

# AGENDA SUPPLEMENT (1)

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**Meeting:** Staffing Policy Committee  
**Place:** Committee Room III - County Hall, Trowbridge  
**Date:** Wednesday 9 February 2011  
**Time:** 10.30 am

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The Agenda for the above meeting was published on Monday 31 January 2011 and indicated that the reports detailed below would be to follow. These are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Roger Bishton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713035 or email [roger.bishton@wiltshire.gov.uk](mailto:roger.bishton@wiltshire.gov.uk)

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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8. **Redundancy Policy & Procedure for Chief Officers** (Pages 1 - 36)  
A report by the Service Director HR & OD is now circulated.
  9. **Appointments Policy & Procedure for Chief Officers** (Pages 37 - 50)  
A report by the Service Director HR & OD is now circulated.
  10. **Improving Work Performance Policy** (Pages 51 - 72)  
A report by the Service Director HR & OD is now circulated.
  11. **Recovery of Overpayments Policy** (Pages 73 - 88)  
A report by the Service Director HR & OD is now circulated.
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## WILTSHIRE COUNCIL

### STAFFING POLICY COMMITTEE

9 February 2011

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#### **Redundancy Policy and Procedure for chief and senior officers**

##### **Purpose of Report**

This report presents the redundancy policy and procedure for chief and senior officers.

##### **Background**

1. The redundancy policy and procedure for chief and senior officers applies to those officers whose posts fall within the officer employment procedure rules contained within part 15 of Wiltshire Council's constitution.
2. It is largely based upon the standard redundancy policy and procedure but includes additional processes that are required in relation to chief and senior officer posts.
3. Human Resources aims to create policies which are consistent in format, easy to read and understand and are fit for purpose. This policy is in the new format which supports these aims.

##### **Main Considerations for the Council**

4. In creating the policy key stakeholders were consulted including legal services, human resources and the policy was agreed by the unions at the Joint Consultative Committee on 2 February 2011.
5. The main changes to the redundancy policy and procedure for chief and senior officers are:
  - The Senior Officers Employment Sub-committee will make a recommendation regarding any voluntary or compulsory redundancy decisions, which will be notified to Cabinet for final decision.
  - Any appeal against the decision not to allow voluntary redundancy, or against the decision to terminate employment on grounds of compulsory redundancy, will be heard by the Staffing Appeals Sub-committee.
  - The Officers Appointments Committee will conduct selection interviews as part of the ownership/ringfencing process and make recommendations regarding appointments which will be notified to Cabinet for final decision.
  - The Appeals Committee will hear any appeals relating to the ownership/ringfencing process.

##### **Environmental Impact of the Proposal**

6. None.

### **Equalities Impact of the Proposal**

7. An Equalities Impact Assessment has already been undertaken on the redundancy policy and procedure and no further EIA is required in respect of the chief and senior officers policy

### **Risk Assessment**

8. None

### **Options Considered**

9. None.

### **Recommendation**

10. To recommend Council approve the redundancy policy and procedure for chief and senior officers.

**Barry Pirie  
Service Director  
HR & OD**

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Report Author: Paula Marsh, Human Resources Policy & Reward team

**The following unpublished documents have been relied on in the preparation of this Report: None**

## **Wiltshire Council Human Resources**

### **Redundancy policy and procedure for chief and senior officers defined by this policy**

This policy can be made available in other languages and formats such as large print and audio on [request](#).

#### **What is it?**

This policy outlines Wiltshire Council's approach to dealing with those officers whose posts fall within the officer employment procedure rules contained within part 15 of the [constitution](#) who face the prospect of redundancy.

#### **Go directly to the section on:**

[Consultation](#) and [Notifications](#)

[Voluntary redundancy](#) and [Compulsory redundancy](#)

[Time off for job hunting](#) and [Employee Assistance Programme](#)

[Notice period](#)

[Redundancy pay](#)

[Dismissal letter](#) and [Appeals](#)

[Annual and banked leave](#)

[Repayment of expenses](#) – relocation, mortgage subsidy and training

[Re-employment by Wiltshire Council](#)

[Line manager responsibilities](#)

[Frequently asked questions](#)

#### **Who is covered by this policy?**

This policy applies to the:

- head of paid service (the chief executive officer)
- statutory chief officers (director of children and education, director of community services and the officer having responsibility, for the purposes of section 151 of the Local Government Act 1972, for the administration of the authority's financial affairs)
- non statutory chief officers (other corporate directors)
- deputy chief officers (service directors and some heads of service as defined in section 2(8) of the [Local Government and Housing Act 1989](#))

#### **What are the main points?**

1. Dismissal on grounds of redundancy can only occur if:

- the business ceases;
  - the employee's normal place of work closes;
  - the number of employees needed to do the work reduces because the work required reduces;
  - the number of employees required reduces although the work does not reduce.
2. A redundancy payment can only be paid for dismissals which meet one of the criteria above. It cannot be paid otherwise.
3. Wiltshire Council seeks to avoid redundancies and may adopt some or all of the following measures in order to minimise these:
- Not filling vacancies within a particular business area.
  - Restricting appointments where a vacancy may provide suitable alternative employment for an employee facing dismissal.
  - Restricting the amount of overtime working.
  - Restricting the engagement of agency staff.
  - Consideration of alternative working arrangements (e.g. job share, part time working).
  - Reviewing the use of those staff employed on a temporary basis (i.e. agency) pending a review of the structure or service.
4. Where, despite these measures being adopted, redundancies are required it is the council's preferred approach to consider applications for voluntary redundancy before making compulsory redundancies.

#### Consultation

5. When considering reductions in staffing levels the views of both relevant trade unions and employees will be sought.
6. Consultation should include discussion on ways of
- avoiding dismissals;
  - reducing the number of employees to be dismissed;
  - mitigating the consequences of any dismissals;
  - selection criteria;
- with a view to reaching agreement.
7. Consultation must take place at the earliest opportunity, even where any redundancies will be made on a voluntary basis.
8. Consultation must take place irrespective of whether or not employees are members of the recognised trade unions, or whether they have less than 2 years continuous service and therefore do not qualify for redundancy pay.

9. Consultation would normally begin 90 days before the first dismissal is made, regardless of the number of redundancies to be made. In any event it must meet the statutory minimum periods set out below:

<b>Number of redundancies proposed within a 90 day period</b>	<b>Consultation must begin</b>
Up to 19	No statutory minimum period
Between 20 and 99	30 days before first dismissals
100 or more	90 days before first dismissals

The number of proposed redundancies that should be taken into account come from across Wiltshire Council as a whole organisation, not just within one service area or directorate.

10. There must be sufficient meaningful consultation before notices of dismissal are sent to employees, i.e. there must be time for the union representatives who are consulted to consider properly the proposals being made and to formulate constructive responses.
11. In addition notices of dismissal must not be sent until:
- The director of resources has been notified; and
  - The director of resources has notified every member of the Cabinet of:
    - the name of the person to whom the dismisser wishes to dismiss;
    - any other particulars relevant to the dismissal;
    - the period within which any objection to the dismissal is to be made by the leader on behalf of the executive to the director of resources;
- and
- Either
    - the leader has, within the period specified, confirmed that no member of the Cabinet has any objection to the dismissal; or
    - the director of resources has notified the dismisser that no objection was received by him within that period from the leader; or
    - the dismisser is satisfied that any objection received from the leader within that period is not material or is not well-founded.

12. The selection pool will be limited to those affected within the team or section where any re-structure is taking place.
13. Consultation with employees should take place at two levels, collective and individual.
14. Employees away from work, e.g. on maternity leave or sick leave, must also be included in the consultation process. Mutually agreeable arrangements will be made to enable such consultation to take place.
15. Collective consultation involves having a meeting with a group of affected staff. See guidance on holding a collective consultation meeting.
16. Individual consultation offers the employee an opportunity to discuss their own situation and raise any concerns – see guidance on holding an individual consultation meeting.
17. An [individual consultation meeting record form](#) should be completed at all individual meetings.
18. A representative from the human resources advisory team should be invited to attend both collective and individual consultation meetings.
19. Trade union representatives should be invited to attend collective meetings.
20. Employees have the [right to be accompanied](#) by a trade union representative or work colleague at individual consultation meetings.

#### Notifications

21. Wiltshire Council is a single employer in law. As such it is essential that the service director of human resources and organisational development is informed about the timing and content of any redundancy consultation to ensure that we submit accurate [HR1 information](#) to the Secretary of State.
22. Prior to consultation the human resources advisory team will be responsible for sending [formal notification](#) to the trade union.
23. All employees at risk of redundancy will be issued with a letter at the start of the consultation process confirming their status.

#### **How does this policy apply to me?**

##### Voluntary redundancy



24. As part of the consultation process Wiltshire Council will consider volunteers for redundancy. Applying for voluntary redundancy does not automatically mean you will be accepted.
25. Applications for voluntary redundancy will be invited at the start of the consultation period during the collective consultation meeting and the option will be discussed during individual consultation meetings.
26. A further opportunity to apply for voluntary redundancy will be discussed with you later in the consultation process if you have not been matched to a job via ownership, have been unsuccessful in securing a role for which you had ring fenced prior consideration, or if no suitable alternative employment is identified.
27. You will be provided with a redundancy and pension quote based on an estimated end date.
28. It is your responsibility to check the information contained within this quote and raise with your manager any concerns or errors that you believe have been made.
29. If, having received this quote, you wish to be considered for voluntary redundancy you must complete the [application for voluntary redundancy](#).
30. Your application will be reviewed by your manager and a recommendation will be made by way of a report to the Senior Officers' Employment Sub-committee
31. If the Senior Officers' Employment Sub-committee recommends that your application for voluntary redundancy be accepted Cabinet will be notified following the procedure outlined in paragraph 11 of this policy. If no valid objections are received your application will be accepted.
32. If you are selected for voluntary redundancy you will have the opportunity for a final consultation meeting and a consideration period of no less than 5 working days prior to being issued with a notice of dismissal on grounds of redundancy.
33. If you are not selected for voluntary redundancy you have the right to appeal in writing to the Staffing Appeals Sub-committee within 5 working days of receiving confirmation of the decision.
34. Your appeal will be considered by the Staffing Appeals Sub-committee and you will be informed of the outcome within 15 working days of your appeal being received.

Compulsory redundancy

35. Having taken into account voluntary redundancies an assessment will be made of the structure and the ownership/ringfencing process will commence as outlined in the [appointments policy and procedure](#).
  36. If you are matched to a position via ownership you will be informed in writing that you are no longer at risk.
  37. If you are ring fenced for a position the Officer Appointments Committee will conduct selection interviews and the successful candidates will be informed in writing that they are no longer at risk.
  38. If you are not matched to a role via ownership or ringfencing you will be notified of the decision in writing and placed in the redeployment pool.
  39. You have the right to appeal in writing to the Appeals Committee if you disagree with the decision regarding ownership or ringfencing.
  40. At this stage a further opportunity to apply for voluntary redundancy will be discussed with you.
  41. Wherever possible you will be redeployed to a suitable alternative role.
  42. Where a suitable alternative role is identified and there is only one candidate for the role the Officer Appointments Committee may recommend appointing without conducting a selection interview based on a report from the appointing manager. If there are 2 or more possible candidates the Officer Appointments Committee will conduct selection interviews to determine the best candidate for the position.
  43. Any appointment recommended by the Officer Appointments Committee must not be confirmed until:
    - The director of resources has been notified; and
    - The director of resources has notified every member of the Cabinet of:
      - the name of the person to whom the appointer wishes to appoint;
      - any other particulars relevant to the appointment;
      - the period within which any objection to the appointment is to be made by the leader on behalf of the executive to the director of resources;
- and
- Either
    - the leader has, within the period specified, confirmed that no member of the Cabinet has any objection to the appointment; or

- the director of resources has notified the appointer that no objection was received by him within that period from the leader; or
  - the appointer is satisfied that any objection received from the leader within that period is not material or is not well-founded.
44. At the end of the consultation period if you have not
- applied for voluntary redundancy; or
  - been matched to a role via ownership
  - been successful in securing a role your were ringfenced for
  - found a suitable alternative role via the redeployment procedure;
- a report will be sent to the Senior Officers' Employment Sub-committee recommending that you be dismissed on grounds of compulsory redundancy.
45. If the Senior Officers' Employment Sub-committee recommend dismissal Cabinet will be notified following the procedure outlined in paragraph 11 of this policy. If no valid objections are received you will be given notice of dismissal on grounds of redundancy.

#### Time off for job hunting

46. If you have been given notice of dismissal on the grounds of redundancy you are entitled, during the period of notice, to reasonable time off with pay to look for other employment or to arrange training for future employment.
47. You should always check with your manager that it is operationally viable for you to take time off before you arrange or confirm an appointment.
48. If you accept an alternative role, either with Wiltshire Council or with a public authority within the [Redundancy Payment Modification Order](#), to start up to or within 4 weeks of termination of employment on grounds of redundancy you will have no entitlement to a redundancy payment.

#### Employee Assistance Programme

49. The employee assistance programme offers practical help and personal guidance regarding wellbeing, job search skills, careers guidance, financial benefits, and training opportunities etc. Details will be provided as part of any consultation.

#### Notice period

50. If employment is terminated on the grounds of redundancy you will be entitled to a period of paid notice.

51. The period to which you are entitled is whichever is the greater of either the contractual period specified in your statement of particulars or the statutory period shown below:

<b>Period of continuous employment</b>	<b>Notice period</b>
One month or more but less than two years	1 week
Two years or more but less than twelve years	1 week for each completed year of continuous employment
Twelve years or more	12 weeks

52. Previous service with any public authority to which the [Redundancy Payment Modification Order](#) applied will count towards length of service for notice periods, providing that all service has been continuous.
53. Wiltshire Council reserves the right to pay employees in lieu of notice.
54. Pay in lieu of notice will amount to the net pay which otherwise would have been payable if the appropriate period of notice had been served.

