

# **STAFF HANDBOOK**

## **INTRODUCTION**

This staff handbook 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 covered briefly in the main section of this handbook are explained more fully in our full Policies, which form the second section. Where it is helpful, throughout the handbook, we give links to the relevant policy or set of procedures. It is important that you read these policies in full.

These policies and procedures are accessible on any networked PC on the intranet.

It is important that you are aware of, and understand, our employment policies and conditions of service. If you have any queries about them that are not answered in the handbook or the HR Policies, please discuss these with your line manager or the Human Resources Department.

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## **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 Government. 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 are wide-ranging, and include help on matters such as

- divorce and other matters affecting families and children
- trying to get compensation for injuries after an accident or for medical negligence
- housing matters such as rent or mortgage arrears, repairs and eviction
- debt and welfare rights
- matters relating to immigration, nationality and asylum
- defending criminal charges, from breach of the peace to murder
- children's panel hearings and appeals.

The help available may just be advice, or may for some types of case include representation in court.

### **The Board's vision**

"To provide access to justice for those eligible and in need of it, in a cost-effective manner."

### **Strategic aims**

- to provide access to a range of quality assured legal help in Scotland, when and where it is needed
- to obtain best value for the taxpayer through the delivery of efficient legal assistance services in Scotland
- to contribute to an efficient justice system in Scotland by providing an efficient legal aid system.

Through the achievement of these aims, we contribute to the achievements of the Scottish Government's Purpose and National Outcomes.

We work with the Scottish Government, 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.

We are part of a unique and dynamic organisation which

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

## SECTION 1 – MAIN TERMS AND CONDITIONS OF EMPLOYMENT

### 1.1 TERMS AND CONDITIONS OF EMPLOYMENT

This section of the 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 this handbook meet the requirements of the Employment Rights Act 1996, and may change from time to time. We will consult with the trade union about changes, and these will apply to union and non-union members alike. We will tell you 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 AND DUTIES

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.

#### 1.2.1 Alternative duties

The Board has the right at any time during your employment, so long as it gives you reasonable notice, to require you to undertake any duties which fall within your capabilities. It can also move you from one department to a similar position in another department within the Board.

### 1.3 PROBATIONARY PERIOD

On joining the Board, you will normally be employed on a probationary basis, usually for six months, covering your initial training period<sup>1</sup>. 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 needed. If your performance, conduct and attendance are satisfactory, we will confirm your appointment and you will become a permanent employee. Your probationary period ends only when we write to you telling you that you are now a permanent employee.

If you fail to meet the required standard during the probationary period, we will tell you and give you every opportunity to improve. If you do not make the necessary improvements, we will follow the appropriate procedure that may end your employment.

### 1.4 HOURS OF WORK

#### 1.4.1 Hours of work

Your weekly contractual core hours are shown in your written statement of terms and conditions.

The Board's standard contractual **core** hours of work for a full-time employee are 7 hours a day, with an unpaid one-hour lunch break, between 9 a.m. and 5 p.m. Monday to Friday inclusive (35 hours a week) each day.

<sup>1</sup> If you are employed on a fixed term contract, the initial probationary period will be for the first six months or the duration of your contract if this is less than six months.

There are many patterns of work for those working less than a 35-hour week and we will tell you which applies to you separately.

You may be able to work your contractual hours flexibly – see below.

### **1.4.2 Flexible working hours**

We aim to offer our employees as much flexibility and control over working hours as possible, while ensuring that together we can satisfy business needs and give our stakeholders a good service. You may therefore be able to work your weekly contractual core hours at other times in line with the Board's flexible working arrangements. Access to this flexibility is a benefit of employment, not a contractual right. Full details of arrangements are in the Board's [Flexible Working Procedures and Guidance Manual](#).

Whatever flexible working arrangements your team has, you cannot choose to ignore the Working Time Regulations 1998 (even if you would prefer to do so). They are a legal requirement. 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 old. Read [the working time regulations guidance](#) issued to staff and managers.

## **1.5 PAYMENT OF SALARY**

Except for employees contracted for less than six months, all employees 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.

If you are on a contract of less than six months, we will normally pay you by cheque on the last working day of each month. You can collect your cheque on this day from the HR Department after 12 noon.

If we would normally pay you by bank transfer but your contract starts after the payroll cut-off date (normally about the 16<sup>th</sup> of the month), we will pay you by cheque for the days worked in your first month (as shown above for temporary employees). You will receive your salary the following month by direct credit transfer as normal.

You can look at your itemised monthly pay slip on the HR/Payroll system from, at the latest, the day before pay day. It shows gross pay and details of all deductions made in arriving at net pay. We normally make any adjustments to salary for absence, overtime etc one month in arrears. [Click here](#) for a breakdown of the information on the payslip and a definition of each entry.

You should check your payslip for accuracy. Please be aware that, in the unlikely event that any inaccuracies become clear, we are required to recover any overpayments made in line with the principles set out in sections 25 and 26 of the Scottish Public Finance manual <http://www.scotland.gov.uk/Topics/Government/Finance/spfm/overpayments#a12> even if the overpayment was made as a result of an administrative error.

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 1825 (the number of full-time hours worked in the year).

## 1.6 SALARY SACRIFICE ARRANGEMENTS

“Salary sacrifice” schemes allow employees to give up part of their salary in exchange for certain benefits. Under a salary sacrifice scheme, you would pay less tax and National Insurance as a result of having a lower basic salary. In effect, it is a cost effective way of obtaining a benefit, providing you consider how the salary sacrifice might affect your future entitlement to statutory payments – for example maternity pay or your pension. If you wish to consider entering into a salary sacrifice agreement with the Board you can [find further information here](#).

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

## 1.7 PAY

Full information on the [Board’s pay policy](#) (including pay supplements) can be found here along with the Board’s [total reward statement](#). Promotion salary calculation tables can be found through the [HR related policies page](#).

### 1.7.1 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. We evaluate all jobs to identify and compare their relative complexity, scope and responsibility. This establishes the appropriate grade. We use this information along with external market salary comparison and public pay policy to set the pay bands for all the jobs within that grade.

### 1.7.2 Annual salary review

We will review your salary in August each year based on your performance for the previous year, from 1 April to 31 March. We assess your performance during the Performance Management process ([see section 2.4](#)).

You should not expect an automatic increase to the next step on the pay band each year. Any increase to salary, as a result of either pay progression or other increases to salary points, is subject to the Board and the Union agreeing on the next pay deal. You can find details of the Board’s [current pay deal including pay bands](#) here.

Under current arrangements, providing your performance is assessed as “Meets requirements and doing a good job”, you can normally expect your salary to progress to the next step on the pay band of your job grade. If you joined the Board or were promoted during a performance year, separate progression arrangements apply. We will give you details if this applies to you, but the principles are available in the [Board’s pay policy](#).

If you are subject to a formal disciplinary warning, you will not receive a salary increase. If your performance is assessed as “Not fully effective” or “Regularly falls below requirements”,

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we will not make an award in August. However, you may not have to wait until the following August for another salary review. If your performance improves to a good standard after either the first or second interim review, we may increase your salary from then.

If your performance is rated as “regularly” or “always substantially” exceeding requirements in any performance year, under current arrangements you may also receive a one-off non-consolidated bonus.

If you are a temporary or fixed-term employee, we will pay you at the same rate as for someone in a comparable permanent job role.

### **1.7.3 Promotion**

If your promotion is permanent, we will normally give you an immediate salary increase reflecting 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: the HR Department will tell you about this at the time of your promotion.

If your promotion is temporary, for example to cover maternity leave, you will receive a monthly non-consolidated non-pensionable payment. Details of these allowances are in the career advancement – promotion to a higher grade policy.

You can read the Board’s [career advancement – promotion to a higher grade policy](#) and [promotion salary calculation tables](#).

### **1.7.6 Overtime**

Flexible working means that we can accommodate peaks of work and take time off at another time. The need for paid overtime working should therefore be minimal.

You are eligible for overtime if you are employed in job grades 1 to 3 inclusive (unless the overtime is worked under the Facilities and IS policies for emergency cover; or essential maintenance work or, for grades 4 and 5, has been specifically authorised by a Director to carry out special and specific project work). (See our [out of hours payments policy](#).) Employees in grades 6 and above are required to work any additional hours needed to fulfil their responsibilities without payment or time off in lieu.

If you are eligible for paid overtime, you will only be paid for it if:

- it has been authorised
- you have also completed your contractual core hours of work within that calendar month.

The calendar month in which you claim overtime may include periods of sickness or annual leave. However, line managers must allocate paid overtime sensibly to make the best use of resources. If, for example, your line manager notices that sickness absence tends to occur in the same calendar month as paid overtime, they should review this to minimise risks to employee welfare and waste of overtime.

