

FAO: J. Aiken  
& K. Donnelly.

Further to meeting yesterday morning please find enclosed, as arranged, copy A. Crawford appointment letters. He has not been able to trace a copy of his appointment letter on transferring from DOE to DETZ.  
Trusting this is helpful.  
Best wishes,

Joh.

Bannside Chambers, 3-7 Church Square, Banbridge, Co. Down, BT32 4AS, Northern Ireland | DX 3322 NR Banbridge

T: 028 4066 2222 | F: 028 4066 2799 | M: 078 0239 0728 | E: johnmcburneysolicitors@gmail.com

www.johnmcburneysolicitors.com



WITH COMPLIMENTS

Personal

**Memo**

**From:** Stephen Peover  
Permanent Secretary  
Clarence Court  
10-18 Adelaide Street  
BELFAST BT2 8GB

**Your ref:**

**e.mail** stephen.peover@doeni.gov.uk

**Our ref:** PSE: 0324.07

**Tel:** (028) 9054 0002

**cc:**

**Date:** 30 November 2007

**To:** Arlene Foster

**SPECIAL ADVISER CONTRACT**

1. As you know, I have discussed and agreed with Nigel Hamilton that, in recognition of Andrew Crawford's skills and qualifications, his previous salary and the inherently time-bounded nature of his post as your Special Adviser, he should be placed on the upper of the two pay bands and placed on a personal pay point of £70,000 per annum.
2. Attached is a draft letter for you as the Appointing Authority to issue to Andrew to confirm his appointment and to cover his contractual terms and conditions. If you are content, I would be grateful if the letter and enclosures could be issued so that the formalities of his appointment can be finalised and his arrears of salary paid. Our Personnel Branch will expedite this on receipt of his acceptance note.
3. If you wish I would be happy to discuss the matter with you.

A handwritten signature in black ink, appearing to read 'Stephen Peover', is written over the third list item.

**STEPHEN PEOVER**

Enc

5<sup>th</sup> November 2007

Dear Andrew,

**APPOINTMENT AS SPECIAL ADVISER**

This is to confirm the terms of your appointment as my Special Adviser with effect from 8 May 2007. Unless terminated earlier, your appointment will be for a period terminating on a date on which I cease to be a Minister.

The details of your terms and conditions are set out in the Northern Ireland Civil Service (NICS) Pay and Conditions of Service Code, the NICS Staff Handbook and related Civil Service Circulars. Copies of these documents are available for inspection in the Personnel Division of the Department of the Environment. The Handbook can be accessed on the Internet ([www.nics.gov.uk/pay/handbook](http://www.nics.gov.uk/pay/handbook))

Those parts of the Code and Handbook that have contractual effect, as amended from time to time, form part of your terms and conditions. The main elements of your conditions of service are contained in the attached Schedule 1. The Code of Conduct for Special Advisers at Schedule 2 outlines the duties and responsibilities of a Special Adviser.

Your basic salary is £70,000 within the Special Adviser Pay Band of £56,100 to £78,540 per annum as set out in Schedule 3 of your contract.

You will be paid monthly in arrears via Bankers Automatic Clearing Service. You should advise Personnel Division of the Department of the Environment immediately of the bank or building society into which your salary should be paid. Your appointment is pensionable under Civil Service Pension arrangements from the outset. You do not have to join the Civil Service pension arrangement; you may opt out and be covered instead by a personal pension or the State Second Pension Scheme (S2P). However, if you opt to join the Principal Civil Service Pension Scheme (NI) you will be able to choose between two pension arrangements:

- a) Membership of the Premium scheme, a final salary occupational pension scheme with a 3.5% member contribution rate; or
- b) Membership of the Partnership pension account, a stakeholder pension with an employer contribution based on your age. You do not have to contribute, but, if you do, you. Employer will also match your contributions up to 3% of pensionable pay.

You will automatically be entered into the Premium scheme on appointment, unless you opt out.

Further details are provided at Schedule 3 attached. You will also find full details of the two options in the Department's Starter Pack, which you will receive shortly after you join.

Please indicate your acceptance of these terms, both to me and the Department of the Environment, on the forms set out below, and provide Personnel Division with Parts II and III of Income Tax Form P45 completed by your last employer and also your National Insurance Number.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Arlene', with a small dot at the end.

**ARLENE FOSTER**  
**APPOINTING AUTHORITY**

To: Arlene Foster MLA

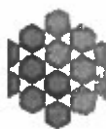
I accept the offer of appointment as your Special Adviser on the terms and conditions referred to in my appointment letter dated 3<sup>rd</sup> November 2007

Signed: Andrew Crawford Dated: 3 December 2007  
Name: ANDREW CRAWFORD  
(In block capitals)

To: John Small

I have accepted the offer of appointment as Special Adviser to Arlene Foster on the terms and conditions referred to in my appointment letter dated 30 November 2007 and I enclose ~~Parts II and III~~ of Income Tax Form P46 and confirm that my National Insurance Number is Personal information redacted by RHI Inquiry AD< .

Signed: Andrew Crawford Dated: 3 December 2007  
Name: ANDREW CRAWFORD  
(In block capitals)



From the Office of the Minister

Dr Andrew Crawford

Personal information redacted by  
 RHI Inquiry

DETI Private Office  
 Netherleigh  
 Massey Avenue  
 BELFAST  
 BT4 2JP

Telephone: 028 9052 9452

Email: private.office@detini.gov.uk

Your reference:

Our reference: SUB 1006/11

17<sup>th</sup> October 2011

*Dear Andrew,*

**REAPPOINTMENT AS SPECIAL ADVISER TO ARLENE FOSTER, IN THE  
 DEPARTMENT OF ENTERPRISE TRADE AND INVESTMENT**

This is to confirm the terms of your reappointment as my Special Adviser with effect from 16<sup>th</sup> May 2011. Unless terminated earlier, your reappointment will be for a period terminating on a date on which I cease to be a Minister or move to another appointment.

