
Policy for the Treatment of Salary Overpayments and Underpayments

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Purpose of Agreement	The purpose of this policy is to detail the process that will be followed when a member of staff receives an incorrect salary or expense payment.
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Amendments Summary:

Please fill the table below:

Amend No	Issued	Page	Subject	Action Date
Version 3 (4 on policy)	March 2021	9	LCFS Referral	March 2021
		8	HR PAF review – insert new 3.5.2 and small amendment to 3.5.3. Update references amendments to specific officers of the Trust	
		14	Updated Equality Impact Assessment Template	
		Throughout	Replaced Senior Pay and Remuneration Mgr with Head of People Operations	

Review Log:

Include details of when the document was last reviewed:

Version Number	Review Date	Lead Name	Ratification Process	Notes
1	01 June 2016	Associate Director Finance		Summary of Policy included, Titles changed
2 (3 on policy)	28 May 2019	Deputy Director of Finance		Update to summary and various minor word amendments
3 (4 on policy)	March 2021	Deputy Director of Finance	Changes to policy approved via Chair's action	Minor amends detailed as above

SUMMARY OF POLICY

This policy details the process that will be followed when a member of staff receives an incorrect salary or expense payment, including payment to third parties such as child care vouchers. For the purposes of this policy, a salary overpayment or underpayment covers any payment made through the payroll to an employee.

The implementation of this policy will ensure a consistent approach is taken for all over or underpayments, setting out when to report to the Trust's Local Counter Fraud Specialist for further investigation.

The policy outlines how payment errors may be identified. These would be the employees themselves upon receipt of their salary identify that an error has occurred, a member of the Peoples Services team may identify that an error has occurred or a member of the payroll team may identify that an error has occurred. Additionally the budget manager may identify that an error has occurred.

Discrepancies in pay relating to the underpayment or overpayment of expenses or unsocial hours must be logged with the Payroll Service desk either through email (sbs.payrollhelpdesk@nhs.net) or telephone (030 3123 1114). Any other queries relating to salary payments should be logged with the People Services team.

The policy details the process for resolving overpayment errors. Explaining that any relevant changes will be input onto the ESR system, a retrospective report is generated, which identifies the reason for the overpayment. SBS pay assistant will calculate the amount of the payment error. Once the error has been verified as correct the pay adjustment process or overpayment process will begin.

For underpayments individuals should report these in the same way as stated for overpayments above, so that the relevant team can take any appropriate action. If the employee has received less than 100% of their basic pay, a financial hardship payment may be made.

The policy then goes on to explain the roles and responsibilities of Employees, Budget/Line Managers, SBS Payroll, People Services Team, Finance Team, the Head of People Operations and the Local Counter Fraud Service.

Further detail on the above may be found within the full policy.

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Policy for the treatment of Salary Overpayments and Underpayments

1. INTRODUCTION & PURPOSE

- 1.1 The Trust has a responsibility to ensure that employees are paid correctly, but on occasions overpayments and underpayments occur for a variety of reasons. When this happens the Trust will either recover the overpayment or make a payment in line with this policy.
- 1.2 Employees also have a responsibility to check their payslip for accuracy and advise their manager and payroll department when the payment is different to the expected contracted payment.
- 1.3 If an overpayment is considered to have been brought about fraudulently then the matter will be reported to the Trust's Local Counter Fraud Specialist (LCFS) for an investigation to be carried out under the Trust's Fraud, Bribery and Corruption Policy.
- 1.4 This policy outlines the process that will be followed when a member of staff receives an incorrect salary or expense payment, including payment to third parties such as child care vouchers.
- 1.5 The purpose of the document is to ensure that:
 - a) overpayments and underpayments are identified and either recovered or paid in a timely manner; and
 - b) a transparent, fair and consistent approach is followed when an incorrect salary payment is made.

