

# Fair Work First Operator Compliance Statement 2024/25

## About Fair Work First

The criteria applies from and including the 1 April 2024, and all rates apply from this date. Voluntary workers are exempt.

Scottish Government guidance setting out [further detail for grant recipients and organisations awarding public sector grants](#) can be found online.

Please note, this compliance statement relates to Network Support Grant (NSG) eligibility. For any other Scottish Government grant you will be required to complete the relevant Fair Work First paperwork specific to that grant.

## What do I need to do?

You need to answer the relevant questions and complete the associated forms in this document for paid employees. You also need to complete the summary and final declaration section.

### Question 1 - Are all staff within your organisation volunteers?

Yes – please sign below. If the answer to question 1 is 'yes' and you have signed below, there is no further action required. Please return this form to [schemesandgrants@transport.gov.scot](mailto:schemesandgrants@transport.gov.scot)

|                         |  |
|-------------------------|--|
| Name                    |  |
| Position & Organisation |  |
| Signature               |  |
| Date                    |  |

No – please continue on

**Transport Scotland**

**Question 2 - From 1 April 2024, will you be paying at least the real Living Wage of £12 per hour to all directly employed staff including 16 –17 year olds and apprentices, and to the relevant contracted or agency staff?**

Yes – please complete [Form A](#)

No – please complete [Form B](#)

**Question 3 - How do you provide appropriate channels for effective workers' voice?**

All organisations with a paid workforce must be able to demonstrate, before they can access a grant, that all workers employed within that organisation have access to effective voice channel(s), including contracted or agency workers.

Please complete [Form C](#)

**Question 4 - As an organisation do you provide or intend to provide in the future, all of the following:**

- investment in workforce development
- no inappropriate use of zero hours contracts
- action to tackle the gender pay gap and create a more diverse and inclusive workplace
- offer flexible and family friendly working practices for all workers from day one of employment
- oppose the use of fire and rehire practice

Please complete [Form D](#)

**Summary and final declaration section**

Please complete the [Summary and final declaration](#)

## Your details

Please complete your **Company/organisation name**

## Form A

### Compliance for real Living Wage

If your organisation fully complies, please complete the statement below

**Company/organisation name** is committed to advancing the Fair Work First criteria and pays all direct employees in Scotland the real Living Wage, including 16-17 year olds and apprentices.

In addition, the Fair Work First requirements are included in any contracts for external workers based within the UK who are directly involved in delivering the service relevant to the grant funding issued in Scotland. In this instance we are referring to the Network Support Grant.

**Please note: If the total amount of annual grant funding received from Transport Scotland (not solely NSG) is under £100k this can be evidenced though a self-declaration that is signed off internally. If total annual grant funding received is 100k and over, additional evidence must be provided.**

|                         |  |
|-------------------------|--|
| Name                    |  |
| Position & Organisation |  |
| Signature               |  |
| Date                    |  |

## Evidence for real Living Wage

If you are receiving less than £100k annually (cumulative) in NSG funding, no further evidence is needed.

**If you are receiving £100k and over in NSG funding annually you will need to provide the following evidence for each of the relevant worker groups.**

The following evidence has been provided to demonstrate this:

- Please confirm using the check boxes that these have been included with this submission.
- If you do not employ one or more of the paid worker groups, please mark the number of staff as 0 to demonstrate evidence is not required.
- Voluntary workers should not be included.

| Paid worker  | No. of staff | Evidence needed                        |                          |
|--|--------------|--|--------------------------|
| Directly employed staff aged 18 and over (excluding apprentices)<br>(one piece of evidence needed) |              | Living Wage Accreditation              | <input type="checkbox"/> |
|  |              | Anonymised Payroll (excel format only) | <input type="checkbox"/> |
|  |              | Accountant Certificate                 | <input type="checkbox"/> |
| Apprentices<br>(one piece of evidence needed)  |              | Anonymised Payroll (excel format only) | <input type="checkbox"/> |
|  |              | Accountant Certificate                 | <input type="checkbox"/> |
| 16–17 year old workers<br>(one piece of evidence needed)   |              | Anonymised Payroll (excel format only) | <input type="checkbox"/> |
|  |              | Accountant Certificate                 | <input type="checkbox"/> |
| Relevant contracted and agency staff   |              | Anonymised copy of relevant contract   | <input type="checkbox"/> |
| Total Staff  |              |  |                          |

## Form B

### Exception request if non-compliant on real Living Wage

If you are not currently able to fully comply with the real Living Wage criteria, please complete the statement below and amend relevant text in bold:

Although **Company/organisation name** is committed to advancing the Fair Work First criteria we cannot afford to pay the real Living Wage to **[all direct employees / 16–17-year-olds / apprentices / contracted and agency staff - delete as appropriate]**. We are therefore seeking an exception based on the information provided below in Part A.

