NHS
South East Coast Ambulance Service
NHS Foundation Trust

Over and Underpayments of Salary Procedure

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Courage, Kindness & Integrity

Document Control

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1 Scope

1.1 This procedure applies to all employed staff and bank workers paid by South East Coast Ambulance Service NHS Foundation Trust through the Electronic Staff Record database. The procedure also applies to the Trust's Payroll Provider.

2 Procedure

2.1 This procedure acknowledges that incorrect payments of salary, expenses or other remuneration may occur, despite procedures and controls to minimise the risk. The purpose of this procedure is:

- To ensure that anyone who receives or authorises remuneration via the Electronic Staff Record database is aware of their responsibilities for incorrect payments.
- It sets out the process for handling overpayments and their prompt recovery, in accordance with the Employment Rights Act of 1996 – Section 13 (See Appendix A) and the guiding principles of how overpayments will be managed which seek to provide clarity, equity and control.
- This procedure sets out the process for dealing with underpayments and reimbursement to the employee or bank worker in the next available pay run, as well as laying out guiding principles to provide clarity, equity and control.

3 Definitions

3.1 The Trust is funded by public money and as such has a responsibility to ensure robust mechanisms are in place to ensure all staff are paid accurately and on time. However, there will be occasions when an overpayment will occur, in such circumstances the Trust has a fiscal responsibility to recover the overpayment and to identify any action to minimise or prevent any future occurrence.

3.2 The Trust also has a responsibility to employees and bank workers to ensure accurate payments and that there are appropriate processes in place to address significant underpayments of salary in a timely manner.

3.3 Employees and bank workers have a responsibility to check their payslips and report any under or overpayments on a timely manner.

4 Responsibilities

4.1 Employees & Bank Workers

4.1.1 Checking their payslip each month via ESR self-service and immediately notifying their line manager of any under or overpayments. Where they have been overpaid, they must take steps to ensure that the overpayment is not spent and is available to be repaid to the Trust. They are also responsible for repaying any identified overpayments immediately, or within an agreed timeframe, as agreed between the employee/bank worker and the Trust.

4.1.2 Recognising that it is their contractual responsibility to return any overpaid money to the Trust. This is the case even where the overpayment has occurred through no fault of their own and where the overpayment could not have been easily identified by the employee/bank worker.

4.1.3 Ensuring that they understand their salary entitlement, along with any unsocial hours, overtime, meal breaks, and travel or subsistence claims submitted each month.

4.1.4 For those employees who take advantage of the Trust salary sacrifice schemes (e.g. Childcare vouchers, Car scheme, Cycle to work) it is important that they fully understand the implications and deductions to their pay.

4.1.5 Escalating immediately to their Line Manager and designated HR Advisor where pay anomaly enquiries do not receive an adequate response from the Trust's Payroll Provider within agreed timescales. The current payroll provider contact details can be found on the Pay and Conditions pages of the Trust intranet.

4.1.6 Submitting accurate claims for overtime, meal breaks and travel or subsistence to their line manager, in accordance with the relevant policies and within payroll cut-off dates.

4.1.7 Seeking clarification from their Line Manager or the Trust's Payroll provider if they are unsure of the amount or type of any payments indicated on their payslip. The current payroll provider contact details can be found on the Pay and Conditions pages of the Trust intranet.

4.1.8 Liaising promptly with their Line Manager and their designated HR Advisor to provide supporting evidence where there is a disagreement with the circumstances or calculations of an over or underpayment and suggesting any reasonable alternatives, which is agreeable to the Trust, if the advised repayment plan is not acceptable.

4.1.9 In cases of hardship the employee/bank worker is responsible for the provision of accurate and honest information on the Hardship Form (Appendix B) to enable their personal circumstances to be considered when agreeing recovery arrangements.

4.2 Line Manager

4.2.1 Ensuring that claims for payments and the flow of information regarding employees' contractual changes, absence and leaving information are both accurate and submitted to the Trust HR Service Centre, in line with the monthly payroll timetable to ensure overpayments or underpayments do not occur.

4.2.2 Line Managers are responsible for ensuring that appropriate checks on payroll submissions are made prior to authorisation, with the aim of minimising incorrect claims.

4.2.3 When pay errors are identified by employees/bank workers, the HR Service Centre and/or the payroll provider will support the Line Manager and the HR Advisor to address and discuss these (accompanied by their trade union representative if required).

4.2.4 The Line Manager will advise the HR Service Centre and/or the payroll provider on the actions to take following employee conversations regarding under or overpayments, confirming the payment or repayment plan that has been agreed with the employee/bank worker.