2. SCOPE & DEFINITIONS

- 2.1 This policy applies to locum, permanent, and fixed term contract employees (including apprentices) who hold a contract of employment with the Trust and bank staff, Non-Executive Directors and those undertaking research working within Solent NHS Trust, in line with Solent NHS Trust's Equality, Diversity and Human Rights Policy. It also applies to other workers who are assigned to Solent NHS Trust.
- 2.2 For the purposes of this policy, a salary overpayment or underpayment covers any payment made through the payroll to an employee.
- 2.3 Section 14 of the Employment Rights Act 1996 outlines an employer's right to recover a salary overpayment without the prior written agreement of the individual, if it is to recover an overpayment of wages or expenses.
- 2.4 The Theft Act 1968 indicates that although an individual may not set out to obtain additional salary intentionally, by keeping it and treating it as their own (i.e. spending it) they may be guilty of criminal theft offences.

- 2.5 The following definitions are used within the policy:
- 2.5.1 **Error Types**; are the ways in which an employee can be incorrectly paid. They may include, but are not restricted to:
- an overpayment of salary;
 - an underpayment of salary;
 - an incorrect travel or non-travel expense;
 - a duplication of payment; and
 - a deduction made in error.
- 2.5.3 **Salary/Wages Adjustment**; are amendments made to pay, to recover monies overpaid in the current or previous month only.
- 2.5.2 **Overpayments**; are where an employee, or ex-employee is paid an amount in excess of their contractual entitlement. The likely causes of an overpayment include, but are not restricted to:
- a termination notification not being completed, received or actioned on time;
 - late or lack of notification of sickness absence;
 - staff not returning from maternity leave;
 - an error being made;
 - a late change notification; and
 - incorrect salary banding.
- 2.5.3 **Salary/Wages Adjustment**; are amendments made to pay, to recover monies overpaid in the current or previous month only.
- 2.5.4 **Debt**; is an unrecovered overpayment made to an ex-employee.
- 2.5.5 **Underpayments**; are where an individual has received less pay than contractually due. The likely causes of an underpayment include, but are not restricted to:
- a variation to contract notification being submitted or actioned after the payroll cut-off date;
 - a change of contract being notified late;
 - an incorrect salary banding; and
 - a late submission of expense claims, excess hours, enhancements, overtime, etc.
- 2.5.6 **ESR**; Electronic Staff Records system.
- 2.5.7 **Basic Pay**; is an individual's contractual pay before any additions are added, for example due to unsocial hours working, regular user additions, travel and subsistence, etc.
- 2.5.8 **Third party payments**; means a salary sacrifice or car parking deduction made to a third party provider, for example Portsmouth Hospitals NHS Trust, NHS Property Services, University Hospital of Southampton NHS Foundation Trust, Fideliti, etc.

3. PROCESS/REQUIREMENTS

3.1 Notification of overpayments and underpayments

- 3.1.1 Payment errors can be identified in several ways:

- the employee upon receipt of their salary identifies that an error has occurred;
 - a member of the Peoples Services team may identify that an error has occurred;
 - a member of the payroll team may identify that an error has occurred; and
 - the budget manager identifies that an error has occurred.
- 3.1.2 If an individual fails to report an overpayment which they should have been aware of through for example, a check of their payslip, disciplinary action and referral to the LCFS may be taken. The LCFS will upon receipt of any referral consider the facts and decide whether to carry out a criminal investigation, which could result in criminal proceedings being taken against the individual.
- 3.1.3 When an error in payment has been identified action should be taken as quickly as possible to rectify the error and ESR updated accordingly.
- 3.1.4 Discrepancies in pay relating to the underpayment or overpayment of expenses or unsocial hours the individual should initially contact the manager so that the Health Roster can be adjusted. They may also contact the Payroll Service desk either through email (**sbs.payrollhelpdesk@nhs.net**) or telephone (**030 3123 1114**). A reference number will be allocated to each case which is logged. This reference number should be kept in case there is a need to make further contact with the payroll team or needs to be escalated if there is no response.
- 3.1.5 Any queries relating to salary payments not mentioned in paragraph 3.1.4 should be logged with the People Services team.
- 3.1.6 Where an employee has received no pay or less than 100% of their basic pay (basic pay excludes enhancements or other additions), the query will be given a high priority 1 status and payroll will respond within one working day. Calls relating to overpayments will also receive priority 1 status and will be responded to within one working day.
- 3.1.7 All other calls will be given a priority 2 status and responded to within three working days.
- 3.2 **Process for resolving overpayment errors (not third party payments)**
- 3.2.1 Once any relevant changes has been input onto the ESR system, a retrospective report is generated, which identifies the reason for the overpayment. SBS pay assistant will calculate the amount of the payment error. Once the error has been verified as correct the pay adjustment process or overpayment process will begin.
- 3.2.2 If the error has occurred over a one or two month period, the circumstances of which the individual should have been aware of, then the employee will be informed of the adjustment which will be made automatically the following month.
- 3.2.3 Where the amount of recovery exceeds 50% of the gross monthly pay, SBS must ensure that the Head of People Operations is aware of the recovery and informs the Deputy Director of Finance and Associate Director of People and OD.
Where the deduction will cause financial hardship, SBS are authorised to negotiate an extended period of recovery in accordance with paragraph 3.2.6.
- 3.2.4 If the employee could not reasonably have known about the overpayment or the overpayment occurred over more than two months, the overpayment will be calculated as a

gross value – this is the amount the Trust has overpaid, rather than the net amount (after tax, national insurance and pension) the employee has received. Calculating the gross value ensures that the overpayment can be processed by the payroll team with minimal delay. As the overpayment is recovered the ESR system will automatically reduce the employee's tax, national insurance and pension charge as appropriate.

- 3.2.5 Where a payment error has been made, the Payroll team will write to the individual advising how the error has occurred and outline the repayment options. In all cases recovery will be sought as required by the Public Accounts Committee.
- 3.2.6 Where an employee is unable to repay the full amount at the next pay interval, the overpayments team can agree a repayment for a period of up to nine months. In addition where a manager has failed to inform an employee of the overpayment recovery and it would place the employee in financial hardship any overpayment should not be taken in one go if in excess of 10% of usual monthly salary or £100 (whichever is greater). The Manager should confirm back to HR that this has been discussed with the employee and agreed.
- 3.2.7 If an individual requests a repayment period longer than nine months, the matter will be referred to the Head of People Operations and the Financial Controller.
- 3.2.8 The individual will be expected to complete a statement of means (appendix B) to support a request for extended repayment terms before any decision is made. On receipt of this form an interview may be arranged between a member of the People and OD team and the individual to discuss the overpayment and why the repayment cannot be made. The individual has the right to be accompanied by a Staff Side representative or workplace colleague.
- 3.2.9 Failure to attend this meeting without good cause will mean that a decision will be made on the basis of the information available at the time. In these circumstances the decision will be notified in writing within 5 working days.
- 3.2.10 If it is agreed to extend the period of the overpayment recovery beyond 9 months, any agreement will be in the form of a loan. The individual will be asked to sign the form shown at appendix C.
- 3.2.11 If the individual requests a recovery period in excess of twelve months or a period equivalent to that throughout which the overpayment accrued, whichever is soonest, the matter will be referred to the Deputy Director of Finance and Associate Director of People and OD. If the overpayment has occurred over a period of 24 months, discussion with the Head of People Operations, the Associate Director of People and OD and Deputy Director of Finance will take place to decide on the appropriate period of recovery.
- 3.2.12 Where a significant salary overpayment occurs over more than one month and the employee has not advised the Payroll or People Services Department, consideration will be given as to whether it is appropriate to alert LCFS in order to conduct a criminal investigation.
- 3.2.13 This would not automatically result in a person being charged with a criminal offence and if, during the course of an investigation, evidence indicates that the case would not be suitable for criminal charges, the investigation would be closed and the overpayment recovery process continued. In these instances a report will be provided by the LCFS and shared with Finance and the Trusts Human Resources team for consideration of any internal action.

