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**Report to Clackmannanshire Council**

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**Date of Meeting: 29 June 2023**

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**Subject: HR Policies**

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**Report by: Strategic Director – Partnership and Performance**

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**1.0 Purpose**

- 1.1. This paper seeks Council approval of the updated Maximising Attendance Policy/Procedure, updated Secondment Policy/Procedure and the updated Salary Over and Under Payments Policy/Procedure.

**2.0 Recommendations**

Council is asked to:

- 2.1. **Challenge** and **comment** on the paper as appropriate.
- 2.2. **Note** that extensive discussions have taken place with Trade Unions and Management in the formation and development of these policies.
- 2.3. **Note** that on 14 June 2023 the Tripartite discussed these policies and noted that they would now be presented to Council for formal approval.
- 2.4. **Approve** the policies as tabled which are attached at Appendix 1.

**3.0 Considerations**

- 3.1. HR and Workforce Development continues, as part of its rolling programme, to review and update the Council's policies and procedures related to HR, H&S, OD and Payroll.
- 3.2. In order to ensure collaborative and partnership working the Council's policy group, which comprises TU colleagues, Management and HR, meet regularly to review and agree new/revised policies and procedures. The policy group last met on the 23 May 2023.

- 3.3. The primary aim of the Maximising Attendance policy and procedure is to support staff to meet their contractual obligation to attend work regularly, and to address any concerns about their health or level of attendance as quickly as possible. The Council recognises that the causes of absence are often far broader than simple ill health and this procedure also aims to provide Supervisors / Line Managers with appropriate guidance to support wellbeing and actively promote good physical and mental health.
- 3.4 The secondment policy and procedure provides an established framework in the management of secondments both internally and externally. It allows managers to follow a consistent and fair approach to secondment requests. It provides employees with an overview of the secondment approval process and the important considerations for them during secondment from an employment perspective.
- 3.4. The over and underpayments policy is intended to ensure that in the event of an under or overpayment the Council aims to remedy the matter in a fair and reasonable manner. Following discussions and adoption of proposed changes the policy and procedure were agreed by the policy group.

#### **4.0 Sustainability Implications**

- 4.1. None

#### **5.0 Resource Implications**

##### *5.1. Financial Details*

- 5.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes

- 5.3. Finance have been consulted and have agreed the financial implications as set out in the report. Yes

##### *5.4. Staffing*

TUs have been consulted in the development of the policies and procedures.

#### **6.0 Exempt Reports**

- 6.1. Is this report exempt? Yes  (please detail the reasons for exemption below) No

## 7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

### (1) **Our Priorities** (Please double click on the check box )

Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all	<input checked="" type="checkbox"/>
Our families; children and young people will have the best possible start in life	<input type="checkbox"/>
Women and girls will be confident and aspirational, and achieve their full potential	<input type="checkbox"/>
Our communities will be resilient and empowered so that they can thrive and flourish	<input type="checkbox"/>

### (2) **Council Policies** (Please detail)

## 8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes  No

## 9.0 Legality

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

## 10.0 Appendices

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Maximising Attendance Policy and Procedure

Secondment Policy and Procedure

Over and Under Payments Policy and Procedure

## 11.0 Background Papers


11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes  (please list the documents below) No X