The details of your terms and conditions are set out in the NICS HR Handbook, the NICS Pay and Conditions of Service Code and related Civil Service Circulars. Copies of these documents are available for inspection in DETI Departmental HR. The HR Handbook can be accessed on HR Connect.

Those parts of the Handbook and Code that have contractual effect, as amended from time to time, form part of your terms and conditions. The main elements of your conditions of service are contained in the attached Schedule 1. The Code of Conduct for Special Advisers at Schedule 2 outlines the duties and responsibilities of a Special Adviser.

As part of the Special Advisers' main terms and conditions, a severance payment is payable upon termination which, in your case would have been equal to 5 months salary. However, since you are to be re-appointed, only the period from 6 May to 15 May is counted for calculating the actual amount of severance payment due. This is an amount equivalent to that which your salary would have been during this period. **Any severance payment made is non-pensionable** - ie the 10 days between 6 May and 15 May inclusive will not count for reckonable service. An adjustment to the pension record will be made through a future salary payment.

Your appointment is pensionable under the Northern Ireland Civil Service pension arrangements from the outset. You do not have to join the Northern Ireland Civil Service pension arrangements; you may opt out and be covered instead by a personal pension or the State Second Pension Scheme (S2P). However, if you opt to join the Principal Civil Service Pension Scheme (NI) [PCSPS (NI)] you would normally be able to choose between two pension arrangements:

- a) Membership of the nuvos arrangement, which is a defined benefit occupational pension arrangement. It pays a pension based on 2.3% of your pensionable earnings for each year you are in nuvos. You contribute 3.5% of your salary. Your employer meets the rest of the cost of the scheme; or
- b) Membership of the Partnership pension account, a stakeholder pension with an employer contribution based on your age. Your employer will pay this regardless of whether you choose to contribute anything. You do not have to contribute, but, if you do, your employer will also match your contributions up to 3% of your pensionable earnings. The contributions are in addition to the age-related contribution mentioned above.

However, in the situation where a former Special Adviser is reappointed by his/her former Minister and the gap in employment is less than 28 days, then there is continuity for pension purposes and you will therefore remain eligible to be a member of the pension arrangement that you were in at the point of termination, namely the **Premium** Scheme with a 3.5% member contribution rate. It is likely that you may opt to change to a Partnership pension, but you will be advised formally by Civil Service Pensions (see below).

If you have a PCSPS (NI) pension already in payment, you should be aware that the pension scheme rules prevent members from receiving more by way of NICS pay and pension combined on re-employment than they were earning as salary before they retired. This is called 'abatement'. If you want to know more about how this may affect you, please contact Civil Service Pensions at the contact details provided below.

If you left the NICS with an early retirement, severance or redundancy package then your existing benefits may be affected if you accept this post. If your service was enhanced (increased) when you left then you will not be able to build up benefits in the defined benefit arrangement. If you opt to join the stakeholder scheme, we will not pay employer contributions for this enhancement period but you will be able to contribute if you wish. If you are receiving a pension or annual compensation payment then this may be reduced during your re-employment. If you received a top-up payment under early severance temporary arrangements then your pay may be reduced during your re-employment.

You will find enclosed a pensions questionnaire which you must complete and return to Civil Service Pensions (CSP), Department of Finance and Personnel (DFP), at the address shown below. Your response to this questionnaire will be evaluated by CSP and you will receive a letter on appointment about the pension choices which are available to you. This letter will be accompanied by the Pension Starter Pack setting out full information on the arrangements available to you. If you do not receive your



pension letter and starter pack within 3 days of your start date please contact Beverly Trimble in Departmental HR

You will automatically be entered into the Premium arrangement on appointment and we will deduct contributions from your salary with effect from your start date. If you wish to open a Partnership pension account and you notify your choice within 3 months, CSP will backdate your choice to your start date. If CSP do not receive your form within 3 months you will remain a member of Premium.

As mentioned above you do not have to join the NICS pension arrangements. If you opt out, you will build up benefits in the State Second Pension Scheme (S2P) instead. If you are considering opting out, CSP strongly recommends that you read the Starter Pack before you make a decision.

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 arrangements or opt out.

In the event that you join either Premium or Partnership and your health subsequently becomes such that our medical adviser agrees that you should be medically retired, you will be entitled to the ill health retirement benefits provided by the relevant pension arrangement. For this purpose, in the case of Premium, you will be treated as serving for a fixed term expiring at the latest date at which the Administration that appointed you must end.

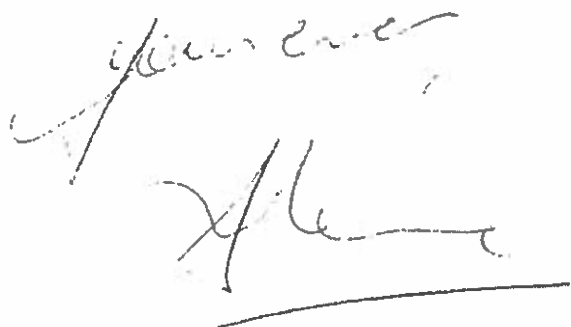
In the case of Partnership, the maximum benefits payable cannot exceed the amount that you would have earned had your appointment continued until the date defined above for the purposes of determining the end of the fixed term.

Please contact CSP (contact details provided below) if you have any questions about the pension arrangements.

Civil Service Pensions  
Waterside House  
75 Duke Street  
Londonderry  
BT47 6FP  
Tel: 028 71319000  
E-Mail: [cpensions.cpa@dfpni.gov.uk](mailto:cpensions.cpa@dfpni.gov.uk)  
Web address: [www.dfpni.gov.uk/civilservicepensions-ni](http://www.dfpni.gov.uk/civilservicepensions-ni)

Your salary will be £80,000 which is within the Special Adviser Pay Band B of £57,300 to £90,000 per annum, as set out in Schedule 3 of your contract.

Please indicate your acceptance of the reappointment by signing the attached acceptance slip and returning it to me and a copy to Philip Angus in Departmental HR.

A handwritten signature in black ink, appearing to read 'Arlene Foster', written over a horizontal line.