We pay overtime at the standard hourly rate – that is, the amount shown in your employment contract. An exception is for authorised out-of-grade working (that is, overtime by more senior staff to carry out the work of a lower grade) – see 1.7.2 below. We do not deduct pension contributions from overtime payments and any overtime worked will, therefore, not count towards pensionable service.

Overtime is generally voluntary. However, you may have to work a reasonable amount of compulsory overtime to meet short-term business needs – for example, to cover sickness or

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vacancies. In these circumstances we will give you as much notice as possible. However, even if it is difficult for you to work these extra hours, we can require you to do so if we give you two weeks' notice.

The [Working Time Regulations](#) apply to you when you are working overtime as well as during the normal working day.

You should read the [weekend working guidelines](#).

### **1.7.7 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 by choice (as shown in [section 1.7.6](#)), we will, wherever possible, give you time off in lieu equal to the hours you worked, plus an overtime payment at the standard hourly rate. If we cannot give you time off in lieu, we will pay you 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 shown in [section 1.7.6](#)) we will give you time off in lieu equal to the hours you worked.

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

You can sometimes volunteer to work overtime elsewhere in the Board to carry out the duties of a job graded lower than your normal 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. We will pay for this at a designated step on the relevant grade 1-3 salary scale as shown in the [salary scales 2008-11 with out of grade OT marked](#).

If you are working outwith your own department, the manager of the department in which you work the overtime should, for budgetary reasons, authorise it in advance. Your own line manager must also approve the overtime before you work it, and can refuse to do so for performance management or welfare reasons.

## **1.8 HOLIDAYS**

The holiday year runs from 1 December to 30 November. The following leave entitlements apply to all grades<sup>2</sup> and are prorated depending on your start date during the holiday year; the length of your contract within the holiday year and your contractual working hours per week.

- 34 days (238 hours) on joining the Board
- 37 days (259 hours) after 5 years service
- 42 days (294 hours) after 10 years service

The Board has nine compulsory leave days which are included in this entitlement. These days fall on the Board's declared public/privilege holidays and are normally: Good Friday, Easter Monday, the first Monday in May, a day to celebrate St Andrew's day, Christmas Day, Boxing Day, 1st and 2nd January, plus one other day that management decides.

Please see the full [policy](#) for details of how leave normally accrues throughout the holiday year and how it accrues during different types of absence from work.

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<sup>2</sup> Absence (for example long term sickness absence, parental leave and unpaid leave) may affect your holiday entitlement.

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

If the anniversary of the date you started to work with the Board is part way through a year, you will receive a pro rata entitlement from your anniversary date to the end of the holiday year.

There is no right to payment in lieu of holidays **except** when you stop working for the Board and then in line with contractual provisions as shown in section 1.8.1.

You do not have a right to take leave when you wish or at short notice. It must be planned in advance to suit business needs. You must normally ask your line manager to authorise leave at least a week in advance to ensure adequate staff cover. Your manager may direct you to take leave. You will get notice twice the length of the leave you must take. For example, if your Manager asks you to take one week's leave, you will get two weeks' notice of the date this must start.

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

### **1.8.1 Annual leave due after giving notice**

Leave entitlements accrue until your date of leaving the Board's employment. You are not entitled to a full year's leave unless you work the full year.

When you leave the Board's service, you are expected to work throughout your contractual notice period. However, if you have already had leave booked and authorised at least four weeks before your resignation, we will still allow you to take these holidays during your contractual notice period. Otherwise, it will be for the Board to decide whether you receive pay instead of holiday entitlement not taken or if you are required to take accrued holiday before you leave.

Payment instead of outstanding holiday entitlement will be made:

- at your standard hourly rate for any remaining days within the prevailing statutory minimum holiday entitlement
- 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 built up before your leaving date, you will have to pay back the appropriate amount at the standard hourly rate.

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

Employees on temporary or fixed-term contracts have the same entitlement to leave as permanent employees. This entitlement is in proportion to the part year worked.

Full-time employees will therefore receive leave of 19.833 hours a month, rounded down to the nearest half-hour.

### **1.8.4 Part-time employees**

Pro rata leave entitlement applies to all employees working less than the full-time 35 hours a week.

### **1.8.5 Carrying over leave to the next holiday year**

Under the working time regulations, all employees must physically take *at least* 28 days' holiday from work (that is, 196 hours or pro rata equivalent for part-time employees), made up of requested and compulsory holidays, for each full holiday year worked.

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We encourage you to take all your leave entitlement within the current holiday year. However, if the manager of your department approves it, you may carry over up to 35 hours (5 days) or bring forward up to 49 hours (7 days) 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.

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 taking less than the 28-day (196 hours) Working Time Regulations minimum holiday entitlement in either year.

Special arrangements apply if you have had a long term absence from work during the holiday year (including maternity and sick leave.).

Click here for the [full holiday policy, procedures and guidance](#).

### **NOTE**

Paragraph 1.8 was updated in June 2010 to reflect changes made in the full holiday policy.

## **1.9 SICKNESS ABSENCE**

The Board aims to provide the highest standard of service. To do so, we need all employees to commit themselves to providing the best possible attendance levels at work. We recognise that you may occasionally have to take time off work because of illness. However, if you take too much time off, it has a major impact on our efficiency and customer service. It also places a strain on remaining staff. Our managing absence policy focuses on improving attendance with support from the Board.

You must read and refer to our [Managing Absence Policy](#) for full details of absence reporting, monitoring, returning to work, long-term absences and sickness benefits.

### **1.9.1 Monitoring and controlling absence levels**

Your line manager monitors absence levels every month.

Where your absence is above average, your line manager will discuss this with you, 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.

For further information on how your absence data is used and for how long it is held please see [Data protection and the information held by the HR department](#).

### **1.9.2 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 line 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 cannot 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 can, you should phone yourself to speak to your line manager.

### **1.9.3 Keeping in 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 get a medical certificate from your doctor after seven calendar days of absence, including weekends and public holidays. You should send your medical certificate, and any further certificates, to the HR Department on the same day your doctor gives it to you. You should agree the frequency of contact with your line manager but, as a minimum, call to update them when you receive further medical certificates or see your doctor again. We may contact you during your absence where necessary and appropriate.

### **1.9.4 Part-day absences**

If you feel unwell and agree with your line manager to leave during the working day, 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 later that day, the number of hours needed to make up your normal working day will be recorded as sickness.

### **1.9.5 Sickness benefit scheme**

We will pay you for sickness absence so long as you

- meet the eligibility criteria (see the [Managing Absence Policy](#))
- are absent from work because of your own sickness
- have followed the reporting procedures in the Managing Absence Policy and
- have given the HR Department a valid medical certificate or completed the appropriate electronic payroll return.

If you do not follow the correct reporting procedures

- payments may be delayed or we may withhold all or part of your sick pay
- we may treat this as a disciplinary issue.

You are eligible for Occupational Sick Pay (OSP), which includes any entitlement to Statutory Sick Pay, from the date you join the Board. Benefits for part-time employees are calculated 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 pro rata, at the rate of 11.62 hours a month. OSP will not normally be paid during your contractual notice period when you are leaving the Board's employment.

If you are absent from work because of sickness or industrial injury, you will receive OSP during your absence on 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	140 (20)	140 (20)
At least 1 and under 2	280 (40)	280 (40)
At least 2 and under 3	420 (60)	420 (60)
At least 3 and under 4	560 (80)	560 (80)
At least 4 years and under 5	700 (100)	700 (100)
5 or more	910 (130)	910 (130)

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Entitlements for part-time employees are calculated proportionally. A sickness year starts on 6 April and ends on 5 April the following year. Entitlement during your first year at the Board is proportional 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.

### **1.9.6 Sickness and other leave**

If you are sick while on annual leave, we may, at our discretion, credit these days to your annual leave entitlement. We will only do so if you give us a medical certificate and your self-certified absence, not counting absences related to pregnancy or disability, is no more than the norm for Board staff.

Sickness benefit is payable where you are absent because of your own sickness only. If, for example, you are absent to care for a dependant or for a family emergency, the policy is outlined in [section 2.10](#) and full details are in the [Special Leave Policy](#).

If you feel you need more leave than the Special Leave Policy accommodates, please look at the flexible working guidelines. In addition to daily and weekly flexibilities, you could, using the procedures shown in the [flexible working guidelines](#), ask for a short-term (see section 4 of the guidelines) or [permanent](#) variation to your working hours or patterns.

### **1.9.7 Recovery and return to work**

#### **1.9.7.1 Your recovery**

You must take whatever reasonable steps you can to help yourself recover. Get medical advice if you need it as soon as possible, and follow it.