### Author(s)

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### Approved by

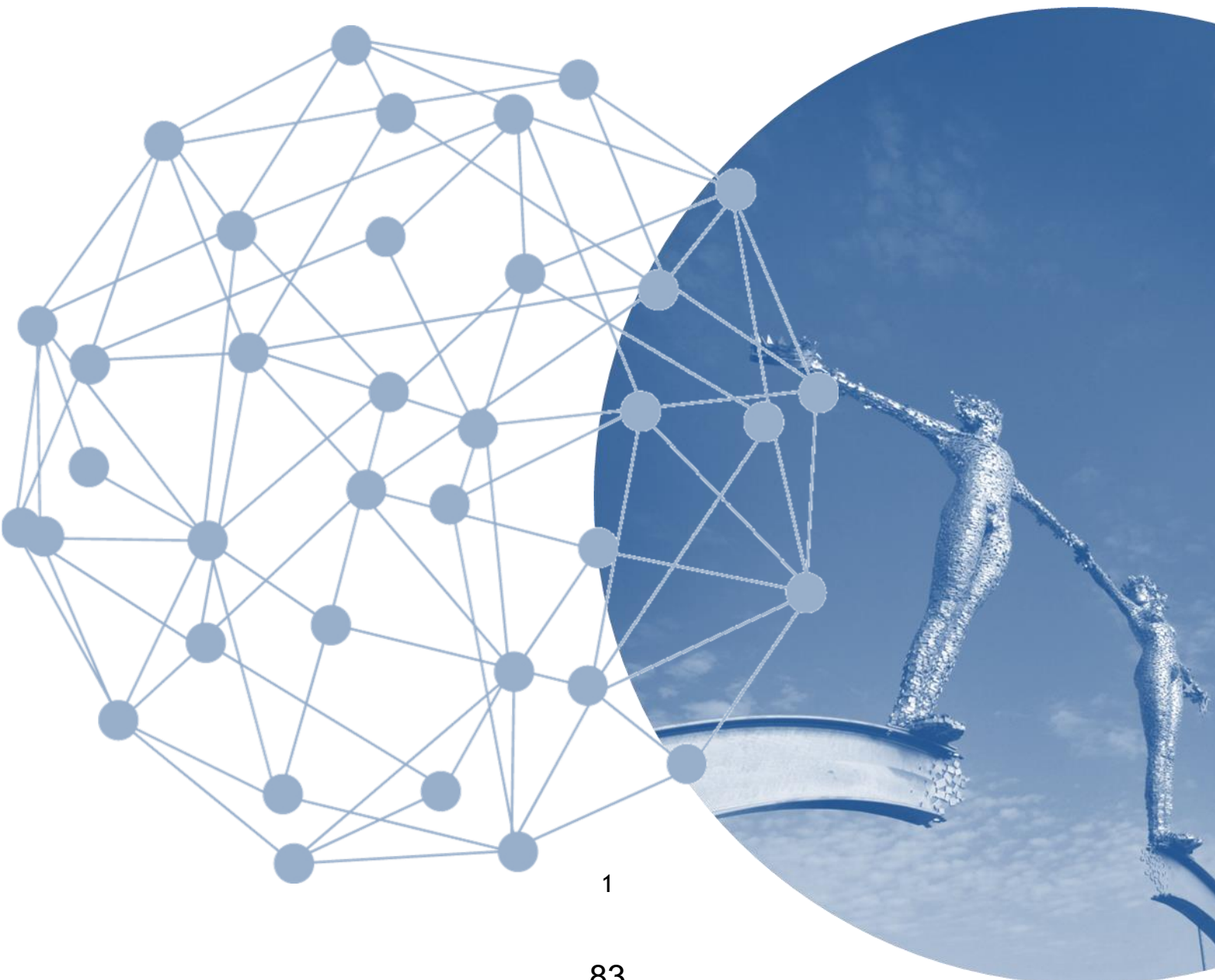
NAME	DESIGNATION	SIGNATURE
Stuart Crickmar	Strategic Director – Partnership and Performance	



# Maximising Attendance Policy

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**2023**



## MAXIMISING ATTENDANCE

### Version Control

#### Key Information:

<b>Title:</b>	Maximising Attendance Policy
<b>Date Issued:</b>	2022 Review
<b>Date Effective From:</b>	TBC
<b>Version Number:</b>	0.4
<b>Document Type:</b>	Policy
<b>Document Status:</b>	Review
<b>Author:</b>	Chris Alliston
<b>Owner:</b>	HR Department
<b>Approver:</b>	Council
<b>Approved by and Date:</b>	Council
<b>Contact:</b>	HR Department