3.2.14 A “without prejudice clause” will be included in all overpayment letters which states, “This does not affect any other action, including proceedings in a criminal court which may be taken in this case”. This clause is to ensure that criminal action is not precluded and may be considered at any stage of the investigation.

3.2.15 Any overpayment which is more than £5,000 once calculated will in accordance with the HM Revenue and Customs (HMRC) be treated as a beneficial interest free loan. This means that if the amount outstanding for the whole year is more than £5,000 (between 6th April and 5th April) then the amount will be recorded on the P11D which is sent to HMRC at the end of the tax year and the official interest rate specified by HMRC may need to be charged.

3.3 **Bank or Locum Workers**

3.3.1 Due to the nature of the contract under which bank and locum workers are employed, work cannot be guaranteed. Consequently if an overpayment occurs it will not normally be possible to set up an overpayment recovery via the payroll. In these circumstances the pay assistant will calculate the net overpayment. They will write to the individual to explain the circumstance of the error and if no response is received within 14 days the matter will be referred to the finance team so that an invoice can be raised and the debt recovery process begins.

3.4 **Leavers**

3.4.1 Where an employee has been overpaid and they terminate their employment before the completion of the agreed recovery, the balance of the overpayment will be taken from the final salary. If the overpayment is greater than the final salary payment, immediate payment will become due prior to leaving the Trust. If no payment is made before leaving the Trust and no contact is made within 14 days of leaving, the matter will be referred to the Finance team so that an invoice can be raised for the balance, and the debt recovery process can begin.

3.5 **Ex-employees**

3.5.1 When a payment error is identified for an employee who has already left the organisation, the pay assistant will calculate the net amount of the overpayment. Payroll will write to the ex-employee to explain the circumstance of the error and refer the matter to the finance team so that an invoice can be raised and debt recovery commenced.

3.5.2 The SBS debt management team will contact the ex-employee by letter and telephone to secure payment of the invoice. If payment is not made following three letters and three telephone calls, and if no repayment plan is agreed, the Trust will refer the history of the SBS debt management team actions along with detail of how the overpayment occurred to LCFS.

3.5.3 If an ex-employee has been overpaid for more than three pay periods after leaving the Trust employment and has not alerted either Payroll or the People Services team to the overpayment then this will be treated prima facie evidence of fraud and/or theft (Theft Act 1968) and will be referred to the LCFS for investigation. The LCFS investigation will progress independently of the payroll recovery process.

3.5.4 If the ex-employee is unable to repay an overpayment immediately then the debtor team may agree a repayment period of up to six months by standing order only. Repayments over

a period of more than six months must be agreed with the Chief Finance Officer or nominated deputy and a statement of means (appendix B) will need to be completed to support a request for extended payment terms.

- 3.5.5 In the event that a repayment plan cannot be agreed or the debtor reneges on a repayment plan, recovery may be pursued through a debt collection agency and the Courts.

3.6 Process for resolving third party payment errors

- 3.6.1 When a deduction due to a third party, for example in respect of child care vouchers, lease car, fees direct payments or car parking, has not been made, or has been deducted at an incorrect rate, either the People Services Team or Payroll team will contact the individual in the first instance to arrange for the additional amount to be deducted in the next pay period. If it is not possible to reach agreement the matter will be referred to the Finance team with a request for an invoice to be raised.

- 3.6.2 Individuals should be aware that when an invoice has been raised, statements will continue to be issued each month until the debt is cleared, even if a recovery plan has been agreed and is being met.

3.7 Incorrect payments of Tax and National Insurance Contributions

- 3.7.1 The HMRC notifies the trust of any underpayments of tax and national insurance contributions automatically via the Government Gateway. When the notification is received it is input into ESR by automatic data transfer and the adjustment is made in the next pay interval. The Trust has no discretion on these recoveries. Any queries must be addressed to HMRC directly.

