Once you have worked any KIT days, ask your manager to contact HR Online on iFix to let them know which days you've worked. HR will then arrange payment in the

next available pay run. It's not possible to arrange payment for any KIT days worked without confirmation from your manager.

We count any day you work during adoption leave as a whole KIT Day, up to the 10-day maximum. For example, we'll consider you to have used up a whole KIT Day even if you only come to work for a one-hour training session.

Your childcare costs will be reimbursed and you should agree these in advance with your manager. By completing the additional care costs form you'll be reimbursed through your salary.

Submit your form through HR Online. If you're unable to access HR Online you can email your form to HR Help.

Adoption Pay – Statutory and Contractual

During your adoption leave you may be entitled to Statutory Adoption Pay (SAP). If you qualify for SAP, you will also qualify for Contractual Adoption Pay (CAP).

SAP is paid for a continuous period of 39 weeks. It starts either on the date the child is placed with you or a pre-determined date. This date must be at least 14 days before and no later than the expected placement date.

CAP tops this up so that you receive your normal rate of pay during the first 27 weeks of adoption leave.

Eligibility

To be eligible for SAP you must:

- have been matched with a child by a UK adoption agency
- have notified the agency that you agree to the adoption and have decided on the date of placement
- have been employed by us continuously for at least 26 weeks, ending with the week you're notified of a match
- notify HR help at least 28 days before the date you want to begin receiving it, or as soon as is reasonably practicable
- have average weekly earnings at or above the lower earnings limit for national insurance at the end of the matching week

To qualify for CAP you must sign a 'statement of intention and undertaking to repay salary'. By doing this you agree to repay any CAP should you not return to work. You would also agree to complete the equivalent of one month's paid service after your adoption leave, or any consecutive career break or unpaid special leave.

CAP won't be paid where it's known you won't be returning to work, for example if you resign or your contract of employment ends during adoption leave.

You may find more detailed information about Statutory Adoption Pay on the government's website.

Returning to Work After Adoption Leave

You may return to work before the end of adoption leave or later than previously notified. You can change your work pattern on your return to work.

At the end of your Ordinary Adoption Leave (OAL), you have the right to return to the same post you held before you left, unless that position has disappeared.

At the end of your Additional Adoption Leave (AAL), you're entitled to return to the same post you held before you left. However, if that is not practicable, you have the right to another job at the same level and on the same terms and conditions.

The date you return to work will normally be the first working day 52 weeks after the adoption leave began, unless otherwise notified. You don't have to tell HR that you're returning from your full adoption leave period, but it would be helpful.

Returning to work before the end of adoption leave

You must give HR Help at least eight weeks' notice of your return to work. This notice requirement applies during both ordinary and additional adoption leave. Your return may be delayed until the full eight weeks have passed, but it won't be postponed to a date after your adoption leave ends.

Returning to work later than previously notified

If you change your mind about returning to work before the end of your adoption leave, you must tell HR in writing the new date of return. You must confirm this date with HR at least eight weeks before the original expected date of your return.

Changing your working pattern and appraisals

You must submit an application to change your working pattern to your manager in line with the flexible working policy. If you work for more than three months of the reporting year, you will get an annual appraisal. If adoption leave means you fall short of this period, you will automatically get the same appraisal marking as the previous year.

Antenatal Care Appointments

If pregnant, you're entitled to paid time off for antenatal care appointments advised by a registered medical practitioner, midwife or health visitor.

Antenatal care includes:

- medical examinations
- relaxation classes
- parentcraft classes

You should give your manager reasonable notice of these appointments wherever possible.

You should be prepared to show your manager your appointment card after the first antenatal appointment.

Accompanying the mother to antenatal appointments

You can take time off work for up to two antenatal care appointments. Terms and conditions time off will be paid for colleagues in:

- the Scottish Government Main
- the Scottish Government Marine
- the Senior Civil Service
- associated bodies who align to Scottish Government Main

Scottish Government employees on different terms and conditions, for example colleagues who have retained terms because of a transfer, will have separate arrangements. You should contact HR Online for advice.

You must be at least one of the following:

- the baby's father
- the spouse or partner (including same-sex partner) of the pregnant person
- the intended parent of a surrogate child and will be applying for a parental order

Adding antenatal appointments to your time card on Oracle Cloud

After discussing your appointments with your manager, you will need to enter your absence request in Oracle Cloud by following these steps:

1. Navigate to your 'me' page.
2. Access the 'add absence' page either by selecting the 'quick action', or the 'time and absences' tile and select 'add absence'.
3. Scroll down the 'type' menu and select 'accompany to antenatal appointment' from the drop-down menu.
4. Enter the time required for your appointment and select submit.

The update should be for the number of hours you're away from the office, but no more than the hours you're scheduled to work on that day. No time should be gained as a result of the appointment credit.

Guide to adding an absence on Oracle Cloud

To view a guide on adding an absence when in Oracle Cloud, search for the guide named 'create, update, or delete an absence record (employee)', using the Oracle help centre icon on the right-hand side of the screen.

Returning to Work after Maternity Leave

1. Coming back to work after maternity leave

Following Ordinary Maternity Leave, you have the right to return to the same post you held before your absence unless it no longer exists.

Following Additional Maternity Leave, you're entitled to return to the same post you held before your absence. If this isn't possible, you're still entitled to return to another job at the same level and on the same terms and conditions.

You should discuss your options with HR Help and your manager before you go on maternity leave.

The date on which you return to work will normally be the first working day 52 weeks after your maternity leave begins.

You don't have to tell HR Help if you intend to return to work straight after the 52 week maternity leave period. However, it helps if you confirm your plans before your return date.

On your first day back, you will receive a notification of the 'return to work journey' which will be assigned to you by your manager on Oracle Cloud. You can access your journeys from your 'me' page.

2. Change your return to work date

You may tell us that you wish to return to work before the end of your maternity leave, but later change your mind. If you revoke your decision to end maternity leave in the six weeks following childbirth, you can resubmit your notice to end maternity leave at a later date.

You must confirm your new, later date of return in writing. You must also tell us of the change at least eight weeks before the original expected date of your return. You should send your confirmation by contacting HR Online on iFix or by emailing HR Help if you're unable to access HR Online.

Flexible working

Anyone employed by the Scottish Government can apply to work flexibly. Find out about our flexible working patterns.

3. End maternity leave early

You can change your decision to end maternity or adoption leave early if:

- you find out during the eight-week notice period that neither you nor your partner is eligible for shared parental leave
- the mother or adopter's partner has died
- the mother notifies her employer less than six weeks after the birth

You can't change your decision if the planned end date of maternity or adoption leave has passed, or if you've already returned to work.

Giving notice

You must give eight weeks' notice if you wish to return to work before the end of your full maternity leave period. This applies during both the Ordinary Maternity Leave and Additional Maternity Leave periods.

If you haven't given eight weeks' notice, your return can be delayed until this period has passed. A delay cannot extend beyond the end of your maternity leave.

You should send your eight weeks' notice in writing by contacting HR Online on iFix or by emailing HR Help if you're unable to access HR Online.

Unpaid Parental Leave

1. What is unpaid parental leave?

Unpaid parental leave is unpaid time off work that you spend with your child or use to make arrangements for their welfare. You can use it to:

- accompany your child during a stay in hospital
- check out new schools
- help your child settle into new childcare arrangements
- spend more time together as a family

2. Who can take unpaid parental leave?

If you've been employed by the Scottish Government for at least 12 months, you're eligible to apply for unpaid parental leave. You can take unpaid parental leave if you have a child under 18. You can also take it if you have adopted a child.

How much unpaid parental leave you can take

You may take up to four weeks' leave in any year. You can take a total of 18 weeks up to the child's 18th birthday. This allowance is for each child. If you're the parent of twins, for example, you're entitled to 18 weeks' unpaid parental leave for each child.

You do not have to be living with the child to qualify.

You must take parental leave in multiples of full weeks. However, if your child has a disability, you can take parental leave as individual days.

A week's parental leave is equal to your weekly contracted hours. If your working pattern varies from week to week, your parental leave will be based on your average working week.

3. Unpaid parental leave and annual leave and pension

How unpaid parental leave affects your annual leave

Periods of parental leave don't affect your annual leave allowance. You'll continue to accrue annual leave during parental leave. The time off will count towards the qualifying period for the higher annual leave entitlement.

You can apply for a period of annual leave to run immediately before or after time taken as unpaid parental leave.

How unpaid parental leave affects your pension

Your period of unpaid parental leave will qualify for, but not reckon towards, pension purposes.

4. When to apply for unpaid parental leave

You must give 21 days' notice before a period of parental leave begins.

For unpaid parental leave following a birth

You must give 21 days' notice before the beginning of the expected week of childbirth.

For unpaid parental leave following an adoption

You must give 21 days' notice of the expected week of placement. If this isn't possible, you should give as much notice as you can.

In all cases, please record your unpaid parental leave on the Oracle Cloud

To apply for unpaid parental leave in Oracle Cloud, add an absence by following these steps:

- navigate to your 'me' page
- access the 'add absence' page either by selecting the quick action, or the time and absences tile to open your absence dashboard
- select 'add absence'
- scroll down the 'type' menu and select 'parental leave'
- enter the start and final end date and submit your request

To view a guide on adding an absence and requesting leave, search for the guide named 'create, update, or delete an absence record (employee)', using the Oracle help centre icon.

5. When you can postpone unpaid parental leave

The expectation is that you will be able to take your unpaid parental leave at the time you request it.

Managers can postpone your unpaid parental leave for up to six months, where business would be significantly disrupted. They must consult you about a new start date and write to you within seven days of receiving your notification explaining:

- why they've postponed it
- confirming the new start and end dates

You will be allowed the same amount of unpaid parental leave as originally applied for.

Your leave cannot be postponed:

- if it immediately follows the birth (or placement) of your child (where correct notification has been given)
- so that it ends after your child's eighteenth birthday

Changing to Shared Parental Leave

You must notify your manager of your intention to end your maternity or adoption leave and your eligibility to opt in to Shared Parental Leave (SPL).

A mother must take their two weeks' compulsory maternity leave after giving birth.

If you're on maternity leave

You must give your manager eight weeks' notice of your planned end date. If this is given before the birth, you have six weeks after the birth to withdraw it (if you haven't already returned to work).

If you're on adoption leave

You must give your manager eight weeks' notice of your planned end date. This can be given before or after the date the child is placed with you.

If you gave notice before the child was placed with you (and the eight-week notice period has passed), you can end your adoption leave. You can start SPL after two weeks.

Responding to a Shared Parental Leave Request

Managers must respond to a Shared Parental Leave (SPL) request within two weeks.

Your responsibilities when considering SPL requests are to check:

- your colleague meets the qualifying criteria to apply for SPL
- the necessary forms are completed
- your colleague has provided a copy of the child's birth certificate or a matching document issued by the adoption agency upon request
- your colleague has provided the name and national insurance number of their partner
- your colleague and their partner have signed the request and given the required eight weeks' notification
- your colleague requested the correct amount of SPL and Shared Parental Pay (ShPP) (any pay that their partner is entitled to isn't your responsibility)

Colleagues have 14 days to respond to your request for their partner's employer contact details and the child's birth certificate or matching document.

The request doesn't need to include details of all requested continuous and any discontinuous periods. Up to three applications can be made.

You cannot refuse a request for one continuous pattern of SPL. If the request is for separate blocks of SPL, for example every other month, you can either:

- agree to the request
- propose alternative dates or a pattern that meets family and business needs
- refuse the request without suggesting alternatives

Agreeing changes

Any changes to the SPL request should be agreed within the two-week discussion period. You should record these changes in the application form. This doesn't count towards the limit of three requests.

You can agree mutually beneficial changes informally without a further request.

Refusing or not responding to a request

If you refuse a request, or fail to respond within two weeks, a continuous block of SPL will begin from the initial date in the application. The applicant will have five days from the end of the two-week discussion period to advise you of an alternative start date. This start date must fall after the eight-week notification period.

Read our policy for detailed guidance on how to consider a Shared Parental Leave request.

Shared Parental Leave

1. What is shared parental leave?

Shared parental leave (SPL) and shared parental pay (ShPP) give parents the opportunity to share the care of their child in the first year. They also make it easier for parents to balance their work commitments and retain their link to the labour market.

The shared parental leave policy sets out the rules and requirements and provides detailed advice on eligibility.

