



## CABINET OFFICE

This document sets out your principal terms and conditions of employment. It incorporates the written particulars required by the Employment Rights Act 1996 and, together with your offer letter, the *Code of Conduct for Special Advisers* and the *Civil Service Code* (except for those aspects of the Code which are set out at Clause 15c below) and the Cabinet Office HR Code constitutes your contract of employment with the Crown.

Names of Parties

**Craig Oliver** (the employee); and

**The Prime Minister** as the appointing authority for the Crown.

### 1. Commencement of employment

Your employment begins on 14 March 2011.

### 2. Job title and duties

2a. You are appointed in accordance with Article 3(2) of the Civil Service Order in Council 1995 (as amended) as a special adviser to The Prime Minister in the Cabinet Office for the purpose of providing assistance to the Minister.

2b. A description of the role and duties of special advisers is set out in the *Code of Conduct for Special Advisers* at Schedule 1 to this contract. You will carry out your duties in accordance with the *Code of Conduct for Special Advisers* so as to serve the objectives of the Government and the Department in which you are employed.

### 3. Departmental Terms and Conditions

The details of your terms and conditions are set out in the [Cabinet Office HR Code](#) available on CabWeb, the department's intranet.

### 4. Salary

4a. Your salary is  per annum within special adviser pay band 4. You will be paid monthly in arrears by credit transfer to your bank or building society.

4b. There is no entitlement to an annual increase in pay. Any annual increase awarded to you will be paid from 1 April, and will be linked to any movement of the mid-point of the Senior Civil Service pay ranges.

4c. You are not entitled to the payment of any overtime.

## **5. Performance management and appraisal**

Your employment requires performance consistent with the high standards expected of senior members of the Civil Service. Your performance will be subject to regular review, with an opportunity to discuss that performance with The Prime Minister.

## **6. Hours of work**

6a. You are required to work a minimum (over a 5 day week) of 41 hours, including daily meal breaks of one hour;

6b. You will be required to work additional hours as may from time to time be reasonable and necessary for the efficient performance of your duties.

## **7. Annual Leave**

7a. Your annual leave allowance is 30 days. The detailed rules relating to annual leave are set out in the attached Schedule 2.

7b. Your leave year runs from 1 March 2011.

## **8. Public and privilege holidays**

Entitlement to public and privilege holidays is set out in Schedule 2.

## **9. Sickness**

The rules relating to sickness and injury are to be found in the Cabinet Office HR Code. These provide for absence on full pay and on half pay, depending on the length of absence and subject to a ceiling on total paid absence within a given period.

## **10. Pensions**

10a. Your appointment is pensionable under the Civil Service pension arrangements from the outset. Your pension choices are:

- **nuvos** - a defined benefit occupational pension scheme that currently has a 3.5% member contribution rate; your employer meets the rest of the cost of the scheme; or
- a **partnership** pension account - this is a stakeholder pension with an employer contribution based on your age. You do not have to contribute, but if you do, your employer will also match your contributions up to 3% of pensionable earnings. You may choose to

have the employer contribution under the **partnership** pension account paid to your existing pension account rather than to one of the stakeholder pension providers listed in the starter pack.

10b. You will find full information on your pension choices in the Starter Pack which our distributors will send you shortly. To enable them to send you your Starter Pack we will provide them with your name and home address. The distributors will not use this information for any other purpose. If you do not receive your pack within two weeks of receiving this contract, contact Paul Massini on

10c. We will automatically enter you into **nuvos** on appointment unless you return your Pension Choices form at or before your start date. We will deduct contributions from your salary with effect from your start date. If you wish to open a **partnership** pension account and you make your choice within 3 months, we will backdate your choice to your start date. If we do not receive your form within 3 months, you will remain as a member of **nuvos**, unless you subsequently opt out.

10d. You do not have to join the Civil Service pension arrangements. If you opt out, you will build up benefits in the State Second Pension Scheme (S2P) instead. But if you are considering opting out, we strongly recommend that you read the Starter Pack before you make any decision.

10e. Please contact our pensions administrators, who are Department for Work and Pensions –  or es.pensions  if you have any questions about the pension arrangements or visit the Civil Service Pensions' website at [www.civilservice.gov.uk/my-civil-service/pensions](http://www.civilservice.gov.uk/my-civil-service/pensions).

10f. Please return your Pension Choices form and the partnership pension application form, if applicable, to Department for Work and Pensions.

10g. Irrespective of whether you join the Civil Service pension arrangements or opt out, you will be covered by the provisions of the Civil Service Injury Benefit Scheme in the event that your death or an impairment of earning capacity results from a qualifying injury.