4.2.5 Every effort should be made to ensure the recovery process commences in the next available payroll process after the overpayment has been identified.

4.2.6 Responding promptly to employee/bank workers enquiries regarding under or overpayments, investigating as necessary and keeping the employee fully informed of progress.

4.2.7 Trust Senior Managers are responsible for investigating, identifying, recommending and implementing actions to prevent recurrence in circumstances where a line manager fails to submit claims for payment, or to notify the HR Service Centre of a change with implications to an employee/bank worker's remuneration, in accordance with the Payroll Timetable.

4.2.8 Preparing cases to present to the Trust Overpayment Review Panel for cases of hardship and recommendations for non-re-payment of monies owed, following dispute or grievance outcomes.

4.3 HR Service Centre

4.3.1 Ensuring that the resolution of any disputed salary under or overpayments are appropriately managed on a timely basis and prepare a monthly summary.

4.3.2 Ensuring that all paperwork detailing termination of employment, changes to Terms & Conditions (e.g. hours or salary etc.) received by the monthly payroll cut-off date are processed promptly and accurately in line with the payroll timetable.

4.3.3 Checking a suite of exception reports (in line with ESR best practice and audit recommendations) to establish as far as possible the correct values are being paid to the correct individuals prior to the payroll run.

4.3.4 Where an overpayment has been made to an employee/bank worker, the payroll provider will write to them via the Trust email system, copying in the Operating Unit Manager and designated HR Advisor, setting out the specifics of the overpayment amount. The reasons it has occurred and details of the proposed repayment plan. If the employee/bank worker does not respond within 14 days, a second letter will be issued, to remind the individual of the overpayment and to advise them of the date for their first repayment deduction. For more complex cases further information will be available on request.

4.3.5 Where an overpayment has been made to a former Trust employee/bank worker, the payroll provider will write to the individual notifying them of the net overpayment and details for repayment.

4.3.6 Ensuring that overpayment deductions start and finish when notified or agreed.

4.3.7 Processing the supplementary payroll paid on the last working day of the month for any confirmed underpayments by the cut-off date and in line with Trust procedures, or a faster payment in exceptional circumstances.

4.3.8 Producing monthly reports listing under and overpayments identified, for review and follow up action.

4.3.9 Inform the Trust Finance team of any repayments from former individuals expected into the Trust bank account.

4.4 HR Advisor and HR Business Partner Team

4.4.1 Supporting Line Managers or Trust Senior Managers to respond promptly to employee/bank workers enquiries regarding under or overpayments, investigating as necessary and keeping the individual fully informed of progress.

4.4.2 Assisting the line managers in conversations with employees/bank workers regarding the recovery of all overpayments.

4.4.3 Advising the HR Service Centre on the actions to take following employee/bank workers conversations and supporting Line Managers to ensure every effort is made to commence the recovery process in the next available payroll after the overpayment has been identified.

4.4.4 Notifying the HR Service Centre and Payroll Provider of any overpayments that are in dispute or hardship cases, providing copies of the letters and relevant supporting documents and breakdowns sent out to individuals in these cases.

4.4.5 Supporting Line Managers in preparing cases to present to the Trust Overpayment Review Panel for cases of hardship and recommendations for non-re-payment of monies owed, following dispute or grievance outcomes.

4.4.6 Supporting HR Advisors and Line Managers in preparing cases to present to the Trust Overpayment Review Panel for cases of hardship and recommendations for non-re-payment of monies owed, following dispute or grievance outcomes.

4.5 Assistant Director of HR Services

4.5.1 Sits as part of the Trust Overpayment Review Panel with the Deputy Chief Finance Officer to review and decide outcomes for all cases submitted.

4.6 Deputy Chief Finance Officer

4.6.1 Sits as part of the Trust Overpayment Review Panel with the Trust Assistant Director of HR Services to review and decide outcomes for all cases submitted.

4.7 Payroll Provider

- The Payroll Provider is responsible for:

4.7.1 Running and checking the monthly payroll and any supplementary payroll processing or faster payments (in line with ESR best practice and audit recommendations) to establish as far as possible the correct values are being paid to the correct individuals prior to the payroll run.

4.7.2 Ensuring that overpayment deductions informed by the Trust start and finish when notified.

4.7.3 Actioning requests for faster payments or the Supplementary Payroll processing for underpayments in a timely manner and provide details to the Trust.

4.7.4 Responding promptly to individual enquires regarding under/over payments, investigating as necessary and keeping the individual and Trust fully informed of progress.

