

# SCOTTISH LEGAL AID BOARD

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### **Personal section**

NOTE: Further information on all employee-related policies and procedures can be found on your computer within common/shared/personnel-related information.

## **INTRODUCTION**

This is your personal copy of the staff handbook. It draws together information about working for the Board, our employment policies and your conditions of service.

It is designed as a reference document. Many of the topics that are covered briefly in this handbook are explained more fully in our Personnel Policies. Where appropriate, throughout the handbook, you are referred to the relevant policy or set of procedures. It is important that you read these policies in full.

Paper copies of these policies and procedures are available in the Learning Centre, or alternatively these are accessible on any networked PC on the Common drive within the shared folders.

It is important that you are aware of our employment policies and conditions of service. If you have any queries about them that are not answered by the handbook or the Personnel Policies, please discuss this with your line manager or the Personnel Department.

## **ABOUT THE BOARD**

The Scottish Legal Aid Board was set up in 1987 to manage legal aid in Scotland. We are a non-departmental public body responsible to Scottish Ministers through the Scottish Executive. The Executive Team, managers and other employees carry out our functions. Additionally, up to fifteen Board members, appointed by Scottish Ministers, oversee the work. To provide a balanced range of knowledge and experience, they include people from the wider community as well as solicitors and advocates.

Legal aid is an important public service. It allows people who would not otherwise be able to afford it, to get the help of a solicitor, and sometimes an advocate, for their legal problems. These can be wide-ranging, including parents seeking contact rights, domestic abuse, negligence claims, or to defend criminal charges.

The Board's Mission Statement:

*“To promote the development and delivery of appropriate access to quality legal assistance for those eligible, in a cost effective manner”*

Our Strategic Objectives are as follows:

- To achieve consistent, timely and sound decision making at all stages of an application for legal assistance
- To achieve consistent, timely and sound decision making at all stages of assessing and paying accounts
- To achieve effective financial management of the legal aid fund
- To improve the effectiveness of the delivery of our service while achieving a reasonable balance between cost and quality
- To communicate effectively with applicants, opponents, their advisors and other stakeholders in a clear, concise, timely, informative and proactive manner
- To provide advice to Scottish Ministers and the Scottish Parliament on the current operation and development of the provision of legal aid.

We work with the Scottish Executive, the legal profession, and other external bodies to develop the legal aid system in Scotland. Our ongoing consultation with others with an interest in legal aid helps us to make a positive impact on the access to justice. Through good teamwork, as employees we can succeed in providing the best service we can for the people of Scotland.

To achieve these objectives we have to work together under a common set of values. We are part of a unique and dynamic organisation which

- takes pride in delivering a valuable and efficient service
- expects a consistently high level of achievement
- values energy, ability and commitment
- encourages new ideas and improvements
- promotes openness.

## **SECTION 1 – MAIN TERMS AND CONDITIONS OF EMPLOYMENT**

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## **1.1 TERMS AND CONDITIONS OF EMPLOYMENT**

This handbook supplements your Statement of Terms and Conditions of Employment, and therefore forms part of your employment contract with the Board. The terms and conditions of employment outlined in the contents of this handbook meet the requirements of the Employment Rights Act 1996, and may be subject to alteration from time to time. This will be done in consultation with the trade union and changes will apply to union and non-union members alike. You will be notified in writing of any alterations as they occur, and of any other individual contractual changes, and these will supersede the previous terms.

## **1.2 JOB DESCRIPTION**

When you were appointed to your job you received a job description showing the overall purpose of your job, your job accountabilities and duties. You and your line manager should periodically review this job description to keep it up-to-date.

## **1.3 PROBATIONARY PERIOD**

On joining the Board, unless you are a temporary employee, you will normally be employed on a probationary basis, usually for six months, covering your initial training period. During this time your line manager will give you training, help and encouragement, and will review with you your suitability for the job and if any reasonable adjustments to the job are required. If your performance is satisfactory, your appointment will be confirmed and you will become a permanent employee. The probationary period will remain in effect until otherwise stated in writing.

If your performance during the probationary period fails to meet the required standard, you will be told and given every opportunity to make improvements. If you do not make the necessary improvements, your employment may be ended.

## **1.4 PAYMENT OF SALARY**

Permanent, and probationary employees, and fixed term/temporary employees on contracts of more than six months, receive their salaries by direct credit transfer to a bank or other acceptable account. Salaries are normally paid on the 27<sup>th</sup> of each month or on the last working day before that if the 27<sup>th</sup> is on a weekend or public holiday.

Temporary employees on contracts of less than six months are normally paid by cheque on the last working day of each month. Your cheque can be collected on this day from the Personnel Department between the hours of 12 noon and 2 p.m.

Your itemised monthly pay slip shows gross pay and details of all deductions that are made in arriving at net pay. Any adjustments to salary for absence, overtime etc. are made one month in arrears. Appendix 1 gives a breakdown of the information on the payslip and gives a definition of each entry.

If your contract of employment starts after the payroll cut-off date (which is normally about the 16<sup>th</sup> of the month), you will be paid by cheque for the days worked in your

first month, as above for temporary employees. You will receive your salary the following month by direct credit transfer as normal.

To calculate your monthly basic gross pay, divide your annual salary by 12.

You can calculate your basic hourly rate of pay by taking your annual salary (or full-time equivalent salary if you work part-time) and dividing this by 1,825 (that is, the number of full-time hours worked in the year).

You should check your payslip every month and if you have a query you should discuss it with the Personnel Department immediately.

## **1.5 REMUNERATION**

### **1.5.1 Grading**

Jobs at the Board are generally classified into eight grades excluding Directors and the Chief Executive:

Grade 1	Administrative Assistant
Grade 2	Administrative Officer
Grade 3	Senior Administrative Officer / Deputy Team Leader
Grade 4	Team Leader / Specialist
Grade 5	Senior Team Leader / Senior Specialist
Grade 6	Assistant Manager / Junior Professional
Grade 7	Manager / Professional
Grade 8	Head / Senior Professional

Each job grade has a pay band. All jobs are evaluated to identify and compare their relative complexity, scope and level of responsibility. This establishes the appropriate grade. The information is then used along with external market salary comparison and public pay policy to set the pay band for all the jobs within the appropriate grade.

### **1.5.2 Annual salary review**

Your salary will be reviewed in August each year based on your performance for the previous year, from 1 April to 31 March. Your performance is assessed during the Performance Management process (see section 2.1.4.).

Under current arrangements, providing your performance is good, you can normally expect your salary to be increased to the next step on the pay band of your job grade. You can view the Board's current pay bands in the common drive within the shared folders.

You cannot expect an automatic increase to the next step on the pay band each year. Your salary progression will depend primarily on your performance and also the appropriate rate for your job in relation to others in the Board and in the external market.

Normally, if your performance is less than satisfactory or you are subject to a formal disciplinary warning, you will not receive a salary increase. However, this will be evaluated on an individual basis to ensure consistency throughout the Board. If your performance is rated at least 'very good' in any performance year, under current arrangements, you may additionally receive a one-off non-consolidated bonus.

If you are on a temporary or fixed-term contract, you will be paid at the same rate of pay as in a comparable permanent job role. Your salary progression will be as outlined above for permanent employees regardless of length of contract.

Full information on the Board's Pay Policy (including Pay Supplements) can be found on any networked PC in the shared folder within the common drive.

### **1.5.3 Promotion**

If you are promoted on a permanent basis you will normally receive an immediate increase to your salary that will reflect the rate for your new role at the time of promotion. This will normally be to at least the pay band minimum of the grade to which you are promoted. Your eligibility to receive a further increase on your new pay band the following August will depend on the date of your promotion and you will be informed of this at the time of your promotion by the Personnel Department.

If you are promoted on a temporary basis, for example to cover maternity leave, you will receive a monthly non-consolidated non-pensionable payment. Details of these allowances can be found in the Reward section of the Personnel Policies.

Full details of the Board's policy on promotion can be found on any networked PC in the shared folder within the common drive.

## **1.6 HOURS OF WORK AND WORKING TIME REGULATIONS**

### **1.6.1 Working Time Regulations**

The Board's policies on working time meet those set out in the Working Time Regulations 1998. These regulations control the length of the working week and provide protection for workers against excessively long working hours. The Working Time Regulations define working time, the maximum length of the working week and stipulate appropriate rest breaks for employees over and under 18 years of age. The main points are in the following paragraphs, with more detailed guidelines contained in the Personnel Policies.

Please note that whatever flexible working arrangements may operate within your team, you cannot choose to ignore the Working Time Regulations (even if you would prefer to do so). They are a legal requirement.

### **1.6.2 What is working time?**

Because the regulations stipulate that you must take rest breaks after certain periods of time, working time and non-working time have to be defined.

**Working time includes when you are:**

- carrying out the duties of your job
- attending a working lunch
- working at home, if specific time has been agreed with the Board in advance
- undertaking training as required by the job, including evening classes
- travelling between the Board's offices or your normal place of work and another location as part of your job – for example, to a course or seminar or to court – during normal working hours
- spending any extra time travelling between home and a location other than your normal place of work, compared with your normal journey to work.

**Non-working time includes when you are:**

- on call but free to pursue other activities
- taking a normal lunch break
- working at home if this has not been agreed with the Board in advance
- carrying out private study (whether or not this is funded by the Board)
- travelling between your normal place of work and home
- travelling outside normal working hours for example, on the sleeper or after an evening meeting (however, you should consider the practicalities and safety aspects of travelling at night – if you would be unable to take an appropriate rest break between working days, you may wish to discuss with your Manager the alternative option of overnight accommodation)
- travelling between home and a place of work which is not your normal place of work, if this takes no longer than your normal journey to work.

**1.6.3 Conditions for adult workers (age 18+)**

The following regulations apply to all employees aged 18 and over. (See 1.6.4 for employees under 18.)

**The 48-hour week**

You should not work more than 48 hours a week when averaged over 17 consecutive weeks. This is known as a reference period.

If you wish to work longer than this you can sign an agreement saying you are choosing to exceed the maximum working hours. If you later want to end this agreement, you may do so as long as you give us seven days' notice in writing.

Periods of holiday, sickness and maternity leave do not count towards the reference period. The time you were absent is added on to the reference period and the hours are averaged over 17 weeks when you actually worked.

The “opt-out” agreement form is called 13.pers (“*Agreement to disapply the 48 hours limitation on average weekly working time*”) and is available from Reprographics. You and your line manager should keep a copy of the completed form. You should send the original to the Personnel Department to be held for inspection if required by the monitoring authorities.

### **Rest periods**

- If you work more than six hours a day, Board policy is that you must take an uninterrupted break of 30 minutes at some time during the working day.
- You should have at least 11 hours of non-working time between working days. If you do not have at least this amount of non-working time you must ensure that you meet the requirements by adjusting your working hours accordingly the next day.
- You should ideally take at least one rest period of 24 consecutive hours in every seven-day period. This can be averaged over two weeks as long as you take at least two 24 hour breaks in two weeks. You will particularly need to consider the implications of this if you work overtime at weekends. For example, if you work Saturday and Sunday one weekend, you should not work at all the next weekend.

Please note that the weekly rest break is in addition to the daily rest break.

### **Flexibility**

If, for business reasons, you are not able to take these rest periods, the Board must give you compensatory time off within a specified time. Your manager will give you further details if this applies to you.

If your job involves travelling throughout the working day, you do not have to take the rest breaks listed above. However, you are entitled to compensatory time off, within a specified time, for any missed rest breaks.

#### **1.6.4 Policy applicable to employees aged under 18 only**

### **The working week**

You can work up to eight hours a day and up to 40 hours in any one week. You cannot opt to work longer and there is no provision for averaging hours.

### **Rest periods**

- After 4½ hours work you must take a 30-minute break (for example, if you start work at 8 a.m. you should take your lunch break no later than 12.30 p.m.).
- You should have at least 12 hours of non-working time between consecutive normal working days. If you do not have at least this amount of non-working time

you must ensure that you meet the requirements by adjusting your working hours accordingly the next day.

- In addition to the daily rest break, you should take at least 48 hours rest in every seven-day period. This will normally be 48 consecutive hours (for example, weekends).

## Flexibility

If, for business reasons, you are not able to take these rest periods, the Board must give you compensatory time off within a specified time. Your manager will give you further details if this applies to you.

### 1.6.5 Additional jobs

If you have a job (or jobs) as well as your job with the Board, you must tell us. In calculating your working hours, the time you work elsewhere must be added to the time you work at the Board. You will be asked to state which employer you consider to be your primary employer. If the Board is your primary employer and you are not exceeding the relevant working times in your job here, you will be expected to make adjustments in your other job(s) to meet rest break requirements etc. Your total hours for all jobs must remain within the 48-hour week over the 17-week reference period, unless you sign an agreement (as in section 1.6.3) saying you wish to exceed these working hours.

### 1.6.6 Monitoring

As the regulations are part of health and safety law, everyone has a responsibility to ensure they are not breached. The table below shows that you should monitor some aspects yourself, while your line manager or the Personnel Department will monitor others.

## Responsibilities

Individuals	Line Managers	Personnel Department
<ul style="list-style-type: none"> <li>• ensuring “during the day” break is taken</li> <li>• ensuring daily break (overnight) is taken if               <ul style="list-style-type: none"> <li>• you have another job</li> <li>• you have been authorised to do additional work at home</li> </ul> </li> <li>• ensuring all rest breaks are taken and opt-out form signed (or 48 hours not exceeded) if have you</li> </ul>	<ul style="list-style-type: none"> <li>• reiterating that daily rest must be taken if work authorised at home</li> <li>• ensuring daily rest break (overnight) is taken if employees are called in to work outwith normal working hours</li> <li>• ensuring weekly rest breaks are taken when authorising overtime, or making note to ensure compensatory</li> </ul>	<ul style="list-style-type: none"> <li>• spot checking weekly rest breaks taken using OT forms</li> <li>• spot-checking breaks using OT forms for employees working overtime outwith their usual department</li> <li>• spot-checking using OT forms that 48 hours are not exceeded or opt-out form is received</li> <li>• holding opt-out records for inspection</li> </ul>

<ul style="list-style-type: none"> <li>• have additional job(s)</li> <li>• ensuring you do not exceed the 48 hour average (joint responsibility)</li> <li>• ensuring you take appropriate rest breaks if you work overtime in another department</li> <li>• alerting your Manager and/or the Personnel Department if you are experiencing any difficulties complying with the regulations because of the volume of your work.</li> </ul>	<p>rest is taken instead</p> <ul style="list-style-type: none"> <li>• not holding working lunches</li> <li>• ensuring compensatory rest time is available within a reasonable timescale</li> <li>• ensuring individuals do not exceed 48 hour average (joint responsibility)</li> <li>• if you know that someone has an additional job, ensuring they are aware of the requirement to formally tell the Board about the hours they work and when</li> </ul>	<ul style="list-style-type: none"> <li>• alerting Executive Team to results of spot checks where breaches occur</li> </ul>
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### 1.6.7 Flexible working hours

Your normal working hours are as stated in your Terms and Conditions of Employment. However, unless these are specific, employees can adopt differing work patterns to fit in with their team and business requirements under the Board's Work-Life Balance project.