It's supported by a guide for applicants, setting out:

- how to make a request
- a checklist of each stage in the process
- a step-by-step approach to considering how you might share your leave and pay
- example scenarios of how colleagues may share their leave and pay

It's supported by a guide for managers, setting out:

- how to consider a request
- a checklist of each stage in the process
- example scenarios of how colleagues may share their leave and pay

Find out how your shared parental leave will affect your performance appraisal.

2. Shared parental leave start date

Your shared parental leave can only start once your child is born or placed with you. The mother must have first completed her two weeks' compulsory maternity leave.

The mother or adopter must have ended either:

- their maternity or adoption leave by returning to work, or given binding notice to do so to their employer
- their Statutory Pay or Maternity Allowance

3. Shared parental leave and annual leave

You can take annual leave directly before or after a period of shared parental leave (SPL), subject to your manager's approval.

Periods of SPL don't affect your annual leave allowance. You'll continue to accrue annual leave during SPL. The time off will count towards the qualifying period for the higher annual leave entitlement.

Public and privilege holidays

Public and privilege holidays continue to accrue during SPL.

You can take any public and privilege holidays that fall during your SPL period at a later date. You should agree with your manager the dates that you'll take the holidays.

4. Shared parental leave and sick absence

The purpose of shared parental leave is to enable you to care for your child. If you're too ill to care for your child, you should follow the normal absence management procedures. You should also notify HR Help by contacting HR Online on iFix.

Your shared parental leave and pay will cease while you're absent. You may be entitled to sick pay.

5. Request shared parental leave

You must give your manager and HR at least eight weeks' notice of a shared parental leave (SPL) request. However, if the child is born more than eight weeks early this can be shorter.

Before you can apply, the mother or adopter must have either:

- cut short their maternity or adoption leave by returning to work, or given binding notice to do so
- ended their statutory pay or Maternity Allowance

To do this, you must download and complete SPL Form 1 – Maternity/Adoption Leave Curtailment and Notice of Intention (form will download). In it you must provide information about your partner, including their:

- name
- address
- National Insurance number

You must also indicate:

- that they satisfy the qualifying requirements for SPL and ShPP
- that they agree to you taking SPL and ShPP
- the start and end dates for your maternity or adoption leave and pay
- how you intend to use your SPL and shared parental pay (ShPP)

Providing incorrect information or making a false statement or declaration, fraudulently or negligently, may result in disciplinary action.

SPL provides choice and flexibility in how you use your leave. During the first two weeks of the notice period, you and your manager should discuss and agree a pattern that meets your family and the business needs.

If you have applied for a period of discontinuous SPL and cannot reach an agreement, you can:

- withdraw your request
- take your SPL as a single continuous period from the date in your original request
- take your SPL as a single continuous period from a different date, provided you notify your manager within five days of the end of the two-week discussion period

You can make a maximum of three requests. Any change to an agreed request is treated as a new request, unless it's agreed during the two-week discussion period. Find out how to change or withdraw your SPL request.

Managers can find out how to respond to an SPL request.

Once agreed, you should submit your completed form via HR Online on iFix or by emailing HR Help if you are unable to access HR Online.

We may ask you to provide a copy of the child's birth certificate within 14 days.

6. Change or withdraw a request

You can make up to three requests for shared parental leave (SPL). Changes made after a request is agreed are treated as a new request.

Once you've given eight weeks' notice for a period of SPL:

You'll only be able to withdraw that request within the first two weeks of the notice period without it counting towards the limit of three notifications. You must complete SPL form: 4 varying or cancelling booked SPL (form will download).

After the first two-week period has ended:

You'll need to submit a formal change request using SPL form: 4 varying or cancelling booked SPL (form will download), giving a new eight-week notice period. This will count towards the three requests you can make.

If you're already on SPL:

You'll need to submit a formal change request using SPL form 4: varying or cancelling booked SPL (form will download), giving a new eight-week notice period. Your current SPL pattern will continue until your new request is agreed and the eight-week notice period is completed.

Shared Parental Leave and Keeping in Touch

1. Shared parental leave – keeping in touch days

You may do up to 20 days' work during your shared parental leave period. These are known as 'shared parental leave in touch' (SPLIT) days.

SPLIT days are in addition to the keeping in touch days that are available during any period of maternity or adoption leave.

SPLIT days can be used for various purposes, including allowing you to attend a:

- one-off training course
- conference
- team meeting about important issues that directly affect your work

The purpose of shared parental leave is to let you spend time with your child. You can't be made to work during your shared parental leave if you don't want to. Nor do you have the right to SPLIT days. They should only be used in exceptional circumstances by mutual agreement.

You will be paid for carrying out work on a SPLIT day.

2. Shared parental leave – keeping in touch days payment

If you carry out work while receiving Contractual Shared Parental Pay, you won't get a further payment. This is because you're already receiving full pay.

If you carry out work while receiving Statutory Shared Parental Pay, or nil pay, you'll get a top-up for that day so that you receive your full pay.

We count any day that you work during shared parental leave as a whole 'shared parental leave in touch' (SPLIT) day. For example, we'll consider you to have used up a whole SPLIT day even if you only come to work for a one-hour training session.

Once you've worked your SPLIT day(s), ask your manager to contact HR Online on iFix and let them know the day(s) you've worked. HR will then arrange payment in the next available pay run. It's not possible to arrange payment for any SPLIT days worked without confirmation from your manager about the dates worked.

Your childcare costs will be reimbursed. You should agree on these costs with your manager in advance. You'll be reimbursed through your salary on completion of the additional care costs form. Please contact HR Online on iFix or email HR Help if you're unable to access HR Online to submit this form.

3. Contact while on shared parental leave

Your manager may make reasonable contact with you while you're on shared parental leave, and you may make contact with your manager. The frequency and nature of the contact will depend on a number of factors, including:

- the nature of your work
- any agreement made about contact before your shared parental leave begins
- whether either party has important news to communicate, for example changes that might affect you on your return

We must keep you informed of promotion opportunities and information relating to your job you'd know about if you weren't on shared parental leave.

You can access news and job vacancies on Saltire by requesting external access. Complete the external access request form before you begin your shared parental leave.

You should check Saltire for news of any changes to your terms and conditions of service.

Shared Parental Leave Options

Shared parental leave (SPL) allows you to split the remainder of any maternity or adoption leave in up to three separate blocks.

You can take leave:

- at the same time as your partner
- at a different time to your partner

You can also split the blocks into shorter periods (of at least one week), subject to your manager's approval.

Example 1

A mother finishes her maternity leave at the end of October and takes the rest of her leave as SPL. She shares it with her partner, who's also eligible. They each take the whole of November as their first block of SPL. Her partner then returns to work.

The mother also returns to work in December to cover the busy Christmas period. She gives her employer notice that she'll go on leave again in February - this is her second block of SPL. Her employer agrees to a work pattern of two weeks on, two weeks off, during the second block.

Example 2

A mother (or primary adopter) gives advance notice to end her maternity (or adoption) leave at 42 weeks. In this case, the remaining 10 weeks would be converted to SPL. Both parents give their employers eight weeks notice that they intend to take SPL from weeks 4 to 14 after the birth (or placement).

During weeks 4 to 14, the mother (or primary adopter) remains on maternity (or adoption) leave. This is because they have given notice to end their maternity (or adoption) leave at week 42. Their partner would use the remaining maternity (or adoption) leave of 10 weeks as SPL.

The partner would return to work after week 14, and the mother (or primary adopter) would return to work after week 42.

Shared Parental Leave Policy

The Scottish Government provides a range of family-friendly benefits to help you manage family and working life. You must be an employee of the Scottish Government in the Scottish Government Main or Scottish Government Marine bargaining units, or on Senior Civil Service (SCS) terms and conditions to be eligible. This policy applies to all employees, and a reference to 'partner' or 'spouse' includes same-sex partners and spouses.

Read our shared parental leave procedure and find out how to consider shared parental leave and how to apply for shared parental leave.

Shared parental leave (SPL) is designed to provide the opportunity and flexibility for parents to share the care of their child in the first 12 months. You can end maternity (or adoption) leave and pay (or Maternity Allowance), and apply for SPL and shared parental pay (ShPP) if you and your partner are eligible.

Key features

- you can take the remainder of the 52 weeks' maternity or adoption leave as SPL
- you can take the remainder of the 39 weeks' statutory maternity (or adoption) pay as ShPP
- Contractual ShPP benefit (in addition to Statutory ShPP), which allows you to receive your usual salary for up to 27 weeks
- flexibility to take or share shared parental leave with your spouse or partner
- flexibility to take or share shared parental pay with your spouse or partner
- shared parental leave 'in touch' days

You can still apply for unpaid parental leave.

SPL must be taken between the baby's birth and first birthday, or within one year of adoption.

Eligibility

To qualify for SPL you must share care of the child with either:

- your husband, wife, civil partner or joint adopter
- the child's other parent
- your partner (if they live with you and the child)

You or your spouse or partner must be eligible for maternity pay or leave (or maternity allowance) or adoption pay or leave.

You must:

- have been continuously employed by the Civil Service for at least 26 weeks by the end of the 15th week before the expected week of childbirth (or the date you're matched with your adoptive child)
- be employed by the Civil Service while you take SPL
- have an eligible partner

To be eligible during the 66 weeks before the baby is due, your partner must have:

- been working for at least 26 weeks (doesn't need to be continuous)
- earned at least £30 per week on average in at least 13 weeks

This policy applies regardless of gender.

Shared Parental Leave (SPL) Procedure

Introduction

1. Shared parental leave (SPL) and shared parental pay (ShPP) provide parents with the opportunity to share the care of their child in the first year, whilst balancing their work and retaining their link to the labour market.
2. SPL is available to both parents, including adopters and their partners, with main caring responsibilities for a child. It is a statutory entitlement in addition to maternity, paternity and adoption leave. SPL allows eligible parents the choice to curtail the mother's maternity/primary adopter's leave and pay and share the untaken balance as SPL and ShPP. The mother or primary adopter must still take their two weeks post birth compulsory maternity leave or first two weeks adoption leave.
3. This Procedure should be used by employees and line managers for the application and management of SPL within the Scottish Government. It should be used in conjunction with the How to guides. Where necessary, line managers should consult HR for advice.
4. A flowchart showing the overview of eligibility is at [Annex A](#).

Definitions

5. In this document the following terms and definitions apply:
 - Mother – the birth mother of the child
 - Primary adopter – the person with whom the adoptive child is expected to be placed and who has primary care for the child
 - Partner – this can be a child's biological father, the mother's partner, or the primary adopter's partner who can be their husband/wife, civil partner or partner living in an enduring relationship with them and the child
 - Parent – refers to the birth parents of the child and to adoptive parents or intended parents in surrogacy arrangements
 - Expected week of childbirth (EWC) in relation to a child means the week, beginning on a Sunday, in which the doctor or midwife expects the child to be born.

Roles and responsibilities

6. The individual roles and responsibilities of line managers and employees in the application process are set out in the following guidance:

- **How to: apply for shared parental leave (document will download) – Advice for employees**
- **How to: consider shared parental leave requests (document will download) – Advice for line managers.**

Eligibility

7. The EWC on the maternity certificate (form MATB1) will be used to establish eligibility, irrespective of the actual birth date.
8. To qualify for statutory SPL and ShPP, both parents (mother/primary adopter and her partner) must meet an economic activity test relating to employment and earnings and an individual test relating to duration of service as well as having main caring responsibility for the child:

- **Stage 1 - the joint or economic activity test**

To qualify, an employed person must have a partner who:

a) shares the main responsibility for the care of the child and is either:

- their husband, wife, civil partner or joint adopter
- the child's other parent
- their partner.

b) declares that they meet the employment and earnings test. This requires them to have worked for any 26 out of the 66 weeks leading up to the EWC or the adoption matching date and earned at least £30 gross a week for any 13 of those 66 weeks.

- **Stage 2 - the individual test**

a) to be eligible for SPL, each parent must have at least 26 weeks continuous service with their respective employer by the end of the 15th week, before the EWC or adoption matching date. They must also still be working for the same respective employer when they intend to take the leave.

b) to be eligible for ShPP each parent must have at least 26 weeks continuous service with their respective employer at the 15th week before the EWC or adoption placement date. Earnings for the eight-week period prior to the 15th week before the EWC or adoption placement date must be over the lower earnings limit.

9. Employees in a surrogacy arrangement, who are eligible and intend to apply for a parental order, may also be eligible for SPL. They can opt into SPL once any adoption leave and pay has been accessed.

10. The mother/primary adopter and their partner need to jointly consider whether they meet the qualifying criteria for SPL. This also applies to prospective parents who have a child placed with them under fostering to adopt arrangements.