4.7.5 Prepare gross to net overpayment calculations on request.

4.8 Trust Finance Team

4.8.1 Reconcile the overpayments to payroll ledger

4.8.2 Confirm repayments received via the Trust bank account on a monthly basis.

4.8.3 Update the Trust HR Service Centre on repayment plan progress for former staff on a monthly basis.

4.8.4 Advise the HR Service Centre of any completed former employee/bank worker repayment plans or full repayment amounts received into the Trust bank account on a monthly basis.

4.8.5 Provide support to the HR Service Centre for recoveries of outstanding debts to former staff as required.

5 Underpayments

5.1 All reasonable effort will be made to identify errors in payments as early as possible to ensure that the risk of financial loss to individuals are minimised.

5.2 Underpayments may be caused by a variety of reasons, but most commonly they are identified by the individual. This procedure applies regardless of how the underpayment is identified.

5.3 As soon as an underpayment is discovered, the individual should notify the relevant contact detailed in the table below, providing as much information as possible and copies of any supporting documents.

Underpayment	Contact
Timesheet Information (e.g. Overtime), Mileage & Expense Claims	Line Manager
New Starters	HR Resourcing 0300 123 0999 recruitment@secamb.nhs.uk
Changes to Terms & Conditions (Staff Change Forms)	Line Manager
Occupational Sick / Maternity Pay	HR Service Centre Team 0300 123 0999 sicknessandmaternity@secamb.nhs.uk

The relevant contact will investigate fully to identify where, when and how the error occurred and keep the individual fully updated.

5.4 Once an underpayment has been established the HR Service centre should be informed as soon as possible so any adjustments to pay can be included in the next available pay run or supplementary run. Faster payments will only be processed in exceptional circumstances.

5.5 Where the HR Service Centre identifies an underpayment this will be rectified immediately on ESR for the individual and payment will be made accordingly either via a supplementary pay process or in exceptional circumstances a faster payment.

5.6 It is acknowledged that in exceptional circumstances it would be unacceptable to expect an employee/bank worker to wait for the Supplementary Payroll payment into their account. In these cases, it would be expected that a faster payment should be raised through the normal process. This requires completion of the form contained at Appendix C. These cases should be the exception rather than the rule and will only be considered in the following circumstances:

- Where an individual has received no basic pay
- Where an individual has been significantly underpaid basic pay e.g. half pay rather than full pay

5.7 Payments to be processed in the Supplementary Payroll Process need to be notified to the HR Service Centre/Payroll Provider as soon as possible and no later than the cut off date provided.

5.8 If a current overpayment exists for an individual who has been identified as having been underpaid, the underpayment will be offset against the amount outstanding before any balance is paid to the individual.

5.9 If claims were not submitted by the employee/bank worker within the payroll timetable, payment will be made in the next available monthly payroll process. They will not be added onto the Supplementary Payroll Process or considered for a faster payment.

5.10 The HR Service Centre will keep a record of all faster payment requests to be able to monitor the volume and reasons for them being paid and, where necessary take remedial action to reduce the number of requests received e.g. continual late receipt of timesheets information, and late notification of contractual changes.

6 Overpayments

6.1 Overpayments Process

6.1.1 All reasonable effort will be made to identify errors in payments as soon as possible to ensure that the risk of financial loss to the Trust and employee/bank workers are minimised.

6.1.2 If an employee/bank worker identifies an overpayment they must contact their line manager/HR Service Centre and notify them of the overpayment as soon as possible after it is identified.

6.1.3 When a line manager identifies a potential overpayment, they must investigate the overpayment and immediately contact their HR Advisor and the HR Service Centre with sufficient details to enable the pay to be corrected and an accurate level of overpayment determined. They should also contact the employee/bank worker to advise them that a potential overpayment has been identified and notified to the HR Service Centre.

6.1.4 If the matter is identified before Payday then the matter should be advised to the HR Service Centre as soon as possible who will contact the Payroll Provider to see whether action can be taken to prevent the overpayment occurring/recurring.

6.1.5. **Calculation and Recovery –** The HR Service Centre will review the information provided and the Payroll Provider will calculate the overpayment. If the gross amount is equal to or below £50 they will arrange for the full amount to be recovered in the current month, even where the overpayment has occurred over a longer time period. The employee will be notified.

6.1.6. If the overpayment is over £50 the Payroll Provider will offset the amount and confirm the overpayment and the proposed recovery plan to the employee within a reasonable timeframe in line with this procedure.

6.1.7 The HR Service Centre / Payroll Provider will also aim to correct current pay (where necessary) as soon as possible, for the overpayment to cease and not to increase the amount owing.