**ARLENE FOSTER MLA**  
**Minister of Enterprise, Trade & Investment**

Enc - Pensions Questionnaire



From the Office of the  
Minister of Finance & Personnel

DFP Private Office  
2<sup>nd</sup> Floor  
Clare House  
303 Airport Road West  
Belfast BT3 9ED

Telephone: 028 90816711

Email: [private.office@dfpni.gov.uk](mailto:private.office@dfpni.gov.uk)

Your reference:  
Our reference: COR//2015

Personal information redacted by RHI Inquiry

28<sup>th</sup> May 2015

Dear *Andrew*,

**APPOINTMENT AS MINISTER'S SPECIAL ADVISER IN THE DEPARTMENT OF FINANCE AND PERSONNEL**

This is to confirm the terms of your appointment as my Special Adviser with effect from 12 May 2015. Unless terminated earlier, your appointment will be for a period terminating on a date on which I cease to be a Minister or move to another appointment.

On moving from the Department of Enterprise, Trade and Investment to the Department of Finance and Personnel you will retain continuity of employment. The details of your terms and conditions are set out in the NICS HR Handbook, the NICS Pay and Conditions of Service Code and related Civil Service Circulars. Copies of these documents are available for inspection in Departmental HR in the Department of Finance and Personnel. The HR Handbook can be accessed on the HRConnect portal.

Those parts of the Handbook and Code that have contractual effect, as amended from time to time, form part of your terms and conditions. The main elements of your conditions of service are contained in the attached Schedule 1. The Code of Conduct for Special Advisers at Schedule 2 outlines the duties and responsibilities of a Special Adviser.

Your basic salary is £86,735 within the Special Adviser Pay Band of £59,037 to £91,809 per annum as set out in Schedule 3 of your contract. You will be paid monthly in arrears via Bankers Automatic Clearing Service.

Your appointment is pensionable under the Northern Ireland Civil Service pension arrangements from the outset. You do not have to join the Northern Ireland Civil Service pension arrangements; you may opt out and be covered instead by a personal pension or the State Second Pension Scheme (S2P). However, if you opt to join the Northern Ireland Civil Service Pension Scheme (NI) you will normally be able to choose between two pension arrangements:

- a. Membership of the alpha scheme, which is a defined benefit occupational pension arrangement. It pays a pension based on 2.32% of your pensionable earnings for each year you are in alpha. Employee contributions are dependent on how much your pensionable earnings based on the range from 4.6% to 8.05% for the 2015 / 2016 period as per the following table.

Pay band – assessed each pay period		Contribution rates – Classic members	Contribution rates –, classic plus, premium, nuvos and alpha
From	To	1 April 2015 to 31 March 2016	
£0	£15,000.99	3%	4.6%
£15,001.00	£21,000.99	4.6%	4.6%
£21,001.00	£47,000.99	5.45%	5.45%
£47,001.00	£150,000.99	7.35%	7.35%
£150,001.00 and above		8.05%	8.05%

- b. Membership of the Partnership pension account, a stakeholder pension with an employer contribution based on your age. Your employer will pay this regardless of whether you choose to contribute anything. You do not have to contribute, but, if you do, your employer will also match your contributions up to 3% of your pensionable earnings. The contributions are in addition to the age-related contribution above.

If you have a Northern Ireland Civil Service Pension Scheme already in payment, you should be aware that the pension scheme rules prevent members from receiving more by way of NICS pay and pension combined on re-employment than they were earning as salary before they retired. This is called 'abatement'. If you want to know more about how this may affect you, please contact Civil Service Pensions at the contact details provided below.

If you left the NICS with an early retirement, severance or redundancy package then your existing benefits may be affected if you accept this post. If your service was enhanced (increased) when you left then you will not be able to build up benefits in the defined benefit arrangement. If you opt to join the stakeholder scheme, we will not pay employer contributions for this enhancement period but you will be able to contribute if you wish. If you are receiving a pension or annual compensation payment then this may be reduced during your re-employment. If you received a top-up payment under early severance temporary arrangements then your pay may be reduced during your re-employment.

You will find attached a pension's questionnaire which you must complete and return to Civil Service Pensions (CSP), Department of Finance and Personnel (DFP), at the address shown below. Your response to this questionnaire will be evaluated by CSP and you will receive a letter on appointment about the pension choices which are available to you. This letter will be accompanied by the Pension Starter Pack setting out full information on the arrangements available to you. If you do not receive your pension letter and starter pack, please contact Valerie Campbell, DHR, on extension 69036.

You will automatically be entered into the alpha pension arrangement on appointment and we will deduct contributions from your salary with effect from your start date. If you wish to open a Partnership pension account and you notify your choice within 3 months, CSP will backdate your choice to your start date. If CSP do not receive your form within 3 months you will remain a member of alpha.

As mentioned above you do not have to join the NICS pension arrangements. If you opt out, you will build up benefits in the State Second Pension Scheme (S2P) instead. If you are considering opting out, CSP strongly recommends that you read the Starter Pack before you make a decision.

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 arrangements or opt out.

In the event that you join either alpha or partnership and your health subsequently becomes such that our medical adviser agrees that you should be medically retired, you will be entitled to the ill health retirement benefits provided by the relevant pension arrangement. For this purpose, in the case of alpha, you will be treated as serving for a fixed term expiring at the latest date at which the Administration that appointed you must end.

In the case of partnership, the maximum benefits payable cannot exceed the amount that you would have earned had your appointment continued until the date defined above for the purposes of determining the end of the fixed term. Please contact CSP (contact details provided below) if you have any questions about the pension arrangements.

Civil Service Pensions  
Waterside House  
75 Duke Street  
Londonderry  
BT47 6FP  
Tel: 028 71319000  
E-Mail: [cspensions.cpg@dfpni.gov.uk](mailto:cspensions.cpg@dfpni.gov.uk)  
Web address: [www.dfpni.gov.uk/civilservicepensions-ni](http://www.dfpni.gov.uk/civilservicepensions-ni)

Please indicate your acceptance of these terms, by signing the attached acceptance slips and returning a copy to me and to Anne Breen, Departmental HR, Department of Finance and Personnel.