Do not take part in any activity or sport that may hinder your recovery.

You must not take any other work, paid or unpaid, while you are absent from work at the Board because of illness without seeking and getting the Board's express written permission. If you ask for permission, we will consider, for example, the nature of your illness and the work. If you do not have written permission:

- we may consider this action gross misconduct and take disciplinary action, including dismissal
- withhold OSP.

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

#### **1.9.7.2 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 discuss your return to your normal duties and to update you on what has happened in your absence. If necessary, your line manager may consult the HR Department to discuss any follow up action. If you prefer (for example, because of the nature of your illness) the discussion about your return to work can be with a member of the HR department.

If you feel fit to return to work before the date given on your medical certificate please telephone the HR 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.

### **1.9.8 Long-term sickness or ill-health**

We may access occupational health advice so that we can support you during any long-term sickness or ill-health. We will try to give you the right support to help you return to work

Annual leave builds up during sickness as described in the [holiday policy, procedures and practice](#). Read this policy for information on how this leave will be managed on your return to work.

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

### **1.10.1 Retirement policy**

Our [retirement policy](#) allows all employees, whether full-time or part-time, to choose to continue to work beyond the Board's current pensionable retirement age of 60, up to the government's current national default retirement age of 65. The policy also allows all employees to ask to continue working after the national default retirement age of 65.

In the year leading up to your retirement, we will give you pre-retirement support appropriate to your particular circumstances.

### **1.10.2 The Legal Aid (Scotland) Pension Scheme**

We offer membership of a contributory pension scheme, the Legal Aid (Scotland) Pension Scheme, which is governed by legislation. 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 65 to join.

The main objective of the scheme is to provide comprehensive pension arrangements with 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](#). Here is a summary:

#### **1.10.2.1 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.

#### **1.10.2.2 Retirement age**

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

#### **1.10.2.3 When you retire**

You will be entitled to a pension **and** a tax-free cash lump sum. A ready reckoner is available here for you to calculate your pension and lump sum. (Please note this is illustrative only and is not a statement of your legal entitlement.)

#### **1.10.2.4 Pension**

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

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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).

### **1.10.2.5 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”.

### **1.10.2.6 Cash lump sum**

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

The full Easy-to-follow guide, issued when you receive your 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.

### **1.10.2.7 Enhancing your pension**

You can enhance your retirement pension by buying “added years” or taking advantage of an investment plan.

#### **Added years**

If you would not otherwise have 40 years’ service by age 60 you can buy additional service to increase your eventual retirement benefits. The amount of service which you can buy is limited according to your age and length of service. You can get further details from the HR department.

#### **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 HR 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.

### **1.10.3 Stakeholder Pension Scheme**

The Board also offers access to a Stakeholder Pension Scheme with Standard Life and you can get further details of the scheme at the pensions session you will attend during induction training or from the HR Department.

## 1.11 GRIEVANCE PROCEDURE

The information below outlines the main points of the [Grievance Procedure](#). Unless otherwise stated, the term “manager” refers to the level(s) of line management dealing with your grievance.

### 1.11.1 Introduction

Grievances are concerns, problems or complaints that you want to raise formally with your manager or the Board, either because you have tried unsuccessfully to resolve them informally or because it is inappropriate in the circumstances to try to resolve them informally. This formal procedure is designed to deal with such matters fairly, consistently and timeously.

### 1.11.2 Who can raise a grievance?

You are entitled to raise a grievance under the grievance procedure, regardless of the type and length of your contract and how long you have worked for the Board.

### 1.11.3 General principles

All the parties involved must, so far as is possible in the investigation of the grievance, keep everything relating to grievances confidential and on a need-to-know basis. You may be disciplined if you give information to people who do not need to get it. However, complaints cannot always be formally investigated entirely confidentially. The grievance procedure below shows some of the situations where third parties may be involved.

Before dealing with a grievance, managers should consult with the HR Department to get advice and guidance on using the grievance procedure.

### 1.11.4 Stages of the Grievance Procedure

#### 1.11.4.1 Employee must put their grievance in writing

If you have raised a grievance informally, and it remains unresolved, you must make a formal grievance statement in writing. It should be a letter (handwritten or typed) delivered as a paper copy, fax, or as an attachment to an e-mail. If delivered in any other written format, your complaint will be treated as informal and not a formal grievance under this procedure.

Normally, you will address your grievance to the manager of your department. However, this may depend on the grievance (for example, it could be against your manager). The full Grievance Procedure gives details of who you should address the grievance to, and who will consider it.

#### 1.11.4.2 Investigation of facts

Before any formal meeting, the manager should gather and investigate relevant facts. Depending on the seriousness of the matter, this may include formal interview(s) with any other parties involved.

#### 1.11.4.3 Employee invited to attend formal meeting

When the statement of grievance is received, you will be invited to attend a formal meeting to discuss the grievance. This meeting should be held as soon as possible and normally within seven calendar days of conclusion of the investigation.

#### 1.11.4.4 Formal grievance meeting

The formal meeting will be held, following an investigation of the facts, to discuss the matter with you and to ensure that those facts are correct and agreed. It is important that all

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relevant parties are given the opportunity to state their case before the manager hearing the grievance makes a final decision.

### **1.11.4.5 Decision**

The manager will gather and review all relevant information, including any that you put forward, and reach a decision. You will be told the outcome in writing, normally within seven calendar days of the formal grievance meeting, or at least be told formally why this timescale is not possible and given a revised deadline.

### **1.11.4.6 Appeal**

If you are dissatisfied with the decision, you have the right of appeal to a more senior manager. The written decision should tell you about your right of appeal, and who to appeal to. You will normally have seven calendar days after you receive the letter to lodge an appeal in writing. An appeal hearing will then be arranged.

The manager who hears the appeal must inform you in writing of their decision within 7 calendar days of the meeting.

### **1.11.4.7 Final appeal**

You have one further opportunity to have the grievance heard, at a final appeal. The procedure followed will be the same as for the first appeal and a hearing arranged as soon as practicable, again to a more senior manager.

The decision of the person(s) conducting the third meeting will be final.

You have the right to be accompanied by a trade union representative or colleague of your choice at formal grievance or appeal meetings.

## **1.11.5 Collective grievances**

A group of employees with a formal grievance about a local issue (for example, only affecting one team or department) should follow the same grievance procedure, although the group should select a representative to put forward their case.

Certain grievances could have implications for all or many groups of employees. If such a general collective grievance arises, there is a separate agreed procedure to resolve the matter through collective bargaining agreements between the GMB Union and management representatives.

See also [section 2.21. on Whistleblowing](#).

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

We review both the [disciplinary procedure](#) and the [disciplinary appeals guidance procedures](#) regularly to ensure they meet legal requirements. The information below outlines the main points only. We recommend, therefore, that you read the procedures 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 someone is not meeting reasonable standards. We do aim to deal with cases of minor misconduct informally and outside the formal disciplinary procedure wherever possible.

You should be aware that misconduct could arise not only when you are working in the office but also when, for example, you are dealing with clients or contractors, at external meetings, work social events or working from home.

In addition, disciplinary procedures may be initiated where misconduct has a bearing on your position in the Board, and/or the Board's reputation. , For example, any member of staff who is arrested, charged with, or convicted of, any criminal offence may be subject to disciplinary proceedings. Action will normally only be taken where misconduct has a bearing on your position in the Board, and/or the Board's reputation but criminal convictions in particular may be grounds for us to begin disciplinary proceedings. If you are arrested, charged with, or convicted of, any criminal offence you must report the facts to your line manager as quickly as possible. (Traffic offences for which the penalty has not included imprisonment or disqualification from driving need not be reported unless otherwise required under the [Driver and vehicle policy](#).)

In dealing specifically with cases of poor performance, we aim to distinguish between:

- those where the poor performance is within the employee's control and is more to do with conduct than capability – for example, negligence, lack of application or interest, or attitudinal problems ([Disciplinary Procedure](#) applies) and
- those where the poor performance is outside the employee's control – for example, ill-health, a lack of training, a gap between the employee's skills and the needs of the job or as a result of the evolving nature of the job. ([Capability Procedure](#) applies and see [section 2.5](#).)

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

All matters relating to a disciplinary issue should be kept confidential by all parties involved.

Before taking disciplinary action, line managers will consult with the HR Department to get advice and guidance on the use of the disciplinary procedure.

Line managers should use the HR department as their first line of support. They should only discuss the generality of a situation that may need disciplinary action with their own line manager, not the details including any investigation and subsequent action under this procedure. This is important so that, if the employee appeals against the line manager's decision, the more senior manager can hear the appeal and conduct it fairly, without bias or prejudice (see [disciplinary appeals procedure](#)).