Further details of the working patterns available in your department can be obtained from your line manager and the 'Work-Life Balance Principles' can be found in Appendix 2 or the Work-Life Balance section of the Personnel Policies.

Flexible working arrangements are a benefit, and not a right, under your employment contract and access to specific work patterns will depend on business and team requirements. The Board retains the right to require you to work within its standard business hours – 9 a.m. to 5 p.m. Monday to Friday. Four weeks' notice will normally be given of any required changes in working hours, unless this is imposed as a result of the misuse of flexible working arrangements.

### 1.7 OVERTIME

If it is necessary and appropriately authorised in advance by your Manager, you may be asked to work overtime. Normally there will be sufficient volunteers to work overtime. However, you may be **required** to work a minimal amount of overtime to help meet short-term business needs or vacancy cover. If you would, in general, have difficulty working overtime, you will be given two weeks' notice of the extra hours you are required to work.

If you work over your contractual hours and more than your basic working week (35 hours for full-time employees), eligibility is determined by job grade as follows:

**Grade 1 to 3** – overtime will be paid at the standard hourly rate

**Grade 4 and 5** – no overtime will be paid, except for specific project work at the discretion of your Director

**Grade 6 and above** – no overtime will be paid

There are specific provisions for ‘emergency’ cover for eligible employees in Facilities and IS. Details of these provisions can be found in the Personnel Policies.

NB:

- The Working Time Regulations referred to in section 1.6 of this handbook apply to you when you are working overtime as well as during the normal working day.
- Safety and security guidelines for working at weekends are in Appendix 10.
- Overtime payments are not subject to pension deductions and any overtime worked will therefore not count towards pensionable service.

### **1.7.1 Payment for working on public holidays**

If you are eligible for overtime payment and have to work on a public holiday for business reasons rather than choice (as detailed in section 1.7), you will, wherever possible, be given time off in lieu equal to the hours you worked, plus an overtime payment at the standard hourly rate. When time in lieu cannot be given, you will be paid for the overtime worked at twice the standard hourly rate. If you are not eligible for overtime payment and have to work on a public holiday for business reasons rather than choice (as detailed in section 1.7) you will be given time off in lieu equal to the hours you worked.

### **1.7.2 Exceptional out-of-grade working**

Employees can sometimes volunteer to work overtime elsewhere in the Board to carry out the duties of a job graded lower than their normal daily job (for example, an Assessment Officer volunteering to do data inputting). This is not the best use of resources, and should only happen in exceptional circumstances. The amount paid will be paid at the “Year 2” step of the relevant grade 1-3 salary scale.

If you are working outwith your own department, for budgetary reasons any overtime should be authorised in advance by the manager of the area in which the overtime is worked. Prior approval must also be given by your own line manager who has the right to veto such arrangements for performance management or welfare reasons.

## **1.8 ANNUAL LEAVE**

The holiday year runs from 1 December to 30 November.

### 1.8.1 Holiday entitlement

Holiday entitlements increase with length of service. If the anniversary of the date you started to work with the Board is part way through a year, changes in entitlement will not take effect until 1 December the following year.

<b>Grade</b>	<b>Days' entitlement for full holiday year</b> (also expressed in hours, if your standard working day is not the standard 7 hour day)
1,2 and 3	25 days (175 hours) on joining 28 days (196 hours) after 7 years 33 days (231 hours) after 20 years
4 and 5	25 days (175 hours) on joining 28 days(196 hours) after 5 years 33 days (231 hours) after 20 years
6	28 days (196 hours) on joining 33 days (231 hours) after 15 years
7	28 days (196 hours) on joining 33 days (231 hours) after 10 years
Director and Chief Executive	33 days (231 hours) on joining

In your first year of employment with the Board, your holiday entitlement will be on a pro rata basis rounded down to the nearest half-hour depending on your commencement date.

You do not have a right to take annual leave when you wish or at short notice. It must be planned in advance to suit business requirements. You must normally ask your line manager to authorise annual leave at least a week in advance to ensure adequate staff cover.

During annual leave you will be paid at the standard hourly rate.

### 1.8.2 Sickness during annual leave

If you are sick whilst on annual leave, the Board may, at its discretion, allow these days to be credited to your annual leave entitlement, provided that you submit a medical certificate and that your absence levels do not exceed the norm.

### 1.8.3 Annual leave due after giving notice

When you leave the Board's service, you are expected to work your notice period and receive pay in lieu of any holiday entitlement not taken. However, you will not be prevented from taking holidays during your notice period, providing they were already booked and authorised at least four weeks before your resignation.

Pay in lieu of outstanding holiday entitlement will be made:

- at your standard hourly rate for any remaining days within the current statutory minimum holiday entitlement (currently 20 days inclusive of public holidays, and pro-rata for part-time employees)
- at a lower rate of 1/365th of annual salary for each day or equivalent for any days due beyond that statutory minimum.

If you have taken more than the holiday entitlement accrued up to your leaving date, you will have to pay back the appropriate amount at the standard hourly rate.

#### **1.8.4 Public and privilege holidays**

Annually, there are eight paid public or privilege holidays. These days are Good Friday, Easter Monday, the first Monday in May, Christmas Day, Boxing Day, and 1 and 2 January every year, plus one other day decided annually by management.

During public and privilege holidays you will be paid at the standard hourly rate.

#### **1.8.5 Employees on temporary and fixed-term contracts**

Employees on temporary or fixed-term contracts have the same entitlement to annual leave and to public and privilege holidays as permanent and probationary employees. This entitlement will be pro rated for any part year worked.

Annual leave will therefore be allocated at the following rates, rounded down to the nearest half-hour:

- 14.583 hours a month for Grade 1 to Grade 5 employees
- 16.333 hours a month for Grade 6 employees and above.

#### **1.8.6 Part-time employees**

Holiday and public holiday entitlement will be on a pro rata basis for all employees working less than the full-time 35 hours per week.

#### **1.8.7 Carrying over annual leave**

Under the working time regulations, all employees must physically take *at least* 20 days' holiday from work (that is, 140 hours or pro-rata equivalent for part-time employees), made up of annual leave and public/privilege holidays, for each full holiday year worked.

You are encouraged to take all your annual leave entitlement within the current holiday year. However, subject to approval by your Manager, you may carry over up

to 35 hours (5 days) or bring forward up to 49 hours (7 days) annual leave during the last month of the holiday year (or the pro rata equivalent for part-time employees). We may allow you to carry over a bigger part of one year's entitlement into the following year for example, to visit relatives in distant countries.

In exceptional circumstances, you will be allowed to carry over into the next holiday year the full amount of any leave that you have been specifically prevented from taking for business reasons in the year in which it is earned.

If you carry forward leave from one year to the next, or bring forward leave from the next year's allowance, you must make sure that this does not result in your actually taking less than the 20-day (140 hours) Working Time Regulations minimum holiday entitlement in either year.

**Note:** There is no right to payment in lieu of holidays **except** on termination of employment and then in line with contractual provisions as outlined in section 1.8 above.

## **1.9 SICKNESS ABSENCE**

The following section outlines the main points of the Board's policy and procedures relating to sickness absence. It is essential that you read and refer to the Managing Absence Policy, in the Personnel Policies, for full details.

The full Managing Absence Policy also contains details of:

- tax, National Insurance and pension implications in the payment of Occupational Sickness Pay (OSP) and Statutory Sickness Pay (SSP)
- long-term sickness
- exhaustion of OSP and new entitlements on returning to work
- the circumstances in which your Manager, in consultation with the Personnel Manager, may withhold payment of OSP.

NB Where you are absent for reasons other than your own sickness, the following section is not relevant. For example, if you have to be absent to care for a dependant or for a family emergency, the policy is outlined in section 2.1.9. and full details can be found in the Special Leave Policy within the Personnel Policies.

### **1.9.1 Sickness Benefit Scheme and Statutory Sick Pay**

Sick pay is given to employees who meet the eligibility criteria detailed below, where their absence from work is due to their **own** sickness, and they have followed the reporting procedures outlined below and in the Absence Policy. Board sickness benefit is referred to in this document as Occupational Sick Pay (OSP), to differentiate from Statutory Sick Pay (SSP). The Board has a statutory duty to pay SSP subject to eligibility and to control and record SSP on behalf of the State. OSP is a benefit of employment paid by the Board and will include any entitlement to SSP.

*Details on absence reporting and self-certification are outlined below. If you do not follow this guidance, payments may be delayed or the Board may withhold all or part of OSP and/or SSP. Failure to follow the absence reporting procedures may also be regarded as a disciplinary issue.*

Sick pay can not be processed without a valid medical certificate or self-certification form.

#### **1.9.1.1 Occupational Sickness Pay (OSP)**

You are eligible for OSP (which includes SSP) from the date you join the Board. Benefits for part-time employees are calculated pro-rata, based on hours worked as a proportion of the normal full-time working week (35 hours). Benefits for employees on a contract of less than one year will also be on a pro-rata basis, accrued at the rate of 11.62 hours per month. OSP will not normally be paid during your notice period when you are leaving the Board's employment.

If you are absent from work due to sickness or industrial injury, you will receive OSP during your absence in accordance with the following scales:

<b>Completed years of service (as at 5 April)</b>	<b>Full pay Hours (standard 7 hour days)</b>	<b>Half pay Hours (standard 7 hour days)</b>
Under 1 year	140 (20)	140 (20)
Over 1 year under 2 years	280 (40)	280 (40)
Over 2 years under 3 years	420 (60)	420 (60)
Over 3 years under 4 years	560 (80)	560 (80)
Over 4 years under 5 years	700 (100)	700 (100)
Over 5 years	910 (120)	910 (120)

Entitlements for part-time employees are calculated on a pro-rata basis. A sickness year starts on 6 April and ends on 5 April the following year. Entitlement during your first year at the Board is on a pro rata basis to the nearest half-hour, depending on your commencement date, until 6 April the following year. If the anniversary of commencement is part way through a year, increases to entitlements (as shown in the table above) will not take effect until the following April.

#### **Part day absences**

If you feel unwell and agree with your line manager to leave during the working day, your line manager will note the details on the back of the self-certification form. The number of hours remaining of your normal working day will be recorded as sickness.

If you have called in sick in the morning, then feel well enough to return to work in the later part of the day, the number of hours required making up to your normal working day will be recorded as sickness.

#### **1.9.1.2 Statutory sick pay (SSP)**

SSP is only payable from the fourth day of absence onwards and the rates are set annually by the Government. SSP is payable for 28 weeks in any one period of incapacity for work (whether linked or continuous). Further details of the criteria are available from the Personnel Department.

If you are not entitled to SSP the Personnel Department will notify you. If you are excluded, or if your entitlement to SSP has run out, you will be given the appropriate government form. It is then your responsibility to claim from the Benefits Agency (Department for Work and Pensions) any other state benefit to which you may be entitled.

## **1.9.2 Absence reporting procedure**

### **Reporting on first day of absence**

If you are going to be absent from work because you are sick, you must telephone your line manager as soon as is reasonably practicable. Usually this will be within one hour of your normal starting time and must be **no later than 10 a.m.**

You will know the times when your manager is usually available and should aim for a time when you are most likely to reach them. If unsuccessful, you should leave a message with another member of your team, and your line manager will phone you back. The purpose of this is to see how you are, when you are likely to return to work and to discuss any pressing work issues.

If you are unable to phone yourself, you should ask a relative or friend to phone for you. You must ensure that they phone by 10 a.m. As soon as you are able to, you should then phone yourself, to speak to your line manager.

### **Maintaining contact**

You should phone your line manager no later than 10 a.m. if you do not return to work on the expected date. You must provide a medical certificate after seven calendar days of absence, including weekends and public holidays. You should send your medical certificate, and any further certificates, to the Personnel Department on the same day your doctor gives it to you.

You should keep in touch with your line manager if you are absent for an extended period by telephoning them every time you receive a further certificate. This applies unless agreed otherwise (due to the nature of your illness), or unless you are on long-term sick leave (see the Managing Absence Policy in the Personnel Policies). Your line manager may contact you during your absence where necessary and appropriate.

### **Your recovery**

You must take whatever reasonable steps you can to aid your recovery. If you need medical advice you should seek and follow this at the earliest opportunity.

You must not indulge in any sport or pastime that may hinder your recovery.

You must not take any other work, paid or unpaid, whilst absent from work at the Board due to illness without seeking and gaining express permission **in writing** from the Board. In this event, factors such as the nature of your illness and the nature of the work will be considered. Without written permission, this action may be regarded as gross misconduct and may lead to OSP being withheld and disciplinary action, including dismissal.

If you are in any doubt you should consult the Personnel Department.

### **Return to work**

Your line manager will ask you to complete a self-certification form (even where your absence is covered by a medical certificate) and will normally have a return-to-work meeting with you. This meeting is to establish whether you are fully fit to return to your normal duties and to update you on what has happened in your absence. If necessary, your line manager may consult the Personnel Department to discuss any follow up action. If you prefer, because of the nature of your illness, the discussion about your fitness for work can be with a member of the Personnel Department.

If you feel fit to return to work before the date given on your medical certificate please telephone the Personnel Department. Depending on the reason for your absence, we would normally ask you to revisit your doctor so that they can confirm that you are fit to return to work.

### **1.9.3 Monitoring and controlling absence levels**

Appendix 6 gives more information on how your absence is monitored.

### **1.9.4 Long-term sick leave**

If you are absent from work continuously for four weeks or more, due to sickness, this is classed as “long-term” sick leave. More details on long-term sickness can be found in the Managing Absence Policy.

## **1.10 THE PENSION SCHEME AND RETIREMENT**

The Board offers membership of a contributory pension scheme, the Legal Aid (Scotland) Pension Scheme, which is governed by legislation approved by Parliament. Membership of the scheme is available to probationary and permanent employees and employees on a fixed term or temporary contract of more than six months. You must be between the ages of 18 and 60 to join.

The main objective of the scheme is to provide comprehensive pension arrangements that provide benefits for you and your dependants.

You should carefully consider your options, that is, either to join the Board scheme, or not to join and make your own arrangements.

Full details of the Board scheme are given to all eligible employees on joining the Board in the *Scottish Legal Aid Board Pension Scheme – an easy to follow guide*. This guide is available from the Personnel Department and a summary is contained in Appendix 3.

### **1.10.1 Stakeholder Pension Scheme**

The Board also offers access to a Stakeholder Pension Scheme with Standard Life and further details of the scheme can be obtained at the pensions induction session or from the Personnel Department.

### **1.10.2 Retirement**

All employees retire at the age of 60 unless:

- in special circumstances, the Board may permit you to work longer (normally to a maximum age of 70) – in these circumstances your continued employment is reviewed annually
- your employment with the Board commenced before April 1987, in which case you can choose to work up to a maximum age of 65.

In the year leading up to your retirement, the Board will provide pre-retirement support appropriate to your particular circumstances.

## **1.11 GRIEVANCE PROCEDURE**

The information below outlines the main points of the Grievance Procedure. The full Grievance Procedure is contained within the Personnel Policies.