#### Revision History:

<b>Version:</b>	<b>Date:</b>	<b>Summary of Changes</b>	<b>Name:</b>	<b>Changes Marked:</b>
0.1	January 2016	Draft Document created	CA	N/A
0.2	August 2017	Amendment made following comment from policy group.	DK	N/A
0.3	September 2017	Incorporating amendments made at policy group.	DK	N/A
0.4	September 2017	Council approval sought.	DK	N/A
0.4	December 2022	Reviewed (no amendments)	SS/CD	N/A

## MAXIMISING ATTENDANCE

### 1.0 Introduction

- 1.1 Clackmannanshire Council values all its employees and is committed to providing support and assistance to staff in the management of ill health and incapacity.
- 1.2 The Council recognises the importance of maintaining the health and well being of employees and undertakes to provide systems of management, which actively promote and encourage mental and physical well being at work.
- 1.3 The Council acknowledges that the causes of absence are often far broader than simple ill health, the Maximising Attendance and Employee Wellbeing Procedures will reflect the need for an holistic approach to absence management.
- 1.4 High levels of attendance contribute positively to the provision of quality services. Absence is costly, it affects service provision, efficiency and can impact on morale and motivation amongst other staff. Employees are contracted and paid to come to work therefore regular attendance from all employees is the expected norm. It is critical for the effective and efficient operation of the Council's services.
- 1.5 The Council, in conjunction with the Trade Unions, is committed to implementing a fair and consistent means of monitoring absence, to ensure that Managers are aware of when they should and how they can properly support staff to maintain or improve attendance. Managers need to be responsive to the needs of employees by identifying health or other problems at an early stage.
- 1.6 The Council undertakes to ensure that employees are aware of their responsibilities under the Maximising Attendance Policy and Procedure.
- 1.7 The Council is aware of the implications of and its responsibilities under the Equality Act 2010 (as amended) and will fully comply with them.

1.8 The Council processes personal data collected during the Maximising attendance process in accordance with its Data Protection Policy. In particular, data collected as part of Maximising Attendance is held securely and accessed by, and disclosed to appropriate individuals in the management of the Maximising Attendance process. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the organisation's disciplinary procedure.

## **2.0 Scope**

2.1 This policy applies to all Council employees and addresses both short and long term sickness absence.

## **3.0 Principles**

3.1 This policy, and the associated procedures prepared for managers and employees, provide clarity about how we intend to support staff to maintain wellbeing and maximise their attendance. In pursuing these aims we will always ensure that the following general principles are followed.

3.2 The Council will:

- actively promote the health, wellbeing and safety of our employees
- support employees, wherever practicable, in remaining in the workplace
- ensure that every individual is treated fairly
- communicate clear expectations with regard to attendance and support employees to achieve them



- 3.3 Managers will adopt a supportive and constructive approach to managing attendance issues, taking account of individual circumstances.
- 3.4 Every effort will be made to ensure that attendance issues are dealt with promptly, confidentially, consistently and effectively, demonstrating clear outcomes at all stages.
- 3.5 Every member of staff will know and understand that regular attendance at work is of vital importance and that attendance procedures must be adhered to.
- 3.6 Advice and guidance will be provided by the Council's Occupational Health Provider where it is deemed appropriate.
- 3.7 In cases of long term sickness absence the Council may have to consider termination of employment in line with its Capability Policy.
- 3.8 Personal medical information will be handled in line with data protection legislation.

#### **4.0 Monitoring and Review**

- 4.1 Both Senior Management and Trade Union Representatives shall monitor the effectiveness of this policy on a ongoing basis. Amendments will be made as and when deemed necessary and after consultation with recognised trade unions.

**EQUALITY IMPACT ASSESSMENT**

Policy Name	Maximising Attendance Policy
Department	Human Resources
Policy Lead	Human Resources
Equality and Fairer Scotland Impact Assessment	
Full Assessment Completed	Yes





**Clackmannanshire  
Council**

[www.clacks.gov.uk](http://www.clacks.gov.uk)

Comhairle Siorrachd  
Chlach Mhanann

# Maximising Attendance Procedure

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## 2023



## Maximising Attendance Procedure

### Version Control

#### Key Information:

<b>Title:</b>	Maximising Attendance Procedure
<b>Date Issued:</b>	2022
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<b>Owner:</b>	HR Department
<b>Approver:</b>	Council
<b>Approved by and Date:</b>	Council
<b>Contact:</b>	HR Department