#### Redundancy pay

55. The council has two redundancy pay arrangements, one for those employees who volunteer, and are accepted for, voluntary redundancy and one for those who are made compulsorily redundant. Full details can be found in the [redundancy pay policy](#).
56. If you resign prior to being selected for redundancy or once the notice of dismissal has been issued no redundancy payment will be made.

#### Letter of dismissal

57. If the Senior Officers' Employment Sub-committee have recommended dismissal, and cabinet approval has been obtained in accordance with the procedure outlined in paragraph 11 of this policy, a dismissal letter should be issued where employment is being terminated on grounds of redundancy.
58. This letter must be issued by the Chief Executive.

#### Appeals

59. You have the right to appeal against termination of your employment on grounds of compulsory redundancy to the Staffing Appeals Sub-committee.

#### Annual leave

60. If you have been given notice of dismissal on the grounds of redundancy you will be expected to use any annual leave entitlement, accrued up to the end date of employment, during your notice period. If this is not possible you will be entitled to payment in lieu of untaken leave entitlement.
61. Any annual leave taken or authorised to be taken before notice is issued, and which exceeds the entitlement at the date of termination of employment, will not be recovered.
62. Any leave which has been “banked” in accordance with the [annual leave policy](#) may either be taken during the notice period or will be paid.

#### Repayment of expenses

63. Where employment is terminated on grounds of redundancy you will not be required to repay any:
- monies received under the moving home allowance scheme;
  - mortgage subsidy payment;
  - training expenses.

#### Re-employment by Wiltshire Council

64. If you were dismissed on redundancy grounds you may be considered for re-employment to posts within Wiltshire Council after the minimum statutory period of four weeks has elapsed subject to the following conditions:
- The post did not exist or was not foreseeable at the time of the dismissal.
  - The vacancy has been advertised in accordance with Wiltshire Council policy and procedures.
  - The appointment was made on the basis of the best person for the job with regard to the usual selection procedures.
  - The appointment has corporate director approval.

#### Line manager responsibilities

65. To work with your HR business partner to plan any organisational changes which may include posts which will fall under this procedure

66. To consider equal opportunities throughout the process in line with the [guidance for managers](#)
67. To produce accurate projections of numbers of redundancies within your service area, considering both short and long term requirements.
68. To issue appropriate letters at each point within the process, using the template letters provided, and to send a copy of these letters to your HR advisor.
69. To conduct collective and individual consultation meetings with appropriate support from your HR advisor.
70. To ensure that at individual consultation meetings, and prior to ownership or ring fencing taking place, any ex-district staff who are subject to TUPE regulations are aware of their Wiltshire Council evaluated grade.
71. To complete the selection criteria matrix to determine whether voluntary applications should be recommended for acceptance.
72. To produce reports for the Senior Officers' Employment Sub-committee outlining recommendations regarding each application for voluntary redundancy or requirement to compulsorily dismiss on grounds of redundancy.
73. To ensure Cabinet approval is obtained, in accordance with paragraph 11 of this policy, prior to issuing any notice of dismissal
74. To ensure that the [consultation timeline](#) is met.

### **Frequently Asked Questions**

**75. How will the selection pool of “at risk” positions be chosen?**

Posts will be placed in the selection pool if:

- It is envisaged that the post will be deleted from the structure, or the number of post holders will be reduced within the new structure.
- It is envisaged that the post will change substantially as a result of other elements of the restructure – for example due to the addition or deletion of duties.
- The post is within the affected service area and is a grade above or below any post which is likely to be removed or substantially changed. These posts are included because if

the postholders volunteer for redundancy these posts may provide suitable alternative employment for an employee whose post has been deleted.

The selection pool is likely to contain a far higher number of jobs than will be made redundant.

**76. I volunteered for redundancy but my application was turned down. If my post is subsequently made redundant what package will I receive?**

If you completed a formal application for voluntary redundancy and are turned down a record of this will be retained.

If your post is subsequently made redundant as part of the same process of redundancies you will be entitled to the voluntary redundancy payment.

However if volunteers are subsequently sought, either as part of the same or a future redundancy process, and you do not volunteer you will receive a compulsory redundancy payment if your post is then made redundant.

**77. I volunteered for redundancy but now want to change my mind – what should I do?**

In making your decision to accept voluntary redundancy you will have been provided with all of the information needed to make that decision and it is expected that employees will have taken all the advice required in order to make a firm decision.

If your circumstances have changed you would need to speak to your manager as soon as possible to discuss your options.

**78. I volunteered for redundancy but have now applied for another role within a different area of the council – will I still get my redundancy payment?**

No. If you secure alternative employment either within the council, or another organisation where you would retain your continuous service, you will not be eligible to receive a redundancy payment.

This applies if your start date in the new role is before or within 4 weeks of the date of dismissal on grounds of redundancy.

**79. I applied for voluntary redundancy but my application has been turned down. Can I appeal?**

Yes – you must appeal in writing to the Staffing Appeals Sub-committee within 5 working days of receiving the decision, stating the reason that you believe your application for voluntary redundancy should have been accepted.

You are entitled to see your own selection matrix scores and a copy of the report that was sent to the Senior Officers' Employment Sub-committee, however you will not have access to the scores of other employees.

You will be informed of the outcome within 15 working days of your appeal being received.

**80. The time scales for submitting appeals are very tight – what happens if I am unable to meet them?**

It is important that, wherever possible, you submit your appeal with the time period specified.

However in exceptional individual circumstances, where it is not possible to meet these timescales, an extension may be granted.

For example:

- If you are sick or unable to attend work;
- If you are unable to arrange a meeting with a union representative within the time period;
- where you are seeking further information regarding your Wiltshire Council evaluated grade.

**81. Who will decide whether I am accepted for voluntary redundancy?**

Decisions about who is accepted for voluntary redundancy are based on a selection criteria matrix.

As part of the application process you will be asked to score yourself on each of the criteria.

Wherever possible this matrix will also be completed by two managers who know you well, one of whom should be your line manager. Each manager will score independently and then meet to discuss their results in conjunction with the scores supplied by the yourself.

If this is not possible due to the team structure the line manager will complete the scoring and these scores will be ratified by a senior manager within the department.



Once a decision has been reached a report will be sent to the Senior Officers' Employment Sub-committee, outlining the decision process and making a recommendation about whether your application should be accepted or declined.

The Senior Officers' Employment Sub-committee will consider whether your application should be accepted or not. If they recommend that it is accepted cabinet approval must be obtained in accordance with the procedure outlined in paragraph 11 of this policy.

Your manager will then arrange a meeting with you to confirm whether or not you have been accepted for voluntary redundancy. You are entitled to see your own selection matrix scores and the report that was sent to the Senior Officers' Employment Sub-committee, however you will not have access to the scores or reports of other employees.

**82. Could I leave the council before the end of the consultation period?**

Yes - if you apply for voluntary redundancy you are agreeing to a shortened consultation period.

There will always be a 5 day consideration period following your application being accepted. You will also have the opportunity for a final consultation meeting before you are issued with your notice of dismissal, confirming the date that your contract of employment will terminate.

If you are made compulsorily redundant you would not be issued with your notice of dismissal until the end of the consultation period.

**83. I have a car loan – do I have to pay it back if I am made redundant**

Car loans should be repaid in full by an employee on the termination of their employment on grounds of redundancy. The outstanding amount would usually be deducted from your redundancy payment.

However you may request for repayment of the loan to be deferred, subject to the agreement of the finance service director. In any such arrangement:

- Your department would have to agree to underwrite the debt pending full repayment.
- Interest will be charged on the loan based on the Lloyds Bank base rate. The interest rate applicable to loans under the original assisted car purchase scheme will not apply.

- If repayment is made through deductions from the Wiltshire Council pension there will be no additional charge. If repayment is made by standing order or direct debit a small service charge will be applied.

**84. I have a lease car – what happens to this arrangement if I am made redundant?**

In the first instance you should contact the procurement team. They will look at whether it is possible to transfer your lease to another employee.

If this is not possible then they will make arrangements for the lease car to be returned and the council will bear the cost of any penalty connected with ending the arrangement early.

**85. I have income or mortgage protection insurance – will applying for voluntary redundancy affect my right to claim this?**

Before applying for voluntary redundancy it would be your responsibility to contact your insurer and find out whether this would have an effect on any insurance policy you hold.

**86. I am currently on maternity leave – what are my rights and will I have to repay any money if I am made redundant?**

You have the same right to be consulted as any other employee and should be invited to attend any collective consultation meetings which take place and offered an individual consultation meeting at a mutually convenient time and location.

You will be interviewed first for any role for which you are ring fenced. Refer to the appointments policy and procedure for further information.

If you apply for voluntary redundancy, or are made compulsorily redundant, you would not be asked to repay the 12 weeks of half pay if you were entitled to claim this. If you requested to defer the payment of this money until the end of your maternity leave it will be paid to you in your final salary payment.

**87. I am thinking of applying for a role with an organisation which is covered by the redundancy modification order do I need to take into account the period for any lieu of notice I was paid?**

No – you would only be required to repay your redundancy pay if you took up a job within 4 weeks of your actual leaving date. The fact that you were paid in lieu of notice does not extend this period.

This is only relevant to jobs where you would keep continuity of service – for example jobs with other local government organisations, certain universities and other organisations specifically named in the modification order.

## Definitions

- Redundancy Payment Modification Order

This sets out which organisations are “associated employers”. If you move from one associated employer to another you carry with you continuous service. This is important when calculating redundancy payments.

It is also important as, if you take up employment with another associated employer either whilst at risk of redundancy or within 4 weeks of being made redundant you would not be entitled to any redundancy payment.

For further information about which organisations are “associated employers” look at this page on the [LGE website](#) or contact your human resources adviser.

## Further advice and information

A toolkit providing further information is provided with this policy.

The information in this toolkit is detailed below, and can also be accessed directly from the links within the policy.

- [Guidance on conducting a collective consultation meeting](#)
- [Guidance for conducting an individual consultation meeting](#)
- [Trade Union notification guidance](#)
- [Voluntary redundancy application form](#)
- [Voluntary redundancy selection matrix – for use by manager](#)
- [Appointments policy and procedure](#)
- [Redundancy pay policy](#)
- [Appeals procedure](#)
- [Consultation timeline flowchart](#)
- [Guidance on right to be accompanied at meetings](#)
- [Guidance for managers – equal opportunities in redundancy situations](#)

For further information please speak to your manager or contact a member of your human resources advisory team.

Policy author	HR Policy and Reward Team – (PM)
Policy last updated	17 January 2011

## **Guidance on conducting a collective consultation meeting**

All employee who are “at risk” of redundancy should be invited to a collective consultation meeting.

At this meeting they should be given a pack of information which includes:

- A letter confirming their “at risk” status;
- A redundancy and pension quote;
- Information about the employee assistance programme;
- Information about applying for voluntary redundancy;
- Copy of the redundancy policy and other relevant documents.

More than one meeting may be required if a high proportion of staff work part time, or are spread across different locations.

This meeting should be led by the manager of the service area affected.

A representative from human resources and the trade union should be invited to attend.

A collective meeting is useful for giving information to groups of staff on:-

- The financial backgrounds to the need for redundancies.
- The alternatives that management has considered.
- The numbers and categories of staff likely to be affected.
- Any opportunity for staff to apply for voluntary redundancy
- Deadlines for applications for voluntary redundancy
- The criteria to be used in selecting staff for redundancy.
- Timescales and next steps
- When individuals will be informed of their position.
- The opportunity for individual discussions.
- The content and availability of the Employee Assistance Programme.
- Wiltshire Council’s redeployment policy.

Staff should be invited to comment on the proposals within an agreed timescale.

Further meetings may need to be arranged as a result.

## **Guidance on conducting an individual consultation meeting**

- Individual meetings should take place soon after any collective meeting in order to clarify individual queries and concerns.
- Arrange meetings in advance so employees can think about any questions they have.
- Ensure meetings are held in a quiet, private place.
- Schedule enough time so that meetings do not feel rushed.
- Remind employees that they may be accompanied by a work colleague or union representative.
- Prepare a [template form](#) to ensure you have covered all the points you want to discuss and to ensure all employees are given the same information.
- Write any notes on this document and keep it as a record of the meeting.
- Give a copy to the employee to keep as a reminder of what was discussed.
- Summarise actions and ensure that these are followed up promptly.
- Arrange a follow up meeting if necessary.

<b>Individual Consultation meeting record</b>	
<b>Employee Name</b>	<b>Time and date of meeting</b>
<b>Manager Name</b>	<b>Other attendees (representative, HR)</b>
<b>What previous consultation has taken place with the employee?</b> (check they attended collective consultation meetings if relevant)	
<b>Key points for discussion</b>	<b>Notes</b>
These will depend on what stage of the process the employee is at but may include: <ul style="list-style-type: none"> <li>• Background to the need for redundancies.</li> <li>• How to apply for voluntary redundancy – discuss quote (and moderated grade if ex-district employee).</li> <li>• Explanation of the criteria used to select staff including discussion of ownership and ringfencing.</li> <li>• Timescales and next steps.</li> <li>• Redeployment and suitable alternative roles.</li> <li>• Right to reasonable paid time off during notice to look for new employment.</li> <li>• The Employee Assistance Programme, including the availability of counselling.</li> <li>• Any specific adjustments or support required.</li> </ul>	
<b>Actions agreed</b>	
<b>Is another individual meeting required?</b>	
<b>Manager signature</b>	<b>Employee signature</b>

A copy of this form should be given to the employee and a copy sent to HR for their record.