Sincerely,



ARLENE FOSTER MLA

To: Arlene Foster MLA  
Minister of Finance & Personnel

I accept the offer of appointment as your Special Adviser on the terms and conditions referred to in my appointment letter dated 28<sup>th</sup> May 2015.


Signed: 

Dated: 12 June 2015

Name: ANDREW DUNCAN CRAWFORD  
(In block capitals)

To: Anne Breen, HR Director, DFP

I have accepted the offer of appointment as Special Adviser to Arlene Foster MLA,  
Minister of Finance & Personnel on the terms and conditions referred to in my  
appointment letter dated 28<sup>th</sup> May 2015.

Signed: 

Dated: 12 June 2015

Name: ANDREW DUNCAN CRAWFORD  
(In block capitals)





From the Office of the  
Minister of Finance & Personnel

DFP Private Office  
2<sup>nd</sup> Floor  
Clare House  
303 Airport Road West  
Belfast BT3 9ED

Personal information redacted by RHI  
Inquiry

Telephone: 028 90816711

Email: private.office@dfpni.gov.uk

Your reference:

Our reference:

12<sup>th</sup> January 2016

Dear *Andrew*,

**APPOINTMENT AS SPECIAL ADVISER TO MERVYN STOREY MLA IN THE  
DEPARTMENT OF FINANCE AND PERSONNEL**

This is to confirm the terms of your appointment as my Special Adviser with effect from 12 January 2016. Unless terminated earlier, your appointment will be for a period terminating on a date on which I cease to be a Minister or move to another appointment.

As you were previously appointed as Special Adviser to Mrs Arlene Foster MLA in the Department of Finance and Personnel, you will retain continuity of employment and your Terms and Conditions of service remain as detailed in your previous letter of appointment. The details of your terms and conditions are set out in the NICS HR Handbook, the NICS Pay and Conditions of Service Code and related Civil Service Circulars. Copies of these documents are available for inspection in Departmental HR in the Department of Finance and Personnel. The HR Handbook can be accessed on the HRConnect portal.

Those parts of the Handbook and Code that have contractual effect, as amended from time to time, form part of your terms and conditions. The main elements of your conditions of service are contained in Schedule 1. The Code of Conduct for Special Advisers at Schedule 2 outlines the duties and responsibilities of a Special Adviser.

Your basic salary is £86,735 within the Special Adviser Pay Band of £59,037 to £91,809 per annum as set out in Schedule 3 of your contract. You will be paid monthly in arrears via Bankers Automatic Clearing Service.

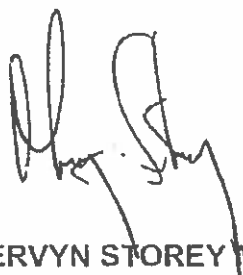
Your appointment is pensionable under the Northern Ireland Civil Service pension arrangements from the outset. As this is continuous service your current pension arrangements will remain in place unless you wish to make any changes. Further information can be obtained from Civil Service Pensions at the contact details provided below.

Please note that, as previously, you will not be covered during your appointment as a Special Adviser by the provisions of the Civil Service Compensation Scheme (Northern Ireland).

Civil Service Pensions  
Waterside House  
75 Duke Street  
Londonderry  
BT47 6FP  
Tel: 028 71319000  
E-Mail: [cpensions.cpg@dfpni.gov.uk](mailto:cpensions.cpg@dfpni.gov.uk)  
Web address: [www.dfpni.gov.uk/civilservicepensions-ni](http://www.dfpni.gov.uk/civilservicepensions-ni)

Please indicate your acceptance of these terms, by signing the attached acceptance slips and returning a copy to me and to Anne Breen, Departmental HR, Department of Finance and Personnel.

Yours sincerely



**MERVYN STOREY MLA**  
**Minister of Finance and Personnel**

To: Mervyn Storey MLA  
Minister of Finance & Personnel

I accept the offer of appointment as your Special Adviser on the terms and conditions referred to in my appointment letter dated 12 January 2016.

Signed: 

Dated: 12/1/2016

Name: ANDREW DUNCAN CRAWFORD  
(In block capitals)

To: Anne Breen, HR Director, DFP

I have accepted the offer of appointment as Special Adviser to Mervyn Storey MLA,  
Minister of Finance & Personnel on the terms and conditions referred to in my  
appointment letter dated 12 January 2016.

Signed: 

Dated: 12/1/2016

Name: ANDREW AUNCAN CRAWFORD  
(In block capitals)

From the Office of the Minister  
Michelle McIlveen MLA



Department of  
**Agriculture, Environment  
and Rural Affairs**

[www.daera-ni.gov.uk](http://www.daera-ni.gov.uk)

Dr Andrew Crawford

Room 438  
Dundonald House  
Upper Newtownards Road  
Ballymiscaw  
Belfast  
BT4 3SB  
Telephone: 028 9052 4140  
Email:  
[private.office@daera-ni.gov.uk](mailto:private.office@daera-ni.gov.uk)

Date: June 2016

Dear Andrew

### **APPOINTMENT AS SPECIAL ADVISER TO MICHELLE MCILVEEN MINISTER OF AGRICULTURE, ENVIRONMENT & RURAL AFFAIRS**

This is to confirm the terms of your appointment as my Special Adviser with effect from 31 May 2016. Your appointment was subject to an Access NI Criminal Records check, in line with Subsection 8 (3) of the Civil Service (Special Advisers) Act (Northern Ireland) 2013. Unless terminated earlier, your appointment will be for a period terminating on a date on which I cease to be a Minister or move to another appointment.

The details of your terms and conditions are set out in the NICS HR Handbook, the NICS Pay and Conditions of Service Code and related Civil Service Circulars. The HR Handbook can be accessed on HR Connect.

Those parts of the Handbook and Code that have contractual effect, as amended from time to time, form part of your terms and conditions. The main elements of your conditions of service are contained in the attached Schedule 1. The Code of Conduct for Special Advisers at Schedule 2 outlines the duties and responsibilities of a Special Adviser.