10h. You will not be covered during your appointment as a special adviser by the provisions of the Civil Service Compensation Scheme irrespective of whether you join the Civil Service pension arrangements or opt out.

10i. Ill health retirement: in the event that you join either **nuvos** or **partnership** and your health subsequently becomes such that our medical adviser agrees that you should be medically retired, you will be entitled to the ill health retirement benefits provided by the relevant pension arrangement. For this purpose, if you are a member of **nuvos**, you will be treated as serving for a fixed term, expiring at the latest date at which the Administration that

appointed you must end (see clause 4 of Schedule 1 to this contract). If you have a **partnership** pension account, the maximum benefits payable cannot exceed the amount that you would have earned had your appointment continued until the date defined above for the purposes of determining the end of the fixed term.

## **11. Paternity and Parental Leave**

Details of the provision for paternity and parental leave are set out in the Cabinet Office HR Code. The provisions of paragraph 14 will continue to apply if you are on paternity or parental leave.

## **12. Special Leave**

Details of provision of special leave is set out in the Cabinet Office HR Code.

## **13. Place of work**

Your place of employment is 10 Downing Street, London, SW1A 2AA.

## **14. Notice and Severance Pay**

14a. Because of the power of the Crown to dismiss at will, you are not entitled to a period of notice terminating your employment. However, unless your employment is terminated by agreement, results from any of the circumstances in 14b below or results from disciplinary proceedings, inefficiency or grounds justifying summary dismissal at common law, you will in practice normally be given not less than 3 months' notice in writing terminating your employment. On the expiration of such notice, your employment will terminate.

14b. Your employment will terminate:

- i. at the end of the present Administration; or
- ii. when The Prime Minister leaves the Government or moves to another appointment; or
- iii. in the event of a UK General Election on the day after Polling Day.

If your employment automatically terminates in any of the circumstances set out in paragraph 14b(i-iii) above, or if you resign on the announcement of a UK General Election, you are entitled to a severance payment calculated in accordance with paragraph 14d. This is subject to your agreement that, should you be reappointed as a special adviser you will receive only a severance payment of an amount equivalent to the pay that you would have received during the period of any gap between the two periods of employment.

- iv. in order to comply with the provisions of the Servants of the Crown (Parliamentary, European Assembly and Northern Ireland Assembly Candidature) Order 1987, as amended, special advisers

must resign on becoming publicly identified as a candidate or prospective candidate for election.

14c. If your employment terminates under paragraph 14b (i-iii), or you resign on the announcement of a UK General Election and are subsequently re-appointed as a special adviser, you are required to repay any excess severance set out in paragraph 14b above. If, following re-appointment, your contract is subsequently terminated, and there is entitlement to severance pay, the amount payable in the first year of service will be the amount of severance repaid on re-appointment. For each additional completed year of service following re-appointment you will receive an additional month's pay, subject to a maximum of six months' pay in total. If the amount repaid on re-appointment is less than 3 months' pay, your entitlement will be as set out in paragraph 14d (a).

14d. Severance pay will be calculated as follows:

- (a) if termination occurs at any time during the first year of service, you will receive three months' pay. For each additional completed year of service you will receive a month's pay, subject to a maximum of six months' pay;
- (b) but if you resign on the announcement of a UK General Election within 6 months of the commencement of your employment, you will only be entitled to one month's severance pay (unless you are covered by the circumstances in 14c).

14e. Any severance payment paid under paragraph 14d is non-pensionable.

14f. You may terminate your appointment by giving not less than 5 weeks' notice in writing to The Prime Minister.

## **15. Conduct and Confidentiality**

15a. You are a servant of the Crown and you owe duties of confidentiality and loyal service to the Crown. You are required to exercise care in the use of official information acquired in the course of official duties and not to disclose, without the specific authorisation of The Prime Minister information which is held in confidence. An account of the constitutional position is set out in the Cabinet Office HR Code. The rules governing confidentiality and the use of official information are set out in the Cabinet Office HR Code. You will be subject to the provisions of the Official Secrets Act 1989. An explanatory leaflet summarising the provisions of the Act is enclosed.

15b. You are required to abide by the conduct provisions of the Cabinet Office HR Code including those relating to the declaration of conflicts of interests. The rules which apply to you relating to involvement in political activities are set out in the *Code of Conduct for Special Advisers*.

15c. You are required to conduct yourself in accordance with the provisions of the *Code of Conduct for Special Advisers* and the *Civil Service Code*, except for those aspects which relate to the impartiality and objectivity of the Civil Service and of civil servants. Copies of both Codes have been provided to you.