## **Trade Union notification guidance**

The letters consulting Trade Union representatives must include:

- a) The reasons for the proposals;
- b) The number and job titles of employees which Wiltshire Council proposes to dismiss as redundant;
- c) The total number of employees of that job title employed at the establishment in question;
- d) The proposed method of selecting the employees who may be dismissed;
- e) The proposed method of carrying out the dismissals (e.g. how and when employees will be informed) including the period over which the dismissals are to take effect.

A copy of any HR1 form submitted should also be included.

This information must be disclosed before consultation begins and if the employer has not formed a view on all the above details by the time consultation must begin, he must propose provisional details for discussion although the employer is free to make changes throughout consultation, having regard to comments made during the consultation period.

An employer is not compelled to accept any particular representation, but equally, consultation must be meaningful. The employer must consider representations and reply to them, stating the reasons if any are rejected.



## Voluntary redundancy employee application form

Only complete this form if you wish to be considered for termination of your contract on grounds of redundancy. You may wish to discuss your application with a trade union representative or independent advisor.

It is essential that, before signing this form, you read and ensure you understand the declaration on the last page of the form.

To be considered you must return your completed application form to your service director by **DATE**.

### Personal details

<b>Full name:</b>	<b>SAP number (from payslip)</b>
<b>Job title:</b>	<b>Line manager name:</b>

### Statement to accompany application

Please give a brief explanation of why you feel your application should be accepted:

If you feel that your score is likely to be affected by a protected characteristic (such as a disability) or specific need please include this in your statement.

## Selection criteria

Your application will be assessed against a number of criteria. You are invited to score yourself on the criteria below. You do not have to complete this scoring if you do not want to and this will not affect your application.

### Award points on the following scale:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
Below acceptable standard OR No									Fully meets standard OR Yes

	Criteria	Score	Comments
1.	Do you believe you have ownership or ring-fenced prior consideration for a post in the new structure?	Yes (10 points) No (1 point)  Leave blank if unknown	
2.	Do you believe that you could be redeployed to a vacancy within the new structure?	Yes (10 points) No (1 point)  Leave blank if unknown	
3.	Are you the only person in your team with key knowledge or skills?	Yes (10 points) No (0 points)	
4	Client/Customer/Team focus: <ul style="list-style-type: none"> <li>- recognises the importance of the client /customer/team</li> <li>- demonstrates good client/customer/team care</li> <li>- deals with client/customer/team queries or complaints promptly and efficiently</li> </ul>	Points as scale	

5.	<b>Adaptability:</b> <ul style="list-style-type: none"> <li>- recognises the need for flexibility and is willing to adapt to change</li> <li>- has the ability to undertake duties other than those normally carried out</li> </ul>	Points as scale	
6.	<b>Attitude</b> <ul style="list-style-type: none"> <li>- has a positive attitude about the service and the organisation</li> <li>- has effective relationships with colleagues</li> <li>- displays suitable behaviours when dealing with colleagues</li> <li>- supports the culture of the council</li> </ul>	Points as scale	
		Total Points:	Comments:

Absences in last year: Days \_\_\_\_\_ Occasions \_\_\_\_\_

If you wish to comment on any period of absence please do so below (not required):

Conduct – are there any live warnings on record

If yes specify:

**Please read the statements below, complete where required and tick the boxes to confirm that you have read and understood them.**

I have received a redundancy quotation and confirm my:

Start date of      \_\_\_/\_\_\_/\_\_\_

Date of birth of    \_\_\_/\_\_\_/\_\_\_

Continuous service date of \_\_\_/\_\_\_/\_\_\_ are correct.

I confirm that I have never received a redundancy payment on any part of this continuous service.

I understand that this quotation may change depending on the date my employment is terminated.

I understand that if I secure an offer of employment (whether in writing or not) before or within 4 weeks of the date of dismissal on grounds of redundancy from either this authority or any other organisation covered under the modification order as defined in the redundancy policy I must notify my manager immediately. This is because continuous service will be preserved with the new employer.

In this circumstance I accept that no dismissal will have taken place and I will not be eligible to receive a redundancy payment.

Should I secure an offer of employment as detailed above I undertake to repay in full any monies received as part of a redundancy payment.

I understand that if I secure an offer of employment with an external organisation not recognised for the purposes of continuous service then I will still be eligible to receive a redundancy payment.

I understand that, if I am accepted for voluntary redundancy, I will be formally agreeing to a shortened consultation period (i.e. not the full 90 days).

By signing and submitting this application I confirm my intention to take voluntary redundancy if my application is accepted.

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

### Voluntary redundancy selection matrix

Manager completing form:	
Name of employee:	
Job title	
Section	

**Award points on the following scale:**

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
Below acceptable standard								Fully meets standard	
OR								OR	
No								Yes	

	CRITERIA	POINTS	RATIONALE
1.	<b>Re-structures:</b> <ul style="list-style-type: none"> <li>- Is it likely that this jobholder will have ownership or ring-fenced prior consideration for a post in the new structure?</li> <li>- Is there likely to be the potential for this jobholder to be redeployed to a vacancy within the new structure?</li> </ul>	Yes (10 points) or No (1 point)	
2.	<b>Practicality for the department:</b> <ul style="list-style-type: none"> <li>- Is it likely that future service delivery would be affected by the loss of this individual?</li> <li>- Does this individual have key skills and experience that the council needs to retain?</li> </ul>	Yes (10 points) or No (0 points)	

3.	<p>Is the employee currently paid the Wiltshire Council evaluated rate for the job they do?</p> <p>("No" will apply to employees who are currently receiving pay protection and those who are currently on TUPE'd pay which is above the Wiltshire Council evaluated rate for the job.)</p>	<p>Yes (10 points) or No (1 point)</p>	
4.	<p>Absence for last year (attach SAP record): Days _____ Occasions _____</p> <p>Is any absence related to a disability under the DDA, if so specify and do not consider.</p>	<p>Points as scale – standard is nil absence</p>	
5.	<p>Does the employee have a clear conduct record?</p>	<p>Yes (10 points) or No (0 points)</p>	
6.	<p>Client/Customer/Team Focus:</p> <ul style="list-style-type: none"> <li>- recognises the importance of the client /customer/team</li> <li>- demonstrates good client/customer/team care</li> <li>- deals with client/customer/team queries or complaints promptly and efficiently</li> </ul>	<p>Points as scale</p>	
7.	<p>Adaptability:</p> <ul style="list-style-type: none"> <li>- recognises the need for flexibility and is willing to adapt to change</li> </ul>	<p>Points as scale</p>	

	<ul style="list-style-type: none"> <li>- has the ability to undertake duties other than those normally carried out</li> </ul>		
8.	<p>Attitude</p> <ul style="list-style-type: none"> <li>- has a positive attitude about the service and the organisation</li> <li>- has effective relationships with colleagues</li> <li>- displays suitable behaviours when dealing with colleagues</li> <li>- supports the culture of the council</li> </ul>	Points as scale	

Total Points:)	Comments:
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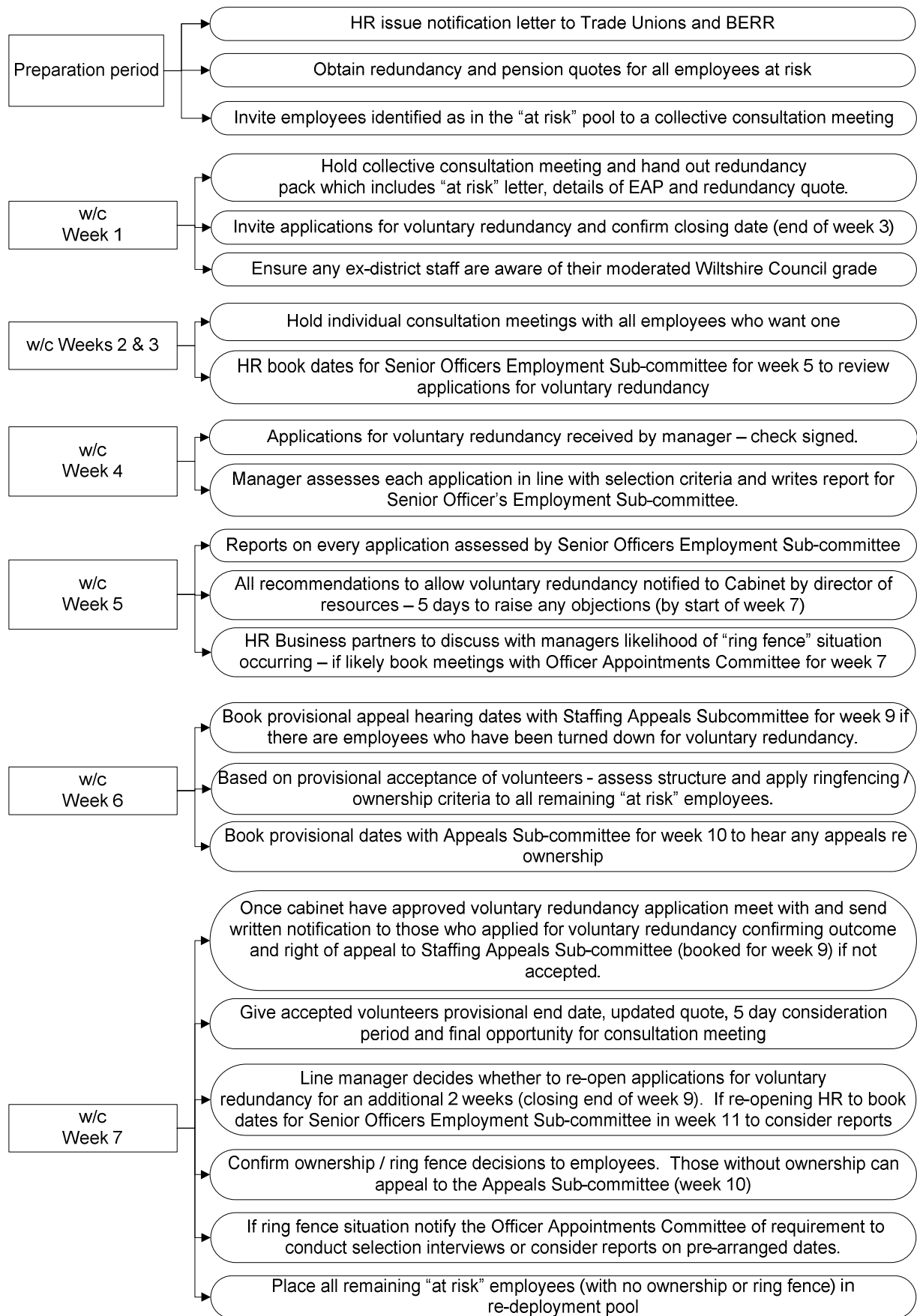


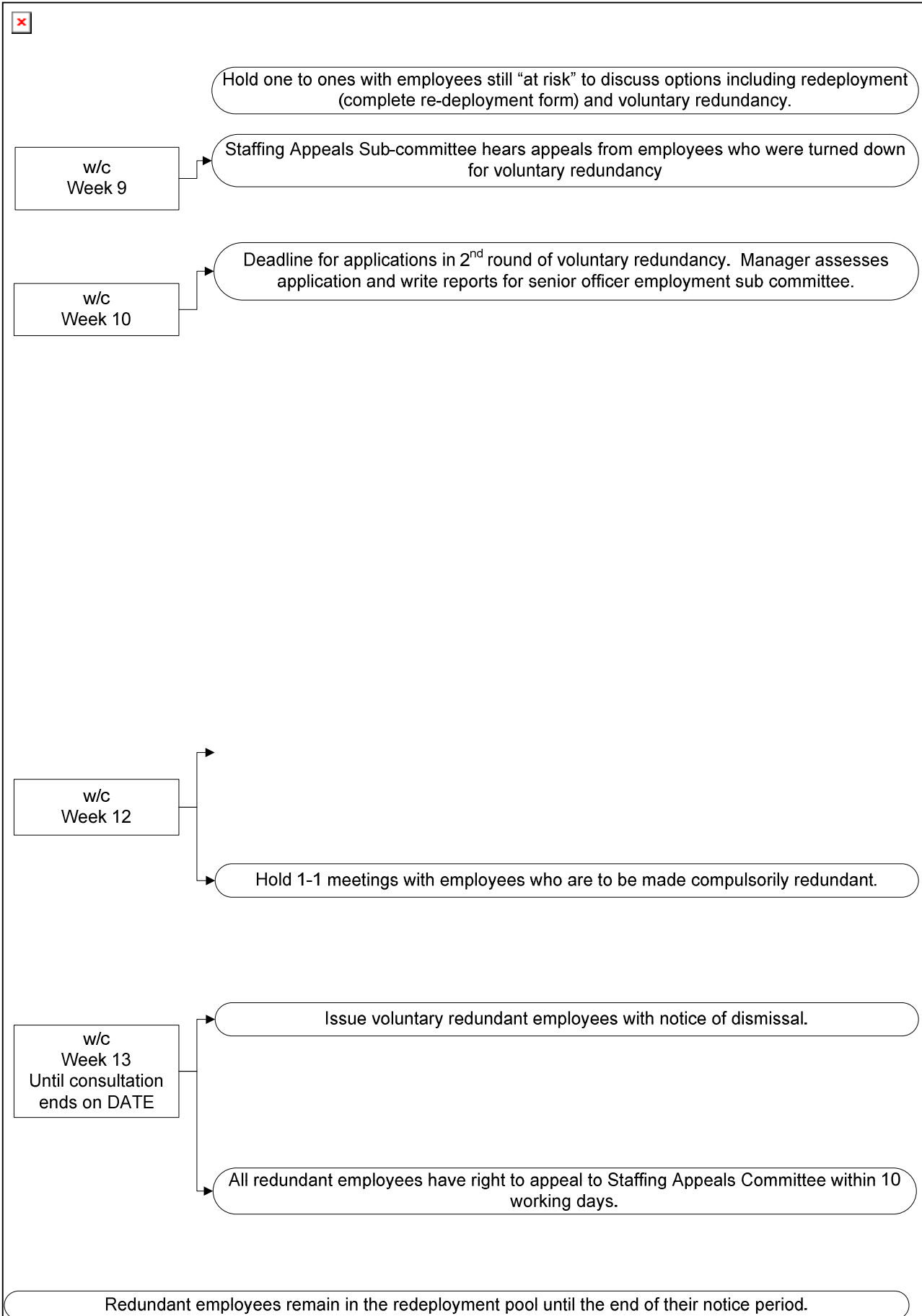


## Redundancy Appeals Procedure

1. If you wish to appeal against the termination of your employment on grounds of redundancy you must do so in writing, clearly stating the grounds for the appeal.
2. The written notice of appeal must be received by your service director, copied to your HR Advisor, within ten working days of you being notified of the dismissal.
3. Your service director will confirm receipt of the appeal in writing, within 5 working days.
4. The appeal hearing will be held within 25 working days of receipt of your appeal. Any extension on the time frames must be agreed in advance by both parties.
5. At least 5 days prior to the hearing you will be:
  - given written notice of the hearing time and place
  - informed how the case will be heard and by whom
  - provided with any additional new management information /evidence that will be considered at the hearing.
6. You may be accompanied at the appeal hearing by a work colleague or trade union representative.
7. The appeals panel has power to:
  - Dismiss the appeal (meaning that the termination of your employment stands)
  - Allow the appeal (meaning that you will be reinstated).
8. There is no further right of internal appeal against the decision of the appeals panel.