6.1.8. The letter to individuals will ask them to contact their Line Manager and or HR Advisor in the first instance, who will liaise with the HR Service Centre when:

- They dispute the overpayment or the calculation
- They believe that they cannot meet the proposed repayment plan because it will cause them undue hardship

6.1.9. If the employee/bank worker contacts the Line Manager or HR Advisor to request further information e.g. calculation of the overpayment/reason for the overpayment, the HR Service Centre / Payroll Provider will provide this in a timely manner.

6.1.10 If the matter cannot be resolved by the HR Advisor and Line Manager, the HR Business Partner will be notified of any disputes regarding either overpayments or repayment plans. The HR Business Partner will liaise with the individual and Line Manager to seek resolution.

6.1.11 Disputes - If the employee/bank worker disputes the overpayment the individual should submit this in writing with details to the HR Service Centre team who will liaise with all relevant parties. It is recommended that employees check the recovery of overpayment provisions in their contracts of employment before raising a dispute. If the employee/bank worker states that they have changed their position for the worse as a result of the overpayment (i.e. spent some or all of the money) and cannot repay it, the HR Service Centre will require evidence of:

1) The Trust having made a representation of fact, which led the employee/ bank worker to believe that they were allowed to treat the money as their own,
2) The employee/ bank worker having, in good faith and without the notice of the Trust's claim, consequently, changed their position (i.e. spent

some or all of the money) OR that it would be otherwise unjust for them to repay the money in whole or in part; and

3) The overpayment not being primarily caused by the fault of the employee/ bank worker.

Consideration will be given to all of the facts and evidence including, but not exclusively, the following: (a) whether the employee/ bank worker ought reasonably to have requested further information/ checked the accuracy / made further enquiries but chose not to (i.e. chose to turn a blind eye); and (b) the sum sought by way of recovery and the resources available to the employee/ bank worker to repay it. The HR Service Centre may refer the matter to the Trust Overpayment Review Panel.

6.1.12 If the dispute relates to whether the overpayment has occurred, the HR Service Centre will investigate with the Line manager and the HR Advisor. Once the investigation is completed the Line Manager and/or the HR Advisor will respond to the individual's query and will contact the individual to discuss and agree an appropriate recovery plan.

6.1.13 If the employee/bank worker indicates that they are unable to meet the proposed recovery plan as a result of hardship, the Line Manager and HR Advisor will discuss alternative proposals with the HR Service Centre in conjunction with the individual with a view to reaching a mutually agreeable solution in line with this procedure.

6.1.14 If it is not possible to reach an agreement a hardship form (Appendix B) should be completed by employee/bank worker and submitted to the line manager and relevant HR Advisor, who will arrange a meeting.

6.1.15 If a repayment plan cannot be agreed between the employee/bank worker and the Trust after all options have been exhausted. All evidence will be presented by the Line Manager and HR Business Partner to the Trust Overpayment Review Panel who will make the final decision.

6.2 Overpayments process for leavers

6.2.1 If an overpayment is identified for a leaver, the Payroll Provider will provide a net overpayment figure write to the former employee/bank worker with the supporting information. If the Trust does not receive any response, then an invoice for the net overpayment figure will be raised and issued to the ex-employee with a letter providing information on how to make payment to the Trust.

6.2.2 If the individual fails to pay the invoice or agree payment terms within a period of six weeks. If necessary, Tracing Agents will be engaged to determine the current address of the former employee/bank worker. If

no satisfactory response is received from the former individual, the Deputy Chief Finance Officer will consider and liaise with the HR Service Centre, whether there is a reasonable and economic prospect of recovery through the courts. Legal advice will be taken if required. If it is considered that it is not economically viable to recover the debt a final decision will be made via the Trust Overpayment Review Panel on next steps.

6.3 Recovery Periods and Options

6.3.1 The Employment Rights Act of 1996 entitles an employer to make deductions from wages where the purpose of that deduction is the recovery of an overpayment of wages or expenses. Although this right exists the Trust will aim through this procedure to reach agreement with individuals regarding recovery plans and will only consider making unilateral deductions where attempts to reach agreement have been exhausted.

6.3.2 For current employees/bank workers, recovery will normally commence from the next pay period in line with the circumstances described below:-

- For overpayments that have occurred in a single pay period and are notified to the employee within five working days of the pay date in which they occurred the full amount may be recovered in the next pay date.

- For overpayments of under £50, the full amount will be recovered in the current payroll.