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0.1	July 2016	Draft document created	CA	N/A
0.2	September 2017	Changes made following policy group comments.	DK	N/A
0.3	September 2017	Changes made following policy group.	DK	N/A
0.4	December 2022	Changes made following policy group	SS/CD	

## **Maximising Attendance Procedure**

### **1.0 Introduction**

- 1.1 Clackmannanshire Council values the contribution made by all employees and recognises the importance of employee attendance to optimise service delivery, meet employment contract obligations and maintain staff morale.
- 1.2 The Council recognises that there are instances when an employee is absent from work on medical grounds which require a period of recuperation for a return to health and to the workplace and will treat ill health in a supportive and sympathetic manner.
- 1.3 The primary aim of this procedure is to support staff to meet their contractual obligation to attend work regularly and to address any concerns about their health or level of attendance as quickly as possible.
- 1.4 The Council recognises that the causes of absence are often far broader than simple ill health and this procedure aims to provide Supervisors / Line Managers with appropriate guidance to support wellbeing and actively promote good physical and mental health.
- 1.5 The council processes personal data collected as part of the Maximising Attendance Procedure in accordance with its data protection policy. In particular, data collected as part of this process is held securely and accessed by, and disclosed to, individuals only for the purposes necessary to action and manage this procedure.

### **2.0 Sickness Absence reporting and certification**

- 2.1 Where a member of staff is prevented by sickness from reporting to duty, they (or in exceptional circumstances, another person acting on their behalf) should follow the undernoted absence reporting procedures (refer to Section 2.3) to be entitled to Occupational Sick Pay or Statutory Sick Pay.

2.2 For the purposes of this document any reference to Line Manager/Supervisor shall be taken as a reference to a Head Teacher or some other member of staff with authority delegated by the Head Teacher when the absence relates to a member of teaching staff.

2.3 First Day Initial Notification (Single Status Staff)

- A member of staff must contact their Line Manager / Supervisor by telephone (text message and email are not acceptable unless previously agreed by their line manager.) as soon as possible on the first day of absence or in the case of partial days absence at the time they take ill and are required to leave work. Contact should normally be made prior to the staff member's starting time and in any case no later than 10 a.m. or as soon as reasonably possible except for staff on shifts or other irregular working patterns (see below) Staff must advise their Manager / Supervisor of the reason(s) for their absence ("sick" or "unwell" is not acceptable) and give an indication of how long they anticipate they may be absent.
- In certain circumstances the member of staff may be too ill to advise their Supervisor / Line Manager of their absence. In this situation their "Representative" will mean a person acting on their behalf, for example a husband or wife, partner or relative.
- Staff who work shifts, part time or job share should notify their Supervisor / Line Manager as soon as they are aware they will be absent from work. They should not wait until the next day or time they are due to attend work.
- In the absence of their direct line manager / supervisor staff should report their absence to another nominated manager within their service. Services should make local arrangements to ensure that staff know who to report to and any alternative arrangements, for example for shift workers.

- A member of staff reporting absent should ensure they continue to contact their line manager on a daily basis if they are unable to advise the likely duration of their absence.
- Where absence is for up to 7 calendar days the member of staff should, on their return, complete a Self Certificate available from CONNECT or iTrent.
- Where the absence extends beyond 7 calendar days staff should submit a Statement of Fitness for Work. A Self Certificate should also be submitted if the Fitness for Work note does not cover the first 7 calendar days.

#### 2.4 First Day Initial Notification (Teaching Staff)

- The employee must notify the school/council as soon as is practicable. If the employee is unable to do this due to illness, some other person may act on his/her behalf. The employee should, if possible, indicate the date of return to work.
- Where the absence continues to a fourth day further notification, as above, should be made to the school/council.
- Self-certification is for 4 – 7 days.
- Where the absence period is 4 to 7 days, the employee will complete a self-certification form on return to work.