Entitlement

11. Shared parental leave (SPL) and shared parental pay (ShPP) is a joint entitlement.
12. Before any SPL and ShPP can be taken, maternity/adoption leave and pay must have ended or there must be a commitment to bring the maternity/adoption leave and pay to an end at a later date.
13. All employed mothers/primary adopters (including intended parents in surrogacy arrangements) are entitled to 52 weeks of statutory maternity/adoption leave regardless of their length of service as set out in the Scottish Government Maternity/Adoption Policy and Procedures.
14. As long as a mother has taken her two-week post birth compulsory maternity leave period, she will be able to curtail her maternity leave and convert the untaken balance of leave into SPL. If eligible, both parents can choose to share the untaken balance of maternity leave as SPL and ShPP.
15. A primary adopter must take their first two weeks adoption leave before they are able to curtail their adoption leave and convert the untaken balance into SPL. If eligible, both primary and secondary adopters can choose to share the untaken balance of adoption leave as SPL and ShPP.
16. SPL can be taken by the partner concurrently with the mother/primary adopter on maternity/adoption leave or both parents can be on SPL together. The combined leave taken by the parents must not exceed their joint entitlement.
17. If circumstances change and the mother/primary adopter and/or their partner no longer have caring responsibility for the child, they must immediately inform their line managers that they are no longer entitled to SPL.

False declaration

18. If an employee fraudulently or negligently gives incorrect information or makes a false statement or declaration about their circumstances, this will be considered a disciplinary offence. Action will be taken in accordance with Scottish Government disciplinary procedures.

Pay

19. The Scottish Government will pay ShPP as follows.

- Eligible employees will be entitled to claim ShPP of up to 39 weeks (less any weeks of statutory maternity pay, maternity allowance or statutory adoption pay already claimed) within one year from the birth or placement.
- For 27 of those weeks leave occupational ShPP will be paid at full pay less any week's statutory maternity pay, maternity allowance or statutory adoption pay and leave already taken.
- The remaining 25 weeks of SPL will be paid at statutory rate for 12 weeks and 13 weeks unpaid. This mirrors the Scottish Government's occupational maternity pay arrangements.
- Regardless of whether one or both parents work in the Civil Service, the amount of ShPP entitlement is counted down from when the 39 weeks of statutory maternity pay, maternity allowance or statutory adoption pay starts.
- The Scottish Government will not pay more than 27 weeks full maternity pay, adoption pay or ShPP in aggregate to an eligible couple within the Civil Service, as this is a joint entitlement.
- SPL and ShPP can be taken at any time during the first year following the birth or placement for adoption, so long as the compulsory maternity period, or two weeks adoption leave, have been taken.

20. Payment of occupational ShPP is conditional upon eligible employees:

- being in paid service at the time their SPL begins and having one year's service in the Civil Service;
- stating their intention to return to work in the Scottish Government after their final period of SPL and complete the equivalent of one month's paid service;
- agreeing to repay any occupational ShPP received (less any statutory ShPP) if they do not return to work in the Scottish Government for one month's service.

Notice to curtail maternity/ adoption leave

21. To opt into SPL, a birth mother/ primary adopter will have given binding notice to curtail their maternity/ adoption leave without taking their full maternity/ adoption entitlement.
22. A mother on maternity leave can end her maternity leave either by returning to work or by giving notice that she will end her leave and/or pay on a date following the two-week compulsory period (four weeks for factory workers) after the birth of her child. Notice must be given using SPL Form 1: Maternity / Adoption Leave Curtailment and Notice of Intention (document will download). Where notice to end maternity leave is accompanied with notification by the mother or her partner to take SPL, the notice to end maternity leave is binding.
23. The maternity leave will end on that date, whether or not the mother returns to work, unless the mother revokes any notice given prior to childbirth, within six weeks following the birth.

24. To end their adoption leave and/or pay, primary adopters on adoption leave must give at least eight weeks notice and have taken the first two weeks as statutory adoption leave. This notice must also be at least one week before the last day of the statutory adoption leave period. Notice must be given using SPL Form 1: Maternity / Adoption Leave Curtailment and Notice of Intention (document will download). Adoption leave will end on the date notified, whether or not the adopter returns to work.
25. Ending or committing to end maternity/ adoption leave on a specific date determines the number of weeks entitlement to SPL and ShPP. Eligible parents can share the remaining untaken balance of leave as SPL (up to 50 weeks) and ShPP (up to 37 weeks). If the mother/ primary adopter returns to work in advance of the date given on the notice, the entitlement to SPL and ShPP will still be based on the original end date.

Revoking a binding notice to curtail maternity leave

26. A birth mother can revoke the binding notice given prior to childbirth, up to six weeks following childbirth, providing she has not returned to work. This is because returning to work will automatically end her maternity leave. The mother should email their line manager and submit an HR Online on iFix request to revoke their binding notice to curtail their maternity leave
27. If the mother revokes her maternity leave curtailment, then any current SPL arrangements will end and her partner must immediately inform their employer of any change to their entitlement to SPL.
28. If a birth mother has revoked her notice in the six weeks following childbirth, she can still submit binding notice to curtail maternity leave at a later date, by giving eight weeks notice.

Providing notification for SPL

29. For parents to access SPL and ShPP, the mother/primary adopter will first need to give their employer at least eight weeks' notice of their intention to curtail maternity/adoption leave. Where notice to curtail maternity/adoption leave is accompanied with notification by the mother/main adopter or her partner to take SPL, the notice to curtail maternity/adoption leave is binding. The mother's/primary adopter's maternity/adoption leave and maternity/adoption pay period will cease on the day specified on the notice.
30. Notification periods for SPL are the same for the mother/primary adopter and their partner in maternity, adoption, and surrogacy arrangements.
31. An employee will need to give their line manager a minimum of eight weeks' **notice of intention** to take SPL using the SPL Form 1: Maternity / Adoption Leave Curtailment and Notice of Intention (document will download). This includes a non-binding indication of the expected pattern of leave to give an early indication to line managers of the intended leave pattern.
32. The notice can be submitted at any time, provided that a minimum of eight weeks' notice is given for each period of leave. Early notification allows employees and line managers to

begin discussions about dates and patterns of leave sooner and plan for absences. If the notification is submitted only eight weeks before the first day of the first period of leave this notification will need to be submitted together with the binding SPL Form 2: Booking Notice for Single Continuous Period of Shared Parental Leave (SPL) (form will download) or SPL Form 3: Booking Notice for Discontinuous Periods of Shared Parental Leave (SPL) (form will download).

33. Line managers may request the following as evidence to ensure an employee's entitlement to SPL:

- **a copy of the child's birth certificate or, if unavailable, a declaration signed by both parents stating the date and location of birth** – If the request is made before the birth of the child this must be provided within 14 days of the child's birth. If the request is made after the birth of the child, this must be provided within 14 days of the request

or

- **a copy of a matching document issued by the adoption agency, notifying that the child is to be placed with the primary adopter** – This must be provided by the employee within 14 days of the request.

Fostering to adopt

34. In fostering to adopt arrangements, 'looked after children' are placed with approved foster parents who agree to adopt the child with little or no notice if the parental rights of the birth parents are terminated.

35. In these circumstances, employees will be unable to provide the usual notice required prior to their absence on adoption leave. Foster to adopt parents are specially trained in placements that are likely to lead to adoption. Therefore, prospective parents in this situation are encouraged to have early discussions with their line manager to help prepare for absences at short notice.

SPL pattern requests

36. SPL allows working parents to take short periods of leave in minimum one-week blocks. This enables them to intersperse periods of work with periods of leave and to take leave at the same time if they choose to. Each employed parent agrees their pattern of leave with their line manager.

37. To confirm their leave requirements, an employee must provide their line manager with **binding notice of SPL** using either SPL Form 2: Booking Notice for Single Continuous Period of Shared Parental Leave (SPL) (form will download) or SPL Form 3: Booking Notice for Discontinuous Periods of Shared Parental Leave (SPL) (form will download). This must be received a minimum of eight weeks before the employee intends to be absent on SPL. It does not need to include details of all the requested SPL and all discontinuous weeks. Any subsequent leave requests will require an eight-week notice period and be subjected to the limit of three notifications. This limit includes the initial request of SPL and any previously

notified SPL requests. There can only be three formal notifications for leave or changes to periods of SPL overall.

38. Line managers will need to check that their employee meets the qualifying criteria for SPL and ShPP. They should consider the needs of the business before agreeing any periods of discontinuous weeks of SPL in a single notice. At no point will the respective line managers of each parent be expected to contact one another.
39. During the first two weeks of the eight-week notice period, the line manager and employee should discuss and agree sign-off of the leave pattern(s). An employee may withdraw a notice without penalty in these two weeks.
40. If the employee requested a period of discontinuous SPL and the employee and line manager cannot reach agreement, the employee is entitled to take their SPL in a single continuous period of SPL (using SPL Form 2: Booking Notice for Single Continuous Period of Shared Parental Leave (SPL)) commencing on a date specified by the employee. This start date can be provided up to five days after the two-week discussion period, provided the leave period starts no sooner than eight weeks from the submission of the original notification without it counting towards the limit of three notifications. If a line manager fails to respond to an employee's notice of SPL and requested pattern, the SPL will revert to the default position of a continuous period of leave for the total amount of SPL requested in the pattern. The employee will have five days from the end of the two-week discussion period to notify their line manager of when that continuous period will start. This must not be within eight weeks of the original submission of the request but can be later. If the employee does not specify a start date, then the SPL will start on the first date stated in their original request.

Requests to change SPL patterns

41. Once an employee has submitted a notice of a period of SPL, they will only be able to withdraw that request within the two week discussion period at the beginning of the eight weeks notice without it counting towards the limit of three notifications. To make changes after this point they would need to submit a formal change notification using SPL Form 4: Varying / Cancelling Booked Shared Parental Leave (SPL) (form will download), which would be included in the limit of up to three notifications overall.
42. If already within a period of agreed leave, this will continue until agreement of a new leave pattern is reached and the required notice period is completed. Notice periods may be waived due to unforeseen circumstances.
43. Changes which are mutually beneficial to the business and the employee can be made without this counting towards the limit of three notifications.

Managing SPL

44. It is important for employees and their line managers to keep in touch during extended periods of absence from the workplace. This enables line managers and employees to be kept updated on changes within the workplace, or personal circumstances, which can ease the employees return to work.

SPL in Touch (SPLIT) Days

45. The right to maternity “Keeping in Touch” (KIT) days remains until maternity leave ends. Once SPL begins, each parent can have up to 20 SPLIT days each to use whilst on SPL. It is anticipated that SPLIT days will be used to enable an employee to return to work for one or more days for training/keeping up to speed with changes in work, part-time working, or a phased return to work. Full pay will apply for these days, and they may only be used with the agreement of the employer and the employee.

Leaving the Scottish Government

46. If an employee leaves the Scottish Government and the Civil Service as a whole during a period of SPL, they are no longer eligible for SPL and ShPP. An employee will need to repay any occupational ShPP paid during their SPL, excluding statutory ShPP.
47. If an employee transfers to another government department, they remain in Civil Service employment. As there is no break in continuity of service, their entitlement to SPL and ShPP is unlikely to be affected. However, if an employee has agreed an SPL pattern with their previous Civil Service employer, they will need an early discussion of these arrangements with their new line manager to ensure they can be honoured.