15d. If you wish to take part in any outside activity where information or experience gained in the course of your work is likely to be relevant, you must first seek permission from the Head of Department.

15e. You will not be entitled to have access to sensitive, security or intelligence reports unless you have been security cleared to the appropriate level. You will not have access to papers relating to civil servants personally. You will also be subject to the rules which apply to Ministers as regards access to papers of a previous Administration. Subject to these exceptions, you may, at the discretion of The Prime Minister, have access to all papers submitted to Ministers.

15f. You must comply with the rules on the publication of personal memoirs and books based on official experience set out in the Cabinet Office HR Code. You must not publish or broadcast personal memoirs reflecting your experience in Government, or enter into commitments to do so, while in Crown employment. The permission of the Head of Department and the Cabinet Secretary must be sought before entering into a contractual commitment to publish such memoirs after leaving the Service. You must submit any manuscripts for comment to the Head of Department and Cabinet Secretary in good time in advance of publication.

## **16. Disciplinary and grievance procedures**

16a. Disciplinary matters are dealt with in accordance with the Department's disciplinary procedures, which are set out in the Cabinet Office HR Code. The inefficiency procedures set out in the Cabinet Office HR Code do not apply to you.

16b. If you have any grievances relating to your employment, or if you wish to appeal against any decisions or actions which affect you adversely, you must bring this in writing to the attention of The Prime Minister or the Head of Department.

## **17. Acceptance of outside appointments**

17a. After leaving your employment, you are covered by the Business Appointment Rules which can be found in section 4.3 of the *Civil Service Management Code*, and in the Cabinet Office HR Code. Under the Rules, you are required to submit an application to the Head of your former Department for any appointment or employment you wish to take up within two years of leaving the Civil Service. All applications are considered by the independent Advisory Committee on Business Appointments. Decisions on applications are made by the Head of Department, based on advice from the Advisory

Committee. In addition, any offers of employment while employed as a special adviser should be reported to the Head of Department. It is important that you familiarise yourself with the Rules. Further advice can be obtained from the Head of Department, or the Human Resources Director.

17b. The further particulars of terms of employment not contained in the body of this contract which must be given to you in compliance with the Employment Rights Act 1996 are given in the attached Schedule 2.

Signed .....

On behalf of The Prime Minister

Date .....

Signed .....

Employee

Date.....

## SCHEDULE 1

### CODE OF CONDUCT FOR SPECIAL ADVISERS

1. The employment of special advisers adds a political dimension to the advice and assistance available to Ministers while reinforcing the political impartiality of the permanent Civil Service by distinguishing the source of political advice and support.
2. Special advisers are employed to help Ministers on matters where the work of Government and the work of the Government Party overlap and where it would be inappropriate for permanent civil servants to become involved. They are an additional resource for the Minister providing assistance from a standpoint that is more politically committed and politically aware than would be available to a Minister from the permanent Civil Service.
3. The sorts of work a special adviser may do if their Minister wants it are:
  - i. reviewing papers going to the Minister, drawing attention to any aspect which they think has party political implications, and ensuring that sensitive political points are handled properly. They may give assistance on any aspect of departmental business, and give advice to their Minister when the latter is taking part in party political activities;
  - ii. "devilling" for the Minister, and checking facts and research findings from a party political viewpoint;
  - iii. preparing speculative policy papers which can generate long-term policy thinking within the Department, including policies which reflect the political viewpoint of the Minister's Party;
  - iv. contributing to policy planning within the Department, including ideas which extend the existing range of options available to the Minister with a political viewpoint in mind;
  - v. liaising with the Party, to ensure that the Department's own policy reviews and analysis take full advantage of ideas from the Party, and encouraging presentational activities by the Party which contribute to the Government's and Department's objectives;
  - vi. helping to brief Party MPs and officials on issues of Government policy;
  - vii. liaising with outside interest groups including groups with a political allegiance to assist the Minister's access to their contribution;

- viii. speechwriting and related research, including adding party political content to material prepared by permanent civil servants;
- ix. representing the views of their Minister to the media including a Party viewpoint, where they have been authorised by the Minister to do so;
- x. providing expert advice as a specialist in a particular field;
- xi. attending Party functions (although they may not speak publicly at the Party Conference) and maintaining contact with Party members;
- xii. taking part in policy reviews organised by the Party, or officially in conjunction with it, for the purpose of ensuring that those undertaking the review are fully aware of the Government's views and their Minister's thinking and policy.