### **Introduction**

If you have a grievance you will have the opportunity to have the matter discussed and resolved as quickly as possible. This could include a grievance against either a management decision or the behaviour of a colleague.

### **Formal procedures**

Whilst most problems should be settled quickly through informal discussion, the formal procedures below are designed for those which cannot be resolved in this way.

The table and procedures below show the minimum levels of management empowered to take decisions at each stage of the grievance procedure. Where more senior employees have a grievance, higher levels of authority will apply as appropriate, and you should seek guidance from the Personnel Department.

Please note that where it is not reasonable or practicable to comply with the timescales specified in this procedure, you will be informed of this within these timescales. You will also be consulted to establish new timescales.

### ***Stage 1***

If you have a grievance you should raise the matter, where appropriate, with your manager who, in consultation with a Personnel representative, must try to resolve the matter within 24 hours.

If it is an inappropriate matter for your manager to settle, you should ask for a meeting with a Personnel representative, who will ensure a full, prompt and objective investigation of the complaint.

### ***Stage 2***

If, after discussion with your manager, a solution to your grievance has not been reached, you should ask for a meeting with your Director, in consultation with a Personnel representative. At this stage a colleague or a trade union representative may, if you so wish, accompany you. The meeting will be arranged as soon as possible and a decision given in writing within three working days of the meeting.

### ***Stage 3***

If the matter has still not been settled, you may request an interview with the Chief Executive, in consultation with a Personnel representative, specifying the nature of the grievance in writing. You have the right to be accompanied by a colleague or a trade union representative.

### ***Stage 4***

If you are still dissatisfied, you can request an interview with the Board, in consultation with a Personnel Representative. You have the right to be accompanied by a colleague or a trade union representative. The decision taken at this stage will mark the end of the procedure.

### **Collective grievance**

If a group of employees has a complaint or problem, they should follow the same grievance procedure, although they should select a representative to put forward the grievance.

See also section 2.2.6. on Whistleblowing.

## **1.12 DISCIPLINARY PROCEDURE AND APPEALS GUIDANCE**

The disciplinary procedure, and the disciplinary appeals guidance, are held within the Personnel Policies. Both procedures are reviewed regularly to ensure they meet legal requirements. The information below outlines the main points only. We recommend, therefore, that you read the procedure in full.

A disciplinary procedure is designed to encourage individuals to improve their standards of performance, conduct or reliability. It is there to ensure a fair and

consistent approach, if disciplinary action becomes necessary, when reasonable standards are not being met.

The procedure, set out below, applies to all employees with one year or more of continuous service at the date when disciplinary action is first taken. A reduced procedure applies to all employees with less than one year's continuous service at the date when disciplinary action is first taken. The different procedures apply according to your length of service, as opposed to according to whether your contract type is probationary, permanent or fixed term/temporary.

### **1.12.1 Gross misconduct**

In cases involving gross misconduct the final stage (see the table in 1.12.2) applies immediately and dismissal is without notice. If the investigation into an offence shows this to be necessary, you will be dismissed at an interview held by your Director, in consultation with a Personnel representative. You will then be required to collect personal belongings and will be escorted off the premises.

Please refer to the Disciplinary Procedure in the Personnel Policies for examples (although not an exhaustive list) of conduct deemed to be gross misconduct.

### **1.12.2 General principles of the disciplinary procedure**

The normal procedure will apply if you commit an act of general misconduct or breach of discipline or if your work is unsatisfactory and the circumstances are not serious enough to merit immediate dismissal. Before you are given a formal warning, your line manager should have held informal discussions with you, where appropriate.

No decision on disciplinary action will be taken until there has been a full investigation of the facts, including giving you the opportunity to state your case. To allow time for investigation, it may be appropriate to suspend you. Such suspension will be with pay and for as short a period as possible. This action will normally only be taken when serious cases of misconduct are being investigated.

At all formal investigatory interviews, and any subsequent disciplinary or appeal interviews, you have the right to be accompanied by a union representative or a fellow employee of your choice. In addition, a Personnel representative will always be present. Please see the full Disciplinary Procedure for the role of the Personnel representative.

At each stage of the disciplinary procedure, you will be told of the nature of the offence or area of dissatisfaction. The time within which your performance or conduct is to be improved will be specified, and you will be told which stage of the disciplinary procedure you have reached. You will also be told that if you do not improve your performance or conduct, the Board may have to progress to the next stage of the procedure. The table below summarises the procedure:

	Type of Warning	Offence / area of dissatisfaction
<b>1<sup>st</sup> Stage</b>	Formal Verbal	In cases of general misconduct / breach

		of discipline or if your work is unsatisfactory
<b>2<sup>nd</sup> Stage</b>	First Written	For more serious forms of misconduct or where, following a verbal warning, performance or conduct fails to improve
<b>3<sup>rd</sup> Stage</b>	Final Written	In cases where you do not make the required improvement, or there is a further offence
<b>Final Stage</b>	Dismissal with requisite notice	If you have already been given a final written warning and there is a further offence, or you do not achieve the required improvement

Please note that in certain cases of serious misconduct, a first written warning or an immediate final written warning may be issued.

Please refer to the full Disciplinary Procedure for details of how long each type of warning will remain on your Personnel records.

### **1.12.3 Reduced procedure for employees with less than one year's service**

This procedure applies to all employees with less than one year's continuous service on the date when disciplinary action is first taken. Providing this condition is met, this procedure applies regardless of whether your contract type is probationary, permanent or fixed term/temporary.

The general principles are the same as for the full procedure, as is the procedure in the event of gross misconduct.

However, in the event of general misconduct the Board can dismiss you with the required notice after only one formal written warning, called a first and final written warning, omitting the first and second stage of the procedure as outlined above.

### **1.12.4 Disciplinary Appeals Procedure**

This procedure applies to all employees.

If you are dissatisfied with any disciplinary decision taken against you, you have the right of appeal to the next level. You must appeal, in writing, within 14 working days of receiving the disciplinary action. Your written appeal should contain details of why you are appealing (for example, the conduct of the hearing, the decision made, the penalty imposed or that you have new evidence that would have a bearing on the decision taken). You should enclose relevant additional material such as a summary of the reason for a verbal warning or a copy of written warnings received.

### **1.12.5. Summary table**

The table below shows the **minimum** levels of management empowered to take decisions at each stage of the disciplinary process. Where more senior employees are to be disciplined, higher levels of authority will apply as appropriate.

	<b>Warning</b>		<b>Appeal</b>	
	<b>To be conducted by</b>	<b>In consultation with</b>	<b>To be conducted by</b>	<b>In consultation with</b>
<b>Verbal</b>	First line manager	Personnel representative	Manager	Personnel representative
<b>First written</b>	Assistant Manager	Personnel representative	Manager	Personnel representative
<b>Final written</b>	Manager	Personnel representative	Director	Personnel representative
<b>Dismissal</b>	Director*	Personnel representative	Chief Executive	Personnel representative

\* Where the Chief Executive has been involved in issuing a formal warning, Members of the Board will be responsible for hearing any appeal

NB it is important to note the levels of responsibility involved at each stage of the disciplinary and appeals procedures. These are to ensure a fair and unbiased appeal hearing. Any line manager conducting or considering conducting a disciplinary hearing may alert their manager that a hearing is taking place, but not to the specific details. This is to ensure that that an appeal can be heard by a manager without bias or prejudice towards the employee concerned. A disciplining manager can obtain guidance during the required consultation process with the Personnel representative. Where a case is discussed in detail with the more senior line manager, they will be barred from hearing any later appeal, and an alternative manager will be sought.

### **1.13 CODE OF CONDUCT FOR BOARD EMPLOYEES**

Our Code of Conduct has been agreed by the union and is contained in Appendix 5. It is also included in the Personnel Policies.

You must read the Code and this section carefully. It is important for you to be aware of and understand them. If you do not follow the Code and this section, and make the Personnel Department or your Manager aware of situations of potential conflict of interest (as stated below), you may be subject to disciplinary action, which could include dismissal.

If there are any parts of the Code or the following sections that you are concerned about or do not understand, please talk to your line manager. If you wish to see a copy of any of the documents referred to in the Code, please contact the Communications Department.

#### **1.13.1 Outside interests/other employment**

If you have any other employment or interest in any other business, you must inform the Personnel Department in writing. The Board will consider whether this is likely to affect your capacity to carry out your work or could be contrary to the Board's

interests. In particular, any work involved in private legal practice or to do with legal aid will be considered carefully.

The Board will tell you in writing whether you can continue with any such employment.

You may not use information gained as a result of your employment with the Board to further your own interests.

You should also ensure that you meet the requirements of the Working Time Regulations (see section 1.6.) when considering an additional job.

### **1.13.2. Potential conflicts of interest arising through people you know**

If a close relative or close personal friend works in a solicitor's office and is directly involved in legal aid work, you should inform the Personnel Department in writing. The Board will consider the nature of your job and whether there is any way that your acquaintance with the person could be perceived to be a conflict of interest, or compromise your position in the Board. You do not need to inform the Personnel Department if your relationship with someone is purely professional.

If you are aware that a relative, personal friend or close associate has applied for legal aid and:

*You work in a department where a decision relating to their case will be taken:*

You should immediately tell your Manager. It is important that you are not involved in the decision-making in that case.

*You work in a department where no decisions relating to their case will be taken:*  
You must not try to find out any information concerning the case from colleagues or try to influence the decision-making process in any way.

If you are working on a case and are asked for information by someone who does not have a business reason to do so, please tell your Manager. It is important, for your own sake and the decision-making process, that you are not put in a situation where you could be suspected of disclosing confidential information to someone who is not entitled to it.

### **1.13.3. Your own application for legal aid**

If you apply for legal aid, you should tell your solicitor that you work for the Board before they makes the application. You should ask them to include this fact in a covering letter to the Board, not just on the application form.

Your application will obviously be assessed against the same criteria as any other applications submitted to the Board. However, to allow you as much privacy as possible, the internal procedures for processing your application will be as follows.

When the relevant team receives your application, it will be passed immediately to their department manager. Legal Services will assess your application. With applications for civil legal aid, the Board will conduct a financial assessment. After assessment, the Manager of the department where the application was initially received will hold the file.

If you want to find out about the progress of your application or the reasons why legal aid was granted or refused you should do this through your solicitor. You should not try to find out any information concerning your case from colleagues, or try to influence the decision-making process in any way.

#### **1.13.4. Relationships with other Board employees**

If you enter into a relationship with, or become closely related to, another employee within the Board you should consider what effect, if any, this will have on your position in the Board. When considering this you should think about the following issues:

- are you their line manager or do you report to them?
- could it appear that you were showing them favouritism?
- is there any other way that this relationship could be considered to be a conflict of interest or compromise your position in the Board?

In deciding whether or not your relationship should be disclosed you could, if you wish, discuss the issues on a confidential basis with your line manager or the Personnel Department. If you decide the relationship should be disclosed you should tell your Manager and the Personnel Manager. We have the right to re-deploy one or both of you to another job within the Board if necessary, for example to avoid you carrying out a relative's appraisal.

#### **1.13.5 Acceptance of gifts and hospitality**

If you are in any doubt about whether you should accept a gift or hospitality, you should consult the Purchasing and Supply Department. Gifts of a trivial or inexpensive nature which are given in the normal course of business, for example, a pocket diary or calendar, can be accepted without this consultation. If gifts other than these are offered, you should not accept them. They should be sent to Purchasing who will decide whether or not the item should be returned. If you have received gifts (for example drinks, either alcoholic or non-alcoholic), Purchasing may decide to send them to the Social Events Committee who will raffle the gift at a Board social event. Alternatively, if Purchasing decide that the gift should be returned to the sender, they will arrange its return on your behalf as they have a standard letter for the purpose. This can remove any personal embarrassment you might otherwise feel.

If you receive an offer of hospitality it is the norm to decline and Purchasing can send regrets on your behalf. If you are considering accepting an invitation you should obtain permission from your Director who will consider the following points:

- are you favouring a supplier over others giving possible cause for complaint?

- is there a business reason for attending and what will be achieved by doing so?
- would it embarrass the Board if it were reported to a newspaper or business journal?

### **1.13.6. Employees' concerns about improper conduct**

If you believe that you are being asked to act in any way that is illegal, improper or unethical, is in breach of a professional code, or may involve possible maladministration, fraud or misuse of public funds, you should refer to the Code of Conduct in Appendix 5.

Refer also to section 2.2.6. on Whistleblowing.

## **1.14. DATA PROTECTION, CONFIDENTIALITY AND ACCESS TO BOARD INFORMATION**

Because of the nature of the Board's business, much of the information we are dealing with is governed by very strict rules of confidentiality. In particular, you must comply with section 34 of the Legal Aid (Scotland) Act 1986 (Appendix 4) in addition to the normal rules of confidentiality related to the Data Protection Act. At the same time we are obliged to provide people with information in certain circumstances.

You should not pass on any information you may come across in the course of your work to anyone outwith the Board, without appropriate proof that they are entitled to it (for example, a legal aid reference number). This may include, for instance, information about individual applications and accounts or unpublished material about the Board's policies or progress.

If you are asked by anyone to provide information and they say they are entitled to it under:

- the Data Protection Act 1998; or
- the European Convention on Human Rights; or
- the Code of Practice on Access to Government Information, or "Open Government"

**then you should not deal with this yourself.**

- Any request under the **Data Protection Act** should be referred immediately to the Board's Data Controller.
- If a request refers to the **European Convention on Human Rights**, you should contact Legal Services who will direct you to the appropriate solicitor.
- Requests referring to **Open Government** or the **Code of Practice on Access to Government** (or Scottish Executive) **Information** should be passed to Communications.

If you are ever in any doubt about whether or not you should provide information to someone outwith the Board, you must check with your manager or one of the people mentioned above. If you pass on information that is confidential you could be liable to disciplinary action or even criminal prosecution. If you fail to pass on information that someone is entitled to, legal action could be taken against the Board. That is why it is so important to check.

Remember if in doubt about whether to provide information to a third party, **always check.**

Appendix 6 gives further details of your data protection responsibilities, and information on the types of personal information and sensitive data held about the Board's employees and how this is processed under the Data Protection legislation.

### **1.15. TERMINATION OF EMPLOYMENT**

If you have less than six month's continuous service you must give the Board a minimum of one week's written notice of termination of employment. The Board will also give you a minimum of one week's notice of the end of your contract. This applies whether you are employed on a probationary, permanent or fixed term/temporary contract.

If you have more than six month's continuous service, you must give a minimum of four weeks' written notice. The Board will also give you a minimum of four weeks' notice of the end of your contract. This also applies whether you are employed on a probationary, permanent or fixed term/temporary contract.

After four years' continuous service, you are entitled to receive notice from the Board equivalent to one week for each complete year of service, up to a maximum of 12 weeks (for 12 years or more service).

Some employees, particularly those employees at more senior grades, may have longer notice periods. If this is the case, details will be in your offer letter and written statement of terms and conditions.

When you leave the Board's service you are expected to work your notice period and receive pay in lieu of any holiday entitlement not taken (see section 1.8.3).

You will not normally be allowed to take holidays during the notice period, unless they were already booked and authorised before your resignation.

