



LETTER OF APPOINTMENT TO BE ISSUED TO SPECIAL ADVISER

APPOINTMENT AS SPECIAL ADVISER TO [name of minister]

1. This is to confirm the terms of your appointment as a Special Adviser.
2. Your appointment will begin on [--].
3. Your place of work will be at [--].
4. This is a temporary appointment, terminating on or before the next dissolution of the NI Assembly. Unless terminated earlier, your appointment will terminate at a date on which your Minister ceases to hold office in the Department [of --].
5. This letter (including the attached schedules) incorporates the written particulars required by the Employment Rights (NI) Order 1996 and sets out your principal terms and conditions of employment. It together with the *Code of Conduct for Special Advisers*, the *NICS Code of Ethics* and any contractual parts of the NICS HR and pay policies (the NICS HR Handbook) which can be accessed on the Employee Services Portal as amended from time to time, constitutes your contract of employment.
6. Your appointment is subject to an Access NI criminal records check, in line with Subsection 8(3) of the Civil Service (Special Advisers) Act (Northern Ireland) 2013.
7. The terms and conditions relating to your salary, pension and holiday provision are set out below. **Schedule 1** to this letter sets out the other main terms and conditions.

Salary

8. Your salary is £ [insert amount] in the Special Adviser Pay Band [1 / 2 / 3].
9. You will be paid monthly in arrears *via* Bankers Automatic Clearing Service. You should advise NICS HR immediately of the bank or building society into which your salary should be paid.
10. Your salary will be reviewed annually from August and you will be notified in writing of any change to your salary.
11. You are not entitled to the payment of any overtime.

Pensions

12. Information about the pension options available will be provided in the Starter Pack which will be sent to you shortly after you join. Information is also available about



pensions from the website www.finance-ni.gov.uk/civilservicepensions-ni or by contacting Civil Service Pensions.

Civil Service Pensions
Waterside House
75 Duke Street
Londonderry
BT47 6FP
Tel: 028 7131 9000

E-mail: cspensions@finance-ni.gov.uk

13. When you start your new job, you are eligible to join the Northern Ireland Civil Service pension schemes. Employers are required to automatically enrol new entrants or re-joiners into a qualifying workplace pension scheme from the date of joining and contribute to that pension. You will automatically be enrolled into the alpha pension scheme on appointment. Alternatively you may choose to open a Partnership Pension Account. However, you must first opt out of the alpha pension scheme to which you have been automatically enrolled. The Opt Out form and factsheet can be found on the website (see above) which is the only valid means of opting out.

14. If you decide to opt out of the alpha pension scheme you are guaranteed a full refund of any contributions you have paid if you opt out within **three months** of enrolment, which is your date of entry to the NICS. However, there are two exceptions to the guarantee which mean that you must opt out within **one month** of joining to get a refund and retain existing protection. These are if you have:

- at least two years scheme membership and your benefits are preserved;
- HMRC fixed or enhanced protection.

15. There are also a number of circumstances you should be aware of which may have an impact on joining the main NICS pension schemes and on any existing benefits you may have gained from membership of the NICS pension schemes. For example if you:

- previously worked for an employer covered by the NICS pension schemes;
- previously were a member of another Public Service Pension Scheme;
- are already in receipt of a NICS pension;
- left the NICS with an early retirement, severance or redundancy package.

16. To help ensure that you are enrolled into the correct pension scheme, and have the correct contributions deducted, you must complete the enclosed Pensions Questionnaire and return it to Civil Service Pensions within **7 days of your appointment**.



17. Please note that you will **not** be covered during your appointment as a Special Adviser by the provisions of the Civil Service Compensation Scheme (Northern Ireland), irrespective of whether you join the NICS pension schemes or opt out.

Annual Leave

18. Your annual leave allowance is 25 days, with one additional day accrued per year of service, up to a maximum of 30 days.

19. The leave year runs from 1 February to 31 January.

20. When you leave the Civil Service, you may be required to use any remaining holiday entitlement during any notice period. Alternatively, where this is not possible, you will be able to claim payment on a *pro rata* basis for any accrued but untaken leave from that year's annual leave entitlement. In addition and if appropriate you may also claim payment for up to nine days unused holiday previously authorised to be carried over from the previous year.

Public and Privilege Holidays

21. In addition to your annual leave allowance, you are allowed public and privilege holidays up to a maximum of 12 days per year as set out in HR policy 3.06 Public and Privilege Holidays. Details are set out at **Schedule 2**.

22. Please indicate your acceptance of the terms and conditions referred to in this letter of appointment by signing the below and returning to Private Office within seven days. Please also provide a copy of your most recent P45 or P46 Income Tax Form and also your National Insurance Number.

Yours sincerely



To: [Name of Permanent Secretary]

I accept the offer of appointment as Special Adviser to [name of Minister] on the terms and conditions referred to in my appointment letter dated [insert date].