## Consultation timeline flowchart





## **Guidance notes - the right to be accompanied during consultation**

Trade Union representatives will be invited to attend any collective consultation meetings.

Employees attending individual meetings which form part of a redundancy consultation have the right to be accompanied.

Employees should be informed of this right when they are notified of the meeting.

The employee must tell the meeting organiser in advance who they will be accompanied by.

Employees may choose to be accompanied by:

- A work colleague;
- A trade union representative
- An official employed by a trade union.

Wherever possible the availability of the employee's chosen companion should be considered when arranging the date and time of the meeting.

If the companion cannot attend on the proposed date the employee should suggest an alternative time or date so long as it is reasonable and as soon as possible after the original meeting date.

### **Right to time off to represent an employee**

An employee who has agreed to accompany a colleague is entitled to a reasonable amount of paid time off to fulfil that responsibility.

The representative must speak to their manager to request time off to fulfil their role.

The manager has the right to refuse if not given sufficient notice or if unable to cover the absence. However they should not unreasonably prevent the employee from attending.

Fellow workers or trade union officials do not have to accept a request to accompany an employee, and they should not be pressurised to do so.

### **Reasonable adjustments**

If either the employee, or their companion, have a disability then reasonable adjustments should be made to ensure they are able to fully participate in the meeting.

This may include holding the meeting in an accessible room, providing an interpreter/additional equipment or allowing extra breaks.

## Guidance for managers - equal opportunities in redundancy situations

Equality is not about everybody being treated in exactly the same way; it is about everybody having equal opportunities and removing barriers that stop this from happening.

Managers have a responsibility to consider whether:

- particular groups are more likely to be affected by an organisational change leading to possible redundancies;
- people from particular groups may need additional support throughout the redundancy process.

and to look at whether there are adjustments that can be made to overcome these issues.

Adjustments may include:

- arranging courses through the employee assistance programme which provide support for groups with particular needs or concerns
- providing a translator or interpreter at consultation events for any employee with English as a second language or a disability (such as a hearing impairment) which makes communication more difficult.

Remember that where an employee has declared a disability under the Disability Discrimination Act we have a duty to make reasonable adjustments.

Some examples of inequality in redundancy include:

**A part time employee is unable to arrange a meeting with their trade union representative within the timescales laid out in the policy due to the fact that they are only in the office two days a week.**

It would be reasonable to agree with the employee to delay the meeting to allow them to meet with their representative. It would also be reasonable to arrange the meeting on the employee's normal working days.

**An employee on long term sick feels she has not been consulted as she is not in the workplace.**

Employees who are not in the office due to long term sickness, maternity leave and other reasons need special consideration. Additional individual consultation meetings may need to be arranged, at times which are mutually agreed. More frequent contact may need to be made so they feel that they have received as much information, had opportunities to ask questions and been consulted as fully as any other employee.

**Further advice**

We have two staff forums where staff can network and support each other:

**Staff disability forum**

If you have a disability or hidden impairment, your experiences will be valued in the forum. Members meet every other month to share information and resolve practical issues related to disability, as well as acting as a consultation group.

**Black and minority ethnic forum**

The forum is open to all employees across the council who consider themselves to be BME as well as other individuals who may be subject to discrimination and harassment on the basis of their own ethnicity, nationality or faith, or of those with whom they are associated. They also act as a consultation group.

Contact the [equality and diversity team](#) for information about accessing these forums.

**Access to Work**

When considering reasonable adjustments for disabled employees "[Access to work](#)" can provide advice and support to both employees and managers. Contact by telephone 02920 423 291 or textphone 02920 644 886.

**More information**

The council's [equality and diversity team](#) are happy to offer support on equality issues affecting any groups of staff.

Individual employees with queries can contact their HR advisor.

## WILTSHIRE COUNCIL

### STAFFING POLICY COMMITTEE

9 February 2011

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#### **Appointments Policy and Procedure for chief and senior officers**

##### **Purpose of Report**

1. This report presents the appointments policy and procedure for chief and senior officers.

##### **Background**

1. The appointments policy and procedure for chief and senior officers applies to those officers whose posts fall within the officer employment procedure rules contained within part 15 of Wiltshire Council's constitution.
2. It is largely based upon the standard appointments policy and procedure but includes additional processes that are required in relation to the appointment to chief and senior officer posts.
3. Human Resources aims to create policies which are consistent in format, easy to read and understand and are fit for purpose. This policy is in the new format which supports these aims.

##### **Main Considerations for the Council**

4. In creating the policy key stakeholders were consulted including legal services, democratic services, the BME and disability forums and unions.
5. The policy has been created and formatted in line with the new HR policy template.
6. The policy is largely based on the appointments policy and procedure and the main changes to the policy have been:
  - Recruitment and selection procedures to follow in advertising vacancies, selecting candidates and making an appointment decision for chief and senior officer posts
  - The role of the Officer Appointments Committee in the appointment of chief and senior officers
  - The process to obtain agreement for an appointment through Cabinet, and through full Council for the post of chief executive officer
  - Ownership and ring-fenced prior consideration criteria in cases of service redesign and the process of appointment to these posts

- Redeployment processes for chief and senior officers facing risk of termination of employment and the appointment to suitable alternative employment
- Procedures for appeal against ownership and ring-fence decisions in line with the Appeals Committee
- Clarification regarding HR, line manager and employee roles and responsibilities

### **Environmental Impact of the Proposal**

7. None.

### **Equalities Impact of the Proposal**

8. An Equalities Impact Assessment will be undertaken on 1<sup>st</sup> March 2011.

### **Risk Assessment**

9. None

### **Options Considered**

10. None.

### **Recommendation**

11. To recommend Council approve the appointments policy and procedure for chief and senior officers.

**Barry Pirie  
Service Director  
HR & OD**

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Report Author: Laura Butcher, Human Resources Policy & Reward team

**The following unpublished documents have been relied on in the preparation of this Report: None**



## **Wiltshire Council Human Resources**

### **Appointments Policy and Procedure for chief and senior officers defined by this policy**

This policy can be made available in other languages and formats such as large print and audio on [request](#)

#### **What is it?**

This policy and procedure provides information on the appointment to chief and senior officer posts which fall within the Officer Employment Procedure Rules contained within part 15 of the [Constitution](#). It also provides a process to ensure that chief and senior officers whose posts fall within the Rules and are facing redundancy and service redesign are provided with an opportunity to be matched to suitable vacancies before these are advertised.

#### **Go directly to the section:**

- [Roles currently filled on a temporary basis](#)
- [Recruitment and selection procedure](#)
- [Service redesign](#)
- [Ownership of a post](#)
- [Ring-fenced prior consideration](#)
- [Appeals against ownership or ring-fence](#)
- [Redeployment](#)
- [Roles and responsibilities](#)
- [FAQs](#)

#### **When does it apply?**

This policy and procedure applies to:

- head of paid service (the chief executive officer)
- statutory chief officers (director of children and education, director of community services and the officer having responsibility, for the purposes of section 151 of the Local Government Act 1972, for the administration of the authority's financial affairs)
- non statutory chief officers (other corporate directors)

- deputy chief officers (service directors and some heads of service as defined in section 2(8) of the [Local Government and Housing Act 1989](#))

### **When does it not apply?**

Where the appointments process involves posts not listed above, the standard [appointments policy and procedure](#) should be used.

### **What are the main points?**

Roles currently filled on a temporary basis

1. If the role is already being performed by an employee on a temporary contract of employment (issued by either a Wiltshire District or County Council, or Wiltshire Council), a recommendation will be made to the Officer Appointments Committee to offer a permanent post (following the procedure in paragraphs 12 & 13 stated below).
2. The appointment to the temporary post must have been via a competitive process i.e the vacancy was advertised and the employee was taken through a recruitment and selection process.

Recruitment and selection procedure

3. All vacancies for chief or senior officers who are covered by this policy will firstly be made available to relevant officers in the redeployment pool and any suitable candidates will be interviewed.
4. If an appointment cannot be made internally, the job will be advertised externally in the national media. A recruitment agency may be procured to assist in the recruitment and selection of chief and senior officer posts.
5. Once the application deadline is reached all applications will be forwarded to the appointing manager and arrangements made with the Officer Appointments Committee to select suitable candidates for the next stage in the recruitment and selection programme in conjunction with HR.
6. The Officer Appointments Committee will approve all candidates for the longlist. These candidates may then participate in a selection process, usually consisting of an initial interview and testing carried out by the recruitment agency (where appropriate). The maximum number of

candidates selected for the longlist is usually but not limited to 12 candidates.

7. The Officer Appointments Committee will agree candidates for the shortlist based upon the applications and evidence provided from the longlist selection process. The maximum number of candidates selected for the shortlist stage is usually but not limited to 6 candidates.
8. The appointing manager and HR will produce the selection programme which usually takes place over 2 days. It should include (but is not limited to) interviews, the use of aptitude tests, meetings with community groups and stakeholder panels, presentations and media skills.
9. The Officer Appointments Committee will be asked to agree the selection process to be used.
10. The appointing manager or their nominee will be responsible for the administration of the selection programme.
11. At the end of the final day of the selection programme the Officer Appointments Committee will take advice from representatives of HR, the legal team and democratic services and based upon the evidence from the recruitment and selection process, will make an appointment, subject to the procedure set out in paragraphs 12 and 13 below.
12. Once the Officer Appointments Committee has made a decision, the appointment cannot be ratified until:
  - The director of resources has been notified; and
  - The director of resources has notified every member of the Cabinet of:
    - the name of the person to whom the appointer wishes to make an offer;
    - any other particulars relevant to the appointment; and
    - the period within which any objection to the making of the offer is to be made by the leader on behalf of the executive to the director of resources;and
  - Either
    - the leader has, within the period specified, confirmed to the appointer that no member of the Cabinet has any objection to the making of the offer; or

- the director of resources has notified the appointer that no objection was received within that period from the leader; or
  - the appointer is satisfied that any objection received from the leader within that period is not material or is not well-founded
13. In addition to the above, for the appointment to the post of head of paid service, the appointment decision is subject to ratification of the full Council. The service director – HR & OD will be responsible for presenting the report to full Council to confirm the appointment.

#### Service redesign

14. During a process of service re-design that involves a re-structure that may affect a job, employees will be subject to a period of statutory consultation, and this may include being invited to volunteer for redundancy. Please see the redundancy policy and procedure for chief and senior officers for further information.
15. Where an employee volunteers and is accepted for redundancy as a result of service re-design, they will not be subject to the ownership/ring-fenced/redeployment processes detailed below.
16. If a section, team or department is undergoing service redesign which may include a re-structure that may affect a job role (and therefore results in some posts being deleted) and the employee does not volunteer for redundancy, they will be considered for a vacancy on the terms stated below.

#### Ownership of a post

17. Employees will be identified for ownership of a post in a new structure when it is the same grade as their current post and the number of postholders meeting the criteria below is the same as or less than the number of jobs available. Ownership must meet the following criteria:
- the current post and the new post have the same duties and responsibilities outlined in the job description or job evaluation questionnaire
  - the current post and the new post have the same skill, knowledge and experience mix

- the current post and the new post have the same working patterns and work locations
18. For appointments to a post that requires a statutory qualification, only employees holding this qualification will be identified for ownership.
  19. The appointing manager in conjunction with HR will present a report to the Officer Appointments Committee to approve the appointment. The Officer Appointments Committee may conduct a selection interview with the employee before making an appointment decision. A member of the legal team will also be in attendance.
  20. If ownership is approved in accordance with the procedure in paragraphs 12 & 13 above employees will be appointed on Wiltshire Council terms and conditions of employment.