OSP will not normally be paid during your notice period.

Should you leave without notice or during your notice period, the Board has the right to withhold pay for each day not worked during the required notice period. This may include deduction of wages, accrued holiday pay or other money due to you. If, in the interests of both parties, the Board agrees in writing to waive its right for you to work your notice, this condition will not apply and you will be paid throughout the notice period.

The Board has the right to make payment in lieu of notice where it considers that this is in its own interests.

In cases of gross misconduct, you may be dismissed without notice, in line with the Board's disciplinary procedures (see section 1.12.).

If you resign from the Board, the Personnel Department will normally hold an exit interview with you.

Where we need to make unexpected adjustments to your last pay, for example, because of sickness absence, you will be paid by cheque. The cheque will be available for collection or posting on the last working day of the month.

## **1.16. QUALIFICATIONS**

The Board may terminate your employment at any time, without notice or payment in lieu, if you are found to have been dishonest about your qualifications or experience when you applied for a job at the Board.

You must show the originals of all relevant certificates to the Personnel Department within your first week of work at the Board. Copies of your certificates will be placed on your personal file for the duration of your employment.

## **1.17. REFERENCES**

Employment with the Board is subject to two references that we consider satisfactory. We will normally apply for references from previous employers: after we have asked you if we may contact them; when we have offered you a post; or once you have accepted the post. If we consider the references to be unsatisfactory, we have the right to terminate your employment or withdraw our offer of employment.

If you are asked to provide a reference for someone who works, or used to work, for the Board, see section 2.1.11.

## **1.18. STANDARD OF DRESS AND APPEARANCE**

### **1.18.1. Standard of Dress and Appearance Policy**

It is important that all staff convey what the Board considers to be a smart, professional and business-like image to internal and external customers.

It is recognised, however, that for non-customer facing roles, where there is no contact with the general public, a less formal 'smart casual' approach may be more sensible and comfortable for staff.

You may have a role that is 'customer-facing' on some working days and 'non-customer facing' on others. You have a responsibility to dress appropriately for your

own job role on a day-to-day basis, taking account of how much customer contact you are likely to have and your duties and responsibilities on that particular day.

The full Standard of Dress and Appearance Policy, which includes guidance on what is and is not acceptable, is contained within the Personnel Policies.

### **1.18.2 Identity badge**

You should wear your personal identity badge at all times within the building. For security reasons, everyone in the building should have either a badge or a visitor's pass and you should report to Reception any stranger who has neither of these.

The following rules apply:

- if you forget your badge you should get a temporary replacement badge from Reception
- if you lose your badge, one replacement will be provided free of charge but you will be expected to pay for any further replacements
- if you leave the Board's employment you should return your badge to the Personnel Department

If you repeatedly fail to follow these rules, this may lead to disciplinary action.

### **1.19. SMOKING POLICY**

Smoking is only permitted before starting work, after finishing work or during any authorised breaks. You must not smoke anywhere on the Board's premises except in the external basement area at the front of the building or in the smoke room. You are not permitted to smoke on the front doorstep outside the Reception area.

For health and safety and security reasons you **may not smoke anywhere** in the office at weekends, including the smoking room. If you so do, this will be treated as serious misconduct under the Disciplinary Procedure and could lead to dismissal.

## **SECTION 2 – OTHER POLICIES AND PROCEDURES**

### **2.1 Introduction to Personnel Policies**

- 2.1.1 Equal opportunities
- 2.1.2 Harassment
- 2.1.3 Recruitment and selection
- 2.1.4 Performance management process
- 2.1.5 Training and development
- 2.1.6 Career development
- 2.1.7 Payment of professional fees
- 2.1.8 Redundancy
- 2.1.9 Special leave
- 2.1.10 Employee relations
- 2.1.11 Reference requests
- 2.1.12 Parental provisions
- 2.1.13 Right to request part-time and flexible working

### **2.2. Other employment-related Board policies**

- 2.2.1 Health and safety and accident reporting procedure
- 2.2.2 Office security
- 2.2.3 Board property and equipment
- 2.2.4 Computer usage policy
- 2.2.5 Travel and associated expenses
- 2.2.6 Whistle-blowing Policy
- 2.2.7 Fraud Policy
- 2.2.8 Legal representation at public expense
- 2.2.9 Conduct during an election

## **2.1. INTRODUCTION TO PERSONNEL POLICIES**

The Board aims to provide a good working environment in which you are encouraged to develop your abilities to the full.

The following are summaries of policies and procedures in place to ensure that all employees are treated consistently and fairly. Where fuller policies are held within the Personnel Policies, this is indicated. The Personnel Department develops the policies and monitors their application, giving advice and guidance to line managers as required.

### **2.1.1. EQUAL OPPORTUNITIES**

1. The Board is committed to equal opportunity in employment both in principle and practice. We will ensure that no job applicant or employee will receive less favourable treatment, either directly or indirectly, on grounds of race, ethnicity, disability, gender, marital status, sexuality, age or religion.
2. Everyone representing or carrying out work on behalf of the Board must commit themselves to the principles and practice of equality of opportunity in the application of our policies and delivery of our service to clients. This commitment may include taking positive action, where required.
3. We recognise that our service may be best delivered by a workforce that reflects the diversity of our communities. It is necessary, therefore, that we strive to ensure that this diversity is reflected throughout our workforce.
4. We recognise that individuals from minority groups may experience discrimination in society. Equal opportunity principles will be reflected in all Board policies and we will develop procedures and guidelines so that employees adhere to these policies.
5. Applying equality of opportunity is the responsibility of everyone employed by, or contracted to represent, the Board.

We recognise, however, that those working at management level and above have a specific duty to set the required standards and ensure those standards are met. Employees and contractors have a specific duty under the terms of their contracts to comply with the standards set.

6. This policy and practices will be regularly monitored and evaluated to ensure effectiveness.

The Board monitors the effectiveness of this policy through the voluntary provision of data from potential and current employees. Appendix 6 on Data Protection gives more information on the types of data held and how your data is stored.

### **2.1.2. HARRASSMENT**

Harassment is offensive, humiliating or intimidating behaviour. It may be expressed physically, verbally, through body language, on paper or on screen. The Board does not permit or condone harassment.

If you think that someone's behaviour towards you is unacceptable you should state this clearly to him or her in the first instance. You can then reasonably expect the behaviour to stop. If you cannot resolve it at a personal level, you should speak to your Manager. If this is not appropriate, then speak to the Personnel Manager to discuss the problem.

The Personnel Department will investigate all complaints of harassment. Both the complainant and the alleged harasser have the right to be accompanied by a trade union representative or colleague at any necessary interviews or proceedings.

Harassment is treated as a serious disciplinary offence that could lead to dismissal.

### **2.1.3. RECRUITMENT AND SELECTION**

#### **Recruitment**

All job applicants, internal and external, are assessed against objective criteria for the position for which they have applied. We take account of the skills, qualifications and experience you tell us you have in your initial application; aptitude and psychometric tests (where appropriate); interviews and references. The full Recruitment Policy can be found in the Personnel Policies.

#### **Vacancies**

We normally advertise all posts internally in addition to using, where appropriate, external sources of recruitment. The Board may make appointments without advertising in certain limited circumstances. These might be, for example, where the appointment is part of a succession plan that provides management development opportunities or where there is a need to re-deploy existing employees.

You are normally expected to have worked one year in your current post, successfully completing any probationary period, before applying for internal vacancies.

#### **The selection process**

Decisions to interview applicants, whether internal or external, are based upon a number of factors, including

- the number of applicants for the post
- an assessment of the application against objective criteria for the position
- the results of any aptitude tests

and, in addition, in the case of internal applicants

- recent performance

- your last performance appraisal and
- your absence record over the preceding 12 months (excluding absence related to pregnancy, disability and parental leave).

We will write to you telling you the outcome of your application. If you are successful you will be given a written job description clearly defining the job.

If you are an unsuccessful internal candidate for a post, you will be given feedback on your application, test and interview results.

### **Recruitment of friends or relatives**

Friends or relatives of Board employees who apply for any vacancies will be considered using the same criteria as for all other external applicants for the position. If a relationship with an existing Board employee means that it would be inappropriate for them to be appointed, their details will be held on file and considered for the next suitable vacancy. This applies, for example, where they would be working in close proximity, or in the same reporting line.

If two existing employees become partners or closely related, the Board reserves the right to re-deploy one or both. This would be done in cases where the Board considers that they work too closely or in the same reporting line and there could be conflicts of interest (see section 1.13).

### **Secondments/transfers**

Opportunities may occasionally arise for you to transfer to other divisions or departments on a temporary basis. Any opportunities will be discussed with you, as appropriate, during your performance appraisals and/or advertised internally.

The performance management process (see section 2.1.4.) takes into account the time spent on secondment or transfer during the performance year.

## **2.1.4 PERFORMANCE MANAGEMENT PROCESS**

The Performance Management process is the two-way process of assessing past performance, agreeing future objectives and identifying any training and development needs. It aims to help you maintain or improve your standard of work and to promote job satisfaction and personal development.

The assessment year runs from 1 April to 31 March. End of year review meetings are held in April/May every year and an informal interim review of progress is carried out every four months. During your review meetings with your line manager, your effort and achievements will be recognised and recorded. Constructive solutions can also be sought for any difficulties or areas where improvement is needed.

In discussion with you, your line manager will assess your performance in the previous assessment year. An overall performance rating (which is linked to any pay

increase as in section 1.5) will be established. You and your line manager will be jointly responsible for

- setting and agreeing your personal objectives
- deciding any training and development you need in order to achieve your objectives or improve your performance.

Detailed information on the process is contained in your Performance Management documentation, which is given and explained to you during your induction training.

If you are a new employee, are promoted or change your job within the Board, or return to work after maternity leave or other long-term absence, your line manager will set objectives for you and identify your training needs. This will enable you to settle in with a clear understanding of what is expected of you. Your performance will be reviewed within six months.

If you have been off on sick/maternity leave, and it is not possible to conduct an end of year review in time for the annual salary increase due in August, the rating from the previous year will normally be applied unless management accepts that changing this is justified. If no previous rating exists then a “good” performance rating will be applied unless a different rating is justified.

### **2.1.5. TRAINING AND DEVELOPMENT**

The Board is committed to the development of all employees to achieve business objectives. We aim to develop your knowledge and skills to meet business demands now and in the future. We view your continuous development as an investment in your future and the Board’s. For full details see the Training and Development Policy within Personnel Policies.

When you join the Board, you receive induction training covering all aspects of your job and how it contributes to the functioning of the Board.

Your line manager is responsible for

- your on-job induction
- setting your objectives and working with you to prepare personal development plans
- evaluating the effectiveness your training – this is part of the performance management process.

You are responsible for working with your line manager within the performance management process to help identify your training and development needs, then striving to satisfy these needs. This may be done by attending in-house or external courses, open learning or using the Learning Centre. You can also use the Learning Centre in your own time during office opening hours for your personal interests. You should take responsibility for your own personal development.

The Board will allocate resources to help you with external further education or vocational training subject to certain conditions. These conditions, and instructions

on how to apply for assistance, are outlined in part 2 of the full Training and Development Policy.

### **2.1.6. CAREER DEVELOPMENT**

The Board aims to provide you with help and support so you can take individual responsibility for your own career management and development. This career management and development will take into account your needs and those of the Board and you will be encouraged to discuss career development during the end of year and interim performance review meetings.

Approaches to career development may include, for example, permanent transfers, internal or external secondments, job swaps, and project team membership.

Further information is contained in the Personnel Policies.

### **2.1.7. PAYMENT OF PROFESSIONAL FEES**

If you are a member of a professional body, the Board will pay your annual membership subscription providing that your membership:

- is directly relevant to, and a requirement of, your position in the Board **or**
- arose as a result of the Board encouraging you to gain the applicable qualification.

The Board will only pay for membership of one body.

The Board will not pay any premiums, for example for professional insurance, included in subscriptions.

### **2.1.8. REDUNDANCY**

The Board fully recognises the importance of creating as secure a working environment as possible and aims to ensure continuity of employment through effective business and manpower planning. However, if reductions in employee numbers are essential, they will be handled in a fair, consistent and sympathetic manner.

The Board will consult with the unions to discuss possible methods of avoiding compulsory redundancies, which might include:

- restricting recruitment, combined with reductions through natural wastage
- a reduction or elimination of overtime where possible
- the termination of temporary contracts of employment
- retraining and re-deployment of employees where suitable
- retirement of any employee beyond normal retirement age
- asking for volunteers for early retirement or voluntary redundancy from the departments affected, whilst reserving the Board's right to determine who would be accepted in the light of operational requirements.

Where compulsory redundancies are essential, the following factors will be taken into account:

- the skills and experience of the employees being considered for selection
- attendance records and disciplinary records over the preceding two years (see Appendix 6 for information on retention of disciplinary records)
- standard of work performance.

The full policy relating to redundancy is included in the Personnel Policies.

### **2.1.9. SPECIAL LEAVE**

Special leave, with or without pay, may be granted at the Board's discretion (for example, time off for family emergencies, bereavement, witness citations). Full guidelines are given in the Special Leave Policy in the Personnel Policies.

### **2.1.10. EMPLOYEE RELATIONS**

#### **Policy development**

Our policy is to ensure that all employees are treated equally. Employees are often involved in working groups set up to develop or change policies that affect their employment. In selecting employees to join these groups, managers are asked to nominate an appropriate person based on the requirements of the project and their department at the time.

#### **Trade unions**

One union – the GMB (General Municipal and Boilermakers' Union) – represents Board employees. Information relating to trade union matters is displayed on the union's notice board. It is your individual choice whether you join the trade union and the Board will not discriminate against union members. We are happy to support your membership by processing the payment of your union membership fees through our payroll, and this information will be used for payroll purposes only.

If you are a union representative, you may be given time off during working hours for trade union activities provided you get prior approval from the appropriate manager.

#### **Joint Consultative Committee (JCC)**

The JCC meets approximately three times a year and is made up of representatives from management and the union. It is chaired by the Chief Executive and provides the opportunity for an interchange of ideas and information on a wide variety of subjects. The GMB Union represents the interests of its members at the JCC. Decisions made by management after discussion with the union affect all relevant employees whether union or non-union members. The minutes of JCC meetings are posted on all employee notice boards.

### **2.1.11. REFERENCE REQUESTS**

If you are asked to give a reference for someone who works, or used to work, in the Board, this will normally be an “employer’s reference” and must be passed to the Personnel Department to respond. You are only allowed to give the reference yourself if it is a personal/character reference and you are answering as a friend or acquaintance (not a line manager or colleague). Please remember that personal/character references must never be provided on Board headed notepaper. For legal reasons you are not permitted to give references on behalf of the Board.

If you are in any doubt, contact the Personnel Department for advice.

Where the Personnel Department is asked to provide a reference for you to a third party (for example, for new employment or for a mortgage or leasing purposes) your consent will be obtained before releasing any personal data. Where sensitive data (for example, salary or sickness information) is requested, you will be asked to sign a consent form. If you continue to nominate the Board as a referee once you have left our employment, we will assume your consent is given.