#### **Status and conduct as temporary civil servants**

4. Special advisers are temporary civil servants appointed under Article 3 of the Civil Service Order in Council 1995. They are exempt from the general requirement that civil servants should be appointed on merit and behave with impartiality and objectivity so that they may retain the confidence of future governments of a different political complexion. They are otherwise required to conduct themselves in accordance with the *Civil Service Code*, attached at Annex A. As set out in the *Ministerial Code*, all appointments of special advisers require the prior written approval of the Prime Minister, and no commitments to make such appointments should be entered into in the absence of such approval. Their appointment ends at the end of the Administration which appointed them or when the appointing Minister leaves the Government or moves to another appointment. The responsibility for the management and conduct of special advisers, including discipline, rests with the Minister who made the appointment. It is, of course, also open to the Prime Minister to terminate employment by withdrawing his consent to an individual appointment.

5. Special advisers should conduct themselves with integrity and honesty. They should not deceive or knowingly mislead Parliament or the public. They should not misuse their official position or information acquired in the course of their official duties to further their private interests or the private interests of others. They should not receive benefits of any kind which others might reasonably see as compromising their personal judgement or integrity. They are required to declare details of gifts and hospitality received in accordance with the rules set out in their departmental staff handbooks. Departments will publish on a quarterly basis, information about gifts and hospitality received by their departmental special advisers. They should not without authority disclose official information which has been communicated in confidence in Government or received in confidence from others. The principles of public life set down by the Committee on Standards in

Public Life, at Annex B, provide a framework for all public servants.

6. Special advisers should not use official resources for party political activity. They are employed to serve the objectives of the Government and the Department in which they work. It is this which justifies their being paid from public funds and being able to use public resources, and explains why their participation in party politics is carefully limited. They should act in a way which upholds the political impartiality of civil servants and does not conflict with the Civil Service Code. They should avoid anything which might reasonably lead to the criticism that people paid from public funds are being used for party political purposes. The highest standards of conduct are expected of special advisers and, specifically, the preparation or dissemination of inappropriate material or personal attacks has no part to play in the job of being a special adviser as it has no part to play in the conduct of public life. Any special adviser ever found to be disseminating inappropriate material will automatically be dismissed by their appointing Minister.

### **Relations with the Permanent Civil Service**

7. In order to provide effective assistance to Ministers, special advisers should work closely with the ministerial team and with permanent civil servants, and establish relationships of confidence and trust. Special advisers may, on behalf of their Ministers:

- i. convey to officials Ministers' views and work priorities, including on issues of presentation. In doing so, they must take account of civil servants' workloads and any priorities Ministers have set;
- ii. request officials to prepare and provide information and data, including internal analyses and papers;
- iii. hold meetings with officials to discuss the advice being put to Ministers.

But special advisers must not:

- iv. ask civil servants to do anything which is inconsistent with their obligations under the *Civil Service Code*;
- v. behave towards permanent civil servants in a way which would be inconsistent with the standards set by the employing department for conduct generally;
- vi. authorise the expenditure of public funds, have responsibility for budgets, or any involvement in the award of external contracts;
- vii. exercise any power in relation to the management of any part of the Civil Service (except in relation to another special adviser);

- viii. otherwise exercise any statutory or prerogative power;
- ix. suppress or supplant the advice being prepared for Ministers by permanent civil servants although they may comment on such advice.

8. Where any permanent civil servant has concerns about any request coming from a special adviser, they should discuss that concern with their line manager, the special adviser concerned, the Minister's Principal Private Secretary or their Permanent Secretary. If a civil servant feels for whatever reason that he or she is unable to do this then they may wish to raise the concern with departmental nominated officer(s) within the department or direct with the Head of the Home Civil Service or the Civil Service Commissioners.

9. In order to enable special advisers to work effectively, departments may allocate permanent civil servants to provide support of a non-political nature. Special advisers should not be involved in issues affecting a permanent civil servant's career such as recruitment, promotion, reward and discipline, though their views may be sought as an input to performance appraisals provided these are written by permanent civil servants.

#### **Contacts with the media**

10. Special advisers are able to represent Ministers' views on Government policy to the media with a degree of political commitment that would not be possible for the permanent Civil Service. Briefing on purely party political matters must be handled by the Party machine.

11. All contacts with the news media should be authorised by the appointing Minister and be conducted in accordance with the Government Communications Network's propriety guidance - *Guidance on Government Communications*.

12. Special advisers must not take public part in political controversy whether in speeches or letters to the Press, or in books, articles or leaflets; must observe discretion and express comment with moderation, avoiding personal attacks; and would not normally speak in public for their Minister or the Department.