Right to return

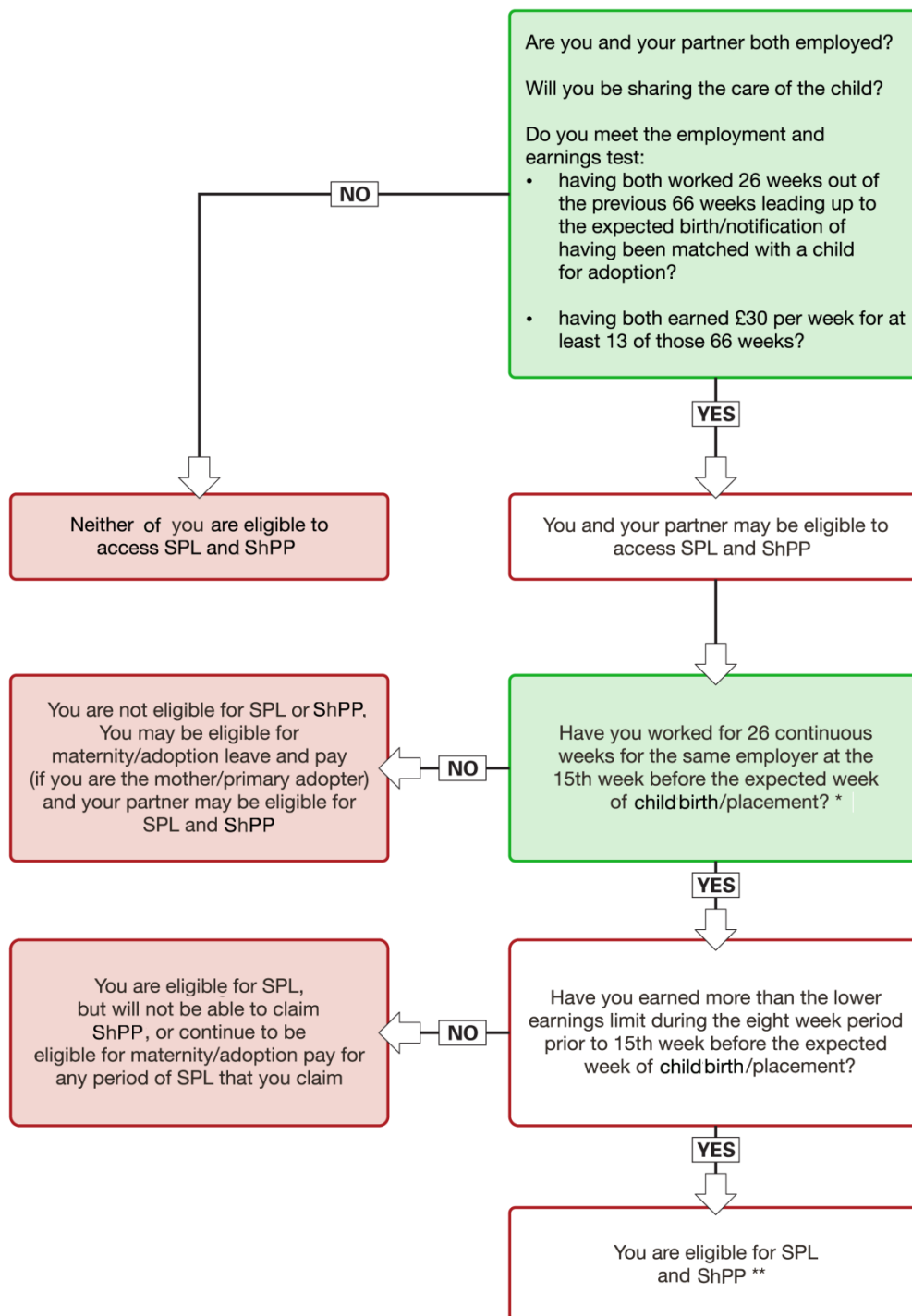
48. Employees who end their right to maternity or adoption leave will no longer benefit from specific rights associated with maternity or adoption leave. However, similar rights are provided under SPL.
49. Under SPL, the right to return to the same job is maintained for all employees returning from any period of leave (maternity, paternity, adoption, or SPL) that totals 26 weeks or less in aggregate, even if the leave is taken in discontinuous blocks. Up to four weeks of unpaid parental leave are disregarded for the purpose of the right to return to the same job.
50. Employees also have the right to return to the same job, or, if it is not reasonably practical for the employer, enter another job which is both suitable and appropriate for them, if:
- total SPL taken when added to any other period of relevant statutory leave is more than 26 weeks; or
 - a period of SPL was consecutive with a period of parental leave of more than four weeks; or

- a period of SPL was the last of two or more consecutive periods of relevant statutory leave of more than four weeks.

51. Line managers should follow Scottish Government guidance on risk assessments for new and expectant mothers throughout the pregnancy and on the mother's return from maternity and/or SPL in the six month period following birth.

52. If an employee would like to return to work using a different working pattern, this is considered in line with Scottish Government procedures on flexible working. When considering an application for a different working pattern, line managers will try to accommodate the request, but there can be no guarantee that it will be agreed.

Annex A - Flowchart to show overview of eligibility



* Agency workers may also be eligible

**You and your partner must continue to be entitled to SPL and ShPP immediately before every SPL period undertaken.

Accessible version of eligibility flowchart

Step 1 – Stage one of the eligibility criteria - Are you and your partner both employed? Will you be sharing the care of the child? Do you meet the employment and earnings test, having both worked 26 weeks out of the previous 66 weeks leading up to the expected birth/notification of having been matched with a child for adoption? Having both earned £30 per week for at least 13 of those 66 weeks?

If no, neither of you are eligible to access SPL and/or ShPP

If yes, you and your partner may be eligible to access SPL and/or ShPP. Go to **Step 2**

Step 2 – Stage two of the eligibility criteria - Have you worked for 26 continuous weeks for the same employer at the 15th week before the expected week of confinement/placement (agency workers may also be eligible)?

If no, you are not eligible for SPL or ShPP. You may be eligible for maternity/adoption leave and pay (if you are the mother/primary adopter) and your partner may be eligible for SPL and ShPP.

If yes, Go to **Step 3**

Step 3 - Have you earned more than the lower earnings limit, during the eight-week period prior to 15th week before the expected week of confinement/placement?

If no, you are eligible for SPL, but will not be able to claim ShPP, or continue to be eligible for maternity/adoption pay for any period of SPL that you claim.

If yes, you are eligible for SPL and ShPP, you and your partner must continue to be entitled to SPL and ShPP immediately before every SPL period undertaken.

How to: consider Shared Parental Leave (SPL) requests

Advice for line managers

Introduction

1. This guide will help you to consider and manage requests for shared parental leave (SPL) and shared parental pay (ShPP).
2. This guide should be read in conjunction with the Shared Parental Leave Procedure.
3. SPL aims to give parents more choice and flexibility in how they share the care of their child in the 52 weeks following the child's birth/placement. Both you and the employee should consider how their request for SPL will best suit the needs of their family and fit with the needs of the business.
4. Shared parental leave (SPL) and shared parental pay (ShPP) is a joint entitlement.

Line manager responsibilities

5. Your responsibilities when considering SPL requests are to:
 - check the employee meets the qualifying criteria to apply for SPL. See the Shared Parental Leave Procedure for further details
 - ensure the employee provides any necessary evidence to support their SPL request by checking they:
 - completed the necessary forms.
 - If requested, provided a copy of the child's birth certificate or matching document issued by the adoption agency (notifying that the child is to be placed with the primary adopter) within 14 days of your request to see it.
 - review SPL Form 1 – Maternity / Adoption Leave Curtailment and Notice of Intention (document will download) and binding notices (either SPL Form 2: Booking Notice for Single Continuous Period of Shared Parental Leave (SPL) (form will download) or SPL Form 3: Booking Notice for Discontinuous Periods of Shared Parental Leave (SPL)). Ensure that the required eight-week notification period has been complied with. This does not need to include details of all requested SPL and all discontinuous SPL periods
 - respond to all formal SPL requests (SPL Form 2: Booking Notice for Single Continuous Period of Shared Parental Leave ((SPL)) (form will download) or SPL Form 3: Booking

Notice for Discontinuous Periods of Shared Parental Leave (SPL)) within the initial two-week discussion period at the start of the eight week notification process. This includes formal change requests submitted on 'SPL Form 4: Varying / Cancelling Booked SPL' (document will download).

- consider any subsequent SPL requests given with an eight-week notice period, subject to a limit of three notifications (this includes the original notification and two further notifications or formal changes)
 - agree changes informally if they are mutually beneficial to the business and the employee, without this counting towards the limit of three notifications.
6. You will need to be satisfied that your employee is requesting the correct amount of SPL and ShPP.
 7. If the employee fraudulently or negligently gives incorrect information or makes a false statement or declaration about their circumstances, this will be considered a disciplinary offence. You should take appropriate action in accordance with Scottish Government disciplinary procedures.
 8. Any ShPP that the employee's partner is entitled to is not your responsibility and will be provided by their employer.

How to consider a request for SPL

Use the Line Manager's Checklist for Considering a Request in Annex A when dealing with SPL requests.

9. You should check that the employee applying for SPL has read the Shared Parental Leave Procedure to ensure that they meet the eligibility criteria.
10. It is important to give careful consideration to their planned SPL arrangements as there is a limit on the number of times they can formally request a period of SPL. The number of notifications is capped at three (the original notification and two further notifications or changes). However, changes which are mutually beneficial to the business and employee can be agreed informally without this counting towards the limit of three notifications.
11. When reviewing the request for SPL it is important to carefully consider how the requested pattern would impact on the business. Try and identify how any possible negative effects could be resolved. Both you and the employee should discuss how SPL patterns and arrangements could work, both for them and the business.
12. The employee will need to provide you with notice of their eligibility and intention to take SPL - they do not need to include details of all intended SPL periods - at least eight weeks prior to either parent starting a period of SPL by completing the following steps: .
 - **If they are on maternity leave** – You will need to receive a minimum of eight weeks' notice of their intention to curtail their maternity leave by completing 'SPL Form 1 – Maternity / Adoption Leave Curtailment and Notice of Intention' (document will download)

regardless of whether only their partner intends to opt into SPL or both of them. This form also includes a non-binding indication of their expected pattern of leave should they wish to opt into SPL.

- **If they are on adoption leave** – You will need to receive a minimum of eight weeks' notice of their intention to curtail adoption leave regardless of whether only their partner intends to opt into SPL or both of them by completing 'SPL Form 1 – Maternity / Adoption Leave Curtailment and Notice of Intention' (document will download); this may be before or from the date the child is placed with them. However, prospective adopters are encouraged to have early discussions with you on their plans to adopt to help prepare for any sudden absences. This form also includes a non-binding indication of their expected pattern of leave should they wish to opt into SPL. If notice is given before the child is placed for adoption and the eight weeks' notice is completed, the primary adopter will need to take first two weeks adoption leave before they can enter SPL.
 - **If they are the other parent** they will need to give you a minimum of eight weeks' notice of their intention to opt into SPL with a non-binding indication of their expected pattern of leave by completing 'SPL Form 1 – Maternity / Adoption Leave Curtailment and Notice of Intention' (document will download). They must both sign this. This must be received a minimum of eight weeks before the employee intends to be absent on SPL. It does not need to include details of all the requested SPL and all discontinuous weeks.
 - **To book a period of SPL** your employee will need to complete either SPL Form 2: Booking Notice for Single Continuous Period of Shared Parental Leave (SPL) or SPL Form 3: Booking Notice for Discontinuous Periods of Shared Parental Leave (SPL) and discuss this with you at least eight weeks prior to starting their period of SPL. They may provide you with both forms (SPL Form 1 and SPL Form 2/3) at the same time.
 - **Any subsequent SPL requests** will also require an eight-week notice period and should be discussed with you prior to booking the leave.
 - All forms should be discussed with you before the employee submits the form to HR by attaching it to an HR Online on iFix request.
13. During the first two weeks of the eight-week notice period, you should discuss the application with the employee and, if the request is to take SPL in a discontinuous pattern, sign off the SPL pattern(s). A request for one continuous pattern of leave cannot be refused. If the request is to take SPL in a discontinuous pattern e.g., every other month, you can:
- agree to the requested SPL pattern,
 - propose alternative dates or SPL pattern(s), or
 - refuse the SPL pattern requested without suggesting alternatives, resulting in a single continuous block of SPL. However, you cannot refuse SPL outright.
14. If the employee requested a period of discontinuous SPL and you and the employee cannot reach an agreement within the initial two-week discussion period, the employee can withdraw their request or take the leave requested as a single continuous period. The employee will have five days from the end of the two-week discussion period to notify you of when that continuous period will start. This date must be no sooner than eight weeks from the

submission of the original request. If the employee does not specify a start date, then the SPL will start on the first date stated in their original request.

15. You have a responsibility to respond to a SPL notice or request. If you fail to respond to a requested period of discontinuous SPL, then the SPL pattern requested will revert to a single continuous period and the employee can notify you of their SPL start date as above.

How to consider a withdrawal or change request to SPL

16. Once the employee has submitted a formal notice for a period of SPL, they will only be able to withdraw that request within the two-week discussion period at the beginning of the eight weeks' notice without it affecting their right to submit three applications. They may simply contact you to withdraw or change their application but if they have already submitted their form to HR, then they need to contact HR by submitting an HR Online on iFix request.
17. To make changes after this point the employee needs to submit a formal change request using 'SPL Form 4: Varying / Cancelling Booked SPL'. This will count towards the limit of three formal SPL applications or changes to periods of SPL overall.
18. If the employee is already within a period of agreed SPL, this will continue until agreement of new SPL pattern is reached and the required notice period is completed. Notice periods may be waived due to unforeseen circumstances.
19. If the employee has applied for a discontinuous period of SPL and you cannot reach agreement the SPL requested will revert to a single continuous period.
20. Changes which are mutually beneficial to the business and the employee can be made informally without this counting towards the limit of three notifications.