### **2.1.12. PARENTAL PROVISIONS**

In addition to your statutory rights, the Board’s Parental Policy offers enhanced conditions to help you with the balance between work and family life. The full Parental Policy is available within the Personnel Policies. Please consult it if you would like further details on maternity leave and pay, paternity leave and pay, statutory parental leave and adoption leave.

You are encouraged to inform the Personnel Department as soon as possible if you know that you are pregnant. Your statutory rights to maternity leave and pay will then be discussed fully with you and you will also be told about any provisions for expectant mothers.

### **2.1.13. RIGHT TO REQUEST PART-TIME AND FLEXIBLE WORKING**

Although we offer flexibility to all staff in our working practices, all parents with a child under the age of 6 as at 6 April 2003 have the legal right to request part-time or flexible working.

The procedure for requesting part-time or flexible working is outlined in the Parental Policy within the Personnel Policies. The Personnel Policies also include forms to help you with your application. For example, you may wish to work a shorter working day or week, or alternative working patterns to accommodate family or personal commitments.

We will consider such requests very seriously but, in reaching a decision, we will take into account current business needs. Although you may only apply formally once in any 12-month period, if we cannot accommodate your request for working part-time or flexibly at the time you ask, you can add your name to a register of employees.

The Personnel Department will try to match up suitable candidates, either to share one job, or to take advantage of other part-time opportunities as they arise.

## **2.2. OTHER EMPLOYMENT-RELATED BOARD POLICIES**

### **2.2.1. HEALTH AND SAFETY AND ACCIDENT REPORTING PROCEDURE**

#### **Health and Safety Policy**

The Board is obliged by law to provide a safe and healthy working environment for all of its employees. In practice it aims to provide an environment that exceeds those requirements.

In particular, attention has to be given to -

- the provision and maintenance of office equipment
- the handling, transport and storage of articles and substances
- the provision of sufficient information, instruction, training and supervision to enable all employees to avoid hazards and to contribute to their own safety and health at work
- the maintenance of a safe place of work
- the maintenance of a healthy working environment and adequate welfare facilities.

No safety policy is likely to be successful unless it actively involves each employee. You have a legal responsibility -

- to take care of your own safety and that of other employees
- to co-operate with the Board so that it can carry out its own responsibilities successfully.

#### **Use of display screen equipment**

You are likely to use, to some extent, display screen equipment (DSE) as part of your work at the Board. By “display screen equipment” we mean PCs, stand-alone terminals and microfilm equipment.

Guidelines for the safe use of such equipment are given to you during induction and are in the Personnel Policy “Use of Display Screen Equipment” and the Health and Safety Policy.

#### **Eye and eyesight tests**

If you use DSE you are entitled to an appropriate eye and eyesight test. We offer vision-screening facilities in-house that will show if you should be referred to an ophthalmic optician. If we refer you to an optician we pay for the test, and if you need glasses specifically for DSE use, we pay for a basic pair (that is, a style and quality adequate for the function) up to a maximum of £49.50. If you choose a more costly pair you must meet the difference in cost yourself.

The vision screening service is available to you if you use DSE as any part of your job, not just if it is a major part. If you would like to take advantage of this service at

any time, then telephone the Personnel Department for an appointment. It is a good idea to have your vision at least screened annually.

### **Health and Safety Committee**

The Health and Safety Committee discusses a wide range of health and safety issues. It meets at least every three months, and the committee members are responsible for monitoring maintenance of health and safety standards in all areas.

Health and safety supervisors ensure that standards are maintained and employee awareness is kept high in their part of the building. You will meet the Health and Safety Co-ordinator as well as attending a health and safety training session as part of corporate induction training.

If you are aware of any possible hazard or deficiency anywhere in the building, for example, boxes causing obstruction, loose carpets, empty soap containers, faulty lights, you should report it to Reception on ext. 622.

### **Accidents and accident reporting procedure**

The Board is obliged by law to keep a record showing details of all accidents. All accidents, however minor, must be reported immediately to one of our first-aiders. They will fill in a report form, which is kept in the Accident Book in the Personnel Department.

The names, room numbers and extension numbers of first-aiders are displayed in each room and in the information pack you were given during induction training. They control first aid boxes and access to the First Aid Room.

You should report to a first-aider if you have an accident, or feel ill and wish to use the first-aid room to lie down. They will monitor how you are, seek further medical advice or help you arrange to go home, as appropriate. If an ambulance is to be called, or a taxi or other transport is called to take you home unwell during the working day, your line manager and the Personnel Department must be told.

You must obey safety regulations and you have a legal obligation to protect yourself, your colleagues and members of the public from danger.

### **Fire precautions**

You must make yourself familiar with the emergency procedures for your area. You will receive a fire safety talk from your fire officer in your first week with the Board. The procedures are shown on a notice in your area, and the full procedures are contained in Appendix 9.

The fire alarm is tested for approximately five seconds once a week (at 10.30 a.m. on Tuesdays) and six-monthly fire drills are held without prior notice.

There are fire officers and deputy fire officers for all areas and, if the alarm sounds, they are responsible for checking that their areas are clear.

Fire doors must not be wedged open under any circumstances. If you spot this happening, free the door immediately and report this to Reception on ext. 622. This is illegal and extremely dangerous.

### **Use of lifts**

There are two lifts. In a breakdown, follow the emergency procedures displayed in the lift.

Do not use the lifts after 6 p.m. or at weekends, in case a lift breaks down. The emergency bell in the lifts can only be heard within this building and there may be no one else around.

See also Appendix 10 for weekend working guidelines.

### **Office hygiene and housekeeping**

You must constantly be aware of the need for “good housekeeping”, particularly in terms of fire safety.

- Keep your work area tidy and avoid any unnecessary piles of paper or other potential fire hazards.
- Clear your desk each night to enable cleaners to perform their job properly.
- Keep corridors clear of wastepaper, litter and other storage paper.

If hygiene and “good housekeeping” are not properly enforced, then a building such as ours is particularly vulnerable to infestation by vermin. Wherever possible, you should not eat at your workstation. Crumbs, food remains and wrappings must be disposed of correctly.

Drinks from the vending machines can be consumed at your desk, but if you spill a drink, either there or elsewhere, you should clear it up immediately. Do not put unfinished drinks in the wastepaper bins, but pour them down cleaning sinks, lavatories, or the centre of the cup containers provided at vending machines.

You should take particular care not to spill food or drink on files, computer keyboards, etc. Computers and the keyboards in particular are very vulnerable to damage and are very costly to repair.

## **2.2.2. OFFICE SECURITY**

### **Office premises**

It is very difficult to keep any building totally secure. Please help us to achieve as high a level of security as possible by following these guidelines.

- Enter and leave the building only by the designated employees' entrance, except in an emergency, and make sure the glass security door is closed properly behind you, particularly late in the evening or at weekends. All external basement doors are alarmed after 4 p.m. and all weekend. You should only open these in an emergency.
- Wear your employee's identity badge at all times and report to Reception anyone not wearing an employee's or visitor's badge.
- When leaving your work place at the end of the day, close any windows and clear your desk, locking away confidential papers.
- If you are working in the building after 6 p.m., you must sign the evening security list at reception. When you have finished working, you should update this record to show the security officer that you have left the building.

If working at the weekend you must follow the weekend working guidelines (see Appendix 10)

A plan of the building is attached at Appendix 11.

### **Visitors**

Any visitor to the building should be signed in at reception and wear a visitor's badge. Visitors should be collected from, and taken back to, Reception. You are responsible for any visitors you bring into the building and you should ensure they are aware of the fire evacuation procedures.

If you bring adults or children into the building on a social basis (for example, to meet for lunch in the canteen) you must follow the signing-in procedures for all visitors (as above). You alone are responsible for their safety and must accompany them at all times.

### **Personal property**

The Board cannot accept liability for loss of personal property or clothing whilst they are on the Board's premises.

You should take care not to leave wallets, money, handbags, jewellery and other valuables unattended within the office at any time, or, if you do, you should ensure they are locked in a desk drawer or cupboard. Do not leave items of personal value in the building overnight.

Someone else may need to get access to your desk drawers or cabinets when you are absent. You should not, therefore, keep at work any valuable or personal items you would not wish others to see.

### **Lost property and possessions**

If you find any item of lost property on the Board's premises you must pass it to Reception. They keep a register of lost property, recording the date and place the item was found, the name of the person who found it and details of its value.

If the item is worth less than £20, it will be kept for eight weeks. If it is not claimed, it will be offered to the finder who may keep it or decide how to dispose of it – for example, money could be passed to the social club. If it is worth more than £20 it will be kept for two weeks, then passed to our local police station if unclaimed.

### **Damage to clothing**

If you damage your clothes on faulty equipment or furniture, you should show the Personnel Department the damaged clothing and follow up with the details, in writing. The Facilities Division will inspect the equipment or furniture. If the Board considers that the damage was caused by **faulty** equipment, furniture or fittings (that is corrective action needs to be taken), rather than what reasonably could be considered normal wear and tear, you may be reimbursed for the cost of the repair or replacement as appropriate. Otherwise, the Board does not accept liability.

Remember that you have a duty to report potential hazards so that such accidents can be avoided (see section 2.2.1).

## **2.2.3. BOARD PROPERTY AND EQUIPMENT**

### **Removing property from the Board's premises**

If you have to take Board property or paperwork out of the building, make sure that you have received your manager's authorisation. It is your responsibility to ensure that you maintain confidentiality as set out in section 34 of the Legal Aid (Scotland) Act 1986 and the Data Protection Act (see Appendix 4).

Remember, allowing a third person access to confidential information you obtain as a part of your job is gross misconduct, and could also lead to a criminal prosecution.

### **Security**

All desks, cupboards and cabinets containing confidential information must be locked each night. Spare keys should be given to Reception. Contact maintenance staff if you do not have a desk drawer or cupboard that locks.

### **Purchase of obsolete equipment**

Occasionally the Board offers employees the chance to buy redundant equipment which is no longer of any use to the Board. These opportunities will be advertised internally.

## **2.2.4. COMPUTER USAGE POLICY**

## **General information**

Developments in information technology mean we use computers more and more in our day-to-day work within the Board. One of the advantages of computer systems is that they are easily accessible. Because they are so accessible, they are also insecure. You therefore need to be alert to the dangers and careful to follow the Computer Usage Policy and the procedures attached to it. The full policy is available in the Shared folder of the Common drive or from Information Systems. Guidelines for computer usage are at Appendix 8.

The aim of the policy is to allow you to make the best use of the computer systems available to you, whilst protecting you and the Board from the potential threats associated with the use of new technologies and electronic information.

The policy covers the use of computers, e-mail and the Internet, and threats from viruses, tampering, etc. We cannot cover all possible circumstances and if a situation arises that is not covered by this policy, the general principles of the policy will be applied.

Only people authorised to do so may use the Board's computer systems, e-mail facilities and Internet connection, in accordance with the policies and procedures set out in the Computer Usage Policy.

Specific details relating to monitoring of e-mail and Internet are contained in the full computer usage policy and in Appendix 8.

### **2.2.5. TRAVEL AND ASSOCIATED EXPENSES**

#### **Business travel**

You may be asked to travel as part of your job, on Board business. This includes attendance at meetings, training courses, seminars and other events outwith what is deemed by the Board to be your normal place of work. All such travel is classed as "occasional", although its frequency will depend on your position in the Board.

This section covers occasional business travel only. If, due to the nature of your job (for example, Compliance Auditors), you have to travel regularly, separate arrangements apply to you. You will be told about this and the Personnel Department will provide a separate policy and procedures.

You should plan your business travel so that it is as economical as possible whilst making the best use of working time. This may be public transport, a Board leased car, a hire car or a private car. Separate conditions apply for each form of transport (see the full policy in the Personnel Policies). The Facilities Department normally makes bookings before your departure and can advise you on the most appropriate transport and accommodation.

The Board will repay your actual expenses, up to certain limits and only for that part that is in addition to the expenses you would normally incur, for business travel

provided these were necessary and a direct result of business travel. In addition, you may be entitled to certain subsistence payments. For details you should see the full policy in the Personnel Policies, which includes the current expenses limits. Receipts must support claims for most expenses.

You will not normally receive payment or time-in-lieu for the time spent travelling to and from a business venue.

Please note that business travel does not include travel between your home and normal place of work – you are expected to do this in your own time and at your own cost.

### **Claiming travel and associated expenses**

All claims for travel and associated expenses should be made to Finance, Receipts and Payments section. You should obtain claim forms from Reprographics and submit completed claims on your return, at the latest within three months of your date of travel. Receipts, as appropriate, must support all claims.

If you need an advance on your expenses, claim this from Finance, Receipts and Payments section. Advances for payment of hotel bills will only be made where the Board does not have an account with the hotel –check this with Facilities. If you need an advance for miscellaneous expenses, complete a cheque requisition form at least one week before you need the money. Your Manager must support your claim for an advance and receipts should be submitted on return.

You are accountable, as determined by the Inland Revenue, for any tax liability associated with the reimbursement of expenses. You should keep your own records if you may need them to complete a self-assessment form.

### **2.2.6 WHISTLEBLOWING POLICY**

Most concerns or complaints you could have about your job should be dealt with by management internally, either informally, or more formally, through channels such as the grievance procedure.

However, we recognise the rare possibility that you could encounter very serious matters, such as fraud, abuse, financial misconduct, theft, or dangerous working practices. These could relate to, for example, health and safety issues, which you might feel worried about reporting. You might hear such reporting referred to as “whistleblowing”.

The whistleblowing policy details your rights, the confidentiality available within the process and guides you where to direct your concerns within and, more unusually, outwith the Board. This policy can be found in the shared folders within the common drive.

### **2.2.7 FRAUD POLICY**

The Board views both external and internal fraud very seriously. We are required at all times to act with integrity and safeguard the public resources for which we are responsible. The Board as a public body has specific responsibilities to develop and maintain effective controls to prevent fraud and to ensure that if it does occur it will be detected promptly.

The Board's Audit and Compliance department investigates external fraud. Any suspicions about applicants obtaining legal aid illegally, or solicitors claiming payments to which they are not entitled, should be referred to that area.

Internal fraud would be that perpetrated by members of staff, either individually, collectively or in collusion with someone outwith the Board.

The Fraud policy statement outlines the responsibilities placed on all staff of the Board regarding the prevention, detection and reporting of internal fraud. The Fraud response strategy provides detailed information on the steps which members of staff should take when an internal fraud is detected or suspected. Both can be found in the shared folders within the common drive.

The Board will take legal and/or disciplinary action against those undertaking fraudulent activities, and also, as appropriate, against those who fail in their duty to report fraudulent activities.

### **2.2.8 LEGAL REPRESENTATION AT PUBLIC EXPENSE**

If you are involved in legal proceedings or formal enquiries arising from your employment at the Board, we may provide, or pay for, your legal representation. This will not normally happen however if this cost could be covered from another source, for example through membership of a trade union or professional indemnity insurance etc.

The full policy details the circumstances where assistance may be given and can be found in the shared folders within the common drive.