#### **Relations with the Government Party**

13. Special advisers provide assistance to Ministers on the development of Government policy and its presentation. It is in these two areas of activity that Government and Party may overlap.

14. The Civil Service has no monopoly of policy analysis and advice. The Government takes account of views from many sources of which the Government Party is legitimately one. Although public funds and resources must not be used to support the contribution of such views, the Government may need to liaise with the Party, as it does with others, to obtain a full and accurate understanding of the

Party's policy analysis and advice.

15. The Government needs to present its policies and achievements to the public in order to aid understanding and so maximise the effectiveness of its policies, and this is a legitimate use of public funds and resources. It would be damaging to the Government's objectives if the Party took a different approach to that of the Government, and the Government therefore needs to liaise with the Party to make sure that Party publicity is factually accurate and consistent with Government policy. To secure this consistency, the Government will also want to make sure that Party MPs and officials are briefed on issues of Government policy.

16. In providing a channel of communication in these areas of overlap, special advisers paid from public funds have a legitimate role in support of the Government's interest, which they can discharge with a degree of party political commitment and association which would not be permissible for a permanent civil servant. In all contacts with the Party, special advisers must observe normal Civil Service rules on confidentiality unless specifically authorised, in a particular instance, by their appointing Minister.

17. Special advisers must not take part in the work of the Party's national organisation. Most special advisers will resign on the announcement of a General Election. Those who remain in office to work on Government business must take special care to ensure that they do not use official resources for Party political purposes or take any active part in the Election campaign.

18. Subject to the rules on involvement in political activities (paragraphs 19 to 23), where a special adviser wishes to undertake work for a political party which does not arise out of Government business they may do this either in their own time, outside office hours, or under a separate contract with the Party, working part-time for the Government (subject to paragraph 17 above). Detailed rules on their involvement in political activities are set out below.

#### **Involvement in politics in a private capacity: national political activities**

19. Special advisers must not take part in national political activities, which are: holding, in a party political organisation, office which impinges wholly or mainly on party politics in the field of Parliament, the Scottish Parliament, the National Assembly for Wales, the Northern Ireland Assembly or the European Parliament; speaking in public on matters of national political controversy; expressing views on such matters in letters to the Press, or in books, articles or leaflets; being announced publicly as a candidate or prospective candidate for Parliament, the Scottish Parliament, the National Assembly for Wales, the Northern Ireland Assembly or the European Parliament; and canvassing on behalf of a candidate for the institutions or on behalf of a political party.

20. In particular:

- i. before a special adviser is publicly identified as a candidate or

prospective candidate for Parliament, the Scottish Parliament, the National Assembly for Wales, the Northern Ireland Assembly or the European Parliament, either by adoption by a political party or in any other way, he/she must first resign their appointment<sup>1</sup>;

- ii. if they wish to take part in a General, European or by-election campaign, or to help in a party headquarters or research unit during such a campaign, they must first resign their appointment. If they wish their appointment to carry on during a campaign, they may continue to give assistance to their Minister as before, but they must be careful not to take any active part in the campaign. They should not, for example, take part in public meetings or accompany their Minister to party political engagements which are related to the Election campaign;
- iii. if, with the approval of their Minister, they wish to assist with other party political matters such as a leadership campaign, they may do so while on paid or unpaid leave or at times which do not interfere with their normal duties, for example, out of office hours.

#### **Involvement in politics in a private capacity: local political activities**

21. With the approval of their Minister, special advisers may undertake, or continue to undertake, all forms of local political activity, but not local activities in support of national politics. They must comply with any conditions laid down by their Department.

22. Local political activities are: candidature for, or co-option to, local authorities; holding, in a party political organisation, office impinging wholly or mainly on party politics in the local field; speaking in public on matters of local political controversy; expressing views on such matters in letters to the Press, or in books, articles or leaflets; and canvassing on behalf of candidates for election to local authorities or a political organisation.

23. If special advisers take part in local political activities, they must at all times observe discretion, take care to express comment with moderation and avoid personal attacks. In particular, if they serve on a local authority they must adhere to the following points:

- i. they should not speak publicly or in the Council, or vote, on matters for which their Minister has responsibility;

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<sup>1</sup> The Servants of the Crown (Parliamentary, European Assembly and Northern Ireland Assembly Candidature) Order 1987, as amended, states that civil servants (apart from those in the "politically free" group) must not issue an address to electors or in any other manner publicly announce themselves or allow themselves to be publicly announced as candidates or prospective candidates for election to Parliament or the European Parliament. Therefore, civil servants must resign from the Civil Service on their formal adoption as a Parliamentary candidate or prospective candidate by a political party.