#### Ring-fenced prior consideration

21. Employees will be ring-fenced to apply for a post in a new structure when it is the same grade as their current post but the number of postholders meeting the criteria is **more** than the number of jobs available.
22. In order to be ring-fenced for a post, employees must meet the criteria set out in paragraph 17 above for ownership of a post. The appointing manager in conjunction with HR will complete the ownership/ring-fenced selection grid to determine whether they meet these criteria.
23. Employees will be required to participate in a formal selection interview conducted by the Officer Appointments Committee, which will determine the best candidate for the position. If the Officer Appointments Committee decides that an offer of an appointment should be made, the appointment cannot be confirmed until the procedure in paragraphs 12 and 13 above has been followed and no valid objections have been received.
24. If the appointment is approved employees will be appointed on Wiltshire Council terms and conditions of employment.

#### Appeals against ownership or ring-fence

25. Employees may appeal in writing against an ownership or ring-fence decision if:

- they have been appointed to a post which is not the same as their existing post
  - they have **not** been selected through ownership or ring-fence for a post despite it being the same as their existing post
26. Appeals should be submitted in writing to the Appeals Committee within a maximum of 5 working days of the ownership decision.
27. The appeal will be considered by the Appeals Committee and the employee will be informed of the outcome within 15 working days of the appeal being received.
28. There is no further right of appeal against the decision.

#### Redeployment

29. The redeployment pool consists of employees who are at risk from compulsory redundancy and termination on the grounds of ill health (in line with the sickness absence management policy). It provides these employees with an opportunity to find suitable alternative employment within the council before termination of employment.
30. Employees who are granted voluntary redundancy will not be placed in the redeployment pool.
31. Employees who are not allocated a post through ownership or ring-fenced prior consideration or where their job is removed or substantially changed, will be:
- issued with an At Risk notice
  - the subject of consultation
  - if no suitable alternative employment is found, issued with notice of termination of employment following the statutory consultation period.
32. During the period of consultation and notice employees will be subject to the redeployment process. This will normally be for a maximum of 3 months in order to allocate suitable alternative employment. Employees will be asked to complete the redemption form to supply the broad nature of their work, their current work location, possible alternative work location, current working hours and arrangements and possible working hours and arrangements.

33. The recruitment team will identify potential suitable alternative employment opportunities for employees within the redeployment pool from the vacancies advertised.
34. Managers in conjunction with their HR business partner will assess whether a vacancy may constitute suitable alternative employment taking into account reasonable adjustments. Employees will be matched against a post based upon factors such as the similarity of:
  - job duties and responsibilities
  - knowledge, skill and experience
  - same job grade, one grade above or one grade below
  - working hours and time
  - location
35. Employees will be required to participate in a formal selection interview conducted by the Officer Appointments Committee to determine suitability for the position. If the Officer Appointments Committee decides that an offer of an appointment should be made, the appointment cannot be confirmed until the procedure in paragraph 12 and 13 above has been followed and no valid objections have been received.
36. If the appointment is approved employees will be appointed on Wiltshire Council terms and conditions of employment.
37. The appointing manager will complete the [redemption starter form](#) and forward to their HR business partner who will arrange for a suitable alternative employment letter and contract if required to be sent. The appointing manager will also complete [a redemption appointment form](#) for each candidate (both successful and unsuccessful).
38. Employees will be subject to the statutory right to training and a trial period of 4 weeks that can be extended to three months by mutual agreement to enable re-training and familiarisation with job requirements.
39. If the trial period is unsuccessful within the maximum notice period, the manager and employee will agree a period (of not less than 4 weeks) for the employee to be placed back in the redeployment pool before termination of their contract.
40. If the trial period is unsuccessful by mutual agreement employees will be placed back in the redeployment pool for other suitable alternative employment within the maximum 3 month period.

41. If employees fail to engage with the redeployment process, they are at risk of forfeiting any redundancy compensation.
42. If despite these measures, no suitable alternative employment is found a report will be sent to the Senior Officers' Employment Sub-committee recommending that you be dismissed on the grounds of compulsory redundancy. If the Senior Officers' Employment Sub-committee recommends dismissal Cabinet will be notified following the procedure in paragraph 11 of the redundancy policy for chief and senior officers. If no valid objections are received the employee will be given notice of dismissal on grounds of compulsory redundancy (according to the individual contract) In exceptional circumstances and by mutual consent, the individual contractual notice period may be shortened for which payment in lieu will be made.
43. Employees have the right of appeal against a decision to terminate employment to the Staffing Appeals Sub-committee in line with the redundancy policy and procedure for chief and senior officers.

## **Roles and responsibilities**

### Employee responsibilities

44. To be responsible for identifying suitable alternative employment opportunities from the vacancies advertised whilst in the redeployment pool.

### Line manager responsibilities

45. Applying this policy fairly and consistently ensuring that suitable appointments are made to vacant posts and posts within a new structure.
46. Working with the HR business partner to plan any organisational changes which may impact upon chief and senior officers.
47. Considering alternative options to recruiting such as the use of temporary contracts, acting up opportunities, redistributing work within the team and restructuring.
48. Recommending to the Officer Appointments Committee recruitment and selection programmes in order to recruit to chief and senior officer posts.



49. Recommending to the Officer Appointments Committee all suitable employees for ownership of a post within the new structure applying the criteria stated above and the ownership grid provided.
50. Recommending to the Officer Appointments Committee all suitable employees for ring-fenced prior consideration (taking into account reasonable adjustments) for a post within the new structure by applying the criteria stated above.
51. To ensure that each appointment is ratified by the Cabinet in accordance with the Officer Employment Procedure Rules in Part 15 of the Constitution and that full Council approval is obtained if appointing to the post of chief executive prior to the issue of any offers of appointment.
52. Retaining detailed notes concerning appointments to support any decisions made. Copies should be forwarded to HR to be retained on the employee's personnel record.

#### HR responsibilities

53. To apply this policy fairly and consistently, providing advice to ensure that suitable appointments are made to vacant posts and posts within a new structure.
54. To work with the appointing manager to plan any organisational changes which may impact upon chief and senior officers.
55. To provide consistent advice and guidance on the appointments process where appropriate to ensure that suitable appointments are made to posts.
56. To work with the appointing manager to design suitable recruitment and selection programmes for the approval of the Officer Appointments Committee.
57. To work with the appointing manager in selecting suitable employees for ownership and ring-fenced prior consideration.

#### Frequently asked questions

58. **If an employees is in the redeployment pool and accepts a lower paid post as suitable alternative employment will pay be protected?**

If a lower paid post (one grade below) is accepted as suitable alternative employment, protection of base pay will apply for 3 years. Existing base pay will be frozen and will not be subject to incremental or national pay awards. Wiltshire Council terms and conditions will apply.

59. **If the service is restructured and employees apply for or are redeployed to a new position, will they remain on existing terms and conditions?**

Employees will be appointed on Wiltshire Council terms and conditions

60. **What is the redeployment pool?**

The redeployment pool consists of employees who are at risk from compulsory redundancy and termination on the grounds of ill health (in line with the sickness absence management policy). This enables employees to be given prior consideration to be matched to suitable alternative employment.

If no suitable alternative employment is identified for employees who are at risk from compulsory redundancy either by the employee or the council the procedure in paragraph 41 above will be followed. If the dismissal is ratified by Cabinet, they will be given notice and employment will cease on the grounds of compulsory redundancy in line with the chief officer redundancy policy and procedure for chief and senior officers.

61. **How will employees in the redeployment pool be matched against a vacancy?**

All vacancies will be checked against employees in the redeployment pool for suitable alternative employment opportunities. Suitable employment opportunities will be based on the following criteria:

- job duties and responsibilities
- knowledge, skills and experience
- same job grade one grade above or one grade below
- working hours and time
- location

Employees are also responsible for identifying suitable alternative employment opportunities from the vacancies advertised (excluding schools).

Vacancies can be accessed via <http://jobs.wiltshire.gov.uk> or by contacting HR.

**62. What support will Wiltshire Council provide for employees facing redundancy?**

Employees will be placed in the redeployment pool and given prior consideration to be matched to suitable alternative employment. Employees are also responsible for identifying suitable alternative employment opportunities from the vacancies advertised.

Wiltshire Council will also seek to support employee needs which may include:

- support in the period leading to the termination through counselling/coaching
- providing practical support in the search for employment including IT skills and other relevant training
- providing financial advice

For further information please see the [employee assistance programme](#)

**63. What do employees facing redundancy need to do?**

Whilst employees are in the redeployment pool they will also be responsible for identifying suitable alternative employment opportunities from the vacancies advertised.

Employees should also be responsible for their own personal development such as identifying suitable training that will help in redeployment.

**64. If an employee is on maternity leave, what are their rights in relation to ring-fenced prior consideration for a post?**

If an employee is on maternity leave and has been ring-fenced for a post they will be interviewed by the Officer Appointments Committee ahead of other candidates who have been ring-fenced and are not on maternity leave. If they meet the criteria for the post, they will be appointed (subject to paragraphs 11 & 12 above). This is in line with the Equality Act 2010.

**Definitions**

The Officer Appointments Committee consists of 5 councillors to include at least one member of Cabinet. It is responsible for agreeing the recruitment and selection programme, decisions at each stage of the process (i.e. longlisting and shortlisting) and the final appointment to posts that are covered by this policy and procedure, subject to the officer employment procedure rules as set out in part 15 of the constitution.

### **Equal Opportunities**

This policy has been Equality Impact Assessed to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

Managers will make any necessary adjustments to ensure that all employees are treated equally. For further information see the guidance on [equal opportunities in appointments](#).

### **Legislation**

This policy and procedure follows the officer employment procedure rules contained within part 15 of the [constitution](#)

### **Further information**

This policy should be read in conjunction with:

- Redundancy policy and procedure for chief and senior officers
- [Recruitment and selection policy](#)

A toolkit providing further information including template letters, forms and manager's guidance is provided on HR Direct.

For further information please speak to your manager or contact your [HR advisor](#).

Policy author	HR Policy and Reward Team – (LB)
Policy last updated/implemented	31 January 2011

## WILTSHIRE COUNCIL

### STAFFING POLICY COMMITTEE

9 February 2011

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#### Improving Work Policy and Procedure – Policy Update

##### Purpose of Report

1. The purpose of this report is to update the Staffing Policy Committee on changes to the Capability Policy, now renamed the Improving Work Performance Policy and Procedure.

##### Background

2. The policy has not been reviewed for some time. A lean review revealed several issues for managers and HR when using the current policy.
3. The policy has been often difficult to follow. The policy is now much clearer to read and follow.
4. Roles and responsibilities have not been clear.
5. Human Resources aim to create policies which are consistent in format, easy to read and understand and are fit for purpose. This policy is in the new format which supports these aims.

##### Main Considerations for the Council

6. In amending the policy key stakeholders were consulted including HR, the Legal Department, the Equality Impact Assessment Forum, the Black Minority Ethnic and Disability forums and the Trade Unions.

7. The main changes to the policy are:

7.1 The policy name has changed from Capability to Improving Work Performance as it is felt the new names makes it easier to understand what the policy is to be used for.

7.2 There is now a toolkit of supporting documents to help managers including guidelines and template letters.

7.3 The policy has been made simpler to read.

7.4 A greater emphasis is placed on the fact that managers should only implement this policy when the normal processes of 1-1 meetings with the employee have failed. This procedure should not be a complete surprise to the employee.

7.5 There is a greater emphasis on the manager setting objectives with the employee against which they can be measured, rather than solely reviewing their performance against a job description.

7.6 It has been made clearer that when the employee is performing at an acceptable level, the procedure is at an end.

7.7 The option to take voluntary early retirement has ended.

**Environmental Impact of the Proposal**

8. None.

**Equalities Impact of the Proposal**

9. An Equality Impact Assessment was undertaken on 12 January 2011 and no negative impacts were identified.

**Risk Assessment**

10. None

**Options Considered**

11. None.

**Recommendation**

12. To recommend Council approve the revised policy on Improving Work Performance.

**Barry Pirie  
Service Director  
HR & OD**

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Report Author: Melanie Lyng, Human Resources Policy & Reward team

**The following unpublished documents have been relied on in the preparation of this Report:** None

## Wiltshire Council Human Resources

### Improving Work Performance Policy and Procedure

This policy can be made available in other languages and formats such as large print and audio on [request](#).

#### What is it?

Employees are expected to perform to the best of their ability at all times.

This policy and procedure covers employee performance issues which are the result of a lack of skill, aptitude, knowledge or experience. It also applies to performance issues relating to a mental or physical impairment as defined by the disability discrimination act 1995 and as amended by the Equality Act 2010 where the employee is at work and is not off sick or away from work for a reason connected with their disability.

The policy covers how employees will be managed consistently, fairly and effectively, the overall objective being to support the employee in achieving a satisfactory level of performance in the role.

#### Go straight to the section:

- [what is it?](#)
- [who does it apply to?](#)
- [when does it apply?](#)
- [when does it not apply?](#)
- [what are the main points?](#)
- [how will under performance at work be identified?](#)
- [stage 1 - informal stage](#)
- [step 1 - establish the facts](#)
- [step 2 - invite to informal meeting](#)
- [step 3 - the informal meeting](#)
- [step 4 - outcome of meeting](#)
- [step 5 - informal review meeting – 4 weeks](#)
- [stage 2 – formal stage](#)
- [step 1 - invite to formal meeting](#)
- [step 2 - formal review meeting - 4 weeks](#)
- [step 3 – outcome of meeting](#)
- [step 4 – formal review meeting](#)
- [step 5 – formal review meeting](#)
- [step 6 – work performance hearing](#)

- [additional information](#)
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- [pay grade increments](#)
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- [disability and time off to attend appointments](#)
- [written records](#)
- [roles and responsibilities](#)
- [frequently asked questions](#)
- [definitions](#)
- [legislation](#)
- [equal opportunities](#)
- [for further advice and information](#)
- [toolkit](#)

There is also a [toolkit of documents](#) including letter templates and guidance notes to use when following this policy and procedure.