Signed:

Dated:

Name _____

(In block capitals)



To: NICS HR

I have accepted the offer of appointment as Special Adviser to [insert name of Minister] on the terms and conditions referred to in my appointment letter dated [insert date]. I enclose copy of my most recent P45 or P46 Income Tax Form and confirm that my National Insurance Number is [insert NI number].

Signed:

Dated:

Name: _____

(In block capitals)

SPECIAL ADVISERS – MAIN TERMS AND CONDITIONS

Job Title and Duties

1. You have been appointed by the Minister to a temporary situation in the Northern Ireland Civil Service as a Special Adviser to [name of Minister] in accordance with Article 3(2)(b) and (3) of the Civil Service Commissioners (Northern Ireland) Order 1999 as amended, for the purpose of providing advice. You will be employed for the period of your service in [name of department].
2. You will carry out your duties in accordance with the *Code of Conduct for Special Advisers* which is in force at the time.
3. Paragraphs 3-5 of the *Code of Conduct for Special Advisers* describe the role of special advisers.

Terms and Conditions

4. The details of your terms and conditions are set out in the NICS HR and pay policies (NICS HR Handbook) on the Employee Service Portal, as amended.

Performance Management and Appraisal

5. Your employment requires performance consistent with the high standards expected of civil servants. Your performance will be subject to regular appraisal and review, with an opportunity to discuss that performance with [name of appointing Minister].

Hours of Work

Either:

6. You are required to work a minimum (over a 5 day week) of 42 hours, including daily meal breaks of one hour.

[Or if part-time]: NB the schedule should contain only one of the options as appropriate. Remove as appropriate.

7. You are required to work a minimum of [-] hours a week.
8. You will be required to work additional hours as may from time to time be reasonable and necessary for the efficient performance of your duties subject to any limitations imposed by law.

Sickness

9. The rules relating to sickness and injury are to be found in HR policy 3.01 Sickness Absence and HR policy 3.09 Injuries, Diseases and Assault.

10. There is provision for absence on full pay and on half pay depending on the length of absence and subject to a ceiling on total paid absence within a given period.

Family Leave

11. Provisions relating to maternity leave and contractual/statutory pay arrangements are set out in HR policy 3.02 Maternity Leave. For the purposes of Maternity leave only, special advisers are deemed to be permanent NICS staff.

12. Provisions relating to contractual and statutory paternity leave and pay are set out in HR policy 3.03 Paternity Leave.

13. Provisions relating to adoption leave and pay are set out in HR policy 3.05 Adoption Leave.

14. If you satisfy the eligibility criteria set out in HR policy 3.04 Ordinary Parental Leave, there is a statutory right to take up to 18 weeks' unpaid leave in respect of each child who meets the qualifying conditions.

15. Parents who satisfy the eligibility criteria and notice requirements set out in HR policy 3.13 Shared Parental Leave have a statutory right to take up to 50 weeks' shared parental leave during the child's first year in the family.

16. Statutory shared parental pay may be payable during some or all of shared parental leave, depending on the length and timing of the leave.

Special leave

17. The rules relating to approved time away from work that is not covered by annual leave or sickness absence are set out in HR policy 3.08 Special Leave. Special Leave can be a concession at the discretion of management or an entitlement if covered by legislation.

Place of work

18. Your current place of employment is [.....].

Notice

19. As a civil servant you are not entitled to a period of notice terminating your employment. However, unless your appointment is terminated by agreement or results from disciplinary proceedings, inefficiency, s.2(3) of the Civil Service (Special Advisers) Act (Northern Ireland) 2013 or grounds justifying summary dismissal at common law, you will in practice normally be given not less than three months' notice

in writing terminating your employment or one month's notice in writing if the termination occurs within six months of your appointment. On the expiration of such notice your employment will terminate.

20. Unless terminated earlier, your employment will terminate on the day on which the Minister as Appointing Authority, for any reason, ceases to be a Minister or moves to another appointment (see paragraph [3]).

21. You will qualify for severance payments if your employment terminates due to the following:

- a. your Minister ceases to hold ministerial office; or
- b. your Minister moves to another ministerial appointment; or.

22. Any severance payment is made on the understanding that should you be reappointed as a Special Adviser or to any other paid public role within the time span to which the payment refers, you will be entitled only to an amount equivalent to that which your salary would have been during the gap between the periods of employment, (e.g. if reappointment three months after receiving six month's severance, then three months' needs to be repaid immediately upon re-appointment).

23. A Special Adviser who resigns for reasons other than those specified in paragraph 21 above does not qualify for severance payments.

Severance pay

24. Severance pay will be calculated as follows:

- a. If your employment terminates within six months of your appointment, you will be entitled to one month's severance pay;
- b. If termination occurs after six months during your first year of service extending up to 12 months, you will be entitled to three months' severance pay;

25. For each additional full year of service after the first full year you will be entitled to an additional one month's severance pay. The maximum amount of severance payment will be capped at six months' pay for any one reckonable period of service.