3.8 Underpayments

- 3.8.1 Individuals should report underpayments of salary in the same way as stated in paragraphs 3.1.3 and 3.1.4, so that the relevant team can take any appropriate action.

- 3.8.2 If the employee has received less than 100% of their basic pay, see definition given in paragraph 3.1.6, a financial hardship payment may be made. Where appropriate authorisation will be sought from the Head of People Operations before the payment is made. The Head of People Operations is responsible for advising on a monthly basis all underpayments known to the Deputy Director of Finance and/or Associate Director of People and OD. At the end of the next payment interval the arrears will be made and the financial hardship payment will be recovered.

- 3.8.3 If the underpayment is due to some other reason the payment will be made at the end of the next payment period. Hardship payments will not be considered for non-payment of expenses or unsocial hours payments.

3.9 Escalation

- 3.9.1 If an employee does not receive a response from the payroll team within the timescales specified in paragraphs 3.1.6 and 3.1.7 the employee should in the first instance approach their manager, who will in turn make contact with the People Services team. They will try to resolve the issue, but if this is not possible they will escalate the matter to the Head of People

Operations for review and escalation at the monthly contract management meetings if appropriate.

3.10 **Complaints**

3.10.1 Any questions or complaints regarding the application of this policy should be sent to the Financial Controller at Trust Headquarters 1st Floor, Highpoint, Bursledon Road, Southampton, SO19 8RB.

4. **ROLES & RESPONSIBILITIES**

4.1 **Employees** are expected to:

- accurately submit an electronic travel and claim forms in a timely manner;
- ensure the current tax code issued by HM Revenue and Customs is being used for the calculation of their salary;
- ensure they understand their salary entitlement;
- check their payslip every pay period to ensure that it appears accurate; and matches the payment received within their bank/ building society account;
- raise pay anomalies with their manager and payroll using the payroll escalation process set out in paragraph 3.9;
- where pay anomaly enquiries do not receive an adequate response from the payroll team within 7 days, or the agreed timescale then the matter should be escalated to the individual's line manager; and
- remain aware of their position and obligations under this policy for the resolution of overpayments of salary.

4.2 **Budget/ Line Managers** have responsibility for ensuring this policy is fairly and consistently applied by those staff they manage. They are, furthermore responsible for ensuring:

- changes in employee contracts, including hours, bands, terminations and individual elements are forwarded to the People Services team in a timely manner;
- expenses are checked for accuracy prior to forwarding to the payroll team before the relevant cut-off date;
- employees are notified in writing of the changes to their contractual terms;
- the monthly budget statement is checked for accuracy and any pay errors are notified to the Financial Accountant, and the People Services team; and
- where an employee has had an unauthorised or inaccurate payroll deduction, which has not received a timely response to their enquiry from the payroll team, the matter should be raised with the People Services team.

4.3 **SBS Payroll** will ensure:

- that information received by the relevant cut-off date is input into ESR in an accurate and timely manner within the agreed roles and responsibilities for the trust;
- that robust checking processes are in place to identify and reduce over and underpayments;
- any payment errors are identified and the employee advised in a timely manner;
- they follow this policy in resolving payment errors; and
- that any underpayment or overpayment trends are identified and escalated with the Trust Head of People Operations in a timely manner.

4.4 **The People Services team will:**

- communicate payroll cut off dates to managers;
- ensure that changes received are input into the ESR system in a timely, accurate manner within agreed timescales;
- ensure employees expectations are managed when discussing payment in relation to contractual changes; and
- ensure that guidance on the completion of expenses is available to staff and line managers via SolNet.