### **Who does it apply to?**

This is a harmonised policy and applies to all Wiltshire Council employees (with the exception of teaching and non-teaching staff employed in locally managed schools) including TUPE'd ex-district employees.

In matters which involve the chief executive, corporate directors and service directors, this policy and procedure must be read in conjunction with their JNC terms and conditions of employment and [wiltshire council's constitution](#).

### **When does it apply?**

This policy and procedure will apply in cases of poor performance, where employee performance is not to the standard required in the role. It should be followed where 1-1 meetings with the employee and any corrective action taken have failed. The employee should have been informed that there are issues with their performance before this policy and procedure is implemented.

This policy and procedure should be used where an employee is not performing in the role for a health-related reason and where the employee is at work and is not currently off sick or away from work for a reason connected with their disability.

### **When does it not apply?**

This policy and procedure does not apply in cases of alleged misconduct or unacceptable behaviour deemed to be wilful or deliberate. If an employee is capable of performing in their role but refuses to do so, the [disciplinary policy and procedure](#) should be followed.



This policy and procedure does not apply to new employees still in their probationary period. Refer to the [probationary periods policy and procedure](#).

This policy and procedure does not apply where an employee is absent from work for a health-related reason and is off sick or away from work for a reason connected with their disability, for short or long periods of time. In this case the [absence management policy and procedure and procedure](#) should be used.

### What are the main points?

1. You are expected to demonstrate and maintain an acceptable level of performance in your role.
2. The improving work performance policy and procedure should only be initiated when the normal management tools of 1-1 meetings or processes seeking to improve performance have not been successful.
3. There are two stages in the improving work performance procedure, the informal and the formal stages. It may not be necessary to follow the formal stage if issues to address performance are achieved through the informal stage.
4. The normal review period between informal and formal meetings under this policy will be four weeks. Depending on the nature of the issues being addressed, your manager may decide to plan for a longer review period of up to twelve weeks with you.
5. Your manager will maintain a written record of all meetings and outcomes and a copy will be given to you. You will be invited to review meeting notes and sign them as a record of the meeting. Where you do not agree, you may record any differences of opinion at the end of the meeting notes.
6. Specific objectives and goals for improvement will be set with you at each formal review meeting during the process.
7. Employees will be treated fairly during the improving work performance procedure and a consistent process will be followed and applied without regard to gender, sexuality, race, ethnic or national origin, gender reassignment, age, marital status, pregnancy or disability (otherwise known as protected characteristics).
8. If you feel you need support with interpreting this policy, refer to [equal opportunities in improving work performance](#) and [guidance for managers – giving advice on policies](#). You may also want to refer to the [dignity at work policy](#).

How will under performance at work be identified?

9. Under performance at work may be identified via:
- your own acknowledgement that you are finding the role difficult;
  - comments from customers or colleagues;
  - observation by your manager;
  - experience of your work;
  - complaints about your work;
  - performance reviews undertaken as part of the [appraisal procedure](#).
10. The improving work performance procedure should only be followed when steps put in place by your manager to address issues in your performance have failed.
11. Your manager will seek the advice of an HR advisor before commencing this procedure.

### Stage 1 - Informal stage

12. The purpose of the informal stage is to give you the chance to improve your performance in the areas outlined by your manager, without moving to the formal stage.

#### Step 1 - Establish the facts

13. Your manager will prepare a summary of the evidence of the gaps in performance, with examples. This will include what support may have been given so far. Your manager will use the [improving work performance review template](#) to do this.
14. This review will be undertaken comparing your performance in the role against the [job description and person specification](#) as well as any objectives set for your role – refer to [managers guide – setting objectives with employees](#).

#### Step 2 - Invite to informal meeting

15. Your manager will invite you to a meeting – [invite to informal meeting](#) - to discuss your performance. You will be given a minimum of 5 working days notice to attend.
16. You will be provided with a copy of this policy and procedure prior to the meeting as well as [employee guidance –improving work performance](#).

17. You do not have the right to be accompanied at this stage, but any such requests will be considered on a case by case basis.
18. If you have a protected characteristic which requires an adjustment in order for you to attend meetings, your manager must make any reasonable adjustments before meetings are held. Refer to [equal opportunities in improving work performance](#).

#### Step 3 – The informal meeting

19. Your manager will explain where your performance is not meeting the requirements of the role, providing specific, timely and recent examples.
20. Your manager will give advice on the improvements that will need to be demonstrated in order to meet the standards required in the role. This may include the setting of objectives.
21. You will be given the opportunity to explain your views.
22. If you feel you require additional training or support, or there are other issues affecting your performance, you should make your manager aware.
23. You may also seek outside advice and support from a union representative or other official.
24. If you have a protected characteristic, it may be that you require [reasonable adjustments](#) at work. Depending on the nature of the issue, your manager will discuss with you the need for a referral to be progressed to [occupational health](#) for further support and appropriate recommendations.

#### Step 4 – Outcome of meeting

25. After the meeting, your manager will confirm to you in writing:
  - what specific improvements are required in your performance and how success will be measured;
  - what support or additional training you may need;
  - whether [reasonable adjustments](#) need to be made to your role and/or working environment;
  - dates for regular 1-1 meetings;
  - a date for a review meeting set for 4 weeks time.

26. This information will be confirmed in writing within 5 days - [follow up from informal meeting](#). A copy of this letter will be sent to the HR advisor.
27. If there are a number of issues to address, different review dates may be agreed according to the nature of the issues being addressed. It may be necessary to target priority areas first and to add other areas to be addressed as you make progress.

Step 5 - Informal Review Meeting – 4 weeks

28. At the first and (if necessary) subsequent review meetings, there will be one of three possible outcomes:

<p><b>Option 1 – Acceptable performance</b></p> <ul style="list-style-type: none"> <li>• If your performance has now reached an acceptable level of performance, your manager will explain the need to maintain your performance consistently.</li> <li>• Your manager will confirm the procedure is at an end – <a href="#">end of improving work performance procedure</a>.</li> <li>• Your manager will send a copy of this letter to the HR advisor.</li> </ul>
<p><b>Option 2 – Some progress has been made.</b></p> <ul style="list-style-type: none"> <li>• If some progress has been made, a new review date will be arranged for 4 weeks time.</li> <li>• This option may be repeated before proceeding to option 3 of the informal stage. The number of times it is repeated will depend on the nature of the issues being addressed.</li> </ul>
<p><b>Option 3 – No improvement or progress made</b></p> <ul style="list-style-type: none"> <li>• The procedure will move to stage 2 the formal stage.</li> </ul>

**Stage 2 - Formal Stage**

Step 1 – Invite to formal meeting

29. Your manager will invite you to a formal improving work performance review meeting. You must receive a minimum of ten clear working days' notice in writing – [invite to formal meeting](#).

30. Your manager will provide you with a copy of any documents which will be referred to at the meeting.
31. You have the right to be accompanied to formal meetings – [guidance notes – the right to be accompanied](#).
32. You should submit any documents you wish to be considered to your manager at least 24 hours in advance of the meeting.

#### Step 2 – The formal meeting

33. Your manager will present the nature of the issues in your performance to you and how specific requirements of the role and objectives have not been met.
34. You will be given the opportunity to respond to your manager's concerns and to ask any questions.
35. The meeting will adjourn in order for your manager to consider what action to take.

#### Step 3 – Confirmation of outcome of meeting

36. The meeting will be reconvened and the outcome confirmed verbally to you. The outcome will be confirmed in writing to you within five working days.
37. There will be one of three possible outcomes:

#### **Option 1 – An end to the procedure**

- If you have presented new evidence which warrants a halting of the procedure, your manager will confirm to you the need to maintain an acceptable level of performance.
- Your manager will confirm the procedure is at an end - [end of improving work performance procedure](#).
- Your manager will send a copy of this letter to an HR advisor.
- If your performance deteriorates again within the next 6 months, this may mean your manager will commence the improving work performance procedure from the formal stage.

#### **Option 2 – Further extension – 4 weeks**

<ul style="list-style-type: none"> <li>• There may be extenuating circumstances which will warrant a further extension to the formal review period – see <a href="#">managers guide to improving work performance</a>. A further review meeting may be set for 4 weeks time.</li> </ul>
<ul style="list-style-type: none"> <li>• If your performance is now satisfactory, your manager will remind you of the need to maintain the required standard.</li> </ul>
<ul style="list-style-type: none"> <li>• Your manager will confirm the procedure is at an end – <a href="#">end of the improving work performance procedure</a>.</li> </ul>
<ul style="list-style-type: none"> <li>• Your manager will send a copy of this letter to the HR advisor.</li> </ul>
<p><b>Option 3 – Written warning</b></p>
<ul style="list-style-type: none"> <li>• If your manager feels a written warning is warranted, they will confirm this in writing to you - <a href="#">written warning letter</a>.</li> <li>• Your manager will send a copy of this letter to an HR advisor.</li> <li>• A formal review date will be set for 4 weeks time.</li> <li>• You have the right to appeal against the decision to issue a written warning in line with the council's <a href="#">appeals policy and procedure</a>. Your manager will provide you with a hard copy of this policy and procedure.</li> </ul>

Step 4 - Formal Review Meeting – 4 weeks review

38. A formal review meeting will be held after 4 weeks.
39. You have the right to be accompanied to formal meetings – [guidance notes – the right to be accompanied](#).
40. There will be one of two possible outcomes:

<p><b>Option 1 - An acceptable level of performance has been reached</b></p>
<ul style="list-style-type: none"> <li>• If your performance has improved, your manager will remind you of the need to maintain the required standard.</li> <li>• Your manager will confirm the procedure is at an end in writing to you – <a href="#">end of the improving work performance procedure</a>.</li> </ul>

- Your manager will send a copy of this letter to an HR advisor.
- If your performance deteriorates again within three months of the end of the procedure, this may mean your manager will commence the improving work performance procedure from the beginning of the formal stage. Refer to the [managers guide to improving work performance](#).

**Option 2 - Performance has not improved or has deteriorated – final written warning**

- If performance has not improved or has deteriorated, you will be issued with a final written warning - [final written warning](#).
- Your manager will send a copy of this letter to an HR advisor.
- You should be aware that the next stage in the formal process could lead to an improving work performance hearing which could result in your dismissal.
- A further formal review meeting will be arranged for 4 weeks time.
- You have the right to appeal against the decision to issue you with a final written warning in line with the council's [appeals policy and procedure](#). Your manager will provide you with a hard copy of this policy and procedure.

Step 5 - Formal Review Meeting - 4 weeks

41. A formal review will be held. There are two possible options:

**Option 1 - an acceptable level of performance has been reached**

- If performance has improved, your manager will confirm the procedure is at an end in writing to you – [end of the improving work performance procedure](#).
- Your manager will send a copy of this letter to an HR advisor
- Your manager will remind you of the need to maintain the required standard.
- If your performance deteriorates again within three months, this may mean your manager will commence the improving work performance procedure from any of the stages outlined above.

**Option 2 - performance hearing**

- Your manager may decide to call a improving work performance hearing chaired by the head of service or their nominated deputy.
- Your manager will prepare a [improving work performance hearing case](#) which will be presented to the head of service who will make the decision as to whether to convene a work performance hearing.

#### Step 6 – work performance hearing

42. Your manager will arrange this meeting and will confirm the meeting to you - [invite to work performance hearing](#).
43. You have the right to be accompanied to this meeting – [guidance notes on right to be accompanied](#).
44. Both you and your manager will be able to present your points of view, including details of meetings held and steps taken to seek an improvement in your performance.
45. The chair of the meeting will undertake a review of all documentation and the steps taken to date, as well as the views of both you and your manager.
46. There will be a break in the meeting to consider all the options. The meeting will be reconvened and the outcome confirmed verbally to you. This will be followed up in writing within five working days. There will be one of five options:

#### **Option 1 - suspension of the procedure – satisfactory performance**

- The chair of the meeting will confirm this in writing to you – [outcome of performance hearing](#).
- A copy of this letter will be send to the HR advisor.

#### **Option 2 - further formal review meeting of 4 weeks hence**

- A further review meeting will be held after 4 weeks with the chair of the work performance review meeting. The chair of the meeting will confirm this in writing to you – [outcome of improving work performance hearing](#).
- If your performance is still not acceptable at this point, the chair of the meeting will decide that any of the options 1 to 5 under this section of the policy may apply.