### **1.12.2 Stages of the disciplinary procedure**

#### **1.12.2.1 Notification of formal meetings**

You will be told, in writing, of any formal investigatory interviews and/or hearings you may be required to attend. This notification will also state the reason(s) for holding the interview or hearing.

#### **1.12.2.2 Investigation**

Line managers should only decide to take disciplinary action once they have gathered and fully investigated relevant facts. Where appropriate, this may include formal investigatory interview(s) in which the employee will be given the opportunity to respond to any evidence the line manager puts forward and to present relevant information or explanations.

#### **1.12.2.3 Disciplinary hearing**

Following an investigation of the facts, a formal disciplinary hearing will be held to discuss the matter with you and to ensure that the facts of the case are correct and agreed. All facts must be presented in a non-judgemental way, and you will be given full opportunity to respond.

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### **1.12.2.4 Decision**

Once all relevant information has been gathered and reviewed, the hearing may be adjourned to carefully consider this. Once a decision is reached, you will be told of the outcome at the earliest opportunity and this will be followed up in writing.

### **1.12.2.5 Appeal**

If you are dissatisfied with any disciplinary decision taken, you will have the right of appeal to a more senior member of management.

### **1.12.2.6 Possible outcomes**

- No formal action taken under the disciplinary procedure
- Formal action taken under the disciplinary procedure

The disciplining manager will tell you the level of any warning to be given (see the table below) and the reason for this warning. The manager will set out the time within which you must improve your performance or conduct, and tell you that if you do not achieve the desired standards, the matter may go forward to the next stage of the disciplinary procedure. A record of the warning will be held on your personal HR file and will be valid in terms of the disciplinary procedure for the periods shown below, subject to your achieving the specified improvement(s).

In addition to the options below, disciplining managers can impose other relevant sanctions to help employees achieve the desired standards.

<b>Level of warning</b>	<b>Where this level of warning is appropriate</b>	<b>Valid for purposes of disciplinary procedure<sup>3</sup></b>	<b>Further period of retention on personal file</b>
Verbal	Cases of general misconduct	6 months	6 months
First written	More serious cases of misconduct or where, following the issue of a verbal warning, performance or conduct fails to improve.	9 months	9 months
Final written	Cases of serious misconduct or where, following the issue of a first written warning, performance or conduct fails to improve.	12 months	12 months
Dismissal with requisite notice	Cases where, following a final written warning, there is a further offence or the required improvements are not achieved.	N/A	N/A

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

A reduced procedure applies if you have less than a year's continuous service. The reduced procedure is the same as the full procedure outlined above, except that for general misconduct, a general breach of discipline or if your work is unsatisfactory, a manager will normally issue only one formal warning before dismissal. The first line manager (or Assistant Manager) will conduct the hearing in consultation with an HR representative.

<sup>3</sup> From date of letter issuing warning

#### **1.12.4 Gross misconduct and immediate dismissal**

Acts of gross misconduct will lead to immediate dismissal without notice. If the investigation into the offence shows this to be necessary you will be dismissed at a meeting held by a Director in consultation with an HR representative.

#### **1.12.5 Right to representation**

You have the right to be accompanied by a union representative or colleague of your choice ("employee's representative") at formal interviews to investigate the situation and at any subsequent disciplinary or appeal meetings.

#### **1.12.6 Disciplinary appeals procedure**

The [disciplinary appeals 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 of management. 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.

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

Our [Code of Conduct](#) has been agreed by the union.

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 the guidance in this section, and if you do not make the HR Department or the manager of your department aware of potential conflicts 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 Chief Executive's Office.

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

If you have, or wish to take up, any other employment or interest (paid or unpaid) in any other business, you must inform the HR Department in writing. We will wish to consider whether this is likely to affect your capacity (positively or negatively) to carry out your work or could be contrary to the Board's interests. For example, we would have to consider carefully any work involved in private legal practice or to do with legal aid.

We will tell you in writing whether you can begin, or continue with, any such involvement.

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](#) when considering an additional job.

### **1.13.2 Potential conflicts of interest**

If you have a close relative or close personal friend who works in an office giving legal assistance and is directly involved in legal aid work, you should inform the HR Department in writing. We 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 HR Department if your relationship with someone is purely professional.

If you are aware that your 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 the manager of your department – 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 about 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 (a work colleague or outsider), please tell the manager of your department. 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.

You should not make a decision on behalf of the Board about any case you have been involved in, in any capacity, in any other employment. This applies to applications at any stage of the approval, payment or recovery process. If you become aware that you have been previously involved in a case you should alert your line manager who will assign the case to someone else and you should have no further involvement.

### **1.13.3 Your application for legal aid or one naming someone you know**

All applications for legal aid are subject to confidentiality rules as shown in this handbook and the associated policies. You should remember that confidentiality applies within the Board as well as relating to information given to others outside.

You should not discuss information contained in applications with anyone who does not need to know in order to deal with that application. This is to ensure the privacy of individuals who may include those we know – for example, colleagues, friends or neighbours who are named in legal aid applications, either as the applicant or as a third party.

If you apply for legal aid, or are aware that you are to be named as a third party in an application, your application will be assessed against the same criteria as any other application. However, we recognise that you might find this awkward and you may wish to alert either your line manager or a member of the HR Department if you feel this is more appropriate. We will then take action to restrict the access to the application to essential decision-makers where practicable. Please bear in mind, though, that there are some circumstances – for example as described in the code of conduct – that would mean you must tell us about an application you make.

If you want to find out about the progress of your application or 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 confidentially with your line manager or the HR Department. If you decide the relationship should be disclosed you should tell the manager of your department and the HR Manager. We have the right to move 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 Purchasing and Supply. You can accept trivial or inexpensive gifts which are given in the normal course of business – for example, a pocket diary or calendar –without this consultation. If you are offered gifts other than these, you should not accept them. They should be sent to Purchasing and Supply, who will decide whether or not the item should be returned. If you have received gifts (for example, drinks, hampers etc), Purchasing and Supply may decide to send them to the Sports and Social Club Committee who will raffle the gift at a Board social event. Alternatively, if Purchasing and Supply 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 feel.

If you receive an offer of hospitality it is the norm to decline and Purchasing and Supply can do this 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 Criminal charges**

If you are arrested, charged with, or convicted of, any criminal offence you must report the facts to your line manager as quickly as possible. Action will normally only be taken where misconduct has a bearing on your position in the Board, and/or the Board's reputation but Criminal convictions in particular may be grounds for us to begin disciplinary proceedings. (Traffic offences for which the penalty has not included imprisonment or disqualification from driving need not be reported unless otherwise required under the [Driver and vehicle policy](#).)

### **1.13.7 Personal conduct**

You should tell your line manager if court proceedings are, or are likely to be, initiated against you. This includes proceedings related to you being in serious financial difficulties. Action will normally only be taken where this has a bearing on your position in the Board, and/or the Board's reputation.

### **1.13.8 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](#).

Refer also to [section 2.21 on Whistleblowing](#).

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

Three laws govern what we do with information. It is important that you understand the different kinds of information we hold, and what, under these laws, we can or cannot reveal to people. For many types of information requests, we are obliged by law to respond within strict time limits, so it is important that you deal with requests (or pass them on to the designated officer) immediately.

We briefly explain below what each law obliges you to do. You may also need to refer to the more detailed guidance on each of these.

As a general principle, you should not pass on any information you may come across in the course of your work to anyone outwith the Board, unless

- you are certain that you are allowed to do so, and
- you have appropriate proof that they are entitled to it.

This may include, for instance, information about individual applications and accounts or unpublished material about the Board's policies or progress.

### **1.14.1 How can I be certain that I am speaking to the applicant, opponent or the solicitor?**

Explain to the caller that, for security purposes, you need to check certain information before discussing any particular legal aid matter. Ask for –

- the telephone number from which they are calling: you may be able to confirm that this is the number given to us in the application form as a contact number – if you don't have the file to hand, ask if you can phone them back and, before you do so, make sure that number is one that has been given as a contact number; and
- personal information we already have – for instance, the person's place of birth or date of birth (shown on the application form) or, if a married woman, her surname at birth; and
- if they are calling in response to a letter from us, there should be an internal reference on the letter, and we should ask them to for it before discussing the case with them.

If you are ever in any doubt about whether you should provide information to someone outwith the Board, even if the caller insists they are entitled to it, you must check with your line manager or one of the people mentioned below. It is better to err on the side of caution. If you pass on information that is confidential you could be liable to serious disciplinary action, including dismissal, 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 always to check.

