



Summary of terms and conditions of service

May 2018

Summary

This document sets out your principal terms and conditions of employment. It incorporates the written particulars required by the Employment Rights Act 1996 and, together with the offer letter, employment schedule, the Civil Service Management Code (which can be found on the Cabinet Office website), and the Staff Handbook (which can be found on the ORR intranet), constitutes your contract of employment with the Office of Rail and Road. The Civil Service Management Code and the ORR Staff Handbook may be amended from time to time.

You are expected to familiarise yourself with, and are strongly advised to read, the contents of the Staff Handbook and all other relevant documents, especially where they are applicable to you and as referred to in this statement. Any significant changes to terms and conditions are notified via the intranet.

Names of Parties

1. This contract is between:
 - a) The Office of Rail and Road (ORR) on behalf of the Crown; and
 - b) The person named in **Part A** of the attached schedule.

Commencement of employment

2. Your date of joining ORR is detailed in **Part B** of the attached schedule.

Continuity

3. The date you commenced employment with the Civil Service for purposes of continuous service and for pension rights is detailed in **Part C** of the attached schedule.

Contract type

4. The type of this employment contract is detailed in **Part E** of the attached schedule.

Job Title and Duties

5. You are appointed as a member of the Civil Service in the Office of Rail and Road. Your job title is detailed in **Part F** of the attached schedule.
6. Your duties and job description are initially as outlined in the job pack and other paperwork already received. These are subject to amendment from time to time. You may be required, according to the operational needs of ORR, to move to any post within the same grade in ORR for which your skills and experience equip you. Any changes will be discussed with you fully and notified to you in writing.

Pay

7. Your grade and salary on joining ORR are detailed in **Part G** of the attached schedule.
8. You will be paid on the last working day of each month. New employees commencing employment at the middle or at the end of the month will be paid on the last working day of the following month. National Insurance Contribution calculations will be based on one earnings period.
9. Your salary will be amended in accordance with ORR's Pay Policy and any relevant pay settlement agreed by ORR and the recognised staff representatives group ("SRG").
10. The earliest date that ORR will review the salaries of staff at grades below Senior Civil Service is at **Part H** of the attached schedule, after which, unless agreed otherwise between ORR and SRG, there will be an annual review. Whether you will be entitled to any increase arising from a review will depend on the terms of the relevant pay settlement agreed between ORR and SRG. There is no guarantee that a review will result in an increase in salary.

Probation

11. The terms of your probation are detailed in **Part I** of the attached schedule.

Performance Management and Appraisal

12. You will be subject to the ORR performance management arrangements. Your performance will be subject to regular appraisal and annual review. Your manager will inform you of the standards of performance expected in your job.

Place of work and mobility

13. Your place of employment is detailed in **Part J** of the attached schedule.

14. As a civil servant you are required to be mobile across government departments within the parameters of reasonableness. The issue of what is reasonable will relate to your individual circumstances at the time of any proposed changes to your place of work.

15. If you are required to work anywhere other than your normal base, the relevant travel and subsistence or relocation terms in force at the time will apply.

16. All staff will be given reasonable notice of any intentions to relocate their job.

Overseas employment

17. You will not be required to work outside the United Kingdom for more than one month on any one occasion.

Hours of work

18. Your hours of work and working pattern are detailed in **Part K** of the attached schedule. You will be required to work such additional hours as may from time to time be reasonable and necessary for the efficient performance of your duties.

Annual Leave

19. Your leave entitlement is detailed in **Part L** of the attached schedule.

20. Annual leave will be taken at times approved by management. If you leave without giving proper notice, or are dismissed for misconduct, you may forfeit any accrued occupational holiday entitlement or payment in lieu. Further rules relating to annual leave are set out in the ORR Staff Handbook.

Public holidays and Queen's birthday

21. You will receive 8 scheduled public holidays per annum. In addition, as a Civil Servant, you will receive 1 day for the Queen's birthday per annum. These holiday entitlements will be prorated if you are a part time worker.
22. You may be required by ORR to work on a public holiday or the Queen's birthday. If so, you are entitled to time off in lieu.
23. Further rules relating to public holidays and the Queen's birthday are set out in the ORR Staff Handbook.

Sick Absence

24. The rules relating to sickness and injury are to be found in the ORR Staff Handbook. In the first year of service the entitlement will be one month's full pay and one month's half pay. Increasing with each year of reckonable service, up to a maximum of five months' full pay and five months' half pay by the fifth year of service, in any period of four years.
25. The amount of sick pay payable will be adjusted to take account of any Statutory Sick Pay (SSP) included so that the total payment for the period does not exceed normal full pay.
26. If your attendance is unsatisfactory because you have frequent or continuous sick absence, your suitability for continued employment will be reviewed.