<ul style="list-style-type: none"> <li>Your manager will send a copy of this letter to the HR advisor.</li> </ul>
<p><b>Option 3 - redeployment</b></p> <ul style="list-style-type: none"> <li>In discussion with the HR advisor and the recruitment manager, the option of redeployment into another role will be investigated and discussed with you.</li> <li>It may not be possible to arrange redeployment into an alternative role on exactly the same terms and conditions as you currently have.</li> <li>If no other roles are found to be available, and after a period equivalent to your contractual notice period, the head of service may make the decision to invoke one of the other options under step 6 of this policy.</li> <li>The recruitment team will confirm the offer in writing to you.</li> <li>For further information see – <a href="#">redeployment policy and procedure</a></li> </ul>
<p><b>Option 4 – dismissal</b></p> <ul style="list-style-type: none"> <li>You will be dismissed with immediate effect - <a href="#">outcome of work performance hearing</a>. You will receive payment in lieu of notice.</li> <li>Your manager will follow the <a href="#">leaving the council policy</a>.</li> <li>You will be required to return all company property with immediate effect.</li> </ul>
<p><b>Option 5 - ill health retirement</b></p> <ul style="list-style-type: none"> <li>Ill health retirement may only be considered where the criteria required for qualification for ill health retirement as assessed by occupational health are met. Your manager will seek advice from <a href="#">occupational health</a>.</li> <li>If you belong to the local government pension scheme (LGPS) and have the required length of membership to the scheme then you may be considered for an application for ill health retirement.</li> <li>You will need to meet specific criteria set by the LGPS and your manager will refer to the <a href="#">retirement information</a> or seek advice from the pensions service.</li> <li>Adequate time needs to be allowed for receipt of the report from occupational health.</li> </ul>

Additional Information:

Failure to attend meetings

47. If you are unable to attend an arranged meeting you should inform your manager as soon as possible. If you are unable to attend due to circumstances outside of your control the meeting will be re-arranged.
48. If you do not attend the meeting, you are expected to contact your manager to rearrange the meeting. If you do not make contact on or before the original meeting date your manager will attempt to contact you to establish the reason for your non attendance.
49. A further meeting date will be scheduled and you will be notified of this date in writing. At this stage you will also be notified that failure to attend this meeting without prior arrangement, may lead to a decision being taken, in your absence, on the basis of the available evidence.
50. If failure to attend a meeting is due to sickness absence an occupational health appointment will be arranged to obtain advice on your fitness to attend the meeting.

Hay grade increments

51. For employees on hay grades, your manager reserves the right not to award a salary increase if you are the subject of this policy.

Disability

52. The Equality Act 2010 defines a disabled person as someone 'who has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities'. Long-term is defined as a condition which continues for 12 months or more. Your manager will seek advice from the HR advisor and this would usually result in an occupational health referral to provide appropriate advice and recommendations for your support.
53. If you feel there may be a health issue which is affecting your ability to carry out your role to a satisfactory level, you should raise this with your manager. Your manager must seek the advice of an HR advisor.
54. Further information is contained in the [managers guide to improving work performance](#) as well as [equal opportunities in improving work performance](#).
55. You may declare your disability and find further information on your rights under the Equality Act 2010 here: [disability declaration form](#).

## Disability and time off to attend appointments

56. If you have a disability as defined by the Equality Act 2010 you may request to take time to attend an appointment relating to your disability. Refer to the [absence management policy](#).

## Written records

57. A record of the documentation relating to the case must be retained and copied to the HR advisor and will include:
- the details of the shortfall in performance standards
  - agreed objectives with written evidence of whether these have been achieved
  - the employee's views
  - letters issued to the employee
  - findings made and actions taken and by whom
  - the reason for any actions taken
  - whether an appeal was lodged and the outcome
  - subsequent relevant developments
  - notes of any formal meetings
  - any grievance raised during the improving work performance process
  - meetings and reports from occupational health.
58. Copies of documents may be provided in an alternative format by contact the policy and reward team within HR.

## Roles and Responsibilities

### Line manager responsibilities

59. To follow this policy and procedure and apply in a fair and consistent way.
60. To involve HR at an early stage and to liaise with HR at all key stages to ensure consistency of application of the procedure.
61. To focus, first and foremost, on achieving an improvement in the employee's performance and to put measures in place to support the employee.
62. To understand and manage this process and ensure that the process is clearly communicated to the employee.

63. To send copies of all documentation to an HR advisor – see [manager guide to improving work performance](#).
64. To adhere to the council's equal opportunities policy and procedure.
65. To consider equality and diversity implications and to make any reasonable adjustments in the workplace, if needed.
66. To ensure that appropriate action is taken in the light of occupational health advice.

#### Employee's responsibilities

67. It is expected that you will perform to the best of your ability at all times. If performance issues are identified, it is your responsibility to listen carefully to the feedback given and seek to understand where you need to improve. There should be mutual cooperation towards achieving the plan.
68. You should attend all review meetings.
69. You should work hard towards the targets/objectives set by your manager and to undertake any additional training provided.
70. You may seek advice from external bodies such as a trade union where you feel you need further support or advice.
71. It is recognised that being the subject of the improving work performance procedure may be difficult. You are encouraged to seek support and advice from an external body (such as a trade union).
72. To declare a disability if you feel that reasonable adjustments need to be made.

#### Occupational health's responsibilities

73. To provide support for the employee through a health assessment following a management referral.
74. To provide information, advice and support to the manager about health related issues.
75. Occupational health is not responsible for implementing a resolution to address performance issues. It is the responsibility of the manager to ensure that appropriate action is taken in the light of occupational health advice.

#### HR's responsibilities

76. The role of HR is to provide advice and guidance on the improving work performance procedure.

### **Frequently Asked Questions**

- 77. I have been told that I am not performing well in my role. I work hard so I do not understand why this is happening.**

It is understandable that if you are told that you are not performing to the required standard in one or more aspects of your role, this may come as a shock. It is the council's intention that employees understand, at an early stage, if there are issues in their work so that they may be given the opportunity to discuss this and to agree a plan to address the issues. This is not a punitive measure. This policy and procedure is designed to make sure you receive the right support, in order to help you. Ultimately, however, there are consequences if you fail to improve, one of which could be dismissal.

- 78. Who will know about this apart from my manager?**

The process will be kept confidential between you, your manager and the HR advisor. Your work colleagues will not be informed however supervisors may be informed on a need to know basis.

- 79. What support can I expect?**

The process is designed to make sure you receive the right support at the right time to get you back on track. This support may take the form of meetings with your manager, additional training, specific training courses or adjustments to your role and may involve occupational health. You will discuss and agree any additional support and training with your manager.

- 80. Can I take external legal advice?**

You may seek advice from a union at any stage in the process. During the formal process, you have the right to be accompanied by a trade union official or by a willing fellow Wiltshire Council employee. You may not be accompanied by either a family member or a solicitor.

- 81. What if I find it difficult to attend meetings with my manager?**

You may contact your manager's manager in order that someone at the council may be assigned to support you through this process. Refer to [equal opportunities in improving work performance](#) for further information. You may also refer to the [dignity at work policy](#).

- 82. I have asked a colleague to support me through this process but s/he wants to understand what their role would be.**

Your work colleague is there to support you during the meeting. They may make representations on your behalf but may not respond to questions put to you during the meeting. Refer to [guidelines to the right to be accompanied](#).

- 83. What will happen to the documents written about me such as reviews and letters?**

Copies will be given to HR to hold and your manager will hold copies. All copies will be held confidentially.

- 84. What if I believe I have a medical condition which is affecting my performance?**

If you feel you have a condition which is affecting your performance, you should discuss this with your manager at the earliest opportunity who will seek the advice of occupational health. It may be that you will need to be assessed by occupational health in order for the nature of your condition to be better understood. Adjustments may need to be made in the workplace or to your role. You may declare a disability here: <http://hr.wiltshire.gov.uk/commitment-to-disability-at-work-self-declaration-form.rtf>

- 85. What if I do not agree with the decisions made by my manager?**

You have the right of appeal against a decision to issue a written warning, a final written warning or against the decision to dismiss you – [appeals policy and procedure](#).

- 86. Will my pay or benefits be affected whilst I am going through this procedure?**

No, there will be no change to your pay and benefits. However any agreement regarding home working may be suspended.

- 87. I currently work part time at home and my manager would like me to work all of my working hours in the office.**

If you are currently being taken through the improving work performance procedure, your manager may ask you to work in the office and reserves the right to suspend any agreement to working some hours at home. This is to assist monitoring of your work and to help you achieve the required standard in your role.

- 88. I have been offered a role as part of this policy and procedure which is a suitable alternative role. The role is on lower pay and different terms to the role I currently have. Am I obliged to accept this role?**

Redeployment into an alternative role will only happen with your agreement however if you agree to transfer to the new role, it will be on the terms and conditions including pay offered for the role.

- 89. I am currently on pay protection and have been offered a suitable alternative role. Will my pay continue to be protected?**

No, if you accept the new role it will be on the terms and conditions which are associated with the new role. However if you have been subject to this policy because of a disability-related reason and have been offered an alternative role, your manager together with HR may take the decision to continue with pay protected for an agreed period of time.

## Definitions

Performance gap	When reviewed against the job evaluation questionnaire, there are gaps between what is required in the role compared to the employee's performance.
Disability	As defined by the Equality Act 2010: 'a physical or mental impairment which has a substantial and long-term adverse effect on the person's ability to carry out normal day to day activities'.
Reasonable adjustments	For example, the introduction of new equipment; changing working arrangements; making changes in the working environment; changing attitudes e.g.: providing mental health awareness training.
Disciplinary policy	This policy and procedure is to be used where an employee is wilfully disregarding instructions or deliberately refusing to carry out specific instructions.
Appeal	An employee has a right under this policy to appeal against a written warning, a final written warning or a decision to dismiss them.

Informal Stage	The first stage in the improving work performance procedure.
Formal Stage	The second stage in the improving work performance procedure.
Dismissal	The termination of the contract of employment by the council.

### **Legislation**

- The Equality Act 2010
- The ACAS statutory code of practice (April 2009)

This policy and procedure has been reviewed by an internal legal organisation to ensure compliance with the above legislation and our statutory duties.

### **Equal Opportunities**

This policy and procedure has been Equality Impact Assessed ([EIA for improving work performance policy and procedure](#)) to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

Managers will make any necessary adjustments to ensure that all employees are treated equally. For further information see the guidance on [equal opportunities in improving work performance](#).

### **For further advice and information**

For further information please speak to your manager, corporate director or contact a member of your local HR advisor.

- [disciplinary policy and procedure](#)
- [probationary periods policy and procedure](#)
- [absence management policy and procedure](#)
- [employee wellbeing programme](#)
- [equality and diversity policy and procedure](#)
- [grievance policy and procedure](#)
- [appeals policy and procedure](#)
- [redeployment procedure](#)
- [ill health retirement policy and procedure](#)
- [dignity at work policy](#)



## Toolkit

- [managers guide – improving work performance](#)
- [managers guide – setting objectives with employees](#)
- [flowchart – improving work performance](#)
- [employee guide – improving work performance](#)
- [equal opportunities in improving work performance](#)
- [template – improving work performance review](#)
- [template letter – invite to informal meeting](#)
- [template letter – follow up from informal meeting](#)
- [template letter – invite to formal meeting](#)
- [template letter – written warning](#)
- [template letter – final written warning](#)
- [template letter – dismissal](#)
- [template letter – invite to work performance hearing](#)
- [template | template letter – outcome of work performance hearing](#)
- [letter – end of improving work performance procedure](#)
- [sanctions](#)

## Confidentiality of employee information

Data collected will be processed in accordance with the Data Protection Act 1998.

Policy author	HR Policy and Reward Team – MCL
Policy last updated/implemented	Draft version 1.

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## WILTSHIRE COUNCIL

### STAFFING POLICY COMMITTEE

9 February 2011

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#### **Revised recovery of overpayments policy and procedure**

##### **Purpose of Report**

This report presents the revised recovery of overpayments policy and procedure.

##### **Background**

1. This policy was last revised in August 2009.
2. This review has taken place to address issues which have arisen in the practical application of this policy.
3. The policy applies to all Wiltshire Council employees (except for teaching and non-teaching staff employed in locally managed schools) and forms part of their terms and conditions of employment.

##### **Main Considerations for the Council**

4. The main changes to the recovery of overpayments policy and procedure are:
  - The policy states more clearly the intention of the council to recover any overpayments made.
  - There is more emphasis on the employee's manager taking responsibility for letting them know that an overpayment has occurred and to expect a letter.
  - Extensions to the repayment period can be agreed by the head of service.
  - The appeal process has been simplified so appeals are heard by the section 151 officer who makes the decision in conjunction with the monitoring officer and the service director of HR and organisational development.
  - There is an overpayment dispute form for the employee to complete rather than having to write a letter.
  - It is more clearly explained what would constitute an "exceptional" circumstance which might lead to a decision not to recover the overpayment.
5. In amending the policy and procedure key stakeholders were consulted including the operational human resources teams, the stakeholder panel and the unions.
6. A toolkit of documents has been created to enable to smooth deployment of the policy in practice.

**Environmental Impact of the Proposal**

7. None.

**Equalities Impact of the Proposal**

8. No negative impacts were identified.

**Risk Assessment**

9. None

**Options Considered**

10. None.

**Recommendation**

11. To recommend council approve the revised recovery of overpayments policy and procedure

**Barry Pirie  
Service Director  
HR & OD**

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Report Author: Paula Marsh, Human Resources Policy & Reward team

**The following unpublished documents have been relied on in the preparation of this Report: None**

## Wiltshire Council Human Resources

### Recovery of overpayments policy and procedure

This policy can be made available in other languages and formats such as large print and audio on [request](#).

#### What is it?

This policy outlines the council's approach to recovering payments made in error to current or past employees.

#### Go straight to the section about:

Current employees:

- [Main points](#)
- [What does this mean for me?](#)
- [Extending the repayment period](#)
- [Disputes regarding overpayments](#)
- [Leaving the council during the repayment period](#)

Past employees

- [Overpayments made to ex-employees](#)
- [Roles and responsibilities](#)
- [Frequently asked questions – current employees](#)
- [Frequently asked questions – past employees](#)
- [Definitions](#)

#### Who is covered by this policy?

All Wiltshire Council employees.

