

Recovery of Overpayments Procedure

META Data

Procedure Title.	Recovery of Overpayments
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Source:	Director of Workforce
Stored Centrally:	Trust Intranet
Linked Trust Policies:	Statement of Principal Terms & Conditions of Employment. Greviance Policy Terms and Conditions of Service/ Contract Starting Salary Policy
Scope	This Trust
Staff Side Sign Off	
Management Sign Off	

Procedure on the recovery of overpayments

Introduction

The Trust, as a professional employer, is determined to meet its obligations to pay all employees in a correct and timely fashion. We recognise that in exceptional circumstances there will be occasions when we are unable to fully meet our obligations, but our responsibility is to find a way to do so as soon as is possible.

The aim of this procedure is to ensure that all our staff are aware of the procedure should an overpayment arise, this procedure has been drawn up locally and agreed by the Joint Negotiating Consultative Committee (JNCC).

Scope of the Procedure

This procedure covers all staff employed by the Trust.

Responsibilities

There are three key groups of staff who have responsibilities for ensuring employees are paid correctly.

Line Managers Responsibilities

Terms and conditions of service for Trust employees are set out in agreed National or Local Conditions of Service, details of which can be found on the Trusts internet. It is the responsibility of Line Managers as advised by the HR Managers team to ensure new and existing employees are paid in accordance with the correct interpretation of the relevant conditions of service.

Payment information for employees is confirmed to the Employee Services team to implement via the following methods:-

A new starter form (ESR1 electronically)

A change of circumstances form (changes to Banding form) (ESR2 forms electronically)

A termination form (ESR3 electronically)

Turnaround/attendance card and overtime documents

E-Roster pay files

In special circumstances via E-mail

Information and Guidance on completing these forms can be gained from either the Employee Services Team or in the case of E-Roster files via the E-Rostering Team.

If any of the forms are completed incorrectly or sent after the effective date of the change, an overpayment may occur.

ALL FORMS NEED TO BE SENT TO EMPLOYEE SERVICES IN A TIMELY MANNER

Should an error be discovered it is the Employee Services/Line Managers responsibility to ensure that recovery action is taken as soon as possible, in discussion with the employee, in accordance with this Trust procedure.

Human Resource and Employee Services

It is the responsibility of the HR Managers and HR Shared Service (Recruitment) teams to ensure that managers are advised correctly with regard to the appropriate salary or allowance relevant to employees.

Employee Services have responsibility to ensure all employees are paid in accordance with Trust Terms and Conditions of Employment as advised by the appropriate Line Manager/HR Manager.

Staff Responsibilities

It is the responsibility of the member of staff to check their payslip at the time it is issued to ensure that they have been paid correctly.

Staff should seek guidance from their line manager, Employee Services or HR Managers if they are unclear about any aspect of their payslip and any information (financial or otherwise) that it may or may not contain.

All employees have the responsibility to notify either their Line Manager or Employee Services when their pay is incorrect. Understanding your pay slip is paramount and not understanding your payslip is not a valid excuse not to notify a Line Manager or Employee Services of an incorrect payment. A dishonest failure to notify the Trust in the event of an overpayment may constitute a criminal offence under the Theft Act 1968 and may be prosecuted.

Overpayment Issues

When an overpayment is discovered immediate steps will be taken to ensure that the overpayment is ended and that future payments are made at the correct rate.

Consultation with the employee will take place to agree an appropriate repayment resolution.

Please see Appendix 1 for the agreed process

Procedure for addressing the overpayment

Where the overpayment has resulted from the wilful misrepresentation by the employee of relevant data, all possible steps are taken to effect recovery as quickly as possible. This may include disciplinary action and/or legal action. All overpayment cases, where a wilful misrepresentation is believed to have occurred will be referred to the Local Counter Fraud Officer by Employee Services.

In all other cases where an overpayment has occurred as a result of a genuine mistake, e.g. where a person is mistakenly paid for more hours overtime than actually worked, all practicable steps are taken to effect recovery on terms designed to minimise hardship.

Please see Appendix 1 for the agreed process

(a) Individual Overpayment

The action to effect the recovery of overpaid money will depend as to the nature of the overpayment as defined above, but the normal process will involve the employee concerned being approached by their Manager or a member of the Employee Services Team to advise them of the overpayment with a view to obtaining recovery of the sum involved.

As part of this discussion process, repayment arrangements will be agreed between the employee and either their line manager or Employee Services with the aim of minimising hardship for the employee.

Normally, the payback period for recovery of monies will not exceed the period in which the overpayment was made. For example, if an employee was overpaid for six months then the payback period would normally be no more than six months.

The Trust reserves the right to determine the repayment period in exceptional circumstances.

Should an employee have an outstanding overpayment when leaving the Trust the outstanding balance will be taken from their final salary payment? If there is insufficient funds to take all of the outstanding overpayment the ex-employee will be notified of the balance still outstanding in writing and asked to agree repayment arrangements with the Debt Recovery Dept within the Trusts Finance Dept.