4.5 **The Finance team are responsible for:**

- raising invoices under this policy;
- recording any overpayments in the Trust's ledger and setting up a recovery process where it is not possible to recover via an individual's salary;
- monitoring the recovery of all overpayments;
- escalating overpayments to other Agencies as appropriate;
- providing any information required by Debt Collection Agencies or Courts as appropriate in order that they may take relevant action; and
- advising the Trust Head of People Operations of any issues that need to be addressed via the payroll contract.
- Referring matters to the LCFS where appropriate and assisting with any criminal investigation

4.6 **The Head of People Operations is responsible for ensuring:**

- authorisation of payments chargeable to the Trust before they are made to individuals;
- where appropriate procedures are escalated to Operations Directors and amended by the Head of People Operations and
- Associate Director of People and OD and Financial Controller are informed of authorised payments outside of the normal payroll run on a monthly basis for audit reasons.

4.7 **Local Counter Fraud Service is responsible for:**

- Considering matters raised in regard to significant overpayments and whether they should be investigated further by the LCFS
- carrying out a criminal investigation in line with the NHS Counter Fraud Manual and the Trusts Fraud, Bribery and Corruption Policy where fraud or theft is suspected

5. TRAINING

- 5.1 Specific training for this policy is not required. However, line managers will ensure that all staff are made aware of this policy by the usual dissemination routes; also that all their respective staff members are conversant with the format and contents of payslips. Those managers with budgetary responsibility must ensure they are familiar with the Trust's Standing Financial Instructions.

6. EQUALITY IMPACT ASSESSMENT AND MENTAL CAPACITY

- 6.1 The outcome of the Equality Impact Assessment (See appendix A) was negative, i.e. this policy and process has no adverse impact on equality or mental capacity of those people affected by it.

7. SUCCESS CRITERIA / MONITORING EFFECTIVENESS

- 7.1 The effectiveness of this policy will be assessed through;
- Monthly analysis of payroll overpayments;
 - Budget managers monthly monitoring of salaries charged to their budgets
 - Internal and external audit review
- 7.2 The volume and cost of overpayments will be reported to Associate Directors on a quarterly basis by the Financial Accounting team. If any trends are identified where managers or individuals are regularly failing to take appropriate action, disciplinary action may need to be considered against those responsible.

8. REVIEW

- 8.1 This document may be reviewed at any time at the request of either staff side or management, but will automatically be reviewed 3 years from initial approval and thereafter on a triennial basis unless organisational changes, legislation, guidance or non-compliance prompt an earlier review.'

9. REFERENCES AND LINKS TO OTHER DOCUMENTS

- 9.1 The following apply to this policy:
- Employment Rights Act 1996
 - Theft Act 1968
 - Standing Financial Instructions
 - Reservation of Powers to the Board of Directors and Delegation of Powers
 - Fraud, Bribery, Corruption Policy
 - Disciplinary Policy

Appendix: A

Equality Analysis and Equality Impact Assessment

Equality Analysis is a way of considering the potential impact on different groups protected from discrimination by the Equality Act 2010. It is a legal requirement that places a duty on public sector organisations (The Public Sector Equality Duty) to integrate consideration of Equality, Diversity and Inclusion into their day-to-day business. The Equality Duty has 3 aims, it requires public bodies to have due regard to the need to:

- **eliminate unlawful discrimination**, harassment, victimisation and other conduct prohibited by the Equality Act of 2010;
- **advance equality of opportunity** between people who share a protected characteristic and people who do not;
- **foster good relations** between people who share a protected characteristic and people who do not.

Equality Impact Assessment (EIA) is a tool for examining the main functions and policies of an organisation to see whether they have the potential to affect people differently. Their purpose is to identify and address existing or potential inequalities, resulting from policy and practice development. Ideally, EIAs should cover all the strands of diversity and Inclusion. It will help us better understand its functions and the way decisions are made by:

- **considering the current situation**
- **deciding the aims and intended outcomes of a function or policy**
- **considering what evidence there is to support the decision and identifying any gaps**
- **ensuring it is an informed decision**

Equality Impact Assessment (EIA)