Your basic salary is £85,246 within the Special Adviser Pay Band B of £59,627 to £91,809 per annum as set out in Schedule 3 of your contract.

You will be paid monthly in arrears via Bankers Automatic Clearing Service.

Your appointment is pensionable under the Northern Ireland Civil Service pension arrangements from the outset. You do not have to join the Northern Ireland Civil Service pension arrangements; you may opt out and be covered instead by a personal pension or the State Second Pension Scheme (S2P). However, if you opt to join the

If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.



Please indicate your acceptance of these terms, both to me and the Department of Agriculture, Environment & Rural Affairs (DAERA), on the forms set out below, and provide Departmental HR with a copy of your most recent P45 or P46 Income Tax Form.

Yours sincerely

*Michelle McIlveen*

**MICHELLE MCILVEEN MLA**  
**Minister of Agriculture, Environment and Rural Affairs**

If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.



**SCHEDULE 1****SPECIAL ADVISERS – MAIN TERMS AND CONDITIONS****1. Job Title**

1.1 You have been appointed in accordance with Article 3 paragraph 2(b) and 3 of the Civil Service Commissioners (Northern Ireland) Order 1999 as a Special Adviser to Arlene Foster MLA (Appointing Authority) for the purpose only of providing advice to the Appointing Authority. Article 3 paragraph 2 (b) disappplies the principle of selection on merit on the basis of fair and open competition, where an appointment to a situation as a Special Adviser to a Minister is made during a period terminating on a date on which the relevant Member ceases to hold office.

1.2 As a Special Adviser appointed to a situation in the Northern Ireland Civil Service by the Appointing Authority, you will be employed for the period of your service in the Department of the Environment.

Your role is detailed in the Code of Conduct for Special Advisers at Schedule 2.

**2. Terms and Conditions**

2.1 The details of your terms and conditions are set out in the Northern Ireland Civil Service (NICS) Pay and Conditions of Service Code, the NICS Staff Handbook (respectively the “Code” and the “Handbook”) and related Civil Service Circulars. Copies of these documents are available for inspection in your Personnel Division.

**3. Salary**

3.1 Your salary is set out in your letter of appointment. It will be reviewed annually from 1 April and you will be notified in writing of any change to your salary. You are not entitled to the payment of any overtime.

#### 4. **Pensions**

- 4.1 Your appointment is pensionable from the outset but you do not have to join the Civil Service pension arrangements; you may opt out and be covered instead by a personal pension or the State Second Pension Scheme (S2P).
- 4.2 The default age of retirement is 65 and this will be your retirement age, unless a different retirement age is agreed with your Head of Department as a result of a request under the duty to consider procedures set out in paragraph 5 of Schedule 6 of the Employment Equality (Age) Regulations 2006. You should note that as a member of the Principal Civil Service Pension Scheme (NI), you may retire, without having your accrued pension entitlement reduced, at age 60 – the current Minimum Pension Age under the present Principal Civil Service Scheme (NI) rules (but see paragraph 13.2).

#### 5. **Performance Management and Appraisal**

- 5.1 Your employment requires performance consistent with the high standards expected of senior members of the Civil Service. Your performance will be subject to regular appraisal and review, with an opportunity to discuss that performance with the Appointing Authority.

#### 6. **Hours of Work**

- 6.1 You are required to work a minimum (over a 5 day week) of 42 hours, including meal breaks of one hour.
- 6.2 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.



7. **Annual Leave**

- 7.1 Your annual leave allowance is 30 days. The leave year runs from 1 February to 31 January.

8. **Public and Privilege Holidays**

- 8.1 You are entitled to all public holidays and to 2 privilege days in addition to your annual leave allowance and you will be paid for each day. Details are set out at the back of this Schedule.

9. **Sickness**

- 9.1 The rules relating to sickness and injury are to be found in Chapters 4 and 5 of the "Leave and Attendance" part of the Handbook. 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.

10. **Maternity Leave**

- 10.1 Detailed provisions relating to maternity leave and pay arrangements are set out in Chapter 6 of the "Leave and Attendance" part of the Handbook. In addition, you may be eligible for parental leave in accordance with Chapter 9 of the "Leave and Attendance" part of the Handbook. Further details are available from your Personnel Division.

11. **Paternity Leave**

- 11.1 You are entitled to 2 days contractual paid paternity leave on each relevant occasion. Provisions relating to paternity leave are set out in Chapter 8 of the "Leave and Attendance" part of the Handbook. In addition, you may be eligible for parental leave in accordance with Chapter 9 of the "Leave and Attendance" part of the Handbook. Further details are available from your Personnel Division.

## 12 Adoption Leave

- 12.1 Detailed provisions relating to adoption leave and pay are set out in Chapter 10 of the "Leave and Attendance" part of the Handbook.

## 13 Notice

- 13.1 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 or grounds justifying summary dismissal at common law, you will in practice normally be given not less than 3 months' notice in writing terminating your employment or one month's notice in writing if the termination occurs within 6 months of your appointment. On the expiration of such notice your employment will terminate.

- 13.2 Unless terminated earlier, your employment will terminate on the day on which your Appointing Authority, for any reason, ceases to be a Minister (see paragraph 4.2).

If your employment terminates because your Appointing Authority ceases to be a Minister, or if you resign:

- (a) in order to comply with the Civil Service (Parliamentary, and Assembly Candidature) (Northern Ireland) Order 1990 as amended by the Civil Service (Parliamentary and Assembly Candidature) (Amendment) Order (Northern Ireland) 1998, on becoming publicly identified as a candidate or prospective candidate for election; or
- (b) in order to take part in a General, European, Northern Ireland Assembly Election or Northern Ireland By-Election campaign or to help in a Party headquarters or research unit during such an Election

you will receive a severance payment, as detailed below, on the understanding that should you be re-appointed as a Special Adviser within the timespan 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 2 periods of employment. On taking up re-appointment you will be required to repay any element of the payment which exceeds that amount in accordance with arrangements agreed with your Personnel Division.