Requests for information without specific reference to any Act or regulations should still be identified as one of the categories below and treated accordingly.

### **1.14.2 The Legal Aid (Scotland) Act 1986**

As an employee of the Board, it is illegal for you to disclose any information provided to the Board (for example, about applicants or their applications or information provided by someone other than an applicant) – section 34 of the Legal Aid (Scotland) Act 1986 makes it a criminal offence for you to do so, with a fine of up to £2,500 on conviction. You can see an [extract of the Act](#) here.

For detailed guidance on section 34, prepared by Legal Services, [click here](#).

### **1.14.3 The Data Protection Act 1998**

Under this Act we must ensure that personal data is subject to appropriate measures to protect against unauthorised or unlawful processing. We must also tell people, if asked, what data we keep on them and correct it if it is wrong.

You should pass on any request under the **Data Protection Act** immediately to the Board's Data Controller (currently the Director of Audit and Compliance). It is an offence under the Act for you to knowingly or recklessly obtain or disclose data without the consent of the Data Controller. If you are convicted of this offence, you may receive a fine of up to £10,000 (and in some cases a potentially unlimited fine). Click here for further details of your [data protection responsibilities](#).

### **1.14.4 The Freedom of Information (Scotland) Act 2002**

Under the Freedom of Information (Scotland) Act 2002 (FOI) people have the right to get certain information from us, including all types of "recorded" information of any date, subject to certain conditions, within strict timescales (usually twenty working days).

You should immediately pass on any request referring to the Freedom of Information Act to the Chief Executive's Office so that it can be logged and internal procedures can be followed. Click here for [more information about FOI](#). Some requests for information that do not specifically refer to the Freedom of Information Act could still be deemed requests under this Act. Even if they do not refer to it, we are still obliged to deal with them in accordance with the Freedom of Information Act. If you receive a request for information, and you are not certain whether it is an FOI request, bring it to the attention of your line manager or the Chief Executive's Office immediately.

A failure to comply with FOI could result in legal action being raised against the Board.

If you disclose confidential information obtained in the course of your employment<sup>4</sup> or act in a manner which is in contravention to either the Data Protection Act 1998 or the Freedom of Information (Scotland) Act 2002, we will consider this gross misconduct for which you would be dismissed (see the [disciplinary procedure](#)).

### **1.14.5 Data protection and information held by the HR Department**

We store and use personal information about you, as an employee, in computer records held in the HR and Payroll Oracle system, and in paper files. In many cases, you will have supplied the information yourself.

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<sup>4</sup> Subject to the Public Interest (Disclosure) Act 1998 (PIDA). (However, in certain circumstances disclosure of confidential information may also lead to prosecution under section 34 of the Legal Aid (Scotland) Act 1986 and such disclosures would not be protected under PIDA.)

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We hold certain types of information to enable us to fulfil our contractual and legal obligations as an employer. Other information is necessary for internal administration. For details on the data we hold, what it is used for, how long it is held and your rights of access see [here](#).

### **1.15 TERMINATION OF EMPLOYMENT**

If you resign from the Board, the HR Department will normally ask you to a meeting to complete an exit interview questionnaire and may wish to follow up your comments with you. You can ask for a follow up discussion if you wish.

If you have less than six months' continuous service you must give us a minimum of one week's written notice of termination of employment. Similarly, we will give you a minimum of one week's notice of the end of your contract.

Normally, if you have more than six months' continuous service, you must give a minimum of four weeks' written notice. We will also give you a minimum of four weeks' notice of the end of your contract. However, if your performance is not considered fully satisfactory the requirement will remain as one week's notice (either way) until specified to you otherwise in writing.

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 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 1.8.1](#)). You will not normally be allowed to take holidays during the contractual (that is, minimum) notice period, unless they were already booked and authorised before your resignation.

OSP will not normally be paid during the contractual part of your notice period.

Should you leave without notice or during your notice period, we have 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, we agree in writing to waive our right for you to work your notice, this condition will not apply and you will normally be paid up until the last day you actually worked. We have the right to make payment in lieu of notice where we consider this is in our own interests.

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

Where we need to make unexpected adjustments to your last pay – for example, because of sickness absence or overtaken holiday entitlement – your final pay may be delayed to allow recalculation. You will normally be paid by the last day of the month.

### **1.16 QUALIFICATIONS**

We 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.

Your offer of employment is conditional on your providing evidence of your declared qualifications. You must give the HR Department originals of relevant certificates within your first week of work at the Board. They will place copies of your certificates will be placed on your personal file while you are employed with the Board.

## **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. We may do this:

- 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 you are still in or have recently left full time education, we will ask you for details of a tutor who is familiar with your work and conduct.

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 2.13](#).

## **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.

We recognise, 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.

Read the full [Standard of Dress and Appearance Policy](#), which includes guidance on what is and is not acceptable.

### **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 HR Department

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

### **1.19 SMOKE-FREE POLICY**

It is our policy to comply with the law on the prohibition of smoking and that all employees have a right to work in a smoke-free environment. Click here for the [full policy](#).

You are not allowed to smoke in any of the Board's buildings or vehicles (owned, hired on a short-term basis or leased). If you use your private car to travel on Board business, as this becomes your workplace you should not smoke (or allow passengers to do so) in your car during your trip.

If you wish to smoke in the open air on the Board's property, to comply with the law you may only do so in the smoking shelter in the back garden at 44 Drumsheugh Gardens. You must not smoke anywhere else in the back garden, on the front doorsteps or the external basement area at the front of the Drumsheugh building. Local arrangements apply to staff working in other offices.

You may only use the smoking shelter at the following times:

- in authorised breaks;
- before starting work for the day;
- during your lunch break;
- after finishing work at the end of the day.

For security reasons and as the basement doors are alarmed, at the weekends smoking is not permitted anywhere in the Board's buildings or grounds, including the smoking shelter.

Anyone who does not comply with the smoking law is liable to criminal prosecution.

We will take disciplinary action against any member of staff who does not comply with this policy, treating it as serious misconduct which could lead to dismissal under the Disciplinary Procedure.

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## **SECTION 2 – SUMMARY OF POLICIES AND GUIDANCE**

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 there are fuller policies, we give links to these. The HR Department develops the HR policies and monitors their application, giving advice and guidance to line managers as necessary.

## HR POLICIES AND PROCEDURES - SUMMARY

### 2.1 Equal opportunities

For some time at the Board we have been developing and refining our approach to equalities. We have developed an overarching Single Equality Scheme which complements the individual schemes that are required by our various public sector duties on equality (race; gender; disability) to eliminate unlawful discrimination and promote equality of opportunity. The scheme sets out how we intend to take forward equalities work and explains how the scheme will contribute to that work. You can read our [equality scheme](#) on our website.

As a public employer we try to:

- foster a culture in which all people are valued as individuals (valuing diversity)
- fulfil our legal and moral obligations as a public service provider (our equalities duties)
- equip people with knowledge and skills to deliver that service.

We do this specifically through our:

- [Equal Opportunities statement](#)
- Equal pay audits
- [Dignity at Work Policy and Procedures](#) (see 2.2)
- induction training
- flexible working arrangements
- monitoring of the data potential and current employees give us voluntarily to ensure the effectiveness of our policies.

### 2.2 Dignity at work

Our [Dignity at Work Policy and Procedures](#) aims to demonstrate our commitment to equality and appropriate behaviour. It aims to ensure we respect and value differences and encourages us to develop positive behaviour towards everyone with whom we have contact in the workplace. The procedure outlines the steps we should take if inappropriate behaviour (including bullying or harassment) occurs so that it can be sensitively and effectively dealt with.

### 2.3 Recruitment and selection

#### 2.3.1 Recruitment

We assess all job applicants, internal and external, 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, psychometric and practical tests (where appropriate); interviews and references. For more information, refer to the full [Recruitment Policy](#).

#### 2.3.2 Vacancies

We normally advertise all posts internally in addition to using, where appropriate, external sources of recruitment. We 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.

We would normally expect you to have worked one year in your current post, successfully completing any probationary period, before applying for internal vacancies.

### 2.3.3 The selection process

Decisions to interview applicants, whether internal or external, are based on 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 or skills tests

and, in the case of internal applicants

- recent performance
- your last performance review 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 offered feedback on your application, test and interview results.

### 2.3.4 Recruitment of friends or relatives

We will consider friends or relatives of Board employees who apply for any vacancies 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 us to appoint them, we will hold their details on file and consider them 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, we have the right to re-deploy one or both. We would do this in cases where we consider they work too closely or in the same reporting line and there could be conflicts of interest (see [section 1.13.4](#)).

### 2.3.5 Secondments and transfers

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

The performance management process (see [section 2.4](#)) takes into account the time spent on secondment or transfer during the performance year.