- Where the overpayment has occurred over a number of pay periods, the overpayment will be offset, and a repayment plan will be offered to recover the amount due over the same number of months in which the overpayment occurred, or an agreed period if this would cause hardship. A repayment period in excess of this would only be considered when, after taking into consideration day-to-day living expenses, the repayment would cause undue hardship. The individual may be required to complete a Hardship Form (Appendix B).

6.3.3 Where an individual does not receive a regular monthly remuneration e.g. bank workers, then the overpayment process will apply, and repayment plans will be agreed and implemented. Such arrangements will be monitored to ensure that reasonable recovery of the overpayment is not being delayed. Should a bank worker not undertake regular work with the Trust over a three-month period, the Payroll Provider will calculate a net overpayment figure and an invoice will be sent to the individual.

6.4 Leavers

6.4.1 For those leaving the Trust before the repayment is completed any balance outstanding will become immediately payable and deductible from either the final or penultimate payment. An invoice for the remaining net amount will be raised if the final payment is not sufficient to cover the outstanding overpayment value.

6.4.2 Once an invoice has been issued to a leaver then the following circumstances will apply:

- A payment in full settlement of the invoice will be expected by return, unless evidence is provided which reduces or negates the originally calculated amount.
- Where an invoice has not been paid then the Trust may seek recovery through an external debt agency or through the courts

6.5 Hardship

6.5.1 Where it has not been possible to achieve agreement of a suitable and acceptable repayment plan through discussion with the individual and they feel that they are unable to cope with the level of monthly reduction to their pay being proposed in the recovery plan, the employee/bank worker will need to complete the Hardship Form. The purpose of this is to evidence the financial position of the individual in order to enable a realistic discussion regarding repayment arrangements.

6.5.2 Once completed this will form the basis of a discussion with the individual, their Line Manager and HR Advisor to agree an appropriate repayment plan. The Individual can be accompanied by their trade union representative should an individual meeting be necessary.

6.5.3 Although no hard and fast rules on what constitutes a reasonable repayment period can be established because of differing overpayment and personal circumstances, under normal conditions, the minimum amount of repayment will not be below £50 gross per month. In cases of severe financial hardship, the Trust will also consider how far the repayment period is likely to be extended before agreeing alternative repayment arrangements. Any proposed agreement below £50 per month may be proposed to the Trust Overpayment Review Panel who will make the final decision.

6.5.4 Where an individual's circumstances change during a recovery period they should raise any concerns with their line manager and HR Advisor. Where hardship can be evidenced through completion of the hardship form, then amendments to the recovery plan may be agreed.

6.6 Fraud

6.6.1 If an overpayment of salary is caused because the employee/bank worker has wilfully misrepresented facts or relevant data, all possible steps must be taken to effect immediate recovery. The matter may be reported to Local Counter Fraud Services, who will decide in conjunction with the Trust whether to carry out an investigation. This may culminate in criminal proceedings and/or disciplinary action being commenced/taken against an individual, in the event of a failure to disclose an overpayment in cases where fraud is suspected. Full recovery will be sought, and a repayment plan will NOT be an option in these circumstances.

7 Tax, National Insurance and Pension Implications

7.1 Overpayments

- An overpayment that occurs and is repaid in the current financial year will have tax, national insurance and pension adjustments made at current rates and within the current financial year.
- Where relevant, amended year end information will be provided to Her Majesty's Revenue and Customs (HMRC) and the Pension Agency by the Payroll Provider.
- Higher rate tax payers or those with more complex financial affairs may wish to obtain advice regarding any other impacts to their own personal financial circumstances and tax arrangements. Individuals are responsible for seeking this advice independently of the Trust.

7.2 **Underpayments**

- Regardless of the financial year(s) during which the underpayment occurred, tax and national insurance are calculated and collected at the point of payment, in accordance with HMRC guidelines.

8 Monitoring

8.1 The table below outlines the process for monitoring compliance with the procedure.

Areas for Monitoring	Monitoring Process
Number and nature of overpayments, faster payments and supplementary payments.	Information recorded by the HR Service Centre and reported to HR BP's/HR Advisors and Senior managers.
Monitoring of overpayments and recovery	Information recorded by the HR Service Centre and reported to HR BP's/HR Advisors and Senior managers.

9 Audit and Review (evaluating effectiveness)

9.1 All policies have their effectiveness audited by the responsible Management Group at regular intervals, and initially six months after a new policy is approved and disseminated.

9.2 Effectiveness will be reviewed using the tools set out in the Trust's Policy and Procedure for the Development and Management of Trust Policies and Procedures (also known as the Policy on Policies).