26. For the purposes of determining severance, reckonable period of service will be calculated as follows:

- a. counting back from the most recent termination date until a maximum of four years actual service in post is reached; *i.e.* the qualifying period for six month's severance. Any gaps in service will not be taken into account when calculating reckonable service;

- b. a gap in service is defined as a period of more than one week between appointments for continuity of employment purposes. This has no impact on the entitlement to severance for this timeframe.

27. When considering the reckonable period of service, gaps in service will be treated as follows:

- a. If a gap in a Special Adviser's service is greater than the number of months' severance paid, (e.g. a gap of three months and a severance payment received of two months) periods of service prior to this will not be counted towards a reckonable period of service. Any future appointment will constitute an entirely new period of employment in terms of reckonable service towards severance pay entitlement. Severance paid will not have any bearing on future severance calculations.
- b. If a gap in service is less than the number of months of severance previously received, (e.g. a gap of two months and four month's severance received) reckonable service prior to this gap will count towards any future severance calculations, (subject to paragraph 44). Any previously retained severance pay within the reckonable period of service must be deducted from any new severance payment due for a subsequent termination of employment, up to the maximum qualifying period of 6 month's severance (See Para 40).

28. You are not entitled to any period of notice or pay in lieu of notice if you are in receipt of severance pay.

29. Any severance payment made under this section is non-pensionable.

30. You may terminate your appointment by giving not less than five weeks' notice in writing to your Appointing Authority.

Collective agreements

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

Conduct

32. You are required to conduct yourself in accordance with all the provisions of the NICS Code of Ethics except for those aspects which relate to the impartiality and objectivity of the Civil Service and of civil servants.

33. You are required to abide by the conduct provisions in HR policy 6.01 Standards of Conduct, including those relating to the avoidance of conflicts of interests

and the acceptance of gifts or hospitality, but with the exception of the rules on political activities. The rules on political activities that apply to you are set out in the Code of Conduct for Special Advisers. Departments will publish, on a quarterly basis, information about gifts and hospitality received by their departmental special advisers and details of special advisers' meetings with external organisations / individuals.

34. As a civil servant, high standards of confidentiality must be observed. You are required to exercise care in the use of official information acquired in the course of official duties and not to disclose, without the authorisation of your Appointing Authority, information which is held in confidence. The rules governing the confidentiality and use of official information are set out in HR policy 6.01 Standards of Conduct.

35. You are also subject to the Official Secrets Acts.

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

37. You will not have access to papers relating to civil servants personally or to any papers classified SECRET or above. You will also be subject to the rules which apply to Ministers as regards access to papers of a previous Administration. Subject to these exceptions you may, at the discretion of your Minister, have access to all papers submitted to Ministers.

38. You must comply with the rules on the publication of personal memoirs and books based on official experience set out in the HR policy 6.01 Standards of Conduct.

Disciplinary and Grievance Procedures

39. Disciplinary matters are dealt with in accordance with procedures, which are set out in HR Policy 6.03 Discipline. The management, conduct and discipline of Special Advisers is, however, the responsibility of the appointing Minister, and disciplinary powers are exercised by the Minister subject to any express statutory intervention such as those contemplated by the Civil Service (Special Advisers) Act (Northern Ireland) 2013.

40. HR Policy 6.07 Inefficiency – Performance does not apply to you.

41. If you have any grievances relating to your employment, or if you wish to appeal against any decisions or actions which affect you adversely, you must bring this in writing to the attention of the appointing Minister or the Permanent Secretary of your Department.

PUBLIC AND PRIVILEGE HOLIDAYS

You are entitled to public and privilege holidays up to a maximum of 12 days a year. The distribution of these days over the year is as follows:

New Year's Day (or the following Monday when New Year's Day falls on a Saturday or Sunday) – Bank Holiday if proclaimed

17 March – St Patrick's Day (or the following Monday when St Patrick's Day falls on a Saturday or Sunday) – Bank Holiday

Easter Monday – Bank Holiday

Easter Tuesday in lieu of Good Friday

May Day Bank Holiday (first Monday in May) – Bank Holiday if proclaimed

Spring Bank Holiday (last Monday in May) – Bank Holiday

12 July (or any day proclaimed a public holiday in place of 12 July) – Bank and Public Holiday if proclaimed

13 July (or the next working day following either (i) 12 July or (ii) any day proclaimed a Public Holiday in place of 12 July) – Privilege Holiday

Late Summer Bank Holiday (last Monday in August) – Bank Holiday

Christmas Day (or the following Monday when 25 December falls on a Saturday or the following Tuesday when 25 December falls on a Sunday) – Common Law Holiday

Boxing Day (or the following Monday when 26 December falls on a Saturday or the following Tuesday when 26 December falls on a Sunday) – Bank Holiday

A third day at Christmas announced each year – Privilege Holiday