## 2.4 Performance management process

We try to ensure that employees achieve and maintain a high standard of performance in their work. This is done through day-to-day line management and through our performance management process. The performance management process is the two-way process of assessing past performance, agreeing future objectives and identifying your personal learning 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. Your line manager will, during your review meetings with them, recognise and record your effort and achievements. You and your line manager can try to find constructive solutions for any difficulties or areas where improvement is needed.

## Section 2 – Summary of policies

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 1.7.2](#)) will be given. You and your line manager will be jointly responsible for

- setting and agreeing your personal objectives
- objectively and honestly assessing your performance and skills
- agreeing any learning and development you need in order to achieve your objectives or improve your performance.

Detailed information on the process is in the [performance management documentation](#), given and explained to you during your induction training.

### 2.5 Capability procedure

We recognise that, even with a performance management process in place, for varied reasons, you may not always achieve or keep up acceptable performance standards. Our [capability procedure](#) outlines the approach and actions in this event.

In dealing with cases of poor performance, we aim to distinguish between:

- those where the reason is outside your control – for example, ill-health, a lack of training, a gap between your skills and the needs of the job or as a result of the evolving nature of the job.
- those where the reason is within your control and is more to do with conduct than capability.

The procedure helps to identify the reasons for poor performance and provides a supportive approach to dealing with situations that are outside the employee's control.

### 2.6 Learning and development

We are committed to developing all employees to enable them to achieve business objectives. We aim to develop your knowledge and skills to meet our customers' demands now and in the future. We are also committed to giving you access to learning opportunities and promoting the value of lifelong learning.

For full details see the [Training and Development Policy](#).

You should take responsibility for your own personal development, working with your line manager within the performance management process to identify your learning and development needs, then striving to meet them.

Access to a range of e-learning courses is also available to you in non-work time for any learning you may wish to do out of personal interest.

#### NOTE

Paragraph 2.6 was updated in June 2010 to reflect changes made in the full training and development policy.

### 2.7 Time out from employment

We will consider requests for a break in employment to accommodate individuals' personal plans or responsibilities, subject to certain conditions. By "time out from employment", we mean a break in employment of between three and 12 consecutive months.

If you ask for a break, we will not automatically grant it, but will consider it subject to the Board's business needs and the eligibility criteria set out in the [time out from employment policy](#). You will have to resign from your employment and you will not be in any way a Board employee during your break. However, we will give a commitment to offer you, without going

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through the normal recruitment process, any vacancy we consider suitable during a specified period when you want to return to the Board. If we can re-employ you, we will recognise your previous service for most contractual employment benefits.

There is, however, no absolute right to return to employment under such an agreement, and the position you leave may be filled on a permanent basis. An agreement is an act of goodwill and intention to employ you in future, where this is possible and in the Board's business interests.

For full details of eligibility, the application procedure and the impact of any break on your terms and conditions, see the [time out from employment policy](#).

## **2.8 Payment of professional fees**

We will only pay for membership of one professional body.

If you are a member of a professional body, we 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 and
- you provide evidence of complying with the continuing professional development (CPD) requirements of the professional body.

You should give copies of CPD records with the request for payment (to your manager) and copy them to the Learning and Development Department. This will be saved in your HR learning record.

We will not pay any premiums included in subscriptions with the exception of the indemnity insurance solicitors holding practising certificates must have.

## **2.9 Redundancy**

We fully recognise the importance of creating as secure a working environment as possible and we aim to ensure continuity of employment through effective business and manpower planning. However, if we have to cut employee numbers, we will handle this in a fair, consistent and sympathetic manner. Full information is in the [Redundancy Policy](#).

## **2.10 Special leave**

Special leave, with or without pay, may be granted (for example, time off for family emergencies, bereavement, witness citations). Full guidelines are in the [Special Leave Policy](#).

## **2.11 Travel disruption guidance**

You have a responsibility to make every reasonable effort to reach your normal office base to attend work. This applies also in severe bad weather conditions or when faced with other travel disruptions. If you could reach work by walking a reasonable distance and/or by available public transport, or by sharing transport with colleagues, you are expected to do so.

We recognise that, in exceptional circumstances, you may be unable to reach your office – for example, if you live beyond a reasonable walking distance and roads are impassable and/or public transport is not available. We consider that (pregnancy, ill-health or disability aside) a walk taking 45 minutes to one hour is a "reasonable" distance to expect you to walk to work unless weather conditions are so extreme as to make it unsafe to do so. Employees living within a two-mile radius are usually expected to walk to work where there is no available transport.

[Further guidance](#) is available here.

## **2.12 Employee relations**

### **2.12.1 Policy development**

Our policy is to ensure that all employees are treated equally. Employees may be involved in working groups set up to develop or change policies that affect their employment. In selecting employees to join these groups, we may ask for volunteers and/or ask managers to nominate an appropriate person based on the needs of the project and their department at the time. Once a new policy has been drafted, or substantial draft revisions have been made to an existing policy, it is posted in a shared folder for employee consultation before final approval and issue.

### **2.12.2 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. We will not discriminate between union members and non-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 your line manager.

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

The [Joint Consultative Committee](#) is made up of representatives from management and the union. The Chief Executive chairs meetings of the JCC and these provide 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 management makes after discussion with the union affect all relevant employees whether union or non-union members. The [minutes of JCC meetings](#) are available here.

## **2.13 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 you must pass it to the HR Department to respond. You are only allowed to give the reference yourself if it is a personal or character reference and you are answering as a friend or acquaintance (not a line manager or colleague). Personal or character references must never be provided on Board headed notepaper. For legal reasons you are not permitted to give references on the Board's behalf.

If you are asked to participate in a 360 degree appraisal for a business contact you may do so providing you include the following statement with your response:

*Any views or opinions contained in this appraisal which do not relate to our business are not authorised by the Scottish Legal Aid Board (the "Board") and are the author's only, except where the sender specifically states they are the Board's views.*

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

Where the HR Department is asked to provide a reference for a current employee, it will consult the employee's line manager to get performance related information that may be needed for the reference.

Where the HR 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), we will get your

consent before releasing any personal data. Where sensitive data (for example, salary or sickness information) is requested, we will ask you to sign a consent form. We will also ask you to sign a consent form when you leave the Board's employment (so that we can freely provide employment references for you if asked in the future).

## **2.14 Parental provisions**

In addition to your statutory rights, our [Parental Policy](#) offers enhanced conditions to help you with the balance between work and family life. Please consult it for further details on maternity leave and pay, paternity leave and pay, statutory parental leave and adoption leave.

### **2.14.1 Pregnancy**

We would like you to inform the HR Department as soon as possible if you know you are pregnant. Telling us triggers certain procedures to ensure you receive the protection afforded to pregnant employees by both law and Board policy. Those involved in absence recording, administration of maternity, health and safety and your line manager will therefore need to be aware of your pregnancy. The latest date you must notify us of a pregnancy, in order to access all your rights, is 15 weeks before the week in which your baby is due to be born.

## **2.15 Right to request flexible working**

We offer access to flexible working as a benefit over and above your contractual core hours. If you want to ask for a variation to your contractual core hours, the [procedure](#) is in Appendix 2 of the [Flexible working procedures and guidance manual](#). This benefit is available to everyone, although some staff, such as many parents and carers, have a legal right to make such requests.

## OTHER EMPLOYMENT-RELATED BOARD POLICIES - SUMMARY

### 2.16 Health and safety and accident reporting procedure

#### 2.16.1 Health and Safety Policy

By law, we must provide a safe and healthy working environment for all our employees. In practice, we aim to provide an environment that is better than those requirements.

In particular, we have to give attention to -

- providing and maintaining office equipment
- handling, transporting and storing articles and substances
- giving enough information, instruction, training and supervision to enable all employees to avoid hazards and to contribute to their own safety and health at work
- keeping a safe place of work
- keeping 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.

To read our health and safety policy, click [here](#).

#### 2.16.2 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.

During your induction training we will give you guidelines for using such equipment safely and these are also in the [Use of Display Screen Equipment Policy](#) and the [Health and Safety Policy](#).

#### 2.16.3 Eye and eyesight tests

For more information see [section 6 of the Use of Display Screen Equipment policy](#).

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.

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, and to new employees. If you would like to take advantage of this service at any time, telephone the HR Department for an appointment. Alternatively you can make an appointment with an optician of your choice. Free NHS eye examinations are available for everyone in Scotland. When arranging eye tests, you should tell your optician that your work involves the use of a computer, and that the test they give you should therefore incorporate DSE use. It is a good idea to have your vision screened at least annually.