Notice

27. If you wish to resign you are required to give the notice period detailed in **Part M** of the attached schedule.
28. If you wish to retire then you must give a minimum of 6 months' notice so that your pension can be arranged.
29. Employees of the Crown do not have a formal right to a notice period when their employment is terminated. ORR will normally give 5 weeks' notice to those with up to 4 years' service and for over 4 years' service 1 week, plus 1 week for every year of continuous service up to a maximum of 13 weeks.

Overpayment

30. ORR reserves the right to recover any overpayments made to you and, to deduct from any monies owing to you at the time of leaving (e.g. salary, travel expenses etc.), any monies you owe ORR e.g. as a result of, for example, annual leave taken, overpayment of salary, season ticket loan, training grant etc.

Pensions

31. Your appointment is pensionable from the outset. Details of the pensions options available to you are detailed in **Part N** of the attached schedule.

32. You do not have to join the Civil Service Pension arrangements; you may opt out and be covered by a personal pension or the State Second Pension scheme (S2P).

33. Our pensions administrators are MyCSP. The helpline number is 0300 123 6666 or you can email them on: contactcentre@mycsp.gse.gov.uk. You should contact them if you have any questions about the pensions arrangements.

Financial Interests

34. To avoid conflicts of interest, you and your spouse or partner or any dependent children should dispose of any shareholdings in companies operating in any field with which you will be officially concerned, though, in some circumstances, it may be sufficient for the shareholding to be placed temporarily in the hands of a trustee.

35. The ORR should be informed of any necessary action under this head and will be available for advice. Further guidance is given in the ORR Staff Handbook. You should also avoid any official dealings with the affairs of any company in which you have any shareholding unless you have been told, after official consideration of the facts of the case, that it is in order for you to do so.

Conduct

36. As a Civil Servant you are a servant of the Crown and you owe a duty of loyal service to the Crown as your employer. You are also subject to the Official Secrets Act 1989. An account of the constitutional position is given in the ORR Staff Handbook.

37. All employees are subject to the Official Secrets Act 1989:

- Employees should not misuse their official position or information acquired in the course of their official duties to further their private interest or those of others. They should not receive benefits of any kind from a third party, which might reasonably be seen to compromise their personal judgement or integrity.
- Employees should not without authority disclose official information which has been communicated in confidence within ORR, or received in confidence from others.
- The rules governing the use of official information and related activities are detailed in the Staff Handbook. Any breach of these provisions may result in disciplinary action and in certain circumstances, criminal or civil proceedings.

38. As a Civil Servant you are required to conduct yourself in accordance with the provisions of the Civil Service Code, a copy of which is contained in **Annex A**. It is essential that you are, and are seen to be, honest and impartial in the exercise of your duties. You must not allow your judgement or integrity to be compromised in fact or by reasonable implication. The detailed requirement governing the avoidance of conflicts of interest, the receipt of gifts and hospitality, shareholding or other financial interests in the railway industry and the standards of conduct expected of you are set out in the ORR Staff Handbook.

39. You should give up any executive or non-executive directorships you hold unless they involve no conflict with your official position and no significant use of official time. Any Directorships that are retained during your appointment should be notified to the ORR.

40. If you believe that you are being required to act in a way which:

- is illegal, improper or unethical;
- is in breach of constitutional convention or a professional code;
- may involve possible maladministration; or
- is otherwise inconsistent with the Civil Service Code,

you should report the matter in accordance with the procedures set out in the ORR Staff Handbook. You should also report to the appropriate authorities evidence of criminal or unlawful activity by others and you may also report in accordance with the above procedures if you become aware of other breaches of the Civil Service Code or are required to act in a way which, for you, raises a fundamental issue of conscience. If you do not believe the response you receive to any such report represents a reasonable response to the grounds of your concern you may report the matter in writing to the Civil Service Commissioners.

Employment after resignation or retirement

41. Taking employment after resignation or retirement is governed by the business appointment rules. In certain circumstances employees are required to obtain approval before accepting any form of part-time, full-time or fee-paid employment outside the civil service within the first two years of leaving the civil service. The rules on the acceptance of outside appointments, and the circumstances in which they apply, are set out in the ORR Staff Handbook. A copy of the rules is contained in **Annex B**.

Political Activities

42. During your period of employment under the Servants of the Crown (Parliamentary Candidature) Order 1960, you are barred from becoming a Member of Parliament and you are not permitted to take part in national political activities. If standing for Parliament, you should resign before nomination day.

43. You are required to seek permission to take part in local political activities and you must comply with any conditions laid down by the ORR. Further details are set out in the ORR Staff Handbook.