[Part A](#) is to be completed by the organisation.

[Part B](#) is to be completed by a senior authorising/accountable officer of Transport Scotland.

# Request for a limited exception to the real Living Wage condition for grants

## Part A

### Name of organisation seeking a limited exception

Company/organisation name

The case for an exception must address but need not be limited to the following points. Each case will be assessed on the individual basis of affordability of the requirement for the applicant organisation.

**All questions must be responded to.**

### 1. Which part(s) of the workforce the organisation is requesting a limited exception for, e.g. apprentices, 16–17 year olds?

|  |                          |
|--|--------------------------|
| Directly employed staff aged 18 and over (excluding apprentices) | <input type="checkbox"/> |
| 16–17 year olds  | <input type="checkbox"/> |
| Apprentices  | <input type="checkbox"/> |
| Relevant contracted or agency staff                              | <input type="checkbox"/> |

### 2. Detail the current size of the overall workforce.

**Transport Scotland**

**3. Detail number of workers currently in each part(s) of the workforce identified at (1).**

|  |  |
|--|--|
| Directly employed staff aged 18 and over (excluding apprentices) |  |
| 16–17 year olds  |  |
| Apprentices  |  |
| Relevant contracted or agency staff                              |  |

**4. Detail the lowest hourly wage rates for each part(s) of the workforce identified at (1).**

|  |  |
|--|--|
| Directly employed staff aged 18 and over (excluding apprentices) |  |
| 16–17 year olds  |  |
| Apprentices  |  |
| Relevant contracted or agency staff                              |  |

**5. Please give a full explanation as to why paying the real Living Wage is unaffordable and what this would mean for your organisation, providing suitable evidence regarding the organisation’s current financial position, the costs of uprating the pay of that part (or parts) of the workforce, and any consequential or additional costs.**

The cost of uprating the following staff to the real Living Wage (rLW) is estimated to be (per annum).

|  | rLW being paid?          | No. workers in this category | Cost of uprating (per annum) |
|--|--------------------------|------------------------------|------------------------------|
| Directly employed staff aged 18 and over (excluding apprentices) | <input type="checkbox"/> |                              |                              |
| 16–17 year olds  | <input type="checkbox"/> |                              |                              |
| Apprentices  | <input type="checkbox"/> |                              |                              |
| Relevant contracted or agency staff                              | <input type="checkbox"/> |                              |                              |



Space for explanation. Please limit responses to 1 page of A4 max. Some examples have been provided which you may wish to take into consideration when forming your response.

- Potential impact and evidence in relation to:
  - your overall cost base
  - your wider recruitment policies and practices
  - your service provision and frequencies

**6. Outline the action the organisation will take towards meeting the rLW condition for the part(s) of the workforce identified at (1) and the related timescales.**

If approved, this action will be considered an agreed milestone for how your organisation will work towards meeting the rLW condition and will be added to the grant award letter. An example milestone is set out below, however please use the box below to provide an alternative milestone if required, making sure to clearly state the actions you will take and the related timescales.

**Company/organisation name** agree to increase pay to bring all direct employees, including 16–17 year olds and apprentices, closer to the real Living Wage by **date [please insert date]**. We also agree to increase pay to bring all contracted or agency staff within the UK who are directly involved in delivering the service relevant to the grant closer to the real Living Wage by **date [please insert date]**, and will continue to work towards paying *all* direct employees and relevant contracted or agency staff the real Living Wage by – **date [please insert date]**

**Space for alternative milestone. Please limit responses to 1 page of A4 max.**

**Transport Scotland**

|   |  |
|---|--|
| Name  |  |
| Position & Organisation   |  |
| Signature   |  |
| Date  |  |
| Details for a lead contact<br>(should Transport Scotland need to<br>discuss this request) |  |

## Part B (to be completed by Transport Scotland)

### Decision regarding the request for an exception

On behalf of **Company/organisation name**

I **approve** the above request for a limited exception to meeting the real Living Wage condition for part(s) or all of the workforce identified in Part A for the grant.