- ii. they should not serve on any committee considering such matters;
- iii. they should not take part in deputations or other representations to Ministers;
- iv. they should declare an interest in relation to any case or application which comes before the Council in which their Department is involved;
- v. they should observe discretion in relation to policies for which other Ministers are responsible, in order to avoid causing them embarrassment;
- vi. they should not disclose to the Council privileged information obtained in the course of their duties.

### **Leaving the Civil Service**

24. Special advisers are subject to the Business Appointment Rules. Under the Rules, they are required to submit an application to the Head of their former Department for any appointments or employment they wish to take up within two years of leaving the Civil Service. Applications submitted by special advisers are considered by the independent Advisory Committee on Business Appointments. Decisions on applications are taken by the Head of Department based on advice from the Advisory Committee. Details are set out in Section 4.3 of the *Civil Service Management Code*.

25. Civil servants, including special advisers, must not publish or broadcast personal memoirs reflecting their experience in Government, or enter into commitments to do so, while in Crown employment. The permission of the Head of Department and the Cabinet Secretary must be sought before entering into a contractual commitment to publish such memoirs after leaving the Service. They must submit any manuscripts for comment to the Cabinet Secretary in good time in advance of publication. Detailed rules are set out in Section 4.2 of the *Civil Service Management Code*.

26. Under the terms of the *Civil Service Code*, special advisers should continue to observe their duties of confidentiality after they have left their employment as a special adviser.

**June 2010**

## SCHEDULE 2

### EMPLOYMENT PROTECTION (CONSOLIDATION) ACT 1996 - PART 1

The following information is given to supplement the information given in the body of the contract in order to comply with the requirements of Part 1 of the Act.

#### 1. CONTINUOUS EMPLOYMENT

Your period of continuous employment began on 14 March 2011.

#### 2. ANNUAL LEAVE: RULES AND PROCEDURES

##### The leave year

1. Annual leave allowances are related to an individual's leave year.

##### Taking annual leave

2. The Department is responsible for authorising annual leave.

3. Special advisers are not entitled:

- a. to take annual leave without prior permission; or
- b. to take annual leave at any particular period of the year.

4. Special advisers should only be recalled from leave when it is essential to do so.

##### Recording of annual leave taken

5. Proper records of annual leave taken must be kept using appropriate forms.

6. In the calculation of annual leave taken:

- a. half day's leave means attendance for half the net hours (i.e. excluding meal breaks for staff conditioned to gross hours) which would normally be worked on the day concerned;
- b. Bank, public or privilege holidays coming during an absence on annual leave do not count against the annual leave allowance.

##### Anticipation of leave and carry-over from one year to the next

7. Special advisers should be encouraged to take all their annual leave within their leave year.

8. In cases where the full leave allowance has not been taken, the Department may authorise the carry over of up to 10 days leave from one leave year to the next.

9. The Department may also authorise the carry over of more than 10 days leave from one leave year to the next in special circumstances, such as where a special adviser has been specifically prevented from taking leave. This provision does not override that in paragraph 3b above; and does not apply

where special advisers voluntarily forego any part of their annual leave allowance. Human Resources will be able to provide guidance on handling carry over of annual leave in specific circumstances.

10. The Department may authorise a special adviser to anticipate up to 10 days leave.

### **Sickness during or preceding annual leave**

11. Special advisers who fall sick during a period of annual leave are entitled to record the sickness as sick leave and not as annual leave provided that:

- a. the Department is notified immediately;
- b. the period of incapacity seriously interrupts the period of leave (i.e. 4 or more days of serious illness); and
- c. the special adviser produces a self-certificate or a statement by a qualified medical practitioner to that effect.

### **Accrual**

12. Annual leave allowances continue to accrue in the following situations:

- a. during periods of paid sick leave (but see paragraph 13, below);
- b. during maternity leave;
- c. during the period for which the special adviser receives Statutory Maternity Pay at the higher rate;
- d. during periods of secondment;
- e. during periods of paid special leave.

### **Abatement of annual leave long periods of sickness absence**

13. The Department has discretion to abate the annual leave allowance of any special adviser who has been absent due to sickness for more than 90 days (including non-working days) in any 12 month period, whether or not the sickness absence has been continuous. Where a decision is taken to abate an annual leave allowance, the special adviser concerned will be notified in writing.

14. Where long term sickness absence straddles the end of one leave year and the beginning of another, abatement for each leave year will be on the basis of the amount of sickness absence occurring in each leave year.

### **Annual leave following sick leave**

15. Annual leave may not be taken immediately following a period of sickness absence unless a statement by a qualified medical practitioner has first been produced confirming that the special adviser is fit to return to work.