Please see Appendix 1 for the agreed process

(b) Group Overpayments

Where one or more individuals have been overpaid, the same process will be followed and individual employees will be advised of the overpayment. In addition, relevant staff representations will be advised, in order to agree appropriate repayment arrangements.

Please see Appendix 1 for the agreed process

Repayment Arrangements

(a) Repayment Period and Rate

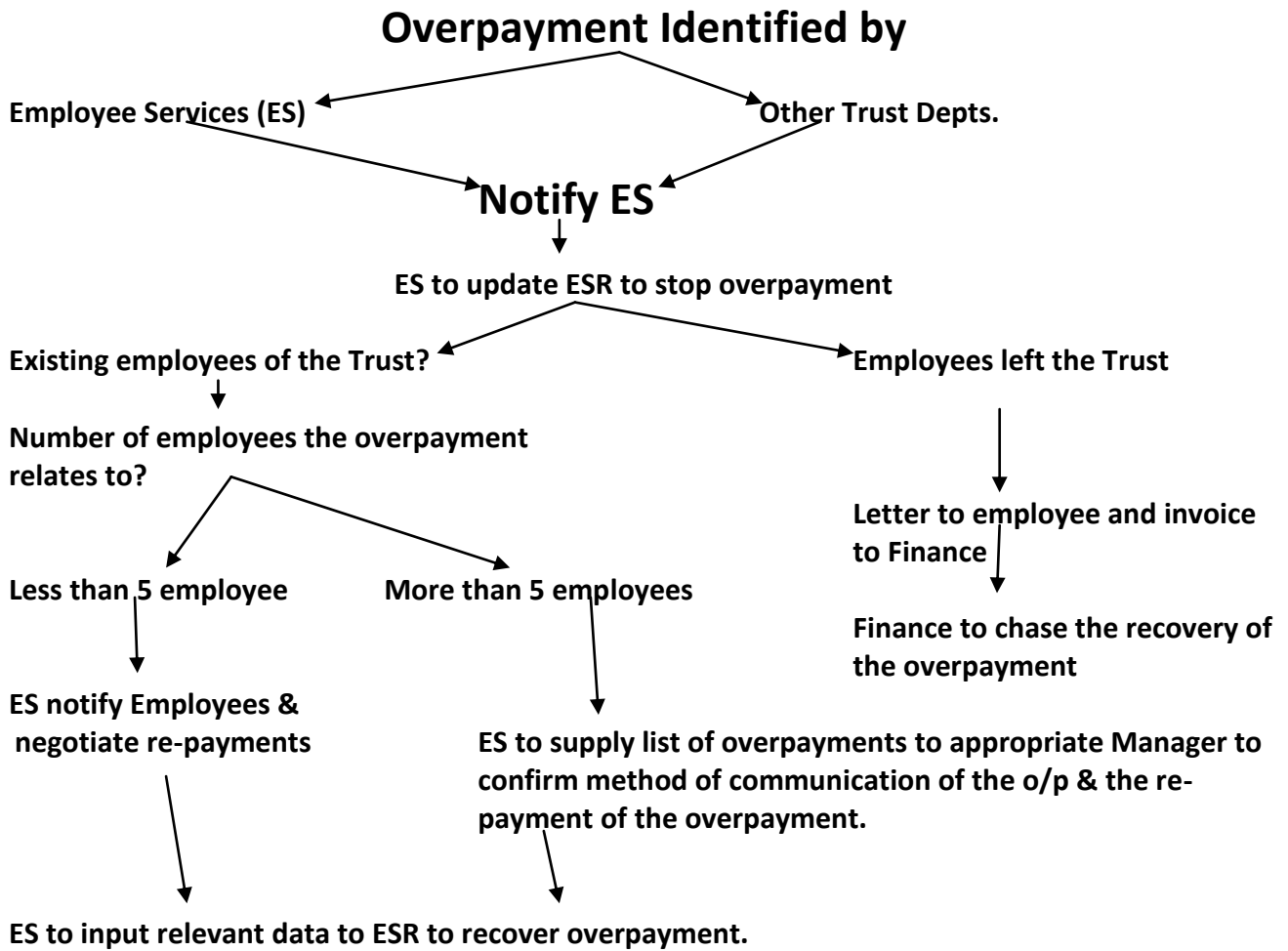
Repayment periods are not to exceed 12 months unless authorised by Department Head/ Employee Services Team Managers.

Appeal Process

Should the employee feel aggrieved by the repayment decision, then they are entitled to use the Trusts Grievance Procedure.

Appendix 1

Addressing an Overpayment



Escalation process

Line Manger negotiations

Line Manager

Departmental Manager

Head of Ops

Division Director

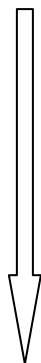
Employee Services Negotiations

Payroll Officer

Group Team Leader

Employee Services Team Manager

Employee Services Manager



Workforce Department

At any point the employee may raise a grievance with HR which will override the above escalation process