Annex A – Line Manager’s Checklist for Considering a Request

This Checklist is designed to assist you when considering a SPL request.

Eligibility and entitlement	Considered
Does the employee meet the Stage 1 (joint or economic activity test) of the SPL eligibility criteria?	<input type="checkbox"/>
Does the employee meet Stage 2 (the individual test) of the eligibility criteria?	<input type="checkbox"/>
Have you and the employee read the Scottish Government’s Shared Parental Leave Policy and Procedure?	<input type="checkbox"/>
Notification	
<p>If the employee is the birth mother, have you received notice of their intention to curtail their maternity leave at least eight weeks before either their own or their partner’s period of SPL is due to start using ‘SPL Form 1 – Maternity / Adoption Leave Curtailment and Notice of Intention’ (document will download)?</p> <p>or</p> <p>If the employee is adopting a child and is the primary adopter, have you received notice of their intention to curtail their adoption leave at least eight weeks before either their own or their partner’s period of SPL is due to start using ‘SPL Form 1 – Maternity / Adoption Leave Curtailment and Notice of Intention’ (document will download).</p>	<input type="checkbox"/>
If they are the partner, have they given you notice of their intention to take SPL by completing ‘SPL Form 1 – Maternity / Adoption Leave Curtailment and Notice of Intention’ at least eight weeks before their period of SPL is due to start?	<input type="checkbox"/>
Has the employee calculated the amount of SPL they are entitled to correctly?	<input type="checkbox"/>
Has your employee provided you with a formal SPL request by completing either SPL Form 2: Booking Notice for Single Continuous Period of Shared Parental Leave (SPL) or SPL Form 3: Booking Notice for Discontinuous Periods of Shared Parental Leave (SPL)?	<input type="checkbox"/>
<p>During the first two weeks of the eight-week notification period, have you discussed the SPL request with the employee and any senior managers where appropriate?</p> <p>Who else needs to be informed? For example:</p>	<input type="checkbox"/>

<ul style="list-style-type: none"> • Other managers / teams / business areas • HR / payroll provider / Shared Services if there is a change to the employee's terms and conditions of contract. 	
If your employee requested a period of discontinuous SPL, have you agreed a SPL pattern with the employee?	<input type="checkbox"/>
Have you ensured there is a minimum six-week gap following the two week discussion period before the start date of the employee's requested period of SPL?	<input type="checkbox"/>
Have you requested a copy of the child's birth certificate or matching document issued by the adoption agency (notifying that the child is to be placed with the primary adopter)?	<input type="checkbox"/>
For birth mothers currently on maternity leave	
Does the employee want to revoke their binding notice to curtail their maternity leave? If so, have they not yet returned to work and emailed you to revoke their binding notice?	<input type="checkbox"/>
Withdrawing or changing a request to SPL	
Is the request to withdraw/change within the two-week discussion period, at the beginning of the eight weeks' notice?	<input type="checkbox"/>
Additional periods of SPL	
Has the employee, if required, submitted a further request(s) using either SPL Form 2: Booking Notice for Single Continuous Period of Shared Parental Leave (SPL) or SPL Form 3: Booking Notice for Discontinuous Periods of Shared Parental Leave (SPL) for any subsequent periods of SPL?	<input type="checkbox"/>
Has the employee continued to work for the Civil Service immediately before each period of SPL taken?	<input type="checkbox"/>

Statutory and Contractual Shared Parental Pay

Colleagues covered by the Scottish Government main bargaining unit qualify for Statutory Shared Parental Pay (Statutory ShPP) if they:

- qualify for Statutory Maternity Pay or Statutory Adoption Pay
- or their partner qualifies for Statutory Maternity Pay, Maternity Allowance or Statutory Adoption Pay

Statutory ShPP is paid at a set rate per week, or 90% of your average weekly earnings (whichever is lower). Find out ShPP payment rates on the gov.uk website.

Contractual Shared Parental Pay

If you qualify for Statutory ShPP, you also qualify for Contractual ShPP.

Contractual ShPP tops up your Statutory ShPP. You may receive your usual pay for up to 27 weeks of your shared parental leave.

You must sign a statement of intention and undertaking to repay salary to qualify for Contractual ShPP.

This means that you agree to repay any Contractual ShPP if you don't return to work. You also agree to complete the equivalent of one month's paid service following your shared parental leave (SPL), consecutive career break or other consecutive unpaid special leave.

Contractual ShPP isn't paid where it's known that you won't be returning to work after shared parental leave. This may be because you plan to resign or because your employment contract ends during your SPL.

Who receives Shared Parental Pay

Both parents may be entitled to ShPP. Parents should decide the division of leave and pay.

ShPP entitlement is counted down from when the 39 weeks of statutory maternity pay, maternity allowance or statutory adoption pay starts. We won't pay more than 27 weeks at full pay. This applies whether both parents work for us, or one works for us and the other in the private sector.

Example 1

A mother working in the private sector takes six weeks of maternity leave before the birth, followed by 21 weeks after. She therefore ends her maternity leave after 27 weeks. The father works in the Scottish Government and takes 12 weeks SPL from the third week after the birth. The father will receive ShPP at the statutory rate for 12 weeks.

Example 2

A primary adopter works in the private sector and takes 10 weeks adoption leave and pay before ending their adoption leave. The secondary adopter works in the Scottish Government and takes 29 weeks SPL from the 10th week after the child's placement. Seventeen of these weeks will be at full pay (27 minus 10 already taken). The next 12 weeks will be at ShPP at the statutory rate.

Public and Privilege Holiday Flexibility

1. Changing the dates you take public and privilege holidays

There is flexibility on when you can take your public and privilege holidays which you may find valuable or useful.

For example, changing a date you take a holiday could help you observe religious holidays and other significant dates which are not currently part of our public and privilege holiday arrangements.

You may also have school-age children and prefer to work a Scottish Government public and privilege holiday which allows you to align your time off for a local school holiday instead. For example, if you're Edinburgh-based, you may prefer to take the Victoria Day school holiday in May rather than our Spring Holiday.

The arrangements set out in these pages can apply to all directly employed in Scottish Government Main and SCS colleagues. Temporary and interim workers are not eligible to apply for this flexibility.

Published public and privilege holiday dates

We publish our officially observed public and privilege holiday dates every year. The expectation will remain that offices will close on those dates and you should observe the public and privilege holiday.

You can however agree with your manager to work on an official public and privilege holiday so you can take a different day off instead. This will be subject to business requirements and you and your manager will have a local agreement together. The agreement will be to replace one day with another and you will not receive any additional pay allowances, such as overtime.

This additional flexibility doesn't change the contractual arrangements where there is a requirement to work on a public and privilege holiday and you have volunteered to do so. In these circumstances normal overtime arrangements will still apply.

Buildings will remain closed on the officially observed public and privilege days and corporate support such as iTECS won't be available to you if you work on one of those days.

Most roles will have duties which can be completed from home or another location when a building is closed on a public and privilege holiday, but there are some roles where this is not the case. Colleagues in roles where duties cannot be done from home will not be able to substitute public and privilege days.

If you choose to work a public and privilege day under these arrangements, you will also be expected not to disturb colleagues who are off that day. This includes texting or calling regarding work queries.

2. Approval of changing public and privilege holidays

If you wish to work a public and privilege holiday and take an alternative day instead you should discuss this with your manager. Check if it's possible to work on the public or privilege day(s) and request which day(s) you want to take instead. You don't have to state the reason for swapping. However, providing context may help your request be approved.

You must get approval in advance of working the public and privilege holiday and cannot request it afterwards.

You must also take the alternative day within the same leave year and you can't carry it forward into a new leave year. Read more about recording your substituted public or privilege holiday

Making the alternative holiday a recurring arrangement

If you wish to make this a recurring arrangement - for example, if you want to always work Christmas Day and take an alternative day instead - you should record this in Part 1(g) of your employee passport.

If you're unable to work because of system access issues

ITECS support isn't available on public and privilege days. If there are IT issues, it may prevent system access and your ability to work. If you are not able to work you will need to cover the time you can't work with flexi leave or annual leave.

3. Recording your substituted public or privilege holiday

Oracle Cloud does not automatically update your time card with public and privilege holidays. Once you have agreement from your manager to work an official public and privilege holiday and take a different day off instead, you will need to add your substituted public and privilege holiday date(s) into Oracle Cloud.

Read guidance on how to add a public and privilege holiday to your absence record on Oracle Cloud. This guidance should also be followed if you are on a non-standard work pattern and wish to record a substituted public and privilege holiday.

Sickness on a public or privilege day

If you are sick on your substituted public and privilege day you can't change your public and privilege day to another day on your return to work. This is the same if you choose to take our standard public and privilege days.

Public and Privilege Holidays

1. Public and privilege holidays 2025 to 2026

We generally observe 11.5 public and privilege holidays per year, which equates to 80 hours and 30 minutes (11.5 days × 7 hours) for full time colleagues.

These hours must be used in full within the relevant leave year, which runs from 1 February to 31 January. They can't be carried over but do continue to accrue during certain periods of absence.

The published dates are those where offices are expected to be closed, and where colleagues are expected not to be at work. However, there is some flexibility available on when you take your public and privilege holidays if you work in Scottish Government main or are an Senior Civil Service (SCS) colleague. Find out more in public and privilege holiday flexibility.

The privilege holidays are:

- the King's Official Birthday
- Aberdeen Trades Holiday Friday
- Glasgow Fair Monday
- Autumn Holiday Friday (pm)
- St Andrew's Day
- Boxing Day

The remaining holidays are public holidays.

Please note, Glasgow and Aberdeen don't observe the King's Official Birthday. Glasgow will observe Glasgow Fair Monday and Aberdeen will observe Aberdeen Trades Holiday Friday instead.

Edinburgh 2025 to 2026

Holiday	Date
Good Friday	Friday, 18 April 2025
Easter Monday	Monday, 21 April 2025
May Day Holiday	Monday, 5 May 2025
The King's Official Birthday	Friday, 23 May 2025
Spring Holiday	Monday, 26 May 2025
Autumn Holiday (pm)	Friday, 12 September 2025 (pm only)
Autumn Holiday	Monday, 15 September 2025
St Andrew's Day Holiday	Friday, 28 November 2025
Christmas Day Holiday	Thursday, 25 December 2025
Boxing Day Holiday	Friday, 26 December 2025
New Year's Day	Thursday, 1 January 2026
New Year's Day Holiday	Friday, 2 January 2026

Glasgow 2025 to 2026

Holiday	Date
Good Friday	Friday, 18 April 2025

Holiday	Date
Easter Monday	Monday, 21 April 2025
May Day Holiday	Monday, 5 May 2025
Spring Holiday	Monday, 26 May 2025
Glasgow Fair Monday	Monday, 21 July 2025
Autumn Holiday (pm)	Friday, 26 September 2025 (pm only)
Autumn Holiday	Monday, 29 September 2025
St Andrew's Day Holiday	Friday, 28 November 2025
Christmas Day Holiday	Thursday, 25 December 2025
Boxing Day Holiday	Friday, 26 December 2025
New Year's Day	Thursday, 1 January 2026
New Year's Day Holiday	Friday, 2 January 2026

Aberdeen 2025 to 2026

Holiday	Date
Good Friday	Friday, 18 April 2025
Easter Monday	Monday, 21 April 2025
May Day Holiday	Monday, 5 May 2025
Aberdeen Trades Holiday	Friday, 11 July 2025
Aberdeen Trades Holiday	Monday, 14 July 2025
Autumn Holiday (pm)	Friday, 19 September 2025 (pm only)
Autumn Holiday	Monday, 22 September 2025
St Andrew's Day Holiday	Friday, 28 November 2025
Christmas Day Holiday	Thursday, 25 December 2025
Boxing Day Holiday	Friday, 26 December 2025
New Year's Day	Thursday, 1 January 2026
New Year's Day Holiday	Friday, 2 January 2026

Dundee 2025 to 2026

Holiday	Date
Good Friday	Friday, 18 April 2025
Easter Monday	Monday, 21 April 2025
May Day Holiday	Monday, 5 May 2025
The King's Official Birthday	Friday, 23 May 2025
Spring Holiday	Monday, 26 May 2025
Autumn Holiday (pm)	Friday, 3 October 2025 (pm only)
Autumn Holiday	Monday, 6 October 2025
St Andrew's Day Holiday	Friday, 28 November 2025
Christmas Day Holiday	Thursday, 25 December 2025
Boxing Day Holiday	Friday, 26 December 2025
New Year's Day	Thursday, 1 January 2026
New Year's Day Holiday	Friday, 2 January 2026

2. Recording public and privilege holidays on Oracle Cloud

All employees, including part-time employees have a public and privilege holiday plan on Oracle Cloud from 1 February. Once this is live, it can be found by going to:

1. Time and absences.
2. Absence balance.

Oracle Cloud will not automatically update your flexi time card with public and privilege holidays. You will need to manually add those days to your flexi time card. You should add public and privilege holidays as a planned absence before they take place.