### **Annual Leave: Cash Compensation**

#### Eligibility for cash compensation

16. Special advisers have no automatic right to any form of compensation if, for any reason, they do not take their full annual leave allowance.

17. The Department has discretion, subject to paragraphs 18 to 25 below; to:

- a. agree to offer cash compensation as an alternative to the carry forward arrangements set out above;
- b. allow special advisers who leave the Civil Service to convert any untaken annual leave into a cash payment;
- c. require a refund of salary from special advisers leaving the Civil Service who have exceeded their annual leave allowance.

18. All cases will be considered on their merits and approval will only be given in exceptional cases. Special advisers will be required to provide details of why it has not been possible to use their annual leave allocation within their leave year or to use the carry-over facility. Cases will only be considered at the end of annual leave years.

### **Calculating the cash equivalent to annual leave**

19. Payments or refunds for days of untaken or over-taken leave are based on the full daily rate of pay. This rate:

- a. includes all regular allowances and other emoluments in the nature of pay; but
- b. excludes payments of a reimbursement nature.

20. The amount of allowances and other emoluments to be included are those applicable on the date of termination of service or, in the case of special advisers whose pay has been reduced, which would have been applicable.

21. Payments for untaken annual leave are subject to the normal statutory deductions.

### **Death in service**

22. After the application of any deductions, payment must be made for all leave untaken at the date of death in service.

23. The Department has discretion to waive any recovery in respect of annual leave allowance exceeded.

## **3. PUBLIC AND PRIVILEGE HOLIDAYS**

### **Entitlement to public and privilege holidays**

1. Full-time special advisers are entitled to ten and a half public and privilege holidays per annum in addition to their normal annual leave.

2. Part-time special advisers are entitled to time off for public and privilege holidays proportionate to the numbers of hours worked as compared to those worked by comparable full-time special advisers.

3. This entitlement continues during any period of secondment.

#### **Dates of public and privilege holidays**

4. The public holidays are:

- New Year's Day;
- Good Friday;
- Easter Monday;
- May Day Bank Holiday;
- Late May Bank Holiday;
- Late Summer Bank Holiday;
- Christmas Day;
- Boxing Day.

5. The privilege holidays are:

- Maundy Thursday afternoon;
- the Queen's Birthday holiday;
- an additional day at Christmas.

6. The Queen's Birthday holiday must be observed in either:

- the Friday preceding the late May Bank holiday; or
- the Tuesday after the late May Bank holiday.

7. You may be required to work on a public holiday or privilege day. If so, you are entitled to time off in lieu.

#### **4. COLLECTIVE AGREEMENTS**

There are no service-wide collective agreements in force which affect your terms and conditions.

#### **5. PENSIONS**

A contracting out certificate pursuant to the provisions of the Pension Schemes Act 1993 is in force in respect of your employment.

ANNEX A

THE CIVIL SERVICE CODE

**Civil Service values**

1. The Civil Service is an integral and key part of the government of the United Kingdom<sup>2</sup>. It supports the Government of the day in developing and implementing its policies, and in delivering public services. Civil servants are accountable to Ministers, who in turn are accountable to Parliament<sup>3</sup>.

2. As a civil servant, you are appointed on merit on the basis of fair and open competition and are expected to carry out your role with dedication and a commitment to the Civil Service and its core values: integrity, honesty, objectivity and impartiality. In this Code:

- 'integrity' is putting the obligations of public service above your own personal interests;
- 'honesty' is being truthful and open;
- 'objectivity' is basing your advice and decisions on rigorous analysis of the evidence; and
- 'impartiality' is acting solely according to the merits of the case and serving equally well Governments of different political persuasions.

3. These core values support good government and ensure the achievement of the highest possible standards in all that the Civil Service does. This in turn helps the Civil Service to gain and retain the respect of Ministers, Parliament, the public and its customers.

4. This Code<sup>4</sup> sets out the standards of behaviour expected of you and all other civil servants. These are based on the core values. Individual departments may also have their own separate mission and values statements based on the core values, including the standards of behaviour expected of you when you deal with your colleagues.

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<sup>2</sup>This Code applies to all Home civil servants. Those working in the Scottish Executive and the National Assembly for Wales, and their Agencies, have their own versions of the Code. Similar Codes apply to the Northern Ireland Civil Service and the Diplomatic Service.

<sup>3</sup>Constitutionally, civil servants are servants of the Crown. The Crown's executive powers are exercised by the Government.