9.3 This document will be reviewed in its entirety every three years or sooner if new legislation, codes of practice or national standards are introduced, or if feedback from employees indicates that the policy is not working effectively.

9.4 All changes made to this policy will go through the governance route for development and approval as set out in the Policy on Policies.

10 Associated Trust Documentation

10.1 You should read this procedure in conjunction with the tools available on the Trust Intranet, notably Standing Financial Instructions, the Scheme of Delegation and the following related policies and procedure.

- Anti-fraud and Bribery Policy
- Development of Trust policies policy
- Equality, Diversity and Inclusion policy
- Recording and Claiming of hours worked and recompense claimed by (Manual or E-Timesheets)

11 References

11.1 If applicable, this section should include a list of useful sources of reference material, for example, legislation, national guidance, relevant research etc. The document title should be listed in full, followed by the date and publisher/ author.

12 Financial Checkpoint

12.1 To ensure that any financial implications of changes in policy or procedure are considered in advance of document approval, document authors are required to seek approval from the Finance Team before submitting their document for final approval.

12.2 This document has been confirmed by Finance to have financial implications and the relevant Trust processes have been followed to ensure adequate funds are available.

13 Equality Analysis

13.1 The Trust believes in fairness and equality, and values diversity in its role as both a provider of services and as an employer. The Trust aims to provide accessible services that respect the needs of each individual and exclude no-one. It is committed to comply with the Human Rights Act and to meeting the Equality Act 2010, which identifies the following nine protected characteristics: Age, Disability, Race, Religion and Belief, Gender Reassignment, Sexual Orientation, Sex, Marriage and Civil Partnership and Pregnancy and Maternity.

13.2 Compliance with the Public Sector Equality Duty: If a contractor carries out functions of a public nature then for the duration of the contract, the contractor or supplier would itself be considered a public authority and have the duty to comply with the equalities duties when carrying out those functions.

Name of author and role	Alison Littlewood Interim Head of HR Operations, Samantha Pearce – HR Service Centre Manager

Equality Impact Assessment (EIA) template (refer to guidance)

What piece of work does this relate to: Over and Underpayments of Salary procedure

Role: Nicky Burgess

1. Is this a:

- Change to an existing strategy (long term plan of action), policy or procedure ☒
- Change to a service or function (actions or activities) ☐
- A new strategy or policy/procedure/business case/ ops bulletin etc. ☐
- A new service or function ☐
- Project which requires approval at Board or Working group ☐

2. Who will be impacted by this work? Tick all that apply.

Patients ☐ Carers ☐ Staff ☐x	Student/learners ☐ Trade unions ☐ Suppliers ☐	Volunteers ☐	External Partners (please specify below) ☐ Click or tap here to enter text. Other (including a particular geographical area, describe below) ☐ Click or tap here to enter text.

3. Summarise the work being assessed. Describe current status followed by any changes that stakeholders would experience.

Existing policy update. Minor changes to role names and change to recovery amount from £250 to £50, reducing impact of recovery.

4. Checklist

All the Trust's policies, programmes, strategies, services and major developments affect patients, carers, service users, employees and the wider community. These will have a greater or lesser relevance to equality, diversity and inclusion.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation, pregnancy and maternity and any other relevant characteristics (for example socio-economic status, social class, income, unemployment, residential location or family background and education or skills levels).

Make notes to assist with the completion of the EIA.

Questions	Yes	No
Is there potential for/ indication of or evidence that the proposed change will affect different population groups differently (including possibly discriminating against certain groups)? *If yes, please add information:*	☐	☒
Have there been or are there likely to be any public concerns (including media, academic, voluntary or sector specific interest) about the change? *If yes, please add information:*	☐	☒
Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom? *If yes, please add information:*	☐	☒
Could the proposal affect our workforce or employment practices? *If yes, please add information:*	☐	☒
Is there potential for or evidence that the proposed change will not promote equality of opportunity or promote good relations between different groups?	☐	☒

If yes, please add information:		

5. Equality Impact Assessment

5.1. Key stakeholders

A key principle for completing Equality impact assessment is that they should not be done in isolation. Consultation with affected groups and stakeholders needs to be built in from the start, to enrich the assessment and develop relevant mitigation. Detail here who you have involved with completing this EIA.