To add a public or privilege holiday to your timecard:

1. Go to 'time and absences' in your homepage.
2. Select 'add absence' from the options available.
3. In the 'type' box, type and select 'public and privilege holidays' from the drop-down options available.
4. Select the start and end date(s) for the date(s) you wish to take a public or privilege holiday on.
5. Adjust the absence duration as needed.
6. Select 'submit'.

To view past and future public and privilege absences:

1. Go to 'time and absences' in your homepage.
2. Select 'existing absences' from the options available.
3. You can now view past absences (which will be marked 'completed'), and future-dated absences (which will be marked 'scheduled').

Public and privilege holidays entered onto Oracle Cloud will be deducted from your public and privilege holidays plan balance and will automatically add through the time and absence page in Oracle Cloud.

To check your public and privilege holiday balance:

1. Go to 'time and absences' in your homepage.
2. Select 'absence balance' from the options available.
3. Select 'SG public and privilege plan'.
4. Choose a date in 'balance as-of date' to see your plan on any given date.

Surplus or deficit hours

In certain circumstances you may have a surplus or deficit of public and privilege holiday hours if you are part-time or full-time working a compressed week.

Where you have surplus hours you must agree with your manager when you will take these. Surplus hours must be used within the leave year and cannot be carried forward. Any deficit hours must be covered using annual leave or flexi leave.

3. Public and privilege holidays and absence

If you're absent from work on sick absence, special leave or a career break you'll not receive a day in lieu of any missed public or privilege holiday. You should make sure you continue to add public and privilege holidays to your absence record, even if you were away from work on sick absence, special leave, or a career break on a planned public and privilege holiday day.

Public and privilege holidays continue to accrue during periods of:

- bereavement leave
- maternity leave
- adoption leave
- paternity leave
- shared parental leave
- parental leave

Where a public or privilege holiday falls within one of these periods of leave, you should, where possible, try to use the day(s) at another point during the leave year. Where this is not possible your public and privilege leave accrued but untaken during periods of these types of leave will accrue into a new leave year.

However, Oracle Cloud will not do this automatically. You, and your manager, should make a note of your public and privilege balance at the point you go on any of these types of leave while this process is developed for Oracle Cloud.

4. Public and privilege holidays and compressed working

For any public and privilege holiday taken you should deduct the number of hours you're contracted to work on that day from your total public and privilege holidays balance.

If your entitlement is greater than the public and privilege hours that fall on your working days in the year, the surplus amount can be taken as annual leave, but must be used within the leave year and cannot be carried forward. However, should your entitlement be less than the public and privilege hours that fall on your working days in the year, the deficit for that year would have to be made up using annual leave or flexi leave.

5. Public and privilege holidays and part-time working

Your public and privilege holidays are calculated on a pro rata basis if you work part-time.

For any public and privilege holiday taken you should deduct the number of hours you're contracted to work on that day from your total public and privilege holidays balance.

If your entitlement is greater than the public and privilege hours that fall on your working days in the year, the surplus amount can be taken as annual leave, but must be used within the leave year and cannot be carried forward. However, should your entitlement be less than the public and privilege hours that fall on your working days in the year, the deficit for that year would have to be made up using annual leave or flexi leave.

Calculation for pro-rated public and privilege entitlement

The full-time public and privilege holiday entitlement is 80.5 hours (11.5×7 hours).

We calculate the part-time entitlement using this formula:

- $(\text{weekly contracted hours} \times 80.5) \div 35$ (standard weekly hours)

Example

You're contracted to work 18.5 hours per week. This is calculated as:

- $(18.5 \times 80.5) \div 35 = 42.55 = 42 \text{ hours } 33 \text{ minutes}$

Applying for Special Leave

1. Taking special leave

You can usually take up to five days of paid special leave (domestic or non-domestic) in any 12-month period. The maximum combined total of paid and unpaid special leave is 90 calendar days in any 12-month period.

Situations where paid special leave is granted vary in nature and complexity, and more than one event may arise in a short period of time. If you have reasonable grounds for a longer period (or multiple periods) of paid special leave, you should apply for special leave in the usual way. Make sure you clearly set out the reasons for your request. You or your manager can access support from the people advice team to consider options depending on individual circumstances.

If you want a longer period of special leave, you can also consider:

- adding unpaid special leave to your paid special leave
- a career break if you need a longer period of leave for domestic reasons

2. Special leave and your terms and conditions

Paid special leave (domestic or non-domestic) doesn't normally have any effect on your terms and conditions of service. Unpaid special leave (domestic or non-domestic) doesn't count as qualifying service for:

- performance appraisal
- pension
- probation
- annual leave

You won't accrue benefits while on unpaid special leave (domestic or non-domestic). Nevertheless, it doesn't break a period of continuous service so you will keep any benefits you've accrued by the time your special leave begins.

You can therefore add to these benefits on your return to work, for example time towards the qualifying period of higher annual leave entitlement. You continue to be bound by the normal rules that apply to civil servants when on special leave.

In particular, you must abide by the rules about:

- conduct
- propriety, including financial affairs
- outside appointments
- political activities

3. Unexpected absence and special leave

You should contact your manager as soon as you can if an unexpected crisis means you can't get to work. If you work flexi time, you should call your manager, or other named contact, before 10am. Failure to do so without reasonable cause could result in disciplinary action for unauthorised absence.

You should let your manager know that you plan to apply for special leave on your return to work. You can request special leave for either domestic or non-domestic reasons.

4. How to apply for special leave

You should use Oracle Cloud to request and record special leave, whether it's for domestic or non-domestic reasons. You should apply for special leave in advance when possible, whether it's for domestic or non-domestic reasons.

Unpaid special leave that extends over a weekend should be requested as a single, continuous block of leave including weekends. For example, when applying for two weeks of leave, you should enter the start date and the final end date. You should not make two individual requests for each week of absence.

Where unpaid special leave is approved, your salary must be adjusted in the first available pay run. Any overpayment made because of late notification of unpaid special leave will be recovered at the earliest opportunity.

To apply for special leave, you can go to Oracle Cloud and add an absence by following the steps listed below:

- navigate to your 'me' page
- access the 'add absence' page either by selecting the quick action, or the time and absences tile to open your absence dashboard
- select 'add absence'
- scroll down the 'type' menu and select special leave
- enter the start and final end date and submit your request

To view a guide on adding an absence and requesting leave, search for the guide named 'create, update, or delete an absence record (employee)', using the Oracle help centre icon.

Can I take Time off for a Funeral?

If you need to take time off to attend a funeral you should discuss it with your manager.

Depending on the circumstances, it may be appropriate to use paid special leave or unpaid special leave, flexi or annual leave for this.

How the leave is recorded is at your manager's discretion.

Where to find support

Our Counselling and Wellbeing Service can help you deal with bereavement and grief. It offers free, confidential advice, support and counselling. You can also arrange to speak to our People Advice and Wellbeing Counsellor.

Paid Special Leave

1. Domestic special leave - eligibility

You can apply for paid special leave to cover short-term situations that arise until alternative arrangements can be put in place. You can usually request up to five days of paid special leave (pro-rata for part-time staff) in any 12-month period. In circumstances where a longer period of leave is required other forms of leave may be more suitable, for example annual leave, flexi, unpaid special leave.

This policy applies to all employees and references to 'partner' or 'spouse' includes same-sex partners and spouses.

Paid special leave is not available for:

- routine appointments such as dental or medical appointments
- anticipated events
- absence relating to sickness

In some circumstances, flexible working may be more appropriate – for example where time off work is likely to be needed on an ongoing basis.

Carer's Leave

Paid special leave is available to colleagues who have regular and substantial caring responsibilities for someone who has a long-term illness, a disability or is very frail. It may be granted to let you:

- organise home care or help in the home
- organise special equipment or adaptations to the home
- deal with other agencies (for example GPs, social workers, health visitors)
- arrange respite or short-term care
- accompany dependants to medical appointments

Up to five days' special leave (pro-rata for part-time staff) can be granted to carers.

Domestic emergency

Paid special leave may be granted in the event of:

- the serious illness or death of a partner or spouse, close relative, dependant or person in an established relationship
- care of a sick child
- the unexpected disruption or breakdown of care arrangements for a dependant
- an unexpected incident at school involving a dependent child
- short-term care at home of a partner or spouse, close relative or dependant
- damage or disruption to property (for example flooding, burglary)
- circumstances where colleagues are or have been experiencing domestic abuse (you or your manager should contact the people advice team for advice)

Find out when you may be granted unpaid domestic special leave.

These lists are not exhaustive and colleagues and managers looking for advice should contact HR.

2. Non-domestic special leave - eligibility

You must be granted paid non-domestic special leave in certain circumstances.

These include:

- undertaking jury service
- attending court as a witness
- attending any other official body as a witness in an official capacity
- undertaking public duties

In such circumstances, the time required is normally fixed, and you should inform your manager as soon as you're made aware of the dates.

You may also take special leave for:

- volunteering
- attending Reserve Forces training
- undertaking health and safety duties as a health and safety representative

In these circumstances, the dates are not generally fixed. There's an expectation that a request to take paid special leave is approved where possible. However, there may be occasions where specific business reasons mean requests cannot be accommodated. In these circumstances, agreement should be reached on appropriate alternative dates.

Your manager may grant paid special leave in certain other non-domestic circumstances, including:

- attending a Civil Service society meeting
- training with the Cadet Forces
- duty with the Special Constabulary, Auxiliary Coastguard Service or RNLI
- youth leadership
- undertaking a Duke of Edinburgh Gold Award
- participating in major sports events

Find out in what circumstances you may be granted unpaid non-domestic special leave.

Read the detailed guidance for managers.

3. Jury service

Paid special leave will be granted if you're called for jury service.

If you're getting paid special leave, you can't claim from the court or accept any compensation for loss of earnings. However, you can keep any travel and subsistence allowance you receive from the court.

You should provide a copy of the jury citation when you apply for special leave.

4. Court witness

Paid special leave will be granted if you appear in court in a private capacity as a witness in a:

- criminal proceeding
- fatal accident inquiry

This includes if you're a special constable.

If you're getting paid special leave, you can't claim from the court or accept any compensation for loss of earnings. However, you can keep any travel and subsistence allowance you receive from the court.

You should provide a copy of the court citation when you apply for special leave.

5. Witness duties in an official capacity

You're considered to be at work and special leave is not needed if you're called upon in your official capacity to:

- give evidence in criminal or civil proceedings
- attend an outside body as a witness or in another capacity

You can submit a claim for travel time and a claim for expenses incurred. However, you can't also claim from the court or accept any compensation for:

- loss of earnings
- travel time
- travel and subsistence costs

You should provide a copy of the court citation.

6. Voluntary work

Six days' paid special leave per year in a 12 month rolling period is available if you want to volunteer. In line with the Scottish Government's mission, vision and values, these days should be used for voluntary activities that benefit communities in Scotland.

If you wish to volunteer as a Project Scotland mentor, you can apply for four days' special leave during the first three months. For each of the next three-month periods in the year you can apply for three days' special leave.

As with all other special leave, your manager must authorise any requests to volunteer. You should try to give as much notice as possible for your request. Approval is required in advance and is subject to business needs.

All approved requests for volunteering should be recorded on Oracle Cloud using the appropriate category.

You should record your approved volunteering leave on Oracle Cloud and read the guidance on how to add this kind of absence.

7. Health and safety representative duties

Paid special leave will be granted if you're a health and safety representative. This enables you to:

- perform your duties properly
- attend safety committee meetings
- attend appropriate training courses

You may be asked to provide evidence of your duties when you apply for special leave.