We will pay a [contribution](#) once every three years to all employees with 6 months' completed service who need glasses or contact lenses and whose work includes DSE use. How much we will pay is based on the cost we agree with our chosen optician for a basic pair of single vision spectacle lenses. You will pay the difference between this and the cost of your chosen glasses

or lenses. If you need glasses solely for DSE use, we will contribute up to £50 each time your optician advises that you need new glasses.

#### **2.16.4 Health and Safety Committee**

You will meet the Board's Health and Safety Officer as well as attending a health and safety training session as part of corporate induction training.

The Health and Safety Committee is made up of representatives from all areas of the building. The 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. To read minutes of recent meetings, [click here](#).

Health and safety supervisors ensure that standards are maintained and employee awareness is kept high in their part of the building.

If you become aware of a potential hazard or defect anywhere in the building (for example, boxes causing obstruction, loose carpets, empty soap containers, faulty lights) you should report it immediately to Reception on extension 622.

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

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

Our first-aiders control first aid boxes and access to the First Aid Room. They are listed by name, room and extension number on a notice by the door of each room.

You should report to a first-aider if you have an accident within the building, 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. They will let your line manager know about your accident. 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 HR Department must be told.

We are obliged by law to record details of all accidents while you are working on Board business, either in the workplace or elsewhere (for example, travelling).

All accidents, however minor, must be reported as soon as is reasonably practicable. Where you have involved a first-aider, they will fill in a report form, which is kept in the Accident Book in the HR Department. If your accident was not within a Board building, contact HR who will complete the appropriate records.

You should be aware that there are additional requirements if an accident results in an absence from work of more than three consecutive days. If this happens, line managers should contact the Senior Facilities Officer (Health and Safety) for instructions.

#### **2.16.6 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 as part of your induction. The procedures are shown on a notice in your area, and you can read [the full procedures](#) here.

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

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

## **Section 2 – Summary of policies**

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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.

### **2.16.7 Use of lifts**

There are two lifts. In the event of 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 here for [weekend working guidelines](#).

### **2.16.8 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 waste paper, storage materials and litter.
- Recycle cardboard, non-confidential waste paper, cans and bottles using the bins and bags provided.

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, 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.

## **2.17 Office security**

### **2.17.1 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 main 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 blinds 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](#).

### **2.17.2 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.

### **2.17.3 Personal property**

The Board cannot accept liability if you lose personal property or clothing in the office.

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.

### **2.17.4 Lost property and possessions**

If you find any item of lost property in the office 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 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.

### **2.17.5 Damage to clothing**

If you damage your clothes on equipment or furniture, you should show the HR Department the damaged clothing and follow up with the details, in writing. Facilities will inspect the equipment or furniture. If we consider 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, we may reimburse you for the cost of the repair or replacement as appropriate. Otherwise, the Board does not accept liability.

Remember that you have a responsibility to report potential hazards and defects so that such damage can be avoided (see [paragraph 2.16.4](#)).

## **2.18 Board property and equipment**

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

You should not remove any of the Board's property from the premises without permission. To do so may result in disciplinary action.

To enable you to do your job, the Board may provide you with mobile equipment, for example a portable computer, laptop, mobile phone or PDA. The use of this equipment with Board systems falls within the terms of the [Computer Usage Policy](#). There are specific requirements relating to the use of mobile equipment of which you must make yourself aware. These are

## **Section 2 – Summary of policies**

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detailed in the policy. You must also take additional care to protect the security of information (see below) contained on such mobile equipment.

### **2.18.2 Security of information**

You must safeguard all personal and confidential information held by the Board from public exposure. As employees of Scottish Legal Aid Board, we are under the statutory requirement not to disclose any information about applicants or their applications - Section 34 of the Legal Aid (Scotland) Act 1986 makes it a criminal offence for us to do so. The Data Protection Act 1998 also requires us to ensure that personal data is subject to appropriate measures to protect against unauthorised or unlawful processing and accidental loss, destruction or damage. We require all staff to be vigilant in this respect to ensure that the Board's reputation is not damaged by lapses in security of information.

It is not acceptable for any employee to routinely remove papers, files, reports, correspondence etc. from Board premises which contain any information pertaining to a named individual, or any confidential matter. Any such removal must be separately and specifically authorised by the director of the area concerned. If for operational reasons, you are allowed to take documentation or data files out of the office to allow you to work at home or elsewhere, strict procedures must be followed and are shown in the [security of information and transportation of files policy](#).

### **2.18.3 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.

## **2.19 Computer usage policy**

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### **2.19.1 General information**

Developments in information technology mean we use computers more and more in our day-to-day work. One of the advantages of computer systems is that they are easily accessible. Because they are so accessible, they have the potential to be 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 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. Specific details about monitoring of e-mail and internet are contained in the full computer usage policy.

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

### **2.19.2 Internet café**

We have a small internet café available for personal internet use during office opening hours. The purpose of the internet café is to encourage staff to take breaks and lunches away from their desks and to allow limited personal access to the internet away from the working environment.

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The internet cafe runs on a 'self-service' basis. You have to log into the network with your normal login and the Computer Usage Policy still applies.

## 2.20 Travel and associated expenses

THIS SECTION TO BE REVIEWED AFTER TRAVEL POLICIES FINALISED

### 2.20.1 Business travel

You may be asked to travel as part of your job, on Board business. This includes attending meetings, training courses, seminars and other events outwith what we deem 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 the nature of your job means you have to travel regularly, separate arrangements apply to you. You will be told about this and the HR Department will provide a separate policy and procedures.

You should plan your business travel so that it is as economical as possible while 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](#)). 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, for business travel provided these were necessary and a direct result of business travel. We will only pay expenses for travel that is additional to that you would normally make. In addition, you may be entitled to certain subsistence payments. For details you should see the [full policy](#) in the HR 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.

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.

### 2.20.2 Claiming travel and associated expenses

Make all claims for travel and associated expenses to Finance, Receipts and Payments section:

- using **claim forms** from Reprographics
- completing it as soon as possible after your return, and at the latest within three months of your date of travel, or your claim will be invalid
- including receipts, as appropriate, to support your claims.

If you need an advance on your expenses, claim this from Finance, Receipts and Payments section. We will only make advances for paying hotel bills if we do not have an account with the hotel or the Board credit card will not be accepted. 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 you must provide receipts on your return.

You are accountable, as determined by HM Revenue & Customs, 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.

## **2.21 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](#) explains your rights, the confidentiality available in the process and guides you where to direct your concerns within and, more unusually, outwith the Board.

## **2.22 Fraud policy**

The Board views both external and internal fraud very seriously. We must at all times 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 Audit and Compliance Department investigates external fraud. You should refer any suspicions about applicants getting legal aid illegally, or solicitors claiming payments to which they are not entitled, to that area.

Internal fraud would be that carried out 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 our staff regarding the prevention, detection and reporting of internal fraud. The Fraud Response Strategy, contained in the same document, gives details of what you should do if you detect or suspect an internal fraud.

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

## **2.23 Legal representation at public expense**

If you are involved in legal proceedings or formal enquiries arising from your employment at the Board, we may in certain circumstances provide, or pay for, your legal representation.

The [full policy](#) explains the circumstances where assistance may be given and can be found here.

## **2.24 Conduct during an election**

During an election campaign, 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
- bring any political involvement into our day-to-day work
- use public resources 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 our grades 6 to 8 states that they must not participate in political campaigning. Therefore, if you are on grade 6 to 8 and wish to participate in election campaigning, discuss this in advance with the Chief Executive to obtain permission.
- Staff at all other levels may do so provided this is in their capacity as private individuals, without reference to their role or experience in the public sector. They must get permission from their Director

We normally issue guidance before each election. You can read [more detailed election guidance](#) relating to the most recent elections.

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

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## SECTION 3 – General information

### 3.1 Communication in the office

Our [Corporate Plan](#) sets out our approach to achieving our own, and the government's, goals. This includes "continuously improving through investment in our people, processes and systems, and implementing changes to achieve efficiency and effectiveness of our operations".

In order to do this, we aim to communicate openly and effectively with all employees, keeping them informed about

- matters affecting their employment or the performance of their job
- developments within the Board and
- developments within legal aid.

At the same time, you should openly share information with others where this will support your colleagues and the Board's work.

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

### 3.2 Internal communications resources

#### 3.2.1 Team briefings

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

#### 3.2.2 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 including, for example,

- changes to our staffing policies, administration, performance, or conditions of work
- changes to staff or staffing structures and information about staff achievements in, for example, training
- new systems or procedures
- developments in legal assistance
- health and safety
- social and charity events.

You should send suggested articles for inclusion in Briefly to the Communications Department.