### **2.2.9 CONDUCT DURING AN ELECTION**

During an election campaign, the Scottish Legal Aid Board staff and Board members have to adopt certain principles to ensure that, as a public body, we remain and are seen to be impartial. These apply whether elections are for local councils; the Scottish Parliament; or the UK Parliament:

- we must not undertake activity that would call into question our political impartiality

- we must not bring any political involvement into our day-to day work
- public resources are not to be used for any party political purpose.

There are only a few ways these principles may affect what you do. For example:

- If you are asked for an opinion on anything to do with views being expressed by political candidates, you must only give factual information, not an opinion.
- Staff at Director level and above must not participate in political campaigning
- Whist Board staff are not civil servants, the guidance for civil service staff on the equivalent of Board grades 6 to 8 states that they must not participate in political campaigning. Therefore, staff on Grades 6 to 8 who may wish to participate in election campaigning should discuss this in advance with the Chief Executive to obtain permission.
- Staff at all other levels may do so provided they are doing so in their capacity as private individuals, without reference to their role or experience in the public sector. They must also obtain permission from their Director

A copy of more detailed election guidance is contained in the shared folders on the common drive.

If you have any questions, please see your manager in the first instance.

## **SECTION 3 – GENERAL INFORMATION**

- 3.1. Communication in the office
- 3.2. Personal telephone calls and correspondence
- 3.3. Personal circumstances
- 3.4. Season ticket loan scheme
- 3.5. Sports and Social Club and Committee
- 3.6. Services/facilities available to employees of the Board
- 3.7. Shower facilities
- 3.8. Parking

### **3.1. COMMUNICATION IN THE OFFICE**

The Board's strategic objectives include communicating effectively with all stakeholders. The Board aims to keep all employees informed about developments affecting their employment or the performance of their job in an open and effective manner. At the same time, you should openly share information with others where this will support your colleagues and the work of the Board.

In addition to normal day to day communication we use a number of other communication channels, some of which are listed below.

#### **Team briefings**

We operate a system of monthly team briefings at all levels in the organisation, whereby your line manager briefs you on current issues of importance. You can ask questions and make suggestions on any issue.

#### **Briefly**

A monthly newsletter, Briefly, supports the team briefing process and is distributed to all employees. Briefly contains information on a wide range of matters relating to Board, for example, policies, administration, performance, conditions of work and social issues. If you would like to submit an article for inclusion in Briefly, contact the Communications Department.

#### **Newsflashes**

Important matters, which have to be communicated to employees immediately (rather than waiting for the monthly Briefly), are issued in the form of a Newsflash circulated to all employees simultaneously.

#### **Notice boards**

Notice boards are prominently sited on each floor of the building and display information about publications, current Board news, internal vacancies, social events, etc. as well as minutes of health and safety, JCC, charity and social events committee meetings. Please keep updated by referring to the notice boards regularly.

You may not place or remove notices from the notice boards. If you wish to display a notice, contact Communications.

A number of departments also have their own local notice boards. You should check with your line manager if you wish to display something on these boards.

#### **Employee opinion survey**

We want to know how you feel about the way you are managed, the conditions you work in and other issues such as communications and training.

Periodically, we use a confidential questionnaire to survey employee opinion. The results are analysed independently to identify what our strengths are as an employer, and where improvements could be made. We need to know your honest opinions, so that we can work together to achieve improvements. Please contribute to this process and comment freely and frankly.

### **Internal telephones**

The internal telephone network is essential to the smooth running of the Board, so please send an e-mail to “Directory Changes” if you move room or telephone extension, so that the internal telephone directory can be amended.

Please

- answer the telephone by greeting the caller and telling them your department and name (and for external calls especially, this should be your full name, not just your forename)
- if you need to transfer a call, tell the caller who you are transferring them to, and tell the person taking the call the name of the caller and the subject matter
- whenever appropriate, make use of the re-direct, group pick-up and other facilities shown in the internal telephone directory

There is guidance on best practice for using the telephone in the *Guide to Board Communications*, which is available from the Communications office.

### **External publications**

The Board also produces publications which, while not intended primarily for internal communication, provide useful information. All those listed are available in the Learning Centre or, if you would like your own copy, from Communications.

#### ***Leaflets***

We issue a range of information leaflets for members of the public about the different types of legal aid, and how to complain.

#### ***Annual Report***

Each year, the Board publishes an annual report, which tells Parliament and the public what has happened within the legal aid system and the Board during the year. It contains information about legal aid expenditure and administration. It has detailed statistics about, among other things, volumes of applications and accounts, and also contains a summary of the audited accounts for the year.

#### ***Corporate Plan***

We produce a Corporate Plan which sets out the Board’s plans for a three-yearly period, and shows our estimate of trends in applications and accounts (allowing for changes in legislation, policy, etc.) and administration. It also sets performance targets for our operations.

Based on the Corporate Plan, financial estimates are made to the Scottish Executive, and our yearly budget is determined. An operational plan and action plans are produced to support the Corporate Plan. You will be briefed about these annually and given updates on progress during the year.

### ***“The Recorder”***

“The Recorder” is the Board’s newsletter for the legal profession. Copies are circulated to all line managers.

### **Guide to Board Communications**

Our *Guide to Board Communications* will help you to produce written documents such as letters and reports clearly and correctly, and in a style that is consistent across the Board. It also contains guidance on composing e-mails and the use of the telephone.

### **3.2. USE OF BOARD RESOURCES FOR PERSONAL USE**

The Board provides access to resources such as the telephone, e-mail, Internet and mailroom services to most employees for use during the course of their work. Since the Board owns these systems and resources, the policy is that these facilities are provided for work-related purposes. However, it is understood that employees sometimes need to deal with personal matters during the course of their working day.

Limited personal use of these facilities is therefore permitted, provided such use is reasonable. This arrangement is based on trust and employees are expected to apply common sense and use the privilege responsibly. Any excessive or unreasonable personal use of Board resources will be regarded as a disciplinary offence.

The following list is not exhaustive but represents guidance on the types of matters that are accepted as reasonable use of the telephone, e-mail or the internet, provided that these activities do not take up an excessive amount of time:

- Making or altering appointments with a doctor, dentist, hospital, optician, etc
- Communicating with a child-minder, school or carer where this is necessary in relation to childcare arrangements and your child’s welfare
- Telephoning relatives, or receive incoming calls from relatives in the event of a family illness, accident or other emergency
- Altering personal or social arrangements in the event of being asked to work late

Employees may not use workplace facilities for purposes such as chatting to friends, sending jokes or surfing the Internet during working time for personal purposes.

So, for example, you may legitimately need to make a telephone call or send a brief e-mail to a friend or relative in connection with social arrangements if you are

unexpectedly required to work late. However, a lengthy telephone call to discuss the day's activities is not acceptable.

### **Use of mobile telephones**

Mobile telephones should be switched off or should be 'on silent' during working hours. The noise made by incoming calls, voicemail or text messages is likely to disturb you and your colleagues. You may use your mobile telephone to make personal calls, providing this is before you start work, after you finish work or during authorised breaks. Please remember that you should also retrieve, and respond to, your messages in your own time.

Please note that you can also use the public telephones behind Reception, operated by phonecards, to make personal calls during non-working time.

### **Incoming correspondence**

The vast majority of incoming mail is opened in the mailroom. Mail is only delivered unopened if addressed to; for example, the Chief Executive's Office, Directors or the Personnel Department.

You should only use the Board's address as a contact address for business or professional purposes, and not for personal correspondence. If you receive mail marked "Personal" at the Board, it will remain unopened. However, it will be passed to the Personnel Department to be given to you and if this happens too often you will be asked to contact the sender to ensure they do not send you any further personal mail at the Board.

### **3.3. PERSONAL CIRCUMSTANCES**

You should tell the Personnel Department immediately of any changes in your personal circumstances including –

- change of address/telephone number
- change in marital status
- change of emergency contacts' details.

This is important so that the Personnel database can be kept up to date for purposes such as National Insurance, employee pension scheme benefits and use in emergencies.

The Personnel Department will contact you on an annual basis to ensure the personal details we hold about you are accurate.

### **3.4. SEASON TICKET LOAN SCHEME**

When you are a permanent employee, or a fixed term employee on a contract greater than one year, you may apply for a loan from the Board for an annual travel season ticket.

The loan will be interest-free and equal monthly instalments will be deducted from your salary during the relevant financial year. It is up to you to satisfy yourself that buying a season ticket under the loan scheme is to your advantage.

Further details of the loan scheme can be obtained from the Personnel Department.

### **3.5. SPORTS AND SOCIAL CLUB AND COMMITTEE**

The Board supports the Sports and Social Club, which is run by a committee who organise a range of social events throughout the year. These events help us to get to know our colleagues in different departments. A small deduction from your salary will be made if you become a social club member and this will go towards funding events. As a member, you will receive discounted entry to events.

You can join the social club any time, but if you join after August, you are not eligible for any discounts for the Christmas party that year. This does not apply if you start working for the Board between August and December and join the social club in your first month. If you wish to join, please contact the Personnel Department.

Events are advertised on the notice boards and the committee always welcomes participation and new ideas.

### **3.6. SERVICES AVAILABLE TO EMPLOYEES OF THE BOARD**

*The services in 3.6.1 - 3.6.3 below are listed for your information only. This does not mean that the Board is recommending that you use them.*

#### **3.6.1. Hospital Savings Association**

The Hospital Savings Association operates one of the country's largest family health care plans, covering over one and a half million people. It is a non-profit-making association, existing solely for the benefit of its members. The plan covers a wide range of benefits, including hospitalisation, consultation, optical, dental, maternity, recuperation, chiropractic and home help. It pays cash to members, thus allowing them the choice of either private or NHS treatment.

If you wish, contributions can be deducted directly from your monthly salary. You can remain in the plan after you have left the Board by continuing to pay your contributions privately. If you are interested in joining the plan and would like further information, please contact the Personnel Department.

#### **3.6.2. Scottish Executive Workplace Nurseries**

The facilities of the Scottish Executive's two workplace nurseries are open to employees of Executive NDPBs based in Edinburgh. The nurseries are run by the Red Apple Private Nursery School and are at Victoria Quay in Leith and the Scottish Agricultural Science Agency (SASA) in East Craigs. They accept registrations for children aged 0 to 5 years. You can apply for any available places although, understandably, if a waiting list develops priority will be given to Scottish Executive

and SASA employees. Information leaflets with details of how to apply are available from the Personnel Department. If you choose to apply for a place you must ensure the nursery is aware you are an employee of the Scottish Legal Aid Board.

### **3.6.3 Medical services**

Please see section The Board has a doctor who visits once a month. The role of the doctor is to:

- provide advice to the Board on current medical issues
- examine employees with health problems, at the Board's request, giving advice to all parties
- receive and advise on medical reports obtained in accordance with the Access to Medical Reports Act 1988
- support where temporary adjustments to contract are required because of ill health
- check the results of vision screening tests for Visual Display Unit users
- meet with the first-aiders, attend occasional Health and Safety Committee meetings and provide health education sessions, as requested.

A certain amount of time during each visit is set aside for any employee who wishes to have a confidential consultation at their own request. The doctor can carry out basic checks (e.g. blood pressure tests), but cannot prescribe in these situations. The doctor can, however, offer advice and would refer you to your own GP where required. Details of any such consultation are entirely confidential. They are not passed on to the Personnel Department, or to any other third party either within or outwith the Board. The date of each monthly visit is posted on notice boards in advance.

### **3.7. SHOWER FACILITIES**

There are two showers in the basement, which you can use before starting work, after finishing work or in any authorised breaks. Contact Reception to make a twenty-minute booking and to collect the keys. Keys should be returned to Reception immediately after use. Please leave the shower area clean and tidy. Cleaning materials are available for this purpose.

### **3.8. PARKING**

Parking immediately outside the building is metered. You are not allowed to leave the building to feed parking meters during your working time. This is a waste of resources and is also illegal.

## **APPENDICES**

- Appendix 1      Understanding your payslip
- Appendix 2      Work-life Balance guidance
- Appendix 3      Pension Scheme - summary
- Appendix 4      Confidentiality of information – extract from Legal Aid (Scotland) Act 1986
- Appendix 5      Code of Conduct for Board employees
- Appendix 6      Data protection
- Appendix 7      Code of Practice on Access to Scottish Executive Information – guidelines
- Appendix 8      Guidelines for computer usage
- Appendix 9      Fire evacuation procedures
- Appendix 10     Weekend working guidelines

## WORK-LIFE BALANCE PRINCIPLES

### Introduction

The Board is committed to investing in its people. It recognises that the staff are the key to success in every area. Board members and senior management have actively and positively committed to exploring flexible working practices for existing staff and new recruits.

Work life balance is about recognising individuals' differing needs and creating a flexible environment in which people can balance time and input inside and outside their work. If that balance is right, people and teams are healthier, they can be more productive and effective at work, and get more out of life generally. The benefits for the Board include reduced absence and stress, higher motivation, higher productivity and achievement of objectives, retention of valued staff, as well as the status as an employer of choice.

The following principles have been developed to underpin new ways of working. They have been designed to create a clear understanding of the nature and status of the Board's commitment to more flexible working and to help ensure a fair and consistent approach across the Board.

### Our work-life balance principles

The principles underpinning our work-life balance project are they key to its success. These are:

#### 1. Service Delivery – Rights and responsibilities

The business needs of the Board and all its clients are paramount.

Whilst every effort will be made to accommodate individual needs, and whilst all legal obligations will be met, there is no absolute right on the part of any employee to a particular work life balance solution.

- **Balancing rights and responsibilities**

Staff have the right to ask for changes in working patterns and the Board has the right to refuse a request where appropriate. Staff have a responsibility to recognise they do not have an automatic right to change the way they work and that they have a responsibility to be flexible in considering the interests of colleagues and clients. The Board has a responsibility to consider all requests for changes in working patterns carefully, but ultimately has a responsibility to its clients to fulfil its duties efficiently and effectively. A balance needs to be struck between the rights and responsibilities of staff and the Board when considering work-life balance options and solutions.

- **Inter-Departmental Impact**

All new work-life balance schemes must be considered in the light of inter-departmental impact and the knock-on impact on all customers. Colleagues must be consulted as necessary before implementing any scheme. Inter-departmental impact should be continuously monitored and reviewed.

- **Equality of Access**

All staff will have equal access to exploring work life balance solutions. In practice, because it is shown that the same solution will not work for every post in every situation, it is acknowledged that a range of systems is likely to apply across the Board. Not everyone will be able to access every option.

## **2. Working Arrangements and Relationships**

- **Shared Responsibility and Joint Problem Solving in Teams**

Staff and managers have a shared responsibility for identifying work life balance solutions. Working together and joint problem solving in teams is fundamental to creating a win/win outcome for the business and for the individuals. The key criteria against which work-life balance solutions should be judged are:

- *Does it improve the Board's working arrangements?*
- *Does it benefit the team and the individuals within it?*
- *Does it benefit the Board's clients?*

- **Innovation & Open Minds**

Staff and managers are encouraged to think creatively about work life balance solutions.

- **Trust**

Managers are required to encourage a climate of trust in the operation of flexible working arrangements. In order to retain the opportunity to operate flexible working arrangements, staff must not breach that trust.