Name / Group (remove this before publishing)	Organisation	Role on assessment team e.g., service user, manager of service, specialist (which area)

5.2. Who may be positively or negatively affected by this activity?

Protected characteristics (Equality Act 2010)

Age ☒
Disability ☒
Race ☒
Gender reassignment ☒
Marriage & civil partnership ☒
Pregnancy & maternity ☒
Religion & beliefs (including no belief) ☒
Sex (male or female) ☒

In addition, consider the following vulnerable groups:

Armed forces ☐
Carers ☐
Digital exclusion ☐
Domestic abuse ☐
Education (literacy) areas ☐
Homeless ☐
Looked after children ☐
Rural areas ☐
Socioeconomic disadvantage ☐
People with addiction or substance misuse problems ☐
People on probation ☐
Prison population ☐
Undocumented migrant, refugees, asylum seekers ☐
Sex workers ☐
Other (please specify below) ☐

Sexual orientation ☒ Urban areas ☐

5.3. **Assessment outcomes** – discussion undertaken between Click or tap to enter a date. and Click or tap to enter a date.

Protected equality characteristic	Describe here the considerations and concerns in relation to the programme/policy for the selected groups. These may be positive, negative or neutral if there is no impact.	If you have identified any negative impacts, describe here suggested mitigations to inform the actions needed to reduce inequalities.
Age	Neutral	
Disability	Neutral	
Race[1]	Neutral	

[1] An ethnic group or ethnicity is a named social category of people who identify with each other on the basis of shared attributes that distinguish them from other groups such as a common set of traditions, ancestry, language, history, society, culture, nation, religion, or social treatment within their residing area. A useful guide to terminology can be found here: https://www.lawsociety.org.uk/topics/ethnic-minority-lawyers/a-guide-to-race-and-ethnicity-terminology-and-language

Gender reassignment	Neutral	
Marriage & civil partnership	Neutral	
Pregnancy & maternity	Neutral	
Religion & beliefs	Neutral	
Sex	Neutral	
Sexual orientation	Neutral	

Vulnerable groups/existing inequity	Describe here the considerations and concerns in relation to the programme/policy for the selected groups. These may be positive, negative or neutral if there is no impact.	If you have identified any negative impacts, describe here suggested mitigations to inform the actions needed to reduce inequalities.
Armed forces	Neutral	
Carers	Neutral	

Vulnerable groups/existing inequity	Describe here the considerations and concerns in relation to the programme/policy for the selected groups. These may be positive, negative or neutral if there is no impact.	If you have identified any negative impacts, describe here suggested mitigations to inform the actions needed to reduce inequalities.
Digital exclusion[2]	Neutral	
Domestic abuse	Neutral	
Education (literacy)	Neutral	
Homeless	Neutral	
Looked after children	Neutral	

[2] **Digital Exclusion can be linked to the following key root causes:**

- Connectivity access to the internet – can include financial barriers as well as suitable broadband speeds/connectivity
- Digital Skills the ability to use digital tools such as email, online shopping, digital healthcare - also includes having confidence in online safety, and how to utilise particular services or apps
- Technology and Accessibility access to appropriate devices to suit their individual needs – includes access to devices suitable for use with a certain disability as well as financial and location barriers
- Not wanting to use digital platforms simply not wishing to utilise digital services – this could be due to distrust of providers, online security, privacy etc.

Vulnerable groups/existing inequity	Describe here the considerations and concerns in relation to the programme/policy for the selected groups. These may be positive, negative or neutral if there is no impact.	If you have identified any negative impacts, describe here suggested mitigations to inform the actions needed to reduce inequalities.
Rural/urban geographies	Neutral	
Socioeconomic disadvantage	Neutral	
People with addiction or substance misuse problems	Neutral	
People on probation	Neutral	
Prison population	Neutral	
Undocumented migrants, refugees, asylum seekers	Neutral	
Sex workers	Neutral	
Other	Neutral	

5.4 Impact on Human Rights

If a provision or feature of your policy or service potentially unlawfully interferes with a human right then it is negative . If something protects or promote a human right, then it is positive. Human rights and freedoms belong to everyone. They give the legal basis to basic values of fairness, respect, equality, dignity and autonomy. They provide a set of minimum legal standards for all public bodies, including the NHS. They protect an individual's rights whilst considering the rights of other people and wider society.