Severance pay will be calculated as follows:

if termination occurs after 6 months during the first year of service, you will receive three months' pay. For each additional completed year of service you will receive a month's pay, subject to a maximum of six months' pay, but if your employment terminates in any of the circumstances identified above within 6 months of your appointment, you will be entitled to one only month's severance pay.

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

13.4 You may terminate your appointment by giving not less than 5 weeks' notice in writing to your Appointing Authority.

#### 14 Conduct

14.1 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 use of confidentiality and official information are set out in Chapter 1 of the Conduct and Discipline Part of the Handbook.

14.2 You are also subject to the Official Secrets Acts 1911-1989. An explanatory leaflet summarising the provisions of the Acts as they affect civil servants will be provided to you.

- 14.3 You are required to abide by the conduct provisions of the Handbook 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 at Schedule 2.
- 14.4 You are required to conduct yourself in accordance with all the provisions of the NICS Code of Ethics except for those aspects of paragraphs 2 and 9 which relate to the impartiality and objectivity of the Civil Service and of civil servants and those in paragraph 13 which relate to a future Administration or future Ministers. A copy of the Code of Ethics will be provided to you by your Department.
- 14.5 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 Head of the Department.
- 14.6 You will not have access to papers relating to civil servants personally. You will also be subject to the rules which apply to Ministers as regards access to papers of a previous Administration. Subject to these exceptions and to Paragraph 16 below, you may, at the discretion of your Appointing Authority, have access to all papers submitted to Ministers.
- 14.7 You must comply with the rules on the publication of personal memoirs and books based on official experience set out in the Handbook.

## 15 Disciplinary and Grievance Procedures

- 15.1 Disciplinary matters are dealt with in accordance with the Department's disciplinary procedures, which are set out in Chapter 2 of the Conduct and Discipline Part of Handbook. The inefficiency procedures set out in the Handbook do not apply to you.
- 15.2 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 your Appointing Authority or the Permanent Head of your Department.

**16 Acceptance of Outside Appointments**

- 16.1 The rules on the acceptance of outside employment can be found in the Chapter 1 of the Conduct and Discipline Part of the Handbook. These set out the circumstances in which you are required to obtain the agreement of the NICS before accepting an offer of employment outside the Civil Service which would start within two years of leaving NICS employment. It is important that you familiarise yourself with the rules, and the circumstances in which they apply. If you wish to know how the rules might apply in particular circumstances, you should seek advice from the Permanent Head of your Department or Head of Personnel

**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 Sunday)

Common Law Holiday

Boxing Day (or the following Monday or Tuesday  
When 26 December falls on a Saturday or Sunday)

Bank Holiday

A third day at Christmas to be announced each  
Year.

Privilege Holiday

## SCHEDULE 2

## CODE OF CONDUCT FOR SPECIAL ADVISERS

1. The employment of Special Advisers adds a political dimension to the advice available to Ministers, and provides Ministers with the direct advice of experts in their professional field, while reinforcing the political neutrality of the permanent Civil Service by distinguishing the source of political advice and support.
2. Special Advisers are employed to help Ministers on matters where the work of the Northern Ireland Administration and Ministers' party responsibilities overlap and it would be inappropriate for permanent civil servants to become involved. They are an additional resource for the Minister, providing advice from a standpoint that is more politically committed and politically aware than would be available to a Minister from the Civil Service.
3. The Minister may instruct a Special Adviser to carry out the following sorts of work:
  - i. reviewing papers going to the Minister, drawing attention to any aspect which they think has party political implications, and ensuring that sensitive political points are handled properly. They may give advice on any aspect of departmental business (other than staffing issues), including giving advice to their Minister when the latter is taking part in party political activities;
  - ii "devilling" for the Minister, and checking facts and research findings from a party political viewpoint;



- iii. preparing speculative policy papers which can generate long-term policy thinking within the Department, including policies which reflect the political viewpoint of the Minister's party;
- iv. contributing to policy planning within the Department, including ideas which extend the existing range of options available to the Minister with a political viewpoint in mind;
- v. liaising with the Minister's party, to ensure that the Department's own policy reviews and analysis take full advantage of ideas from the party, and encouraging presentational activities by the party which contribute to the Administration's and Department's objectives;
- vi. helping to brief Assembly Members and officials of the Minister's party on issues of the Administration's policy;
- vii. liaising with outside interest groups including groups with a political allegiance to assist the Minister's access to their contribution;
- viii. speechwriting and related research, including adding party political content to material prepared by permanent civil servants;
- ix. representing the views of the Minister to the media including a party viewpoint, where they have been authorised by the Minister to do so;
- x. providing expert advice as a specialist in a particular field;
- xi. attending party functions (although they may not speak publicly at the party conference) and maintaining contact with party members;

- xii. taking part in policy reviews organised by the party for the purpose of ensuring that those undertaking the review are fully aware of the Administration's views and the Minister's thinking and policy.

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

4. Special Advisers are civil servants appointed under Article 3 of the Civil Service Commissioners (Northern Ireland) Order 1999. They are exempt from the general requirement that civil servants should be appointed on merit and behave with political impartiality and objectivity so that they may retain the confidence of future administrations. Their appointment ends, if not terminated earlier, on their appointing Minister ceasing to hold office.
5. Special Advisers should conduct themselves with integrity and honesty. They should not deceive or knowingly mislead the Assembly or the public. They should not misuse their official position or information acquired in the course of their official duties to further their private interests or the private interests of others. They should not receive benefits of any kind which others might reasonably see as compromising their personal judgement or integrity. They should not without authority disclose official information which has been communicated in confidence in the Administration or received in confidence from others.
6. Special Advisers should not use official resources for party political activity. They are employed to serve the objectives of the Administration and the Department in which they work. It is this which justifies their being paid from public funds and being able to use public resources, and explains why their participation in party politics is carefully limited. They should act in a way which upholds the political impartiality of civil servants. They should avoid anything which might reasonably lead to the criticism that people paid from public funds are being used for party political purposes. They stand outside the departmental hierarchy. They should not be responsible for budgets or for the line management of

permanent civil servants including their recruitment and matters covered by their contract of employment such as their appraisal, reward, discipline and promotion.