Data Protection

44. ORR is committed to complying with the provisions of the General Data Protection Regulation and Data Protection Act 2018. You must, at all times during this employment, act in accordance with the General Data Protection Regulation and Data Protection Act 2018 principles and must comply with any policy introduced by the ORR to comply with the

said Act.

45. ORR will hold and process the data it collects relating to you, in the course of your employment. In particular, ORR processes:

- Personal data where this is necessary or reasonably required for the purposes of ORR's administration and management of its employees (both during and after employment) and its business and for compliance with applicable procedures, laws and regulations; and
- Sensitive personal data, including without limitation any self-certification forms or medical certificates supplied to ORR to explain your absence by reason of illness or injury, any record of sickness absence or any medical records or health assessments where this is necessary or reasonably required for the purposes of the ORR's administration and management of its employees (both during and after employment) and its business and for compliance with applicable procedures, laws and regulations.

Confidentiality Clause

46. ORR is committed to complying with the provisions of the General Data Protection Regulation and Data Protection Act 2018. During your employment you may be required to collect and process personal data about ORR's employees, former employees, potential employees or other individuals. You are required to process any such data in accordance with the requirements of the Employee Data Protection Policy.

47. In particular, ORR is required to ensure that any personal data it processes is kept secure. You agree that you will not disclose without authorisation (either during or after your employment) any personal data about any other individual that you have obtained during your employment other than for the legitimate business purposes of ORR.

48. You must take adequate precautions at all times (both during and after your employment) whether in ORR, while travelling, at home or elsewhere to ensure the confidentiality and security of any personal data obtained by you during your employment with ORR.

Grievance and Disciplinary arrangements

49. Disciplinary matters are dealt with in accordance with the ORR's disciplinary procedures, which are set out in the ORR Staff Handbook.

50. 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 follow the grievance procedure as set out in the ORR Staff Handbook.

Trade Unions

51. The Civil Service attaches importance to ensuring effective consultation and involvement of staff. It is of course a personal decision whether or not to join a trade union, but the Civil Service encourages staff to join an appropriate trade union and to play an active part within it, making sure that their views are represented.

Collective Agreements

52. There are no civil service-wide collective agreements in force which affect your terms and conditions. The ORR has an employee relations forum called the Staff Council which makes collective agreements on those issues which can be determined locally including pay.

53. ORR recognises the following Trade Unions: Public and Commercial Services (PCS), Prospect and FDA. Representatives of these unions are also members of the Staff Council.

Changes to Terms and Conditions

54. You will be told of any significant changes to these terms and conditions through notifications on our intranet. Full details of civil servants' conditions of service can be found in the Civil Service Management Code and also the ORR Staff Handbook. If you wish to see these, please contact your HR Officer whose details can be found in **Part O** of the attached schedule.

End.

ANNEX A: THE CIVIL SERVICE CODE

Civil Service values

1. The Civil Service is an integral and key part of the government of the United Kingdom¹. It supports the Government of the day in developing and implementing its policies, and in delivering public services. Civil servants are accountable to Ministers, who in turn are accountable to Parliament².

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

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

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

4. This Code³ sets out the standards of behaviour expected of you and all other civil servants. These are based on the core values. Individual departments may also have their

¹ This Code applies to all Home civil servants. Those working in the Scottish Executive and the National Assembly for Wales, and their Agencies, have their own versions of the Code. Similar Codes apply to the Northern Ireland Civil Service and the Diplomatic Service.

² Constitutionally, civil servants are servants of the Crown. The Crown's executive powers are exercised by the Government.

³ The respective responsibilities placed on Ministers and special advisers in relation to the Civil Service are set out in their Codes of Conduct: www.cabinetoffice.gov.uk/propriety_and_ethics.

own separate mission and values statements based on the core values, including the standards of behaviour expected of you when you deal with your colleagues.

Standards of behaviour

Integrity

5. You must:

- fulfil your duties and obligations responsibly;
- always act in a way that is professional⁴ and that deserves and retains the confidence of all those with whom you have dealings;
- make sure public money and other resources are used properly and efficiently;
- deal with the public and their affairs fairly, efficiently, promptly, effectively and sensitively, to the best of your ability;
- handle information as openly as possible within the legal framework; and
- comply with the law and uphold the administration of justice.

6. You must not:

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

Honesty

7. You must:

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

8. You must not:

⁴Including taking account of ethical standards governing particular professions.

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

Objectivity

9. You must:

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

10. You must not:

- ignore inconvenient facts or relevant considerations when providing advice or making decisions; or
- frustrate the implementation of policies once decisions are taken by declining to take, or abstaining from, action which flows from those decisions.