I **decline** the request for a limited exception to meeting the real Living Wage condition for part(s) or all of the workforce identified in Part A for the grant. The reason for this decision is noted below. **[delete as appropriate]**

|  |
|--|
| <b>Reason for a request for a limited exception being declined</b> |
|--|

|   |  |
|---|--|
| Name<br>(senior authorising/accountable officer for the funder) |  |
| Position & Organisation   |  |
| Signature   |  |
| Date  |  |

Completed requests for a limited exception form should be submitted to: [schemesandgrants@transport.gov.scot](mailto:schemesandgrants@transport.gov.scot)

## Form C

### Statement of compliance - effective workers voice

In organisations with **under 21 workers**, all paid workers employed within that organisation must have access to an effective voice at an individual level, including relevant contracted or agency workers. The declaration must be signed by management and a worker who isn't management, for example a bus driver or cleaner.

In organisations with **21 or more workers**, all paid workers employed within that organisation must have access to an effective voice at an individual **and** collective level, including relevant contracted or agency workers. The declaration must be signed by both management and trade union or worker representative. A worker representative is defined as someone who speaks officially for an employee or group of employees and represents them in regard to workplace matters.

#### Number of workers in your organisation.

Please complete the statement below and amend relevant text in bold.

**Company/organisation name** is committed to advancing the Fair Work First criteria and confirms that appropriate channels for effective worker's voice at **[Individual / and collective]** level[s]. These include:

## Individual level

To be completed in all cases where staff are paid.

This must include at least one of the below:

|   |                          |
|---|--------------------------|
| Line managers hold regular meetings with their direct reports to provide open and two-way dialogue, allowing the direct report to provide any feedback or raise any issues or concerns. | <input type="checkbox"/> |
| Employees can have their say through individual channels, by speaking directly to management or indirectly through employee representatives and trade unions.                           | <input type="checkbox"/> |
| Staff surveys are undertaken regularly, with actions taken forward and results fed back to employees.   | <input type="checkbox"/> |
| Schemes, such as staff suggestion boxes, and pulse surveys are used for feedback, allowing individual responses to be provided in a safe environment.                                   | <input type="checkbox"/> |
| An internal platform exists where employees can contribute to strategic discussions on matters which impact them, and input is acknowledged and acted upon.                             | <input type="checkbox"/> |
| Something else – please tell us more about this below:  | <input type="checkbox"/> |

## Collective level

Must be completed in all cases where there are 21 or more paid employees. Other companies/organisations with less employees are encouraged to complete.

This must include at least one of the below:

|  |                          |
|--|--------------------------|
| We encourage membership of trade unions, and grant access to Trade unions to recruit and organise members.   | <input type="checkbox"/> |
| We engage with recognised trade unions in negotiation and consultation regarding any issues or proposed changes that impact employees.   | <input type="checkbox"/> |
| We engage with employee representatives (out with trade union) both formally and informally through in person meetings and/or online meetings.                                 | <input type="checkbox"/> |
| Employees have access to a staff forum which meets regularly and supports open dialogue, and any actions arising from the staff forum are considered and progressed.           | <input type="checkbox"/> |
| We use employee engagement consultation and surveys to gather feedback from employees about their work experience, job satisfaction, and other aspects of their employment.    | <input type="checkbox"/> |
| We use regular pulse surveys to garner quick feedback to agreed changes within the workplace to ensure they are effective and take relevant action depending on the responses. | <input type="checkbox"/> |
| We have worker representation within our management board.   | <input type="checkbox"/> |
| Something else – please tell us more about this.   | <input type="checkbox"/> |



## Compliance sign off

I can confirm the above and all attachments submitted with this compliance statement are accurate and correct.

|                         |  |
|-------------------------|--|
| Name                    |  |
| Position & Organisation |  |
| Signature               |  |
| Date                    |  |

**Union or Worker Representative, or if under 21 employees a non-managerial worker**

|                         |  |
|-------------------------|--|
| Name                    |  |
| Position & Organisation |  |
| Signature               |  |
| Date                    |  |

## Form D

In addition to the mandatory criteria in the above forms, Fair Work First includes criteria that is not currently mandatory, but organisations should be considering and working towards as they may become mandatory in the future.