Human Rights	Describe here the considerations and concerns in relation to the programme/policy for the selected groups. These may be positive, negative or neutral if there is no impact.	If you have identified any negative impacts, describe here suggested mitigations to inform the actions needed to reduce inequalities.
A2. Right to life (e.g. Pain relief, DNAR, competency, suicide prevention)	Neutral	
A3. Prohibition of torture, inhuman or degrading treatment (e.g., Service Users unable to consent)	Neutral	
A4. Prohibition of slavery and forced labour (e.g., Safeguarding vulnerable patients' policies)	Neutral	
A5. Right to liberty and security (e.g., Deprivation of liberty protocols, security policy)	Neutral	
A6&7. Rights to a fair trial; and no punishment without law (e.g., MHA Tribunals)	Neutral	
A8. Right to respect for private and family life, home and correspondence (e.g., Confidentiality, access to family etc)	Neutral	
A9. Freedom of thought, conscience and religion (e.g., Animal-derived medicines/sacred space)	Neutral	
A10. Freedom of expression (e.g., Patient information or whistle-blowing policies)	Neutral	
A11. Freedom of assembly and association (e.g., Trade union recognition)	Neutral	

Human Rights	Describe here the considerations and concerns in relation to the programme/policy for the selected groups. These may be positive, negative or neutral if there is no impact.	If you have identified any negative impacts, describe here suggested mitigations to inform the actions needed to reduce inequalities.
A12. Right to marry and found a family (e.g., fertility, pregnancy)	Neutral	
P1.A1. Protection of property (e.g., Service User property and belongings)	Neutral	
P1.A2. Right to education (e.g., accessible information)	Neutral	
P1.A3. Right to free elections (e.g., Foundation Trust governors)	Neutral	

6. Action plan and monitoring arrangements

Insert your action plan here (example layout provided). This should be based on mitigations recommended in 6.2. Involve your key stakeholders in monitoring progress against the actions above, and add more rows as required.

ACTIONS & DECISIONS TRACKER					
What is being assessed:					
What management group will have oversight of these actions (this should be the group which has oversight of the change):					
Item	Initiation Date	Action/Item	Person Actioning	Target Completion Date	Update/Notes
1					

2					
3					
4					

The above actions should be added to the action log for the named management group.

7. Version Control

Version Number	Purpose/Change	Author	Date

The above provides historical data about each update made to the EIA.

Please include the name of the author, date and notes about changes made – so that you are able to refer back to what changes have been made throughout this iterative process.
Please submit a completed version on the EIA section of Marval. The approval note from Marval can be used as evidence as approval. Once approved please send to polsandprocs@secamb.nhs.uk

Appendix A:

Legal and Contractual issues, References and Legal Information

Deductions from Pay

In accepting this contract, you agree that the Trust may deduct from your salary, or by any other method which is acceptable to the Trust, any sums owed to the Trust as a result of:

- Overpayment of salary, (or other payments), due to error;
- Termination of employment on or after the day on which your salary is transmitted to your bank or building society account, but before the end of the month;
- Overtaking of leave at the date of termination of employment;
- Non-attendance at medical appointments, (to include Occupational Health, Physiotherapy, Osteopathy, Chiropractic and Counselling appointments), paid for by the Trust; and
- Payment of expenses to which you are subsequently determined not to be entitled to receive.

The following apply to this procedure:

- Employments Right Act 1996
- Theft Act 1968
- Standing Financial Instructions

Employment Rights Act 1996 Extract

The Employment Rights Act of 1996 (section 13) states the circumstances under which it is illegal for an employer to make deductions from an employee's wage, but it makes an exception in specific circumstances including the following circumstances;

- Where the purpose of the deduction is the reimbursement of the employer in respect of –

a) An overpayment of wages, or
b) An overpayment in respect of expenses incurred by the worker in carrying out his employment, made (for any reason) by the employer to the worker.

A deduction from a worker's wages made by his employer in pursuance of any arrangements which have been established –

- In accordance with a relevant provision of his contract to the inclusion of which I the contract the worker has signified his agreement or consent in writing, or
- With the prior agreement or consent of the worker signified in writing.

Appendix B: Hardship Form

NAME	

INCOME	YOU	PARTNER
Net Pay (take home pay)	£	£
Any other Income	£	£
Total Income	£	£

OUTGOINGS	£
Rent, mortgage or lodgings	
County Court orders and other fines	
Loan Repayments	
Credit Card Repayments	
Council Tax	
Food	
Utility Bills (gas, water, electricity, etc.,)	
Telephone Bill (including mobile)	
Vehicle Fuel	
Vehicle Tax and Insurance	
Vehicle Loan	
Television subscription (licence, satellite, etc.,)	
Others (specify)	

Vehicle maintenance	

Clothing	
Insurance	
Child Maintenance	
Nursery Fees	
Total Outgoings	

Income	
Total Income (You)	
Total Income (Partner)	
Total Income	
Total Outgoings	
Difference	

I confirm that the information I have given above is true and complete. I understand that if I give false information, disciplinary or other action may be taken against me.

Signed ……..

Dated……