#### What are the main points?

Current employees

1. Wiltshire Council's approach is to recover any overpayment made to an employee or ex-employee.
2. Overpayments may be identified by:
  - the employee;

- the HR payroll administration team;
  - the employing department.
3. In all cases the overpayment should immediately be reported to the HR payroll administration team leader. The matter will be investigated and, where it is confirmed that an overpayment has occurred, a calculation made of the gross overpayment and net amount to be repaid.
  4. In most cases recovery will be over the same period that the overpayment was made.

How will I be notified if I have been overpaid?

5. The HR payroll administration team will email your line manager, detailing the amount of the overpayment and the proposed method of recovery to enable your manager to discuss the matter with you.
6. At the same time you will be sent a letter confirming the amount you have been overpaid and the proposed method for recovering this payment.

What does this mean for me?

7. If you have been overpaid no action will be taken to recover the money until you have been notified of the overpayment in writing and the dispute period has elapsed.
8. Normally any overpayment will be recovered by a deduction from the first salary payment which is made 4 weeks after you have been notified of the error.
9. The amount deducted will normally be equal to the monthly amount overpaid.
10. If you have been overpaid over several months the recovery will usually take place over the same number of months, unless the total amount to be recovered is minimal or you agree to a shorter repayment period.
11. If you wish to pay the money back over a shorter period this can be arranged directly with the HR payroll administration team.

Extending the repayment period

12. Where the overpayment amount is significant (usually in excess of 15% of your gross annual salary) the recovery period may be extended by agreement with your head of service – see [guidance notes](#) and [extension to repayment form](#).

#### Disputes regarding overpayments

13. If you disagree with the requirement to repay the amount owed, and/or you believe that there are exceptional circumstances which mean that the amount should not be repaid, you may make a written submission to the [section 151 officer](#) (chief finance officer) on the [overpayment dispute form](#) within 10 working days of receiving written notification of the overpayment.
14. The written submission will be considered by the [section 151 officer](#), in conjunction with the monitoring officer and the service director of HR and organisational development, within 10 working days and the outcome will be confirmed to you, and your line manager, in writing by the [section 151 officer](#).
15. The outcome may be:
  - not to accept your submission and to commence recovery of the overpayments through salary deduction(s);
  - to agree an alternative repayment schedule;
  - to agree that there are exceptional circumstances why the overpayment should not be recovered
16. It is your responsibility to ensure the HR Payroll administration team receive a copy of the overpayment dispute form so that recovery of overpayments is postponed until the written submission has been considered and the outcome confirmed in writing.
17. There is no right of appeal against the decision of the [section 151 officer](#).

#### Leaving the council during the repayment period

18. If you leave the council before the full amount of the overpayment has been recovered, the outstanding balance will be deducted in full from your final salary.
19. If your final salary is not sufficient to recover the outstanding balance you will be invoiced for the outstanding amount in line with the [corporate debt recovery policy](#).

#### Past employees

20. Where the employee no longer works at the council the HR payroll administration team will inform the employee's former line manager that an overpayment has been made.

21. The HR payroll administration team will write to the ex-employee giving details of the gross overpayment, the net amount to be repaid and enclosing an invoice for the net amount.
22. The HR payroll administration team will issue a P45 showing the correct pay and tax figures and amend the ex-employee's payroll record.
23. If the invoice is not paid within the settlement period the shared services finance team will process the matter in line with the [corporate debt recovery policy](#).
24. Legal action will be pursued in all cases, unless the employing department, in consultation with the [section 151 officer](#), in conjunction with the monitoring officer, considers that it is not appropriate to do so – see [managers guidance – debt recovery from ex-employees](#).
25. The decision to write off the overpayment and not pursue legal action must be confirmed by the [section 151 officer](#) in writing.

### **Roles and responsibilities**

#### Line manager responsibilities

26. To notify the HR payroll administration team in good time of any changes to employee's status to prevent overpayments from being made.
27. To notify the HR payroll administration team if an overpayment is suspected.
28. Where an overpayment is confirmed, to meet with the employee to explain why the overpayment occurred, the proposed method of recovering the overpayment and make them aware that the HR payroll administration team will be contacting them in writing.
29. To ensure the HR payroll administration team are kept informed of any agreement to extend the recovery period.
30. To ensure the HR payroll administration team are kept informed of any dispute and outcome, including any requirement to stop, amend or recommence recovery of overpayments.
31. To comply with the [corporate debt recovery policy](#) where an employee has left the council.

#### Head of service responsibilities



32. To consider any requests for an extension to the recovery period in line with [guidance on extending repayment periods](#).
33. To confirm the decision to the employee and their line manager in writing.
34. To manage debt recovery from ex-employees in line with the corporate debt recovery policy and the [managers guidance – debt recovery from ex-employees](#).

#### Section 151 officer

35. To arrange a meeting with the monitoring officer and service director of HR and OD to consider overpayment disputes and confirm the decision in writing within the timescales outlined in this policy.
36. To confirm any decision to write off overpayment to ex-employees and not pursue legal action in line with the corporate debt policy.

#### Frequently asked questions – current employees

37. **Can I make a repayment by cheque or credit card, rather than have money deducted from my next salary?**

The council's preferred method of recovery of overpayments is via a salary deduction. You may also pay by cheque (for example if you wish to clear the whole overpayment prior to the next payroll run) and you should contact the HR payroll administration team to arrange this.

38. **Under what circumstances could I ask for the repayment period to be extended?**

It would be unusual for the repayment period to be extended unless the amount to be recovered was in excess of 25% of your normal salary. However individual circumstances would be taken into account when agreeing the repayment period.

39. **Under what circumstances might it be agreed to write off an overpayment?**

The general approach of the council is to recover any overpayments made to employees or ex-employees.

It would be very rare for any overpayment to be written off but each case will be considered on its own merits.

Circumstances which may lead to a decision to write off the debt include:

- Where the employee can prove that there was no overpayment and that they were entitled to receive the money;
- Where the employee has made the HR payroll administration team aware of the overpayment but has continued to be overpaid, any amount paid after the matter was flagged to the HR payroll administration team may be written off;
- Where it can be proven that the overpayment was due to misconduct by another employee;
- where the employee can demonstrate that it would be inequitable for them to repay either part or the full amount.

40. **I was overpaid but did not realise it at the time, I spent the money and it would cause me hardship to have to repay it. Can the overpayment be written off?**

Wiltshire Council's approach is to recover any overpayment made to an employee or ex-employee. You may make a written submission to the [section 151 officer](#) on the [overpayment dispute form](#) within 10 working days of receiving written notification of the overpayment.

However, if the decision of the [section 151 officer](#) is to continue with recovery, consideration will be given to the repayment schedule in order to lessen any hardship. For example by extending the period over which you are asked to repay the monies.

Frequently asked questions – past employees

41. **I was overpaid in my final salary payment – I can't afford to pay it all back at once. What can I do?**

You will receive an invoice for the full amount and will have the standard settlement period (30 days, plus an additional 14 days after a reminder is sent) to pay it.

If it will cause you hardship to repay the full amount you should contact accounts receivable, via the enquiries line number detailed on the invoice, to negotiate payment by instalments over a reasonable period of time.

## Definitions

- **Overpayment**  
The council considers an overpayment to have been made where an employee was paid an amount to which they have no genuine claim and which, had they not been paid it, they would have had no claim to.

- **Section 151 officer**  
Section 151 of the Local Government Act 1972 requires every local authority to make arrangements for the proper administration of their financial affairs and requires one officer to be nominated to take responsibility for the administration of those affairs. In Wiltshire Council the Chief Finance Officer is nominated as the section 151 officer.

**Further advice**

For further information please speak to your supervisor, manager, service director or contact a member of your [HR advisory team](#).

Policy author	HR Policy and Reward Team – (PM)
Policy last updated/implemented	22-12-2010

### Overpayment dispute form

Wiltshire Council's approach is to recover any overpayment made to an employee unless there are exceptional circumstances.

If you disagree with the requirement to repay the amount owed, and you believe that there are exceptional circumstances which mean the amount should not be repaid, you should submit this form within 10 working days of receiving written notification of the overpayment

This form must be submitted to Michael Hudson, Section 151 officer by [email](#) or post.

It is your responsibility to send a copy of this form to the HR Payroll administration team by [email](#) or post (HR and Payroll Administration Team- Business Services, PO Box 4385, East Wing County Hall Trowbridge BA14 8JN) to ensure they postpone recovery of overpayments until a decision is confirmed.

Your written submission will be considered within 10 working days and you will be informed of the decision in writing.

Name	
Job title	
SAP Number	
Amount of overpayment due to be recovered	£
I believe I should not be required to repay:	
the whole amount <input type="checkbox"/> some of the amount <input type="checkbox"/> because:	
<ul style="list-style-type: none"> <li>• I was entitled to receive this money</li> </ul>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• I informed payroll of the overpayment but continued to be overpaid</li> </ul>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• The overpayment was a result of misconduct by another employee</li> </ul>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• Other reason</li> </ul>	<input type="checkbox"/>
Please give further details below:	
Employee signature:	
Date:	

**For use by Section 151 officer**

Date form received		
Submission considered by	Section 151 officer <input type="checkbox"/>	
	Monitoring officer <input type="checkbox"/>	
	Service director HR & OD <input type="checkbox"/>	
Summary of issues considered:		
Outcome:	Full amount written off	<input type="checkbox"/>
	Part of amount written off (£      )	<input type="checkbox"/>
	No write off	<input type="checkbox"/>
Date employee informed (within 10 working days of receipt of form)		
HR Payroll administration informed	<input type="checkbox"/>	

### **Guidance notes - extending the repayment period**

If you want your head of service to consider extending the recovery period you should complete the "[extension to repayment form](#)" within 10 working days of receiving written notification of the overpayment.

It is your responsibility to ensure that you send a copy of the form to the HR payroll administration team to ensure they do not commence recovery until the outcome is confirmed.

Your head of service (or their nominated representative) will meet with you within 10 working days of receiving your request.

The outcome of the meeting will be confirmed to you in writing within 10 working days of the meeting.

It is your responsibility to ensure that the HR payroll administration team have been notified of the outcome.

There is no internal right of appeal against any decision not to extend the repayment schedule.

### Request for extension to repayment period

Where an overpayment is made the HR payroll administration team will send you a letter confirming the amount you have been overpaid and the proposed method for recovering this payment.

You may apply for an extension to the repayment period to your head of service if:

- the overpayment amount is significant (usually in excess of 15% of your gross annual salary), or
- if you believe there are exceptional circumstances which mean that repaying in line with the proposed recovery period will cause you hardship;

This form must be received by your head of service within 10 working days of your receiving written notification of the overpayment.

If you are disputing the requirement to repay you should use the [overpayment dispute form](#).

It is your responsibility to send a copy of this form to the HR Payroll administration team by [email](#) or post (HR and Payroll Administration Team- Business Services, PO Box 4385, East Wing County Hall Trowbridge BA14 8JN) to ensure they postpone recovery of overpayments until a decision is confirmed.

Your head of service will consider your request within 10 working days. You may be invited to a meeting to discuss the matter. You will be informed of the decision in writing.

Name of head of service	
Your Name	
Your Job title	
Your SAP Number	
Amount of overpayment due to be recovered	£
Recovery method and timescale proposed by HR payroll administration team	
Why do you feel this is unreasonable:	
Your proposed recovery method and timescale (give details of how much and over what period you propose to repay):	

**For use by head of service**

Date form received	
Summary of issues considered:	
Meeting held with employee	<input type="checkbox"/> Yes - on      /      /20 <input type="checkbox"/> No meeting required
Outcome:	Alternative repayment period agreed (give full details below) <input type="checkbox"/>
	Original repayment period stands as outlined in original letter <input type="checkbox"/>
Date employee informed (within 10 working days of receipt of form)	
Form returned to HR Payroll administration	<input type="checkbox"/>



### **Managers guidance – debt recovery from ex-employees**

Where an employee has left the council and is issued with an invoice the following debt recovery process will be followed:

- The first reminder will be issued 30 days after the invoice.
- A final notice warning of court action will be issued after a further 14 days have elapsed.
- An attempt to contact the employee by telephone may be made where details are available

Where the employee has difficulty in repaying the full amount accounts receivable may negotiate repayment in installments over a reasonable period as outlined in the [corporate debt recovery policy](#).

Should the invoice still not have been paid, and no arrangement can be made to receive payment by installments, accounts receivable will contact the ex-employee's line manager.

The manager (or the head of service for their department) must let accounts receivable know within 14 days whether:

- to write off the outstanding debt (costs met from the departmental budget);
- or
- to initiate legal action (the costs of which will be met by the department)

#### **Costs of legal action**

The initial step in taking legal action is to send a letter before action to the ex-employee – the costs of sending this letter vary from £30 to £50.

If legal action is then pursued costs will depend upon the complexity of the case, whether it gets to court and other factors. Accounts Receivable will provide a table of legal costs when requested.

If the courts decide in favour of the council costs will be awarded – however it should be remembered that these will remain a debt to the department until such time as they are re-paid – this is usually by installment over a period of time.

#### **Debt write-off**

The council will only write-off debts as a last resort, and only when all reasonable avenues of recovery have been explored and it has become clear that further attempts to settle amounts outstanding have become impracticable, or uneconomic.

Circumstances which may warrant write off of overpayments to past employees are:

Prior to letter before action:	Where debt is less than £30. Or Where debt is less than £50 and no contact details for employee are available.
After letter before action:	Where, in conjunction with the Section 151 officer (and the solicitor for the council) it is agreed that the costs of legal action are likely to exceed costs of the debt.

If the department believes that a debt should be written off they must contact accounts receivable who will complete the necessary paperwork and forward to the department.

It is the department's responsibility to obtain the approval of the Section 151 officer prior to write off.

The signed paperwork should then be returned to accounts receivable so the write off can be actioned.