### **Relations with the Appointing Minister's Party**

10. Special Advisers provide advice on the development of policy of the Administration and its presentation. It is in these two areas of activity that the Administration and party may overlap.
11. The Civil Service has no monopoly of policy analysis and advice. The Administration takes account of views from many sources including political parties. Although public funds and resources must not be used to support the contribution of such views, the Administration may need to liaise with a particular party, as it does with others, to obtain a full and accurate understanding of the party's policy analysis and advice.
12. The Administration needs to present its policies and achievements to the public in order to aid understanding and so maximise the effectiveness of its policies, and this is a legitimate use of public funds and resources. It would be damaging to the Administration's objectives if the Minister's party took a different approach to that of the Administration, and the Administration therefore needs to liaise with the Minister's party to make sure that party publicity is factually accurate and consistent with the Administration policy. To secure this consistency, the Administration will also want to make sure that Assembly Members and officials of the Minister's party are briefed on issues of the Administration's policy.
13. In providing a channel of communication in these areas of overlap, Special Advisers paid from public funds have a legitimate role in support of the Administration's interest, which they can discharge with a degree of party political commitment and association which would not be permissible for a permanent civil servant. In all contacts with their party,

Special Advisers must observe normal Civil Service rules on confidentiality unless specifically authorised, in a particular instance, by their Appointing Authority.

14. Special Advisers must not take part in the work of their party's national organisation; and although they may continue, during Elections, to give specialist or political advice to their Ministers they must be careful not to take any active part in the campaign going beyond the provision of such advice.
15. Where a Special Adviser wishes to undertake work for a political party which does not arise out of the Administration's business they may do this either in their own time, outside office hours, or under a separate contract with the party, working part-time for the Administration. Detailed rules on their involvement in political activities are set out below.

**Involvement in politics in a private capacity: national political activities/local political activities**

**National Political Activities**

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

17. In particular:

- (i) if Special Advisers are publicly identified as a candidate or prospective candidate for the Northern Ireland Assembly, Parliament or the European Parliament, either by adoption by a political party or in any other way, they must resign their appointment<sup>1</sup>;
- (ii) if they wish to take part in a General, European, Northern Ireland Assembly or by-election campaign, or to help in a party headquarters or research unit during such a campaign, they must first resign their appointment. If they wish their appointment to carry on during a campaign, they may continue to give specialist or political advice to their Appointing Authority as before but they must be careful not to take any active part in the campaign going beyond the provision of such advice. They should not, for example, take part in public meetings relating to an election campaign.
- (iii) if, with the approval of their Appointing Authority, they wish to assist with other party political matters such as a leadership campaign, they may do so while on paid or unpaid leave or at times which do not interfere with their normal duties, for example, out of office hours.

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<sup>1</sup> Civil Service (Parliamentary and Assembly Candidature) Order 1990, as amended by the Civil Service (Parliamentary and Assembly Candidature) (Amendment) Order (Northern Ireland) 1998 prohibits members of the Northern Ireland Civil Service from publicly announcing themselves or allowing themselves to be publicly announced as candidates or prospective candidates for election to certain Parliamentary and Assembly bodies listed therein.

### Local Political Activities

18. With the approval of their Appointing Authority, Special Advisers may undertake or continue to undertake, all forms of local political activity, but not local activities in support of national politics. They must comply with any conditions laid down by the employing Department.
19. Local activities are: candidature for, or co-option to, local authorities; holding, in a party political organisation, office impinging wholly or mainly on party politics in the local field; speaking in public on matters of local political controversy; expressing views on such matters in letters to the Press, or in books, articles or leaflets; and canvassing on behalf of candidates for election to local authorities or a political organisation.
20. If Special Advisers take part in local political activities, they must at all times observe discretion, take care to express comment with moderation and avoid personal attacks. In particular, if they serve on a local authority they must adhere to the following points:
  - a. they should not speak publicly or in the Council, or vote on matters for which their Appointing Authority has responsibility;
  - b. they should not serve on any committee considering such matters;
  - c. they should not take part in deputations or other representations to their Appointing Authority;
  - d. they should declare an interest in relation to any case or application which comes before the Council in which the Northern Ireland Administration is involved;
  - e. they should observe discretion in relation to policies for which other Appointing Authorities of the Northern Ireland Administration are responsible, in order to avoid causing them embarrassment;

- f. they should not disclose to the Council privileged information obtained in the course of their duties.

## SCHEDULE 3

### SYSTEM FOR REMUNERATION OF SPECIAL ADVISERS

#### 1. Introduction

This schedule sets out the system for remunerating Special Advisers.

#### 2. Background

Special Advisers are appointed under the Civil Service Commissioners (Northern Ireland) Order 1999. Article 3 paragraph 2 (b) of the Order disappplies the principle of selection on merit on the basis of fair and open competition, where an appointment to a situation as a Special Adviser to a Minister is made during a period terminating on a date on which the relevant Member ceases to hold office.

Under Article 3 paragraph 3 of the Order, the First Minister and deputy First Minister may each have up to three Special Advisers at any one time and members of the Executive Committee may each have one Special Adviser at any one time.

The Appointing Authority for Special Advisers is the appropriate Minister.

#### 3. Principles of the system

The following principles underpin the system:

- a. it must be fair and equitable and consistently applied;
- b. it should take account of the nature of the job and the personal contribution of the individual;
- c. it should be capable of recruiting, motivating and retaining appropriate Special Advisers;



- d. changes to the pay bands should be in line with the revalorisation of the Senior Civil Service pay bands.

#### **4. Salary Arrangements**

Special Advisers will be paid on personal pay points contained within two broad pay bands. Individuals will be allocated to pay bands based on the role descriptions outlined in paragraph 5 below. In exceptional circumstances, a Special Adviser may be appointed on a higher salary.