Step 1: Scoping and Identifying the Aims

Service Line / Department	Finance	
Title of Change:	Overpayment and Underpayment Policy	
What are you completing this EIA for? (Please select):	Policy	<i>(If other please specify here)</i>
What are the main aims / objectives of the changes	Policy update, minor amendment to 3.2.6 and replaced Senior Pay and Remuneration Mgr with Head of People Operations	

Step 2: Assessing the Impact

Please use the drop-down feature to detail any positive or negative impacts of this document /policy on patients in the drop-down box below. If there is no impact, please select "not applicable":

Protected Characteristic	Positive Impact(s)	Negative Impact(s)	Not applicable	Action to address negative impact: <i>(e.g. adjustment to the policy)</i>
Sex			N/A	
Gender reassignment			N/A	
Disability			N/A	

Age			N/A	
Sexual Orientation			N/A	
Pregnancy and maternity			N/A	
Marriage and civil partnership			N/A	
Religion or belief			N/A	
Race			N/A	

If you answer yes to any of the following, you MUST complete the evidence column explaining what information you have considered which has led you to reach this decision.

Assessment Questions	Yes / No	Please document evidence / any mitigations
In consideration of your document development, did you consult with others, for example, external organisations, service users, carers or other voluntary sector groups?)	No	
Have you taken into consideration any regulations, professional standards?	No	

Step 3: Review, Risk and Action Plans

How would you rate the overall level of impact / risk to the organisation if no action taken?	Low	Medium	High
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
What action needs to be taken to reduce or eliminate the negative impact?	N/A		
Who will be responsible for monitoring and regular review of the document / policy?	Chief Finance Officer		

Step 4: Authorisation and sign off

I am satisfied that all available evidence has been accurately assessed for any potential impact on patients and groups with protected characteristics in the scope of this project / change / policy / procedure / practice / activity. Mitigation, where appropriate has been identified and dealt with accordingly.

Equality Assessor:	Nick Bendell	Date:	22 March 2021
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Additional guidance

Protected characteristic	Who to Consider	Example issues to consider	Further guidance
1. Disability	A person has a disability if they have a physical or mental impairment which has a substantial and long term effect on that person's ability to carry out normal day today activities. Includes mobility, sight, speech and language, mental health, HIV, multiple sclerosis, cancer	<ul style="list-style-type: none"> • Accessibility • Communication formats (visual & auditory) • Reasonable adjustments. • Vulnerable to harassment and hate crime. 	Further guidance can be sought from: Solent Disability Resource Group
2. Sex	A man or woman	<ul style="list-style-type: none"> • Caring responsibilities • Domestic Violence • Equal pay • Under (over) representation 	Further guidance can be sought from: Solent HR Team
3 Race	Refers to an individual or group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.	<ul style="list-style-type: none"> • Communication • Language • Cultural traditions • Customs • Harassment and hate crime • "Romany Gypsies and Irish Travellers", are protected from discrimination under the 'Race' protected characteristic 	Further guidance can be sought from: BAME Resource Group
4 Age	Refers to a person belonging to a particular age range of ages (eg, 18-30 year olds) Equality Act legislation defines age as 18 years and above	<ul style="list-style-type: none"> • Assumptions based on the age range • Capabilities & experience • Access to services technology skills/knowledge 	Further guidance can be sought from: Solent HR Team
5 Gender Reassignment	" The expression of gender characteristics that are not stereotypically associated with ones sex at birth" World Professional Association Transgender Health 2011	<ul style="list-style-type: none"> • Tran's people should be accommodated according to their presentation, the way they dress, the name or pronouns that they currently use. 	Further guidance can be sought from: Solent LGBT+ Resource Group
6 Sexual Orientation	Whether a person's attraction is towards their own sex, the opposite sex or both sexes.	<ul style="list-style-type: none"> • Lifestyle • Family • Partners • Vulnerable to harassment and hate crime 	Further guidance can be sought from: Solent LGBT+ Resource Group
7 Religion and/or belief	Religion has the meaning usually given to it but belief includes religious and philosophical beliefs, including lack of belief (e.g Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition. (Excludes political beliefs)	<ul style="list-style-type: none"> • Disrespect and lack of awareness • Religious significance dates/events • Space for worship or reflection 	Further guidance can be sought from: Solent Multi-Faith Resource Group Solent Chaplain
8 Marriage	Marriage has the same effect in relation to same sex couples as it has in relation to opposite sex couples under English law.	<ul style="list-style-type: none"> • Pensions • Childcare • Flexible working • Adoption leave 	Further guidance can be sought from: Solent HR Team
9 Pregnancy and Maternity	Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth and is linked to maternity leave in the employment context. In non-work context, protection against maternity discrimination is for 26 weeks after giving birth.	<ul style="list-style-type: none"> • Employment rights during pregnancy and post pregnancy • Treating a woman unfavourably because she is breastfeeding • Childcare responsibilities • Flexibility 	Further guidance can be sought from: Solent HR team