Impartiality

11. You must:

- carry out your responsibilities in a way that is fair, just and equitable and reflects the Civil Service commitment to equality and diversity.

12. You must not:

- act in a way that unjustifiably favours or discriminates against particular individuals or interests.

Political impartiality

13. You must:

- serve the Government, whatever its political persuasion, to the best of your ability in a way which maintains political impartiality and is in line with the requirements of this Code, no matter what your own political beliefs are;
- act in a way which deserves and retains the confidence of Ministers, while at the same time ensuring that you will be able to establish the same relationship with those whom you may be required to serve in some future Government; and
- comply with any restrictions that have been laid down on your political activities.

14. You must not:

- act in a way that is determined by party political considerations, or use official resources for party political purposes; or
- allow your personal political views to determine any advice you give or your actions.

Rights and responsibilities

15. Your department or agency has a duty to make you aware of this Code and its values. If you believe that you are being required to act in a way which conflicts with this Code, your department or agency must consider your concern, and make sure that you are not penalised for raising it.

16. If you have a concern, you should start by talking to your line manager or someone else in your line management chain. If for any reason you would find this difficult, you should raise the matter with your department's nominated officers who have been appointed to advise staff on the Code.

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

18. If you have raised a matter covered in paragraphs 15 to 17, in accordance with the relevant procedures⁵, and do not receive what you consider to be a reasonable response, you may report the matter to the Civil Service Commissioners⁶. The Commissioners will also consider taking a complaint direct. Their address is:

3rd Floor, 35 Great Smith Street, London SW1P 3BQ.

Tel: 020 7276 2613

email: ocsc@civilservicecommissioners.gov.uk

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

⁵The whistleblowing legislation (the Public Interest Disclosure Act 1998) may also apply in some circumstances. The Directory of Civil Service Guidance gives more information: www.cabinetoffice.gov.uk/propriety_and_ethics.

⁶The Civil Service Commissioners' Appeals leaflet gives more information: www.civilservicecommissioners.gov.uk. This Code does not cover HR management issues.

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

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ANNEX B - Employment after resignation or retirement

1. Taking employment after resignation or retirement is governed by the business appointment rules. The purpose of the rules is to protect the ORR, the individual affected and the prospective new employer from any suspicion of impropriety, while recognising that it is in the public interest that people should be able to move from Government departments into business or other bodies, including the railway industry.
2. In brief, you must obtain the approval of the head of human resources before accepting any form of part-time, full-time or fee-paid employment within the first two years of leaving the civil service:
 - If you have been a member of the senior civil service; or
 - If you have had any official dealings with your prospective employer during the last two years of crown employment; or
 - If you have had official dealings of a continued or repeated nature with the prospective employer at any time during your period of crown employment; or
 - If you have had access to commercially sensitive information on competitors of the prospective employer in the course of your official duties; or
 - If, during the last two years of crown employment, your official duties involved advice or decisions benefiting that prospective employer, for which the offer of employment could be interpreted as a reward, or have been involved in developing policy, knowledge of which might be of benefit to the prospective employer; or
 - If you are to be employed on a consultancy basis – either for a firm of consultants or in an independent capacity – and have had any dealings of a commercial nature with outside bodies or organisations in your last two years of crown employment.
3. To request approval you should send an email to the head of human resources setting out the details of your prospective employer and explaining what previous involvement you have had with their business. Approval will normally be given within 5 working days. If there is a concern, however, you will be called to attend a meeting to be held within 10 working days to discuss ORR's concerns and any proposed resolutions. ORR may need to consult the office of public service under the terms of the business appointment rules in the case of significant concerns.
4. All applications are considered on their merits and in the light of the circumstances of the case. Approval will not unreasonably be withheld, and if approval is withheld then the reasons for this will be provided in writing and restrictions may be put in place.
5. The fact of your access, while in the employment of the ORR, to commercially confidential information about the activities of one company would not of itself automatically lead to restrictions on employment with that company, or any company which is or might be in competition with it.

6. In deciding whether to impose further restrictions under the terms of the business appointment rules the main tests ORR would apply would relate to whether a reasonable person could take the view that either:
 - your appointment could be considered a reward for decisions which the ORR has taken in favour of the company; or
 - the company would be gaining a material unfair advantage over its competitors because you had access to confidential information about those competitors or had knowledge of impending changes in regulation which the company could use to its advantage.
7. In the event that ORR concluded that the appointment could not be allowed to proceed unconditionally, the maximum restriction it could apply would be a delay of two years in taking up the appointment. In practice, the delay imposed would be three to six month's duration, but we would explore with you and any prospective employer alternative remedies that would permit the appointment to be taken up without a delay.