#### 2.5. Short term Absences

- Frequent short term unplanned absences are extremely disruptive to service delivery and can impact upon other members of staff.
- Following a short term absence an employee will attend a return to work meeting, ideally within one day of returning to work, but no later than one week from their return. These meetings are to discuss the reasons for the absence, what support may be required and to identify if there are any underlying factors the Council should be aware of.

2.6. Long term Absences (28 Days or more)

- The Council takes a sympathetic view towards ill health and will provide a supportive approach to all staff in such circumstances. Supervisors/line managers will ensure they keep in touch with their staff on long term sickness absence and give help, support and information where necessary.
- At this time the Supervisor / Line Manager may seek medical advice from the Council's Occupational Health Adviser if they have not already done so.

2.7. Part Day Absences

- Where a member of staff attends work and becomes unwell during the working day they should notify their line manager (or, if not available, another manager / supervisor) before leaving. Where a manager or alternate is not available then the staff member should contact HR on 01259 452244. In exceptional circumstance a staff member can let a colleague know they are unwell who will then notify the relevant manager on their behalf.
- Part day absences where the time lost is less than 50% of the employee's normal working day will be recorded for monitoring purposes but will not normally count for support and guidance intervention triggers. Absence of over 50% of the working day will be counted as a half day.



### **3.0 Managers Responsibilities**

Managers are responsible for ensuring that:

- their staff adhere to the absence notification procedures
- new staff are provided with a copy of "HR Induction Booklet - Attendance"
- the appropriate arrangements are in place to cover the workload of the absent employee wherever possible.
- they accurately record all periods of sickness absence and the reasons for the absence within the iTrent System when contacted by the employee
- they keep in regular contact with the absent member of staff, including arranging home visits where it is appropriate to do so with the consent of the employee.
- It should be noted that in cases of work related stress the member of staff should be provided with the Council's Stress Risk Assessment questionnaire and given information on support available. It may be more appropriate in exceptional circumstances for another manager to manage the absence, advice should be sought from HR.
- they arrange support interventions which would assist the employee promptly e.g. occupational health, physiotherapy, counselling. (Home working or adjustments in the workplace may also be a useful option in some circumstances).
- they conduct a return to work meeting after every period of absence, ideally within one day of returning to work, but no later than one week from their return
- they closely monitor levels and patterns of absence for their employees and initiate support and guidance interventions when the trigger points are reached and where appropriate set attendance improvement targets.

- For short term absence - 3 or more absences in a rolling 12 month period, regardless of duration; absence over 15 days in a 12 month period; or absences that follow a pattern
- For long term absence - after 28 calendar days of absence
- they follow the procedures to try to resolve matters at an early stage, moving to health related capability or disciplinary procedures when appropriate to do so.
- they regularly brief staff on roles and responsibilities within the maximising attendance and staff wellbeing policy and procedures.
- Update iTrent on receipt of Statement of Fitness for work and if the employee provides a hard copy form forward these to HR.
- Update iTrent with Return to work meetings and Support and Guidance/Review meetings (where applicable).
- Every manager should make sure that they know what they are expected to do and when.

## **4.0 Staff Responsibilities**

### **4.1 Staff are responsible for ensuring that:**

- they meet their contractual obligation to attend work, unless unfit to do so
- they follow the absence notification procedures
- they should provide their manager with sufficient information about the reason for their absence and the likely duration.
- they advise their line manager of any outstanding work which requires attention, where known
- they keep in touch with their manager
- they complete and return / forward self certification or Statement of Fitness for work promptly

- they actively participate in the return to work process
- they co-operate with support and guidance interventions
- they attend Occupational Health when referrals are made and if unable to attend should give sufficient notice
- Every member of staff should familiarise themselves with the HR Induction Handbook – Attendance and make sure that they know what they are expected to do and when
- That they ensure when they have a planned break whether out of the country or otherwise that they inform their line manager while absent from work.