Appendix: B

Assessment of Needs Form

TO BE COMPLETED BY STAFF WISHING TO REPAY THEIR OVERPAYMENT OVER A PERIOD LONGER THAN NINE MONTHS.

SURNAME:		FIRST NAME:	
ASSIGNMENT NUMBER:			
COST CENTRE:			
CONTACT EMAIL:			
LINE MANAGER:			

INCOME	£
Net pay (take home pay):	
Any other income:	
Total Income:	£
OUTGOINGS	£
Accommodation, loans and utility bills per month	
Rent, mortgage or lodgings:	
Count court orders and other fines:	
Loan repayments:	
Credit card repayments:	
Council tax:	
Food:	
Utility bills (gas, water, electricity, etc)	
Telephone (inc. mobile)	
Other	
Travel expenses:	
Vehicle fuel:	
Vehicle insurance and tax:	
Vehicle loan:	
Catalogues:	
Television subscription (licence, satellite, etc.):	
Other (specify) :	
Travel and regular bills	

Clothing:	
Insurance:	
Child maintenance:	
Nursery fees (excluding those included in any salary sacrifice):	
Total outgoings:	£

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**.....

This form should be completed and returned with a completed Overpayment Loan form (Appendix C) to: People Services team, Highpoint, Trust Headquarters, Bursledon Road, Southampton SO19 1BR

Appendix: C Overpayment Loan Agreement form

This form is to be completed in the exceptional circumstances an overpayment loan form is proposed or granted

Surname:	
First name:	
Assignment number:	
Department shown on payslip:	
Telephone number:	
Email address:	
Period of overpayment:	
Amount of overpayment:	
Gross/Net	
Maximum number of instalments:	
Number of instalments:	
Instalment amount:	
Date of first instalment:	
Agreed amount to be loaned:	£
Relevant Rate of interest to be charged:	

Individual declaration

I agree to repay the amount loaned of £..... by(number) monthly deductions from my salary of £.....commencing on The final deduction will be made on, and I agree that any balance will be recovered in full from my final pay (or any arrears subsequently due to me) should I leave the Trust's employment for any reason before the full repayment has been made. Should my final salary payment (or the amount of any arrears subsequently due) not be sufficient to cover any balance outstanding, I agree to repay the balance to the Trust within 14 days of departure.

I understand that if the amount loaned is more than the HM Revenue and Customs annual limit for the whole tax year, I may be liable to pay interest as specified by the HM Revenue and Customs requirements (paragraph 3.2.8 of the policy on the treatment of Overpayments & Underpayments).

Signed:

Dated:

Please note: In disputed cases the Overpayment Loan form does not have to be signed by the employee. *This form should be completed and returned with a completed Overpayment Loan form (Appendix B) to: People Services team, Highpoint, Trust Headquarters, Bursledon Road, Southampton SO19 1BR*

Authorised: **Dated:** (Trust nominated representative)