
From: Edgar, Leona
Sent: 11 August 2015 14:25
To: Timothy Johnston; Johnston, Timothy
Cc: Gardner, Jeremy; Wallwin, Judith
Subject: Alan Murray - Sunday Life - SPADS golden handshake

Tim

Tired to defer this one to DFP who issued the link below to journalist on the code of conduct for Spads last week, however they've come back to say that they don't hold any information on those who may have received a payment and that it's up to individual Department's to apply the guidance and respond.

<http://www.dfpni.gov.uk/spad-act-13-code-of-practice-governing-the-appointment-of-spads.pdf>

dFM side is still asking if we in a position to state categorically there were no golden handshakes?

I'm not sure how this all works, HR might be able to give me a steer. You can let me know if you want to progress or leave it that Alan Murray only receives the code of conduct link which provides the guidance on what should happen.

The part of the guidance that refers to notice is below.

Thanks

Leona

Notice

17.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, subsection 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 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.

18.Unless terminated earlier, your employment will terminate on the day on which your Appointing Authority, for any reason, ceases to be a Minister or moves to another appointment (see paragraph 6).

19.If your employment terminates because your Appointing Authority ceases to be a Minister or moves to another appointment, 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 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 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 Departmental HR.

20. 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 only be entitled to one month's severance pay.

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

22. Any severance payment made under paragraph 20 is non-pensionable.

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

Leona Edgar

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Original Message

From: Alan Murray Personal information redacted by the RHI Inquiry

Sent: Monday, 10 August 2015 10:55

To: McLaughlin, Mark (OFMDFM)

Subject: SPADS

Mark - how many 'SPADS' received a 'golden handshake' before or when they relinquished their positions to contest the recent General Elections?