Past editions of Briefly are on the shared folders in Communications and publications/Briefly as published.

#### 3.2.3 Newsflashes

We may issue newsflashes or global emails (see below) to all staff about important matters that we consider you need to know immediately (rather than waiting for the monthly Briefly).

#### 3.2.4 Global emails

We may sometimes use global emails to inform all staff about opportunities or events that may be of interest – for example, job vacancies or dress-down days.

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However, if individual employees send out global emails, this can clog up the system and waste working time. (If 300 people open and read an email that is irrelevant to them, even if they only take a few seconds to read it, this will add up to about an hour's wasted time.)

- If there is something work-related that you want to communicate to all staff, you should get your line manager's permission to send out a global email about it.
- If you want to tell people about, for example, a colleague's birthday or leaving party, restrict it to those who are likely to know that person.
- Don't send out global emails with large attachments.
- If in doubt, consult Communications about sending out the email.

#### **3.2.5 Intranet and internet**

When you open your internet connection, you will automatically connect to [intraSLAB](#), which, as well as containing links to systems such as FAMS and the HR/Payroll systems, has shortcuts to various publications that may be of interest to all staff, such as

- phone directories
- this staff handbook
- the computer usage policy
- the legal assistance handbooks
- recent mailings to the profession and forms
- find a legal aid solicitor

When we tell solicitors about changes that affect them, we normally email staff to encourage them to read about these on either [intraSLAB](#) or our [website](#).

#### **3.2.6 Notice boards**

Notice boards are prominently sited on each floor of the building and display information about 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.

#### **3.2.7 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.

#### **3.2.8 Internal telephones**

The internal telephone network is essential to the smooth running of the Board, so please update the personal details in your Employee Self Service record if you move room or telephone extension, so that the internal telephone directory can be amended. You can find the internal telephone directory on [intraSLAB](#).

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](#). (This is currently being updated.) An elearning package is also available – for further information, contact the Learning Centre.

### **3.2.9 External publications**

We also produce publications which, while not intended primarily for internal communication, provide useful information. These are available through our [website](#) or, if you need your own hard copy, from Communications. (However, we now only publish some documents electronically, rather than as paper copies.)

### **3.2.10 Leaflets**

We issue information leaflets for members of the public about the different types of legal aid, and how to complain. For the most [up-to-date versions](#), go to our website.

### **3.2.11 Annual Report**

Each year, we publish 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 statistics about, among other things, volumes of applications and accounts, and the audited accounts for the year. Our [annual reports](#) are available on our website.

### **3.2.12 Corporate Plan**

We produce a Corporate Plan which sets out the Board's plans for a three-yearly period, and 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, we make financial estimates to the Scottish Government, and our yearly budget is determined. An operational plan and action plans support the Corporate Plan. You will be briefed about these annually and given updates on progress during the year.

Our [corporate plans](#) are available on our website.

### **3.2.13 "The Recorder"**

["The Recorder"](#) is the Board's newsletter for the legal profession, and you can view back copies on the website.

### **3.2.14 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 consistent Board style. It also contains guidance on e-mails and the use of the telephone.

## **3.3 Use of Board resources for personal use**

We give most employees access to resources such as the telephone, e-mail and internet services 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,

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we understand that you may sometimes need to deal with personal matters during the course of your working day.

We therefore allow limited personal use of these, provided it is reasonable, (for example, you should use your own mobile telephone where possible, rather than the Board's phones). Allowing personal use of Board resources is based on trust and we expect you to apply common sense and use the privilege responsibly. We will regard any excessive or unreasonable personal use as a disciplinary offence.

The following list is not exhaustive but gives examples of matters that would be accepted as reasonable use of the telephone, e-mail or the internet, so long as they do not take up too much 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 receiving incoming calls from relatives to do with a family illness, accident or other emergency
- altering personal or social arrangements if you are asked to work late

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

So, for example, you may legitimately need to make a telephone call or send a brief e-mail to a friend or relative about social arrangements if you unexpectedly have to work late. However, a lengthy telephone call to discuss the day's activities is not acceptable.

If you access the internet for personal use, you should do so in your own time. The internet café is also available for your use in your own time.

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

#### **3.3.1 Use of mobile telephones**

Mobile telephones should be switched off or 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 as described above.

#### **3.3.2 Post**

Most 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 HR 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, the mailroom will pass it to the HR Department to give to you – if this happens too often, they will ask you to ask the sender not to send you any further personal mail at the Board.

You must never use the resources (staff time or franking costs) of the mailroom for outgoing personal mail.

### **3.4 Personal details**

Employee Self Service in the Oracle system gives you access to your personal computerised HR record where you can carry out a number of actions including:

- viewing and amending personal details such as address, phone and emergency contacts
- viewing employment details such as job and salary information,

- viewing your absence history,
- viewing current and past payslips,

You also have access to more sensitive information such as equalities data and disciplinary details, where appropriate.

For more information refer to the detailed [Self Service User Guide for Oracle HR](#).

In addition to your computerised HR record, the HR department holds individual electronic employee files. These contain all correspondence relating to your employment with the Board including, for example, contractual documents, completed performance reviews and pensions documents. If you wish to view your electronic file please contact the HR Department.

It is important that your HR record is kept up-to-date for purposes such as National Insurance, employee pension scheme benefits and for use in emergencies. It is your responsibility to update your details. If you notice incorrect data and cannot amend this yourself, please e-mail your changes to 'HR Payroll changes'.

If you forget your log-in details to access your record in Oracle HR, contact the IS Helpdesk.

### **3.5 Season ticket loan scheme**

If you are a permanent employee, or a fixed-term employee on a contract greater than six months, you may apply for a loan from the Board for an annual travel season ticket.

The loan will be interest-free and we will deduct equal monthly instalments from your salary over 11 months. (If you are on a fixed-term contract the loan will run for the remainder of your contract up to a maximum of 11 months.) It is up to you to satisfy yourself that buying a season ticket under the loan scheme is to your advantage.

You can get further details of the loan scheme from the HR Department and [an application form](#) can be found here.

### **3.6 Sports and social club and committee**

The Board supports our sports and social club. A committee organises a range of social events throughout the year and provide subsidies for various other events organised by members of staff. These events help us to get to know our colleagues in different departments.

All employees can attend events but for a small deduction from your salary you can become a social club member and receive a larger discount on entry to events. As a member you can also, subject to conditions and for a further small deduction, take advantage of discounted gym membership. You will be told who your sports and social club representative is during induction.

You can join the sports and social club any time, but will be asked to agree to remain a member of the club for one year to be eligible for any discounts for events. If you wish to join, please contact the HR Department.

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

### **3.7 Services available to employees of the Board**

The services in 3.7.1 – 3.7.3 below are listed for your information only. This does not mean that the Board is recommending that you use them.

### **3.7.1 Hospital Savings Association (HSA)**

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 HR Department.

### **3.7.2 CSMA**

As an employee of the Board you can join CSMA, a not-for-profit organisation that uses the combined buying power of its approximately 400,000 members to negotiate deals on holidays, insurance, motoring and roadside recovery. There is a membership fee. For further information go to [www.csma.uk.com](http://www.csma.uk.com)

### **3.7.3 Scottish Government Workplace Nurseries**

The facilities of the Scottish Government's workplace nursery at Victoria Quay in Leith are open to employees of NDPBs based in Edinburgh. It accepts 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 Government employees. Information leaflets with details of how to apply are available from the HR Department. If you choose to apply for a place you must ensure the nursery is aware you are a Board employee.

### **3.7.4 Occupational health**

We have an Occupational Health (OH) Advisor who visits once a month. Requests for appointments can be channelled through HR and dates are posted on notice boards in advance.

Using the advisor means that:

- You can get support for issues that could affect your health or ability to attend work. You will be asked to give your consent to the content of any feedback given to the HR department. Feedback can be important in situations where there is an impact on your ability to fulfil your job requirements in the normal way. We can advise your line manager about support needed and any timescales.
- Line managers can get advice on how to deal with concerns they may have about an individual's health or ability to attend work.

Separately, in complete confidence, you can ask for an appointment with the OH Advisor for personal health advice. You do not have to give any reason for this request and the OH Advisor will not report back to anyone at the Board. The advisor cannot prescribe medical treatment, so you would be encouraged to see your own GP for a follow-up if necessary.

Additionally, the OH Advisor reviews:

- new and expectant mothers' risk assessments
- workstation assessment onward referrals (from the Health & Safety Officer)
- vision screening results.

## **3.8 Showers**

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

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booking and to collect the keys. Return the keys to Reception immediately after finishing. Please leave the shower area clean and tidy. Cleaning materials are available for this purpose.

### **3.9 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 working time and illegal.