## **5.0 Annual Leave and Sickness Entitlement**

### **Sickness Absence During Annual Leave or Public Holidays**

- 5.1 Staff (including part time and term time staff) who are sick while on annual leave may be entitled to recover leave from the period of sickness if:
- the period in question is covered by medical certification, confirming that they were not fit to work.
  - During periods of school closure teaching staff should contact HR in the first instance.
- 5.2 Staff will only be regarded as being unfit for work from the date of the Statement of Fitness for work. Leave cannot be recovered if the Doctor advises that the employee "may be fit for work".
- 5.3 Where a teacher or music instructor, owing to certified absence, has been incapacitated for a continuous period of 8 consecutive days or more, the employee will accrue compensatory leave if the following conditions are met. For each certified absence the employee will accrue compensatory leave of 2 days for every 5 days of designated annual leave which cannot be taken, subject to a maximum credit of 8 such days accruing in any one leave year. This is not in addition to statutory leave.

In agreement with the council, this compensatory leave entitlement shall be taken by the employee following his/her return to work. The timing of this leave is subject to the overriding needs of the service and should normally be taken in the term in which the return to work takes place or within the following term.

**Entitlement to Accrue Annual Leave During Sickness Absence**  
**(Except Teachers)**

- 5.4 Where an employee is absent for three months or more in a 12 month period annual leave will be pro rata'd. The Working Time Directive however requires the Council to give at least 28 days of paid annual leave to employees working a five day week (pro-rata for those working fewer days). The 28 day minimum leave includes public holidays.

**Entitlement to Carry Forward Annual Leave After A Period of Sickness**  
**Absence**

- 5.5 Employees who are sick for a whole leave year or those who have been on certified absence which has prevented them from taking the statutory minimum leave of 28 days will be able to carry forward up to the statutory minimum leave into the next leave year. Currently this is 28 days inclusive of public holidays (pro-rata), this applies to all employees regardless of their normal service related entitlement.
- 5.6 This leave should normally be used within the leave year or the carry forward period to the end of June. If it would be unreasonable to expect an employee to take this leave during that time their Senior Manager may extend the period. As with all leave, this must be taken within the exigencies of the service.

**Taking Annual Leave During a Period of Sickness Absence (except teachers)**

- 5.7. Individuals can request annual leave during a period of long term sickness absence, up to the statutory leave maximum, with the prior agreement of their Service. Managers should contact their Human Resources Business Partner to discuss the individual case before making arrangements.
- 5.8 Annual leave may also be used during periods of phased return to cover non working days which would not otherwise be paid (phased returns will normally be paid in full for a maximum period of 4 weeks).
- 5.9 It is not appropriate to use annual leave in the place of short term sickness absence and managers should neither expect nor allow staff to do so. Assistance and advice are available from Human Resources or for members, from their Trade Union Representative, if staff or managers experience any difficulties.

**6.0 Disability and Sickness Absence**

- 6.1 If a member of staff has a condition that means they are considered disabled within the definitions of the Equality Act 2010 and related codes of practice the Council must make reasonable adjustments to their job role in order to accommodate their short term or long term requirements. The member of staff will be fully consulted at all times.
- 6.2 In line with the Council's Health Related Capability Policy and Procedure if reasonable adjustments proposed with regards to the Equality Act 2010 or alternative employment prove not to be possible options, and there is no likelihood of a return to work in the near future, a decision to conclude employment may be the outcome.
- 6.3 The Council will take into account matters related to disability when reviewing an employees level of attendance.

## **7.0 Pregnancy related Sickness Absence**

- 7.1 Pregnancy related sickness absence will not be taken into account when looking at a staff members sickness absence record for the purpose of attendance management.

## **8.0 Retirement on grounds of ill health**

- 8.1 The Council recognises that cases will arise, following a medical assessment, where it becomes clear that a member of staff may be permanently unable to undertake their normal duties on medical grounds. In such cases the Health Related Capability Procedure will be followed.
- 8.2 The Council will, in the first instance, discuss with the employee whether they wish ill-health retirement procedures to be activated. If the member of staff does not accept the view of the Occupational Health Adviser about their future fitness then they should be advised by HR to obtain further independent medical advice for submission to the Council's OH Adviser.
- 8.3 HR will advise all employees of the requirements of each pension provider in relation to retirement on ill health grounds.