- **Activity and Time Management**

Managers and teams will need to have in place appropriate methods of recording and monitoring activities/outputs and time worked to support work life balance solutions.

- **Voluntary**

Take up of work life balance solutions will be entirely voluntary, except where a team has agreed to reach a consensus on a final solution, which may involve compromise, after consultation and discussion with all concerned. Individuals cannot “cherry pick” parts of the team’s flexible working arrangements without accepting the responsibilities to the team that go with it. An individual not fully engaging in the team’s flexible working plans will revert to the prevailing standard employment contractual terms.

### **3. General Approach**

- **Decision Making**

Work life balance solutions should usually be locally generated, reviewed and managed within teams. They will be subject to consideration of costs and benefits, impact on other teams and services and on corporate policy in relation to terms and conditions.

The final decision rests with the local Manager in consultation with the Personnel Department, who will ensure that these principles are taken into account. This is subject to the requirement to involve Directors where necessary. The Director(s) will be consulted where there is a corporate effect e.g. major investment, cross-organisational systems impact, facilities changes.

The rationale for acceptance or refusal of requests for work-life balance solutions should be known to all concerned, in line with the principle of consultation. However, the local Manager will ensure that such rationale is communicated to all concerned where necessary.

- **Trials**

Every solution will be subject to a trial period with a subsequent evaluation identifying benefits/detrimental effects and contribution to business needs. Details about pilot schemes will be communicated across the Board.

- **Consultation and involvement**

Staff will be consulted and involved throughout the work life balance project regarding any developments, and during evaluation and review phases. This will be done directly where possible and/or via union representatives.

- **Integration**

Work life balance project outcomes will be integrated, as appropriate, with other policies and management practices (e.g. job design, reward, diversity and equal opportunities; training), as resources and opportunities arise.

- **Communications**

Information about the work life balance solutions at the Board will be readily available to all staff and in an accessible format. Staff and senior management will be kept up to date about developments or changes via appropriate channels.

- **Reviewing the Principles**

These principles will be kept under review and revised from time to time, in consultation with staff, to reflect project progress and prevailing circumstances.

### **Appendix 3**

## **SCOTTISH LEGAL AID BOARD PENSION SCHEME**

## SUMMARY OF 'AN EASY TO FOLLOW GUIDE'

### **What does the Board pension cost me?**

As a member of the Legal Aid (Scotland) Pension Scheme you will contribute 6% of your superannuable pay, which excludes payments such as overtime, non-consolidated allowances, maternity bonus and additional responsibility allowance. This qualifies you for tax relief and reduced National Insurance contributions. Subject to certain limits, you can increase your contributions in order to add to your final benefits under the scheme.

### **Retirement age**

You will qualify for retiral benefits when you reach age 60.

### **When you retire**

You will be entitled to a pension **and** a tax-free cash lump sum

### **Pension**

Your pension equals superannuable pay divided by 80 and multiplied by the number of years' pensionable service.

Superannuable pay is based on your highest earnings of the last 3 years. This is usually the last year. If you have worked part-time, your pensionable service is calculated as a proportion of normal full-time service. Your benefits are calculated on the basis of whole-time rates of pay (except in certain circumstances relating to death gratuity – see the full guide for details).

### **Pensions increase/index-linking**

Your pension will be increased annually in line with increases in the cost of living. This is often referred to as "index-linking".

### **Cash lump sum**

The maximum tax-free cash lump sum is three times your annual pension.

The full *Easy-to-follow guide*, issued in induction, also contains detailed information on what happens if you become ill and have to retire under the age of 60, early retirement, and your dependants' benefits if you die in service.

### **Additional voluntary contributions (AVCs){tc "Additional Voluntary Contributions (AVCs)"}**

As a member of the pension scheme you can take advantage of an investment plan in order to enhance your retirement pension.

One option, which is operated by Standard Life, enables you to pay AVCs to –

- increase your own pension
- increase your dependants' pensions
- increase the lump sum paid on death.

Contributions are deducted from salary and qualify for tax relief (subject to Inland Revenue limits). The contributions are invested by Standard Life and further details of the Standard Life AVC scheme can be obtained from the Personnel Department.

You are also free to join any government-approved AVC of your choice. If you choose this option you cannot make payments directly through the payroll. You would have to make alternative payment arrangements.

The Board is not allowed to advise on what the best arrangements are for you e.g. whether or not to join the pension scheme; or which AVC to choose. You should contact an independent financial advisor if you need advice.

**CONFIDENTIALITY OF INFORMATION  
EXTRACT FROM LEGAL AID (SCOTLAND) ACT 1986**

**Section 34**

(1) Subject to subsection (2) below, no information furnished for the purposes of this Act to the Board or to any person acting on its behalf shall be disclosed

in the case of such information furnished by, or by any person acting for, a person seeking or receiving legal aid or advice and assistance, without the consent of the person seeking or receiving legal aid or advice and assistance; or

in the case of such information furnished otherwise than as mentioned in paragraph (a) above, without the consent of the person who furnished it,

and any person who, in contravention of this subsection, discloses any information obtained by him when employed by, or acting on behalf of, the Board shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.

(2) Subsection (1) above shall not apply to the disclosure of information

for the purpose of the proper performance or facilitating the proper performance by the Secretary of State, the Board, any court or tribunal or by any other person or body of duties or functions under this Act;

for the purpose of investigating, prosecuting or determining any complaint of professional misconduct  
against a solicitor, by the Law Society or the Scottish Solicitors' Discipline Tribunal;  
against an advocate, by the Faculty of Advocates;

for the purpose of investigating or prosecuting any offence or for the report of any proceedings in relation to such an offence.

## **CODE OF CONDUCT FOR BOARD EMPLOYEES**

### **Introduction**

You may have heard of the Nolan Committee, which was set up to look at standards in public life.

The Nolan Report sets out “The Seven Principles of Public Life”

- selflessness
- integrity
- objectivity
- accountability
- openness
- honesty
- leadership.

All public bodies are expected to have Codes of Conduct incorporating these principles.

Our Code of Conduct has been agreed by the Union, and is part of your Terms and Conditions of Employment.

If there are any parts of the Code that cause you concern, or that you do not understand, please talk to your line manager. If you wish to see a copy of any of the documents referred to in the Code, please contact the Communications office.

### **THE BOARD’S CODE OF CONDUCT**

#### **Duties and responsibilities**

You should familiarise yourself with this Code, which supplements the Board’s Values, and act in accordance with its principles.

You have a duty

- (a) to carry out public functions reasonably and according to the law, and
- (b) to be aware of and respect the ethical standards of the legal profession.

The Chief Executive has overall responsibility, working under the Board, for the conduct and discipline of all staff.

#### **Accountability**

You should be aware

- of your accountability to the Board
- of the respective roles of the Board and our Scottish Executive sponsor department, as set out in the Board’s Management Statement

- that Scottish Ministers are ultimately accountable to the Scottish Parliament for the Board's independence, effectiveness and efficiency.

The Board itself has responsibilities as an employer. These are set out in the Board Members' Code of Practice.

You should behave with integrity, impartiality and honesty. You should not deceive, or knowingly mislead the Board, the Scottish Executive, Scottish Ministers, the Scottish Parliament or the public.

### **Conflicts of interest**

As an employee of the Board, your working responsibility is to the Board and its administration. You should not engage in any activity that could impair your satisfactory work performance or in any private interest that might conflict with your public duty. In particular, this would include any private work involved in any legal practice or to do with legal aid. It could also include political activities that could give rise to conflicts of interest.

You should not misuse your official position or information gained in the course of your official duties to further your private interests or those of anyone else. Key members of staff, such as the Chief Executive, Finance Director, managers of large contracts, and staff working on contracts, should ensure that they identify any possible conflicts of interest at an early stage and that appropriate action is taken to resolve them.

### **Integrity**

You should not use your official position to receive, agree to accept or attempt to obtain any payment, gift or service for doing, or not doing, anything or showing favour, or disfavour, to any person or organisation.

Your actions should not give the impression to any member of the public, to any organisation with whom you deal or to your colleagues that a gift or consideration has influenced you. For further information about the acceptance of gifts or hospitality, see section 1.13.5 of the staff handbook.

Under the Prevention of Corruption Act 1916, if you accept payment or other consideration from someone seeking to obtain a contract, you could be asked to prove that this is not corrupt.

### **Relations with the public**

You should deal with the affairs of the public sympathetically, efficiently, promptly and without bias. You should offer the public the highest standards of conduct and service.

### **Use of resources**

You should try to ensure the proper, economical, effective and efficient use of the Board's resources.

## **Official information**

You owe a general duty of confidentiality in common law to the Board. You are, therefore, required to protect official information held in confidence. You should be aware of, have read and understand Section 34 of the Legal Aid (Scotland) Act 1986 (Appendix 4), which provides penalties for disclosing information about assisted persons. You should act in accordance with the Code of Practice on Access to Scottish Executive Information (see Appendix 7).

## **Staff concerns about improper conduct**

If you believe you are being required to act in any way which

- is illegal, improper or unethical
- is in breach of a professional code
- may involve possible maladministration, fraud or misuse of public funds
- is otherwise inconsistent with this Code
- you should either raise the matter through your line manager or else approach, in confidence, the Chief Executive, who has been entrusted with the duty of investigating staff concerns about illegal, improper or unethical behaviour.

You should also draw attention to cases where there is evidence of criminal or unlawful activity by others. You should also report cases where you believe there is evidence of irregular behaviour elsewhere in the organisation, but where you have not been personally involved, or if you are required to act in a way which, for you, raises a fundamental issue of conscience.

If you report a matter covered in the paragraphs above and you believe that the response is not reasonable, you may, if you wish, report the matter to the Board Chairman. Alternatively, or if you are still not satisfied with the response, you should write to the Head of Access to Justice Division, Justice Department, Scottish Executive, who will investigate the matter further.

## **After leaving the Board's employment**

You should continue to observe your duties of confidentiality after you have left the employment of the Board. You will be made aware of any rules on the acceptance of business appointments after resignation or retirement.

**DATA PROTECTION AND INFORMATION HELD BY THE PERSONNEL DEPARTMENT**

We store and process personal information about you, as an employee, in computer records held in the HR and Payroll Oracle system, and also in paper files. You supply most of the information, but some of it we obtain elsewhere - for example, a relative informing us of your absence from work.

***Personal Information***

Although the following list is not exhaustive, it provides an outline of the type of personal information held by the Board on its employees:

- Personal details such as name, address, home telephone number
- Grade, salary, job title, start date, employment history, pension membership details, and tax and National Insurance information
- Reference details
- Emergency contact details and details of your next of kin
- Performance and training and development records

This type of information is held to enable the Board to fulfil its contractual and legal obligations as an employer.

***Sensitive Information***

We also store 'sensitive' information on these databases, which is necessary to ensure that statutory requirements are met (for example, in the case of absence and payment of sickness pay), to ensure that you are paid correctly, and more generally to ensure the Board fulfils its obligations as an employer. The following types of sensitive information are held and processed by the Personnel department:

- Levels of self certified and certified sickness and nature of illness, including medical reports, notes of meetings held,
- Union membership
- Gender
- Marital status
- Date of birth
- Disciplinary and grievance records
- Your photograph for security ID purposes

***Equal Opportunities data***

We also hold highly sensitive equal opportunities data on each employee, which covers the following areas:

- Ethnic Origin
- Religion

- Sexual orientation
- Carers responsibility
- Disability
- Criminal Convictions

This information is reported as required to the Board and to Scottish Executive to ensure equality of opportunity in terms of recruitment, and access to training and promotion. These reports are submitted on an anonymous basis and direct access to these records on the HR system is restricted. This information is not accessed or used for any other purpose.

### ***How is this information used?***

The main use of the information that we hold will be obvious. For example, we hold information regarding your salary and your bank account details, so that we can pay your monthly salary directly into your bank account. We hold details of your union membership so that subscriptions can be deducted.

However, we may also use information in the following ways:

- We use information obtained for payroll, such as grades, salaries or age, for research or analysis. We do this for our own planning to prepare monthly reports such as staff numbers statistics or turnover figures.
- We may also provide information to the Board and to the Scottish Executive. They may use it for statistical analysis – one use, for example, of labour turnover statistics is to analyse local trends in reasons for leaving employment.
- The absence recording system allows us to record and examine patterns of absence for particular individuals (see below), or for groups within the organisation. Absence can also be examined over time allowing analysis of seasonal trends.

### ***Absence levels***

Your line manager monitors absence levels on a monthly basis.

Where your absence reaches above average levels, the Personnel Department may provide a print to your line manager detailing the pattern of your absence. This information will form the basis of a discussion, to see what steps can be taken to help you improve your attendance at work. Your individual circumstances will be taken into account when discussing an action plan to improve your attendance levels.

Where it would be beneficial to seek medical advice, your line manager may request that you see the Board doctor (see section 3.6.3). The Personnel Department will discuss the reason for your referral with the doctor. The doctor will only report back to the Personnel Department what you agree to by giving your signed permission. The doctor will determine whether or not there seems to be any underlying medical reason and advise on the best course of action. This could include asking your permission to contact your own GP to get further medical information.

If we wish to obtain a medical report from your GP you will be asked to agree, by signing an authorisation form. We may then declare the information contained on the absence recording system to your GP.

### ***How long is information held?***

We hold information about our employees and our ex-employees in accordance with various regulations. We do this for audit purposes to help us respond to any queries which may arise, for example, from the Benefits Agency or the Inland Revenue.

Further details of retention periods can be found in the personnel section of the shared folders of the common drive. Specific information on the retention of disciplinary records can be found in the Disciplinary Procedure, held in the personnel section of the shared folder on the common drive.

### ***Your rights of access to information held***

We want you to know how our record systems operate, that information is held correctly and securely, and that all reasonable care is taken to prevent unauthorised disclosure. The Act entitles you to have access to your personal records, both computerised and paper files. Should you wish to access your personal records, please contact the Personnel Department. The Personnel Department will arrange for you to be given the information as soon as possible, but at most within 40 days of the date of your request.

We will also provide a yearly statement outlining the main personal information which is held in the database systems. However, it is also your responsibility to ensure that your personal information is as accurate as possible, therefore you must inform the Personnel department should your personal details change.

Further details of why we hold information, and who we may disclose it to, are listed in the public Data Protection Register maintained by the Data Protection Commissioner, who can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF

or at [www.dataprotection.gov.uk](http://www.dataprotection.gov.uk). You can inspect the register free of charge.

**CODE OF PRACTICE ON ACCESS TO GOVERNMENT INFORMATION –  
GUIDELINES FOR EMPLOYEES**

**TO FOLLOW**

## **GUIDELINES FOR COMPUTER USAGE**

### **Viruses**

Everybody in the Board should be vigilant against all possible sources of viruses. These sources are mainly external e-mail, web-browsing and portable media (for example, CDs, floppy disks). You must not knowingly create or spread any computer virus or any other form of harmful software.

If you suspect your computer has become infected with a virus, phone Systems Support immediately and tell them, if possible:

- the name of the virus (this may be shown on the anti-virus software); and
- details of any unusual system activities (such as unexpected disk access, error messages or screen displays) and when you first noticed them.