8. Public duties

You can apply for paid special leave if you're a member of a:

- local authority
- statutory tribunal
- police authority
- board of prison visitors or a prison visiting committee
- relevant health body
- relevant education body
- the Scottish Environment Protection Agency

The special leave should be used to allow you to:

- attend meetings of the body or any of its committees or sub-committees
- perform your duties as an office holder or member of the body

How much paid special leave you get depends on your duties.

Public duties	Normal annual limit in days
Magisterial duties (justice of the peace) - up to 26 attendances (including travel time)	18
Local government work (elected member of a local authority, including provost/chair of council)	18 (or 24 if duties equate to those of a Lord Provost)
Children's Panel (Scotland)	18
Community council	6
NHS Health Board (special or regional) or health authority	6
Board of prison visitors or prison visiting committee	6
Governance/management of educational institution, school/college council or governance of central institution/college of education	3
Attendance at meetings of fee-paying bodies (for example employment tribunals)	3
Lay membership of Education Scotland inspection teams	18

Unpaid special leave will be considered if more time off is needed.

Where you're granted paid special leave, you must not claim or accept attendance fees or any compensation other than for travel and subsistence. For any approved

absence due to public service, the total fees provided by the department, agency or public body must only compensate your actual loss of earnings.

Find out more about the right to time off for public duties on the [gov.uk](https://www.gov.uk) website. You and your manager must discuss any issues around propriety and conflict of interest in connection your public service duties.

Reservists

1. Joining the reservists

We support reservists and will give you permission to join the volunteer reserve forces wherever we reasonably can.

If you wish to enrol as a reservist, you should first obtain written consent from HR Help.

If you wish to enlist for full-time service in the forces, you must resign.

Permission to join the reservists will not be revoked during the period you have engaged or enrolled for (usually from one to five years). You will need further written permission before extending your enrolment, or entering into a new engagement.

Cadet forces

You do not need permission to join the cadet forces, but must notify HR Help if you have joined:

- Sea Cadet Corps
- Combined Cadet Force
- Army Cadet Force
- Air Training Corps

2. Reservist mobilisation

Mobilisation is the process of calling out reservists into full-time service in support of military operations. Mobilisation has three distinct phases:

- medical and pre-deployment training at a mobilisation centre
- operational tour
- post-operational tour leave

Managers are expected to release all reservists who are mobilised. They'll receive an information pack (either directly from the reserve forces or from the reservist) confirming:

- the call out date (first day of mobilisation)
- length of mobilisation (typically no less than three and no longer than 12 months in a five-year period)

The reserve forces aims to give four weeks' notice of the call out date. Reservists who hold 'high readiness reserve' status can be mobilised with seven days notice or less, for up to nine months.

Pre-mobilisation

If you have been mobilised, you and your manager should discuss:

- the impact of mobilisation on your terms and conditions
- keeping in touch arrangements during mobilisation
- return to work support

You should jointly complete the mobilisation form and send it to HR Help, along with the information pack. HR Help will then confirm your employment arrangements during mobilisation.

Terms and conditions

We'll treat your absence as unpaid special leave if you're called out for active duty. You won't accrue annual leave, bank holidays or privilege holidays during your call out, but the time spent on unpaid special leave will reckon towards the higher annual leave entitlement.

You'll be paid by (and have contractual benefits met by) the reserve forces for the duration of your mobilisation. If you receive less than your normal salary, you can apply to the reserve forces to ensure no loss of earnings.

You'll be offered a pension scheme choice by the reserve forces. You must confirm before your first day of mobilisation (this will include remaining with any civil service pension scheme).

You'll also accrue:

- annual leave with the reserve forces during mobilisation

- public holidays and the King's Birthday privilege holiday with the Reserve Forces (if they fall during mobilisation)

You must use any leave accrued with the reserve forces before you return to the Scottish Government. It can't be carried over.

Keeping in touch

Keeping in touch arrangements should help you to stay connected to the organisation. They can be as simple as an exchange of updates on your mobilisation and what's going on at work.

The frequency and method will depend on your length of mobilisation and anticipated date of return. There may be periods when it's not possible to remain in regular contact.

Reservists will have access to messages sent through the British Forces Post Office and email.

You should ensure that your contact details and next of kin information on Oracle Cloud is up-to-date.

3. Time off for reservist training

Time off for training should be requested and approved as early as possible. You should provide details of your training commitments to support your request.

You're allowed 15 days' paid special leave per year to participate in the 'continuous mandatory period of training' for reservists. This usually lasts 15 consecutive days and is often referred to as 'annual camp'. There may be some variation between the forces, particularly within specialist units.

If you work part-time, this allowance is pro rata.

You should apply for special leave using the normal arrangements.

Additional training days

You can request annual leave, flexi leave, time off in lieu, special unpaid leave or a combination of these for additional training days. There's no automatic entitlement to special leave. You should apply using the normal process.

You can learn more about all your leave options.

Other activities

Managers will be supportive if you need to leave the office early to attend Reservist activities (where possible). You must agree with your manager how you'll make up the time, for example by using annual or flexi leave.

Terms and conditions

Paid special leave for training will not affect your continuity of service and reckonable service.

If you are granted unpaid special leave for training:

- you won't accrue annual leave
- the time will not count as reckonable service

4. Demobilisation and returning to work

Demobilisation is when you return from active duty as a reservist to the demobilisation centre.

There are four stages of demobilisation for reservists:

- adaption: a process of 'winding down' in a controlled environment for up to four days
- assessment: completing administration tasks, medical assessments and receiving welfare advice
- post-operational leave: length is based on the number of days spent in operational theatre
- last day of whole-time service: the last day you'll be paid by the reserve forces

Your return to work date will normally be the day following the last day of whole time service. If you have any Scottish Government leave, you can request to take it before returning to work.

You'll return to your previous post (except in exceptional circumstances).

You should give your manager your end-of-tour documentation as soon as possible. This confirms the last day you will be paid by the reserve forces.

Return to work

During your demobilisation you must contact your manager and attend a return to work discussion. This may take place by phone. If you can't contact your manager, due to illness or injury, your next of kin should contact them on your behalf.

You and your manager should confirm your return to work date and discuss:

- your fitness to return to work and any support you need (including workplace adjustments)
- any issues you wish to raise
- any updates about key events in your absence
- the work you'll be doing and any upskilling or retraining required

Managers must set out a detailed induction plan, including post-mobilisation support - find out more on page 7 of this guide.

Once you return to work, you and your manager should discuss:

- any issues arising since your first discussion
- your performance objectives and how to make best use of your transferable Reservist skills
- formal training completed during mobilisation
- introductions to any new team members
- post-mobilisation support

5. Demobilisation and failure to make contact

If a reservist fails to make contact during demobilisation and doesn't return to work after their last day of whole time service, managers should contact them using the agreed keeping in touch arrangements and contact details.

If there's no response, managers must notify the HR adviser unit.

Reservists will remain on unpaid special leave during such an absence for up to three weeks after the anticipated demobilisation date.

6. Reservists with injury or illness

If you're injured or sick during mobilisation, you'll remain mobilised until you reach a certain level of fitness. This is assessed by the military medical teams.

If you have continuing healthcare needs, you'll make the transition from military to NHS healthcare. You'll then be demobilised in the normal way.

The Reserve Forces will continue to pay you until you're demobilised.

7. Post-mobilisation support

A reservist may have a delayed response to what they have seen and experienced during mobilisation. Symptoms may include flashbacks, depression, confusion, anxiety, irritability, feelings of isolation and difficulties adapting to civilian life.

Some symptoms may take longer than others to appear. It's important for managers to appreciate that reservists may not realise they're displaying post-operational tour symptoms.

The HR advisers team can arrange an appointment with occupational health if managers have any concerns. Contact HR Help for more information.

Other support available:

- Employee Assistance Service
- The Reserve Forces' and Cadets' Association
- The Charity for Civil Servants

Special Leave – A Guide for Managers

1. What is special leave?

As a manager, you're responsible for authorising requests for all types of special leave. Special leave is time off for colleagues that is not annual leave, family leave (e.g. maternity, adoption etc.) or sick absence. You can authorise special leave for domestic or non-domestic reasons. There are, however, different requirements depending on the category of leave.

Sometimes the special leave will be paid time off, in other cases it will be unpaid. You're obliged to authorise some types of leave, while other types are at your discretion.

You should deal with all requests in confidence. You should consider each application on its own merits and keep in mind our diversity policy.

The effect on a colleague of any given situation will vary from person to person. It's important when deciding whether to grant special leave, and for how long, that you take into account:

- individual circumstances
- business needs

Paid domestic special leave will not normally exceed five working days (pro rata for part-time staff). Paid non-domestic special leave will be granted in line with appropriate guidance. A maximum of 90 days special leave (paid and unpaid) may be authorised in any 12-month period. You must consult HR Help before approving requests that significantly exceed this.

In circumstances where a longer period of leave is requested, supplementing paid special leave with other forms of leave may be more suitable, for example annual leave, flexi, unpaid special leave.

It's important to check the applicant's previous special leave. This can help to identify where alternatives, such as a flexible working pattern, may be more appropriate.

Before you consider an application for special leave

You can't approve paid special leave to cover routine or anticipated medical or dental appointments. This includes accompanying dependants to such appointments.

In certain situations, colleagues have a statutory right to take unpaid time off work and we must comply with these legal obligations. You can read more about this under unpaid domestic special leave.

You'll find the most common reasons why colleagues ask for special leave in the following pages. There may be other occasions when it's appropriate for you to approve leave.

Position management

The following HR processes do not warrant a movement of individual or change to their full-time equivalent (FTE), and therefore have no impact on positions. Any changes will be managed at the individual's assignment record as agreed with managers.

Bereavement Leave

The duration for bereavement leave is up to two weeks, after which the individual should return to work. For short term absences where there is no change to an individual's working hours and/or there is no backfill required, there will be no change to the position's FTE and headcount. The senior business manager (SBM) does not need to make any change to the position or take any further action related to this position.

Carers

There is an assumption that carer's leave is a short term absence after which the individual should return to work. For short term absences where there is no change to an individual's working hours and/or there is no backfill required, there will be no change to the position's FTE and headcount. The senior business manager does not need to make any change to the position or take any further action related to this position.

Recording volunteering special leave

Individuals are allowed up to six days a year for volunteering leave after which they should return to work. For short term absences where there is no change to an individual's working hours and/or there is no backfill required, there will be no change to the position's FTE and headcount. The senior business manager does not need to make any change to the position or take any further action related to this position.

Contacting your senior business manager

It is the responsibility of the Line Manager to keep an open engagement with their senior business manager to ensure the necessary position management is completed to support this process. There is a SBM key contact list available.

2. Approving paid special leave

Different limits on the number of days that can be approved for non-domestic leave is detailed in the guidance. Normally, you can only approve up to five days (pro rata for part-time staff) of domestic paid special leave in any 12-month period. However, emergencies are unpredictable, for example the death or illness of more than one family member over a short period, or a family member's long-term serious illness. In such cases you may get additional requests from a colleague.

If their five-day limit has been reached in the last 12 months, you must consider whether further paid leave is appropriate. You should also consider the request carefully even if your colleague has had less than five days' paid leave. In circumstances where a longer period of leave is requested, supplementing paid special leave with other forms of leave may be more suitable, for example annual leave, flexi, unpaid special leave.

Once you're satisfied that paid special leave is appropriate, you should authorise the request on Oracle Cloud and follow these steps:

- select 'me' page
- select 'notifications' on the top right-hand corner of the page
- select approve or reject

To view a guide on approving or rejecting time, search for the guide named 'review and reject/approve time (manager)', using the Oracle help centre icon.

If you don't have access to Oracle Cloud, use the application for special leave form (document will download). Once you've approved the request, sign and date the application form and email it to the pay admin team or HR Online.

3. Approving unpaid special leave

For each colleague, you can authorise a maximum of 90 days' special leave (paid and unpaid) in any 12-month period.

When you approve a request for unpaid special leave, you must ensure it is recorded in Oracle Cloud to ensure the appropriate adjustments are made to pay.

Unpaid special leave that extends over a weekend should be requested as a single, continuous block of leave including weekends. For example, when applying for two weeks of leave, colleagues should enter the start date and the final end date, not make two individual requests for each week of absence.

If you don't have access to Oracle Cloud, you should immediately return the completed application for special leave form (document will download) and email it to the pay admin team or HR Online.

You should also update your colleague's annual leave sheet, noting the dates covered and the reason for the unpaid special leave.

4. When to authorise leave for non-domestic reasons

There are some situations when you must authorise paid special leave, and others where it's at your discretion.