<sup>4</sup>The respective responsibilities placed on Ministers and special advisers in relation to the Civil Service are set out in their Codes of Conduct: [www.cabinetoffice.gov.uk/propriety\\_and\\_ethics](http://www.cabinetoffice.gov.uk/propriety_and_ethics).

## Standards of behaviour

### *Integrity*

5. You must:

- fulfil your duties and obligations responsibly;
- always act in a way that is professional<sup>5</sup> and that deserves and retains the confidence of all those with whom you have dealings;
- make sure public money and other resources are used properly and efficiently;
- deal with the public and their affairs fairly, efficiently, promptly, effectively and sensitively, to the best of your ability;
- handle information as openly as possible within the legal framework; and
- comply with the law and uphold the administration of justice.

6. You must not:

- misuse your official position, for example by using information acquired in the course of your official duties to further your private interests or those of others;
- accept gifts or hospitality or receive other benefits from anyone which might reasonably be seen to compromise your personal judgement or integrity; or
- disclose official information without authority. This duty continues to apply after you leave the Civil Service.

### *Honesty*

7. You must:

- set out the facts and relevant issues truthfully, and correct any errors as soon as possible; and
- use resources only for the authorised public purposes for which they are provided.

8. You must not:

- deceive or knowingly mislead Ministers, Parliament or others; or
- be influenced by improper pressures from others or the prospect of personal gain.

### *Objectivity*

9. You must:

- provide information and advice, including advice to Ministers, on the basis of the evidence, and accurately present the options and facts;
- take decisions on the merits of the case; and

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<sup>5</sup> Including taking account of ethical standards governing particular professions.

- take due account of expert and professional advice.
10. You must not:
- ignore inconvenient facts or relevant considerations when providing advice or making decisions; or
  - frustrate the implementation of policies once decisions are taken by declining to take, or abstaining from, action which flows from those decisions.

### *Impartiality*

11. You must:
- carry out your responsibilities in a way that is fair, just and equitable and reflects the Civil Service commitment to equality and diversity.
12. You must not:
- act in a way that unjustifiably favours or discriminates against particular individuals or interests.

### *Political Impartiality*

13. You must:
- serve the Government, whatever its political persuasion, to the best of your ability in a way which maintains political impartiality and is in line with the requirements of this Code, no matter what your own political beliefs are;
  - act in a way which deserves and retains the confidence of Ministers, while at the same time ensuring that you will be able to establish the same relationship with those whom you may be required to serve in some future Government; and
  - comply with any restrictions that have been laid down on your political activities.
14. You must not:
- act in a way that is determined by party political considerations, or use official resources for party political purposes; or
  - allow your personal political views to determine any advice you give or your actions.

### **Rights and responsibilities**

15. Your department or agency has a duty to make you aware of this Code and its values. If you believe that you are being required to act in a way which conflicts with this Code, your department or agency must consider your concern, and make sure that you are not penalised for raising it.
16. If you have a concern, you should start by talking to your line manager or someone else in your line management chain. If for any reason you would find

this difficult, you should raise the matter with your department's nominated officers who have been appointed to advise staff on the Code.

17. If you become aware of actions by others which you believe conflict with this Code you should report this to your line manager or someone else in your line management chain; alternatively you may wish to seek advice from your nominated officer. You should report evidence of criminal or unlawful activity to the police or other appropriate authorities.

18. If you have raised a matter covered in paragraphs 15 to 17, in accordance with the relevant procedures<sup>6</sup>, and do not receive what you consider to be a reasonable response, you may report the matter to the Civil Service Commissioners<sup>7</sup>. The Commissioners will also consider taking a complaint direct.

Their address is:

If the matter cannot be resolved using the procedures set out above, and you feel you cannot carry out the instructions you have been given, you will have to resign from the Civil Service.

19. This Code is part of the contractual relationship between you and your employer. It sets out the high standards of behaviour expected of you which follow from your position in public and national life as a civil servant. You can take pride in living up to these values.

**June 2006**

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<sup>6</sup> The whistleblowing legislation (the Public Interest Disclosure Act 1998) may also apply in some circumstances. The Directory of Civil Service Guidance gives more information: [www.cabinetoffice.gov.uk/propriety\\_and\\_ethics](http://www.cabinetoffice.gov.uk/propriety_and_ethics).

<sup>7</sup> The Civil Service Commissioners' Appeals leaflet gives more information: [www.civilservicecommissioners.gov.uk](http://www.civilservicecommissioners.gov.uk). This Code does not cover HR management issues.

## **The Seven Principles of Public Life**

### Selflessness

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

### Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

### Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

### Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

### Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

### Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

### Leadership

Holders of public office should promote and support these principles by leadership and example.