## 9.0 Capability or Disciplinary Procedures

### 9.1 Capability Procedure

- As part of the support and guidance process supervisors / line managers will have discussed the level or pattern of absence (including any underlying health conditions) with the individual and how this can be improved.
- Where the required level of improvement has not been reached or initial improvement not sustained, moving to health related capability or disciplinary procedures should be undertaken.
- Where the underlying cause is to be health related, it may be necessary for the individual to be interviewed by another appropriate manager and if necessary advised that an appointment will be arranged with the Occupational Health Adviser, if this process has not already been completed.
- As a result of the appointment with the Occupational Health Adviser the following options may be considered depending upon the particular facts and circumstances of the case
  - continued sick leave until prognosis can be determined;
  - unpaid leave of absence;
  - part-time working / phased return to work;
- Where the employee's ill health is such that he or she can no longer do their job then the following options may require to be considered:-
  - re-deployment
  - ill health retiral;
  - mutual termination; or
  - termination of employment on the grounds of health related capability
  - Managers and members of staff should refer to the Council's Capability Procedures for further guidance and information.

## 9.2 Disciplinary Procedure

Where an employee's attendance record or non-compliance gives serious cause for concern and formal disciplinary action is considered, the Supervisor / Manager must:

- have the authority to use the disciplinary procedures, if not the matter should be referred to a more senior manager (Team Leader or above).
- where there is no underlying health condition related to the absence(s), follow the procedures and timescales as outlined in the Disciplinary Procedure.
- tell the member of staff what improvement in attendance is expected and warn of the likely consequences of failure to improve; and
- where this applies to a Trade Union official, discussion will take place with a Senior Official or Full Time Official, after obtaining the employee's agreement, prior to disciplinary action being taken.
- Employees should be made aware that disciplinary action up to and including dismissal could be the result of continually failing to meet absence targets and / or failure to follow the reporting procedure.
- Alleged abuse of the sickness absence scheme must be dealt with in line with the Council's disciplinary procedures.
- Managers and staff should refer to the Council's disciplinary procedures for further guidance and information.



## 10.0 Monitoring

10.1 Senior Management and Trade Union Representatives shall monitor the effectiveness of this procedure on a ongoing basis. Amendments will be made as and when deemed necessary and after consultation with recognised trade unions.

### EQUALITY IMPACT ASSESSMENT

Policy Name	Maximising Attendance
Department	Human Resources
Policy Lead	Human Resources
Equality and Fairer Scotland Impact Assessment	
Full Assessment Completed	Yes