You must authorise special paid leave when the applicant is:

- undertaking jury service
- attending court as a witness
- attending any other official body as a witness
- undertaking public duties

In such circumstances, the time required is normally fixed. Colleagues should inform their manager as soon as they are made aware of the dates.

You may also authorise special leave for:

- volunteering - find out more on page 7 of this guide
- attending Reserve Forces training
- undertaking health and safety duties as a health and safety representative

In these circumstances, the dates are not generally fixed. There's an expectation that you approve a request to take paid special leave where possible. However, there may be occasions where specific business reasons mean requests can't be accommodated. In these circumstances, you should reach an agreement on appropriate alternative dates.

You may choose to authorise paid special leave in the following circumstances:

To attend a Civil Service society meeting

Civil Service society	Normal limit of special leave
Council and Committee of Management of the Charity for Civil Servants	Paid special leave for meetings as required.
Council and Committee of Management of the Civil Service Retirement Fellowship	
Management Committee of the Civil Service Sports Council	
Local Committees of the Charity for Civil Servants and the Civil Service Retirement Fellowship	Time off for quarterly meetings.
Regional Councils and Regional Executive Committees of the Civil Service Sports Council	
Civil Service Sports Council	Up to 2 days paid special leave. A third day is allowed if the time spent travelling makes a 3-day absence from the office necessary.

Meetings of the General Purposes Committee of the Civil Service Motoring Association	Up to 2 days paid special leave if the colleague's annual leave allowance doesn't exceed 25 days. A third day is allowed if the time spent travelling makes a 3-day absence from the office necessary.
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To train with the cadet forces

Members of, or instructors or officers in, the cadet forces (for example Air Training Corps, Sea Cadet Corps) may take up to five days paid special leave in any leave year. Colleagues may use this leave to attend camp or special instructional courses provided they're held under naval, military or air force auspices.

For colleagues employed part-time, paid special leave must not exceed the pay they would otherwise have received for their normal part-time working pattern.

Members of the cadet forces may accept payments which result from their service.

For duty with the Auxiliary Coastguard Service or RNLI

You may grant up to five days paid special leave for an initial training course to members of the Auxiliary Coastguard Service and the RNLI.

For duty with the Special Constabulary

You may grant up to 12 days' special leave for training and deployment of members of the Special Constabulary.

Training courses in youth leadership

You may grant up to five days paid special leave to part-time youth leaders and assistant youth leaders who have taken courses in youth leadership.

Special leave will be granted a maximum of once every three years.

To receive a Duke of Edinburgh Gold Award

Paid special leave may be granted to allow colleagues to receive their Duke of Edinburgh Gold Award.

To participate in major sports events

Paid special leave is available to colleagues participating in sports events at National Championships or Finals. This is only after they have qualified through a regional competition. Paid special leave is not available for regional, area or zoned events. Paid special leave is also available to those who are representing their country. The leave can cover time spent travelling to and from the event and competing.

Unpaid non-domestic special leave

You may grant unpaid special leave to retained firefighters for training and call outs and for reservist mobilisation.

5. When to authorise leave for domestic reasons

You may authorise paid special leave when a colleague regularly cares for someone or they're facing a domestic crisis.

Carer's leave

You may grant paid special leave to a colleague who's caring for someone who has a long-term illness, is very frail or has a disability.

The person cared for may be of any age. They can be a relative, a partner (including same-sex partner) or friend. They don't have to be living with your colleague.

What the care may involve:

- organising help in the person's home
- organising special equipment or adaptations to the home
- dealing with other agencies (for example GPs, social workers, health visitors)
- organising respite or short-term care

Domestic crises such as serious illness or death

The relationship between the colleague and the deceased or ill person will be an important consideration in these cases. Nevertheless, paid special leave shouldn't be restricted to cases where the deceased or ill person is, or was, a relative or dependant. You may also grant paid special leave in other cases where an established relationship exists or existed.

Care of a sick child

You may grant paid special leave to allow colleagues to care for a child or children during a short period of illness.

If your colleague needs more time to deal with a long-term illness, you should consider unpaid domestic special leave. You could also suggest an alternative working pattern that meets individual and business needs.

Short-term care at home of a partner, close relative or dependant

You may grant paid special leave to allow colleagues to provide short-term care for a partner, close relative or dependant. This may be appropriate following an accident or during a short illness, for example.

If your colleague needs more time to deal with a long-term illness, you should consider unpaid domestic special leave. You could also suggest an alternative working pattern that meets individual and business needs.

Damage or disruption to property

You may grant paid special leave on a short-term basis:

- where unavoidable severe damage or disruption to property, for example flooding, means your colleague has to be at home
- to deal with the initial crisis, for example in the case of a burglary your colleague needs time to make their property secure

Where further time off is required, for example to deal with repairs or insurance, your colleague should use annual leave or flexi leave.

Find out where you can grant unpaid domestic special leave.

6. Approving time off for family and dependants

You can authorise unpaid time off for colleagues to care for their dependants in an emergency or to make arrangements at such a time.

A dependant could be a spouse, partner, child, grandchild, parent, or someone else who depends on your colleague for care.

How much time off to grant

There's no set amount of time as it depends on the situation. You can grant this unpaid time off in addition to a period of paid special leave.

There are two other situations where you can grant unpaid special leave:

To look after dependent children, for example, during school holidays

You should consider how you will cover your colleague's workload in their absence, and what effect their absence will have on other team members. If you think the time off would cause problems for you or your team, you could suggest a term-time working pattern instead.

If your colleague is asking for more than 30 days off, you should contact HR Shared Services first.

To act as a witness in civil proceedings

You can grant time off in this situation, but your colleague can't claim travel or subsistence allowances from the Scottish Government. You should tell your colleague that they can claim compensation for loss of earnings from the court or a party to the action.

Exceptions

Colleagues can't have time off if they knew about a situation beforehand. For example, to take a child to a pre-booked hospital appointment.

7. Special leave for volunteering

You should discuss all applications for volunteering leave. This is so you can explore the nature of the activity and help applicants prepare for getting the best from the experience. You could discuss skills development and opportunities to raise awareness of, for example, community, equalities and third sector issues that may help in the day job.

As a manager you should aim to approve requests for volunteering leave. For community engagement or development, charitable support and public duties, you should consider business needs and pressure on the team.

You should be consistent and fair when making arrangements. If you can't grant leave, it's expected that the leave can be scheduled at a later stage, as soon as is practicable. Both parties should be prepared to discuss this.

It may be helpful to ask the local group or charity hosting the volunteering placement to provide information about the activity. The information they give could feed into discussions about development and learning with the volunteer.

Following the placement, you should be prepared to talk with your colleague about what they've learned. They may wish to share their experiences with colleagues, especially those considering similar placements. It's therefore important to give them platforms to do this.

8. How to refuse a request for special leave

You should be satisfied the request doesn't match the acceptable criteria for unpaid special leave. In such cases you should write to your colleague telling them of your decision. Give your reasons clearly.

You should then sensitively discuss your colleague's application face to face.

In the case of paid leave, you can offer an alternative option, such as annual leave, flexi leave and unpaid special leave.

All colleagues can ask for a flexible working pattern. If you can make such an alternative arrangement work within your team's needs, you should approve the request.

Study Leave

Job specific training or qualifications

If you need to complete additional learning or a qualification to enable you to do your job, it should be paid for in full by your directorate. You'll be given paid leave for the study time required to complete the course.

PLP and career development studies

You may be granted up to five days' paid study leave (pro-rata for part-time staff) in each leave year for studies not directly related to your role. This must have been agreed in your personal learning plan (PLP) as part of your wider career development within the Scottish Government.

How to apply

Read the guidance on your flexi time card in Oracle Cloud to find out how to add study leave.

Non-essential studies

If your studies aren't required to fulfil your duties or career development within the Scottish Government, you're not entitled to paid study leave.

Unpaid Special Leave

1. Unpaid domestic special leave

All colleagues have the legal right to a reasonable amount of unpaid time off to deal with emergencies involving a dependant.

You may also be granted unpaid special leave to:

- look after dependant children during school holidays
- accompany a dependant to routine and non-emergency dental or medical appointments
- move home because of a voluntary transfer

Find out how to apply for special leave.

Find out more about [time off for family and dependants](#) on the gov.uk website.

2. Unpaid non-domestic special leave

You may be granted unpaid non-domestic special leave to attend:

- court as a witness in civil proceedings, in a non-official capacity
- training or call-outs as a retained firefighter
- Reservist mobilisation

3. Taking special leave

You can usually take up to five days' '(pro-rata for part-time staff) paid special leave (domestic or non-domestic) in any 12-month period.

The maximum combined total of paid and unpaid special leave is 90 calendar days in any 12-month period.

Situations where paid special leave is granted vary in nature and complexity, and more than one event may arise in a short period of time. If you have reasonable grounds for a longer period (or multiple periods) of paid special leave, you should apply for special leave in the usual way. Please see guidance for paid special leave. Make sure you clearly set out the reasons for your request. You or your manager can access support from the people advice team to consider options depending on individual circumstances.

If you want a longer period of special leave, you can also consider:

- adding unpaid special leave to your paid special leave
- a career break if you need a longer period of leave for domestic reasons

4. Special leave and your terms and conditions

Paid special leave (domestic or non-domestic) doesn't normally have any effect on your terms and conditions of service.

Unpaid special leave (domestic or non-domestic) doesn't count as qualifying service for:

- performance appraisal
- pension
- probation
- annual leave

You won't accrue benefits while on unpaid special leave (domestic or non-domestic). Nevertheless, it doesn't break a period of continuous service so you will keep any benefits you've accrued by the time your special leave begins. You can therefore add to these benefits on your return to work, for example time towards the qualifying period of higher annual leave entitlement.

You continue to be bound by the normal rules that apply to civil servants when on special leave.

In particular, you must abide by the rules about:

- conduct
- propriety, including financial affairs
- outside appointments
- political activities

5. Unexpected absence and special leave

You should contact your manager as soon as you can if an unexpected crisis means you can't get to work.

If you work flexi time, you should call your manager, or other named contact, before 10am. Failure to do so without reasonable cause could result in disciplinary action for unauthorised absence.

You should let your manager know that you plan to apply for special leave on your return to work.

You can request special leave for either domestic or non-domestic reasons.

6. How to apply for special leave

You should use Oracle Cloud to request and record special leave (paid or unpaid), whether it's for domestic or non-domestic reasons. You should apply for special leave in advance when possible.

Unpaid special leave that extends over a weekend should be requested as a single, continuous block of leave including weekends. For example, when applying for two weeks of leave, you should enter the start date and the final end date. You should not make two individual requests for each week of absence.

You should include the reason for your unpaid special leave from the list below:

- accompanying spouse on transfer to new area
- attendance in court - witness duty
- bereavement - unpaid
- business of civil service societies
- business of trade unions
- care for a close relative/dependent due to illness
- care for children during school holidays
- carers leave
- damage/disruption to property
- other
- participation in sports events
- personal reason
- relocation arrangements
- reservist mobilisation
- sabbatical
- study/exams- further education and civil service courses
- volunteering other
- work as a retained firefighter

Where unpaid special leave is approved, your salary must be adjusted in the first available pay run. Any overpayment made because of late notification of unpaid special leave will be recovered at the earliest opportunity.

To apply for unpaid special leave in Oracle Cloud, you can add an absence by following these steps:

- navigate to your 'me' page
- access the 'add absence' page either by selecting the quick action, or the time and absences tile to open your absence dashboard
- select 'add absence'
- scroll down the 'type' menu and select special unpaid leave. To find the 'special unpaid leave' option, you may need to type 'special unpaid leave' for this to appear as a dropdown option.
- the special unpaid leave page will require the start, final end date, and reason for your request, so enter these details and submit your request

To view a guide on adding an absence and requesting leave, search for the guide named 'create, update, or delete an absence record (employee)', using the Oracle help centre icon.

If you work flexi time, you should call your manager, or other named contact, before 10am. Failure to do so without reasonable cause could result in disciplinary action for unauthorised absence.

You should let your manager know that you plan to apply for special leave on your return to work.

You can request special leave for either domestic or non-domestic reasons.

7. Colleagues without access to Oracle Cloud

You should request special leave using the application for special leave form (document will download), giving full details of the:

- reason special leave is required
- dates of absence

You should submit your application to your manager, along with:

- any relevant supporting documentation, for example jury citation or notification of reserve forces training
- your annual leave sheet

You must record all approved special leave (paid and unpaid) on your annual leave sheet.