Stop using the computer until you are told you can use it again by the IS department.

If you have a portable computer:

- ensure that Systems Support installs and maintains approved up-to-date virus protection software; and
- take it once a month to Systems Support to update the anti-virus software – if you do not, your access to the network (whether through dial-in or local log-in) will be denied until the software is updated.

If a visitor wishes to exchange information between a portable or other computer and the Board's system, a full virus check must be carried out by Systems Support. You are responsible for making sure that your visitors comply with this.

### **E-mail**

The service standards for correspondence also apply to e-mail – for example, all e-mails must be acknowledged within 7 calendar days and fully answered within 28 days.

Generally speaking, you must not endanger the operation of the Board's systems or its reputation.

You should:

- always use a meaningful heading in the subject box
- try to keep each e-mail to a single subject matter as this makes filing and retrieval easier
- think about the recipient list – only include the people who need the information included in the e-mail, and try to avoid overloading other people with unnecessary information

- only forward an incorrectly addressed message to the intended recipient if you are sure of their identity – otherwise, you should return to the sender any messages you receive that are intended for another person, and delete any copies
- remember that e-mails, like other communications, may be subject to data protection legislation – including the possibility that you could have to disclose them under a subject access order – be careful, therefore, about any references to individuals you may make in them
- treat e-mails as you would in any other written communication – keep them as simple as possible, and use appropriate, business-like and polite language.
- Consider whether or not you need to include the original message when replying to e-mail.

You should not:

- disseminate, mail, post, receive or attempt to receive, illegal or offensive material, or tell anyone else how to find such material elsewhere on the Internet - by “offensive” we mean anything that could reasonably be considered insulting, obscene or intimidating by other people, including, for example, messages that are sexually explicit, harassing, violent, threatening, or discriminatory
- open or run any software sent as an e-mail attachment – small pictures, text documents and spreadsheets are normally safe but things like ‘hangman’ and ‘mario’ are definitely NOT allowed (if in doubt, contact the Systems Support helpdesk (ext. 413))
- send large, personal e-mails either internally or externally (By “large”, we mean 2Mb (where 1Mb = 1024Kb) or above for a single e-mail, including all attachments. The size of an attachment can be found by ‘right-clicking’ the mouse on the attachment and selecting properties.
- distribute hoaxes, chain letters, or advertisements
- send personal e-mails to large distribution lists
- use your Board e-mail address to subscribe to non-work mailing lists, such as ‘joke-of-the-day’, ‘bananalotto’ or ‘Friends Reunited’
- use your Board e-mail address to post items to non-work related news groups
- use e-mail to commit the Board to any contract of financial transaction unless you have been explicitly authorised to do so
- forward virus alerts to friends or relatives without checking with Information Systems (Virus hoaxes are created to cause the same kind of disruption as chain mail. Those with Internet access can find out more information on viruses and hoaxes at ‘www.nai.com’.)
- use Board systems for personal e-mail while ‘clocked-in’. You should only use this facility in your own time.
- ‘use Board systems for personal e-mail during hours considered to be ‘working time’. You should only use this facility in your own time and, when sending internal e-mail, be considerate of other staff on different working patterns’.
- You should not take part in e-mail ‘conversations’, passing short messages back and forward with another member of staff or external recipient. This uses up additional resources and can very distracting.

All external e-mail sent by you will automatically include the approved privacy statement.

E-mail is intended for business use but you may use it for personal e-mails so long as you comply with the guidelines.

## **Internet**

Internet access is intended for business use, but access to the Internet for business and personal use can be granted by your Director.

You should not

- access any Internet based e-mail systems from Board PCs (e.g. Hotmail, Talk21, Yahoo! Mail, Genie AOL Mail) unless required for the operational function of the Board and explicitly authorised by Information Systems.
- disseminate, mail, post, receive or attempt to receive, illegal or offensive material, or tell anyone else how to find such material elsewhere on the Internet – by “offensive” we mean anything that could reasonably be considered insulting, obscene or intimidating by other people, such as messages that are sexually explicit, harassing, violent, threatening, or discriminatory.
- defame other users, individuals or institutions.
- gain or attempt to gain unauthorised access to any kind of network, service, information, communications, or computing facility or resource.
- damage/destroy the integrity of a computer system, or the data or programs stored on a computer system.
- post advertisements for money making schemes.
- attempt to monitor or tamper with another user’s electronic communications.
- send, display or receive material which is in any way inconsistent with this policy
- use the Board’s connection to ‘hack’ or break into any system(s) to which you do not have access rights.
- attempt to override any of the controls and restrictions placed on your access including sites that may anonymise or proxy your Internet access to obscure activities.

If you do accidentally find yourself on a page that could be considered inappropriate (for example, one containing racist, violent or pornographic material), inform Systems Support immediately as this will allow the site to be blocked permanently. Please remember that all access is logged and, if you do not inform Information Systems of the incident, it may be assumed you visited the site intentionally. Equally, if you are sent any offensive or illegal material on the Board’s computer systems, delete them immediately and inform Information Systems. If you know who the sender is, instruct them not to send any further material. If they persist, inform your line manager and Information Systems of this.

It is also important to note that the transfer of certain kinds of materials is illegal (for example, child pornography and abusive letters) and punishable by fine or jail sentence in the United Kingdom and elsewhere. Evidence of such incidents will immediately be reported to the relevant authorities, for example, the police.

Questions have also been raised in the past about purchasing personal items or electronic banking over the Board's web connection. The policy does not specifically prevent this type of use but the Board cannot guarantee the security and integrity of these transactions. You should also be aware that some sites create a small file known as a 'cookie' on the PC, which may contain personal data. Since PCs in the Board are used by more than one person then the confidentiality of this file cannot be guaranteed either.

## **Security**

While Computer Usage Policy sets out rules and guidelines specifically to protect the Board's employees and computer systems from accidental or deliberate misuse internally, our presence on the Internet and move toward e-business will increase the potential threat from outside the organisation.

The Board's security policy and procedures attempt to block this threat but vigilance is required by all staff to ensure that no information is given to those who would use it to attack the systems. The technique of 'social engineering', asking for small amounts of seeming trivial information and building a picture of a company's systems, is becoming a significant part of the 'hacker toolkit'.

You should not

- Tell anybody any of the passwords that you use to access systems even if that person is known to you. For legitimate and authorised purposes, Information Systems can override existing passwords.
- Answer any questionnaires or surveys either in person or by telephone or mail/e-mail that relate to the Board's infrastructure or systems. The caller should politely but firmly told that you are unable to answer the questions and to contact the Systems Support Section if they have any further enquiries.

You are responsible for all use of your log-ins and accounts. Most of what you do on your computer is logged and attributed to your user name, and you will be held responsible for all actions carried out using that name. You are therefore advised to log off your computer when leaving the room.

You should not

- access, or attempt to access, another person's system log-ins or files without the authority of Systems Support
- attempt to discover the password of another person
- use any computer system other than machines intended for general use without the consent of Systems Support – this includes machines for which the log-in may be valid
- attempt to override any restrictions which have been placed on the use of a computer system.

If you are given dial-in network facilities, you must have an approved version of anti-virus software installed and updated monthly – this updating is your responsibility.

If you leave the Board, or no longer need to use the Board's computer systems, your user account will be closed. If you move departments within the Board, you must re-apply to retain your existing user account or, if necessary, to obtain a new account.

## **Passwords**

Only you should know your own passwords to any computer system, and you must take the following standard measures to prevent anyone finding out what these passwords are. Your passwords should be at least 7 characters in length.

You should not use

- a modified log-in name in any form (for example, an existing password reversed, capitalised, doubled)
- your name or that of any relation in any form
- other information easily obtained about you, such as your car registration, telephone number, name of your street or favourite football team
- all numbers, or the same letter
- a word contained in any English or foreign language dictionary.

We suggest you use one of the following methods of selecting a password

- the first letter of each word from a line from a song or poem
- nonsense words made by alternating one consonant and one or two vowels, which you can pronounce and are therefore easily remembered
- two short words joined with a punctuation mark (please note that not all systems will accept punctuation marks)
- random numbers and letters, including upper and lower case (please note that not all systems are case sensitive).

If you have forgotten your password or the password no longer works you must contact Systems Support to provide you with new ones, and you may have to provide identification and sign for these new passwords.

## **Software/hardware**

You should not

- sell, copy, distribute or lend software or hardware without explicit, written permission from Information Systems
- bring in personal equipment to the Board unless it is approved by IS and conforms to this and all other IS policies.

As mentioned above, you should not download or install any software from the Internet. Some pages need add-ons called 'plug-ins' to display pages properly and

will prompt for installation. Always get authorisation from Systems Support. If in any doubt, cancel the page and seek advice from Systems Support.

### **General notes on computer usage**

1. Board PCs have the floppy drives disabled or locked and you should not attempt to override this security.
2. You should not use any CD media in CD drives without the express permission of Systems Support who will scan the CDs for viruses. This also applies to the small number of PCs with 'ZIP' drives.
3. You should not intentionally damage or disable any computer equipment or software, move hardware or remove hardware or software from the premises without authorisation from Systems Support.
4. You should keep food and drink away from any computer, terminal or other computer facility.
5. Please note that changes to system configuration such as network addresses, computer names and desktop settings should only be made if they are explicitly authorised by Systems Support.
6. E-mail and Internet access is logged and a summary report is produced for management on a weekly basis for monitoring purposes. Since we grant you personal access to these facilities subject to certain provisions, we require your explicit consent to do this. If you do not provide this, your access to e-mail and the internet will be denied.

## **Appendix 9**

### **FIRE EVACUATION PROCEDURES**

On discovering a fire:

1. SOUND ALARM by breaking glass of nearest Fire Alarm Call Point
2. ONLY TACKLE THE FIRE if it is safe to do so
3. LEAVE THE BUILDING by nearest exit
4. REPORT THE LOCATION OF THE FIRE to the person co-ordinating the evacuation, outside the main entrance
5. GO TO YOUR ASSEMBLY POINT

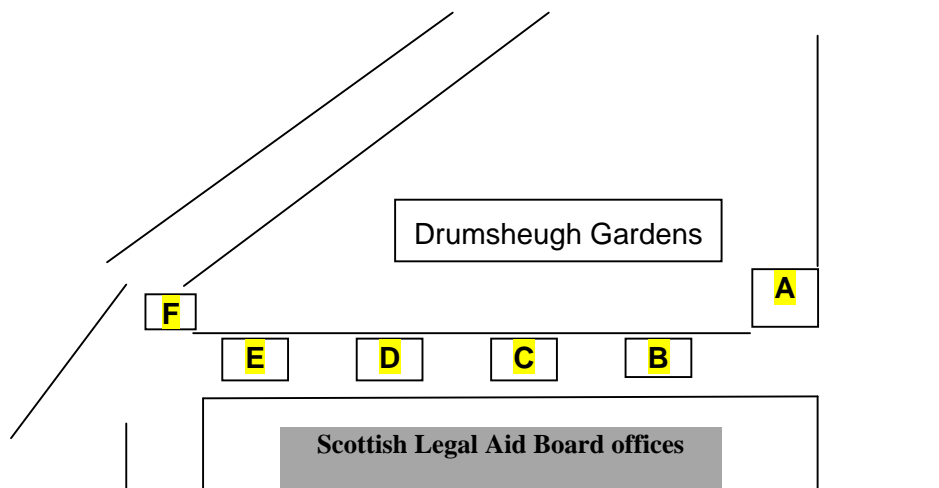
On hearing the fire alarm please leave the building by the nearest exit and go to your assembly point

When you hear the fire alarm, leave calmly by the nearest exit, closing windows and doors behind you without stopping to collect your personal belongings. Leave immediately, even if you suspect the alarm to be a false one. Do not use the lift.

In an emergency evacuation, you should try to leave by a fire exit at the front of the building. However, if the only way out is at the back of the building, you should:

- go through the back garden into the common ground, using the nearest gate in the back wall
- from there go to the large gates leading into Rothesay Place
- turn the lock to open a small part of the gate that allows pedestrian access onto Rothesay Place.

Go immediately to your assembly point on the pavement at the front of the building (see diagram below). On your office door, you will find a letter indicating your fire assembly point. On arrival at the assembly point, stay there until you are given the all clear to return to your office. Tell your fire officer straight away if you think someone is missing.



**Note: In a** ←Rothesay **important thing is to prevent injury and loss of life. You should make sure that you know how to escape, where all fire extinguishers are, and how to use them.**

## WEEKEND WORKING GUIDELINES

### ACCESS TO THE BUILDING

During the Work-life Balance pilot scheme, the building is open between the hours of 8.00 a.m. and 1 p.m. on a Saturday. If you wish to work outwith these times, you should check with Reception on the Friday before you wish to work to ensure that the building will be open. Reception can tell you who will have the key to the building. You can then liaise with that person to confirm when the building will be opened and closed.

If necessary, and with your Manager's authorisation, arrangements can be made to train you in the use of the alarm system and to provide you with an entry code and set of keys.

### FOR SAFETY AND SECURITY REASONS YOU MUST OBSERVE THE FOLLOWING RULES

#### Entering and leaving the building

You must enter and leave the building via Reception (unless an emergency requires otherwise) as using other doors will trigger the alarm system which automatically calls the police.

#### Glass Reception inner door

This must be kept locked at all times. Remember that Reception (outwith the hours of 8.00 a.m. and 1 p.m. on a Saturday) is unmanned and an open door could be an invitation to intruders.

#### Signing in/out

You must always sign in and out on the register on the Reception desk when you enter and leave the building. This includes any time you leave the building for a break.

#### Lifts

Only Building Services staff may use the lifts (for moving furniture and equipment) and one person must remain outside the car at all times. The lifts are out of bounds to all other staff at weekends.

#### Lights/windows etc.

Switch off all electrical appliances and lights including those in the toilets. Close all windows when leaving.

#### First aid

If you need access to the First Aid Room, which is on the landing by F36, you should see if a first aider is in the building. If not, a key is in a break-glass case next to the door.

## EXTERNAL CONTACT

If necessary, you may take incoming phone calls on the numbers listed below. Always ensure that you have permission **before** using these telephones.

Extension	Direct Dial Numbers	Location	Name
0	226 7061	B32	Switchboard
617	240 2017	B34	Facilities Manager
612	240 2012	B3	Head of IS
660	226 7064	F31	Chief Executive's Office
681	240 2081	S36	Director of Corporate Services & Accounts
663	240 2063	F35	Chairman
693	240 2093	T14a	Director of Legal Services & Applications
650	240 2050	G36	Director of Audit, Compliance & Quality Assurance
625	240 2025	G7	Personnel Manager
662	240 2062	F17	Chief Executive

In addition, the key holder will have the security officers' mobile phone and can pass on a message to you. The mobile phone number is 07759 295355.

## LOCK-INS

If you follow the correct procedures for access and for signing in and out of the building, there should be no danger of your being locked in.

In the unlikely event that this does happen, you can call the police at the West End Police Station on 229 2323. They will call a key-holder to release you.