Please complete the below form to indicate whether you are providing or working towards providing, the following conditions for your workforce within the financial year:

| Fair Work First principle   | Achieved                 | Working towards          |
|---|--------------------------|--------------------------|
| Commitment to no inappropriate use of zero hours contracts (zero hour contracts are considered appropriate where they are agreed by employees and employers, and in both parties' interests).   | <input type="checkbox"/> | <input type="checkbox"/> |
| Commitment to abstain from the use of fire and rehire practices.  | <input type="checkbox"/> | <input type="checkbox"/> |
| Investment in workforce development.<br><br>Examples (please delete as appropriate): <ul style="list-style-type: none"> <li>• We have a code of conduct or values statement, co-written with staff, that sets out how employees are expected to behave at work, creating a better working environment for all</li> <li>• We provide learning and development opportunities for all staff</li> <li>• We provide apprenticeships and other opportunities for young people</li> <li>• We provide training for mental health first aiders for employees' wellbeing</li> <li>• We provide training for accessibility</li> <li>• We provide training for equity, diversity and inclusion (EDI)</li> </ul> | <input type="checkbox"/> | <input type="checkbox"/> |

|  |                          |                          |
|--|--------------------------|--------------------------|
| <p>Action to tackle the gender pay gap and create a more diverse and inclusive workplace.</p> <p>Examples (please delete as appropriate):</p> <ul style="list-style-type: none"> <li>• We support flexible working patterns</li> <li>• We monitor workforce diversity and pay gap information to identify and address disparities</li> <li>• We are a Disabled Confident employer, encouraging the employment and retention of disabled people and those with health conditions</li> <li>• We make reasonable adjustments for employees with a disability, or who have a short- or long-term impairment that could affect their ability to work</li> </ul> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>Offer flexible and family friendly working practices for all workers from day one of employment.</p> <p>Examples (please delete as appropriate):</p> <ul style="list-style-type: none"> <li>• We offer part time and flexible working arrangements, including remote working where appropriate</li> <li>• We offer parental leave</li> <li>• We offer compassionate and other special leave</li> </ul>  | <input type="checkbox"/> | <input type="checkbox"/> |

|                         |  |
|-------------------------|--|
| Name                    |  |
| Position & Organisation |  |
| Signature               |  |
| Date                    |  |

Page for internal use only. Please save all documents returned with this statement to ERDM. Once saved, please record the type of document and ERDM reference below.

| Document type/name | ERDM reference |
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## Summary and final declaration

Please make sure you have completed all questions and provided all relevant supporting information. Please return documents and this form to [schemesandgrants@transport.gov.scot](mailto:schemesandgrants@transport.gov.scot)

**Question 2 - From 1 April 2024, will you be paying at least the real Living Wage of £12 per hour to all directly employed staff including 16–17 year olds and apprentices, and to relevant contracted or agency staff?**

|  |                          |
|--|--------------------------|
| Yes – completed <a href="#">Form A</a> | <input type="checkbox"/> |
| No – completed <a href="#">Form B</a>  | <input type="checkbox"/> |

**Question 3 - How do you provide appropriate channels for effective workers' voice?**

All organisations with a workforce must be able to demonstrate, before they can access a grant, that all workers employed within that organisation have access to effective voice channel(s), including relevant contracted or agency workers.

|                                  |                          |
|----------------------------------|--------------------------|
| Completed <a href="#">Form C</a> | <input type="checkbox"/> |
|----------------------------------|--------------------------|

**Question 4 - As an organisation do you provide or intend to provide in the future, all of the following:**

- investment in workforce development
- no inappropriate use of zero hours contracts
- action to tackle the gender pay gap and create a more diverse and inclusive workplace
- offer flexible and family friendly working practices for all workers from day one of employment
- oppose the use of fire and rehire practice

|                                  |                          |
|----------------------------------|--------------------------|
| Completed <a href="#">Form D</a> | <input type="checkbox"/> |
|----------------------------------|--------------------------|

**Transport Scotland**

**Company/organisation name**

|                         |  |
|-------------------------|--|
| Name                    |  |
| Position & Organisation |  |
| Signature               |  |
| Date                    |  |

**Countersignature - For Transport Scotland Official use only:**

|                         |  |
|-------------------------|--|
| Name                    |  |
| Position & Organisation |  |
| Signature               |  |
| Date                    |  |

**Employers who are accessing grant funding are also asked to include a short joint statement with a trade union or worker representative on their website, highlighting their commitment to advancing the Fair Work First criteria, including the real Living Wage and effective voice conditions.**

The following suggested wording could be used:

*We are committed to advancing the Fair Work First criteria, including the payment of the real Living Wage and effective voice conditions for all workers, in collaboration with The Scottish Government.*