#### **5. Role Description**

The concept of a role description is somewhat different from that of formal job evaluation of posts, which is considered too constraining in the case of Special Advisers who operate in a very dynamic environment and, although all do so within the broad parameters of the model contract, the nature of the role will differ depending on many factors. These include the individual Appointing Authority's requirements, whether the Special Adviser is operating as a singleton or a member of a Special Adviser team and the Adviser's own abilities and experience. It is acknowledged that, on occasions, an Adviser may effectively "grow" the role and there will also be increasing demands on the role in relation to supporting and servicing the Executive as a whole. The pay bands and role descriptions are -

##### **Pay Band A (current rate shown at Appendix A)**

##### **Role Description**

In line with the job requirements as determined by the Appointing Authority, the postholder has appropriate experience and skills to provide advice and research on policy and political issues. The postholder undertakes analysis and maintains contacts both within and outside government on policy and political issues. The Adviser may be a subject specialist.

**Pay Band B** (current rate shown at Appendix A)

## Role Description

Postholder has senior level experience in public or commercial life, with an acknowledged track record of achievement. In line with the job requirements as determined by the Appointing Authority, the postholder provides a significant level of policy advice and meets and influences key policy and decision-takers within and outside Government, contributing significantly beyond the level required by those remunerated within Pay Band A.

**6. Starting Salary on Appointment**

The Permanent Secretary, the Head of the Civil Service (HOCS) and the Appointing Authority, shall jointly determine the appropriate pay band and the starting salary within that pay band for each Special Adviser. It will be for the Appointing Authority to determine the extent of his/her involvement in the decision. The decision will be on the basis of a business case prepared by the Appointing Authority which should set out the requirements of the post, together with the relevant qualifications, experience, skills and track record of achievement of the individual. In addition to these factors, starting salary within the relevant Pay Band may also be informed by the appointee's previous remuneration package (including all quantifiable benefits, such as a company car or private health care payments).

The requirement for a business case shall also apply where, in exceptional circumstances, a starting salary in excess of the maximum of Pay Band B is recommended (see paragraph 4 above). In this circumstance, any starting salary determined following the process detailed above shall also be subject to the agreement of the First Minister and the deputy First Minister.

In all circumstances, a written record must be held of the rationale for the salary determined.

## **7. Pay Review - Revalorisation of Pay Bands**

The pay bands will be reviewed annually with effect from 1 April and revalorised in line with movement to the appropriate reference points on the Senior Civil Service pay bands. Departments will be notified of changes to the pay bands by the Department of Finance and Personnel.

## **8. Pay Progression**

Annual pay progression will be based on the average Senior Civil Service salary increase, subject to the appropriate Appointing Authority's views on the Adviser's satisfactory performance. Special Advisers appointed on or after 1 January are not entitled to a pay progression award at the following 1 April.

Occasionally a higher increase may be given because of specific experience in post. This is clearly an argument which could be made by all staff and care needs to be taken. Nonetheless there is some validity in it because the role of the Special Adviser does vary in line with the needs of the Appointing Authority and the ability of the Adviser, and is capable of being shaped by the individual.

Where there has been significant substantiated change to the weight and range of the post this should be recognised. In such circumstances the Appointing Authority should make a case for pay review to the Permanent Secretary, who, acting jointly with the HOCS and the Appointing Authority, will have the scope to increase salary by up to 10%, or make a case to move an individual from Pay Band A to Pay Band B. Again, it would be for the relevant Appointing Authority to decide the extent of his/her involvement before a determination is reached. It is important to ensure that the outcome of any such review can be objectively justified, and is suitably documented.

It would be expected that such changes should be on an exceptional rather than a routine basis as any such amendment is not expected to take the place of the normal pay progression review process which rewards the individual for their performance in their post. In addition, the proposed changes should not alter the fundamental nature of the role of Special Advisers, which is to provide advice rather than carry out executive functions.

## **9. Pension**

Special Adviser appointments are pensionable under the Civil Service pension arrangements. Under these arrangements the Special Adviser may choose between two pension arrangements:

- a) membership of the Premium Scheme, a final salary occupational scheme with a 3.5% member contribution rate [Advisers who, immediately prior to appointment, were members of the Principal Civil Service Pension Scheme (NI) or the Principal Civil Service Pension Scheme may be able to remain on their existing pension arrangements, but they should consult Civil Service Pensions] ; or
- b) membership of the Partnership pension account, a stakeholder pension with an employer contribution based on the age of the individual. An individual does not need to contribute however if they choose to do so the employer will match the Adviser's contribution by up to 3% of pensionable pay.

A Special Adviser may choose not to join the Civil Service pension arrangements and may instead opt out to be covered by a personal pension and/or the State Second Pension Scheme (S2P). They also have the option of joining the Civil Service Stakeholder pension arrangement; however it should be noted that there are no employer contributions to this arrangement.

*{See also the Letter of Appointment issued to Special Advisers by their Appointing Authority.}*

## **10. Hours of Attendance/Overtime**

Special Advisers are required to work a minimum (over a 5-day week) of 42 hours, including daily meal breaks of one hour. They will be required to work additional hours as may from time to time be reasonable and necessary for the efficient performance of their duties. Prospective Special Advisers should be made aware that long and sometimes unsocial hours may be required, subject to any limitations imposed by law.

Special Advisers are not entitled to the payment of any overtime.

**NB:** Departments should note that the terms of the EU Working Time Directive apply to Special Adviser posts. Advisers should be asked whether they wish to waive certain rights. Chapter 1 of the "Leave and Attendance" part of the Handbook gives full detail and should be brought to the attention of Special Advisers.

## **11. Payment of Pay**

Salary will be paid monthly in arrears via Bankers Automatic Clearing Service (BACS).

*{For other conditions of service see Schedule 1 to the Letter of Appointment issued to Special Advisers by their Appointing Authority.}*

## **12. Review of the Arrangements for Payment of Special Advisers**

It is intended that the foregoing arrangements will be reviewed after approximately one continuous year in operation, on the basis of arrangements agreed by the Executive.

**Department of Finance and Personnel**

**Pay and Grading Unit**

**May 2007**

**APPENDIX A**

**SPECIAL ADVISERS**

**SALARY BANDS**

**Rates payable from 1 April 2007**

**Pay Band A    £35,120 - £48,824**

**Pay Band B    £56,100 - £78,540 (under review)**