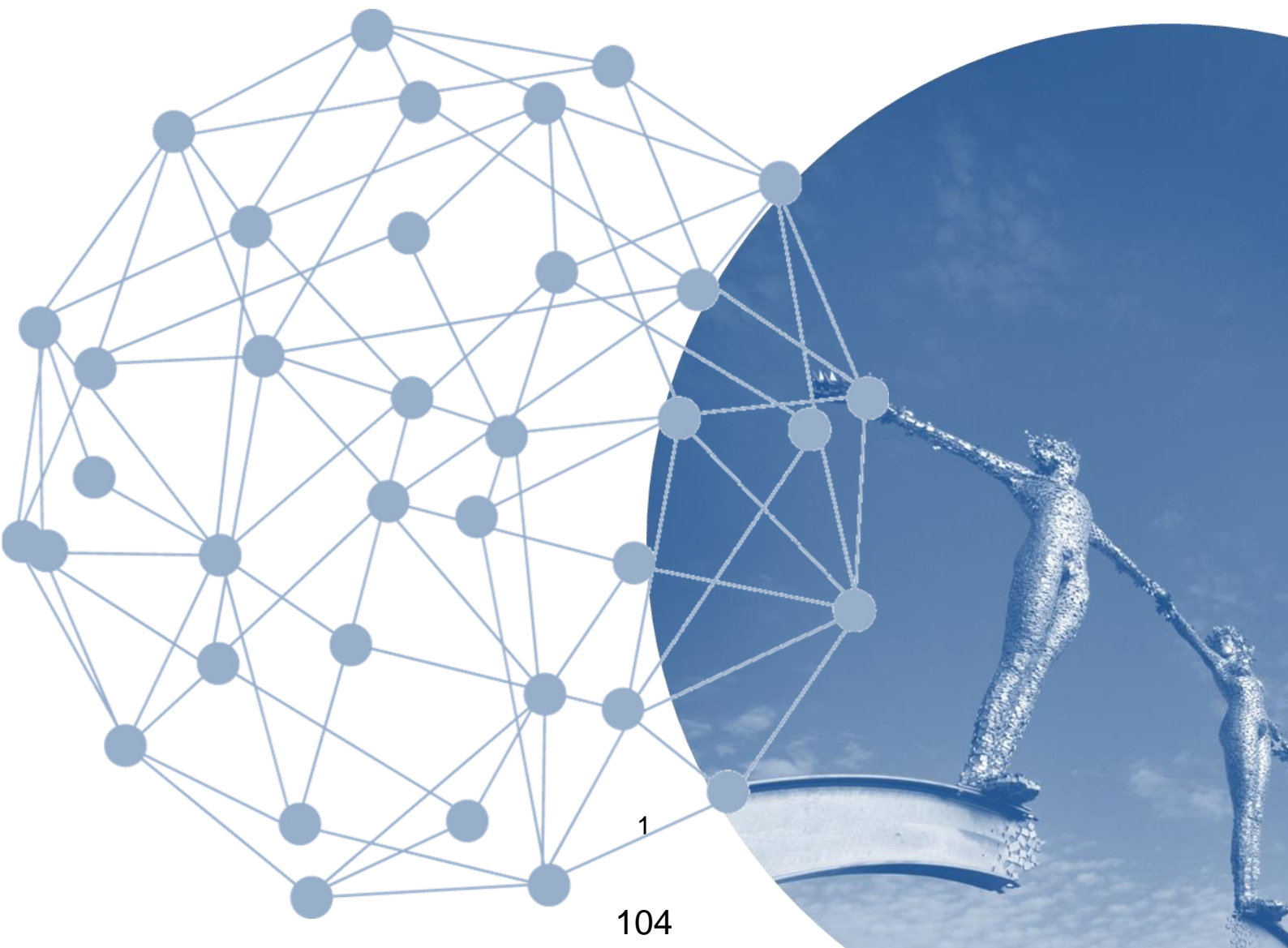




# Secondment Policy

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**2023**



# **SECONDMENT POLICY**

## **1. General Introduction**

- 1.1. Clackmannanshire Council recognises the importance of being able to recruit and retain high calibre employees and the value that secondment opportunities, both internally and externally, can bring to this commitment
- 1.2. Secondments are recognised by the Council as a means of strengthening partner relationships, knowledge sharing and continuous professional development.

## **2. Policy Statement**

- 2.1. Clackmannanshire Council is committed to being a fair employer and will reasonably consider all requests from staff who may wish to be considered for either an internal or external secondment.
- 2.2. Any agreement to a secondment should primarily be in the overall interests to the Council and in line with service need or career development.
- 2.3. This policy applies to all staff within the Council, with the exception of Teaching Staff and Associated Professionals.
- 2.4. The Secondment Procedure for Teaching staff and Associated Professionals is outlined in Part 2, Appendix 2.21 of the SNCT Handbook.

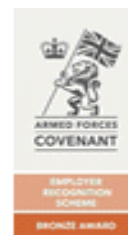
### 3. Monitoring and Review

3.1. HR will monitor the effectiveness of the policy on an ongoing basis.

Revisions and updates will be implemented by the Council following, if appropriate, consultation with recognised Trade Unions.

### EQUALITY IMPACT ASSESSMENT

Policy Name	Secondment Policy
Department	Human Resources
Policy Lead	Human Resources
Equality and Fairer Scotland Impact Assessment	
Full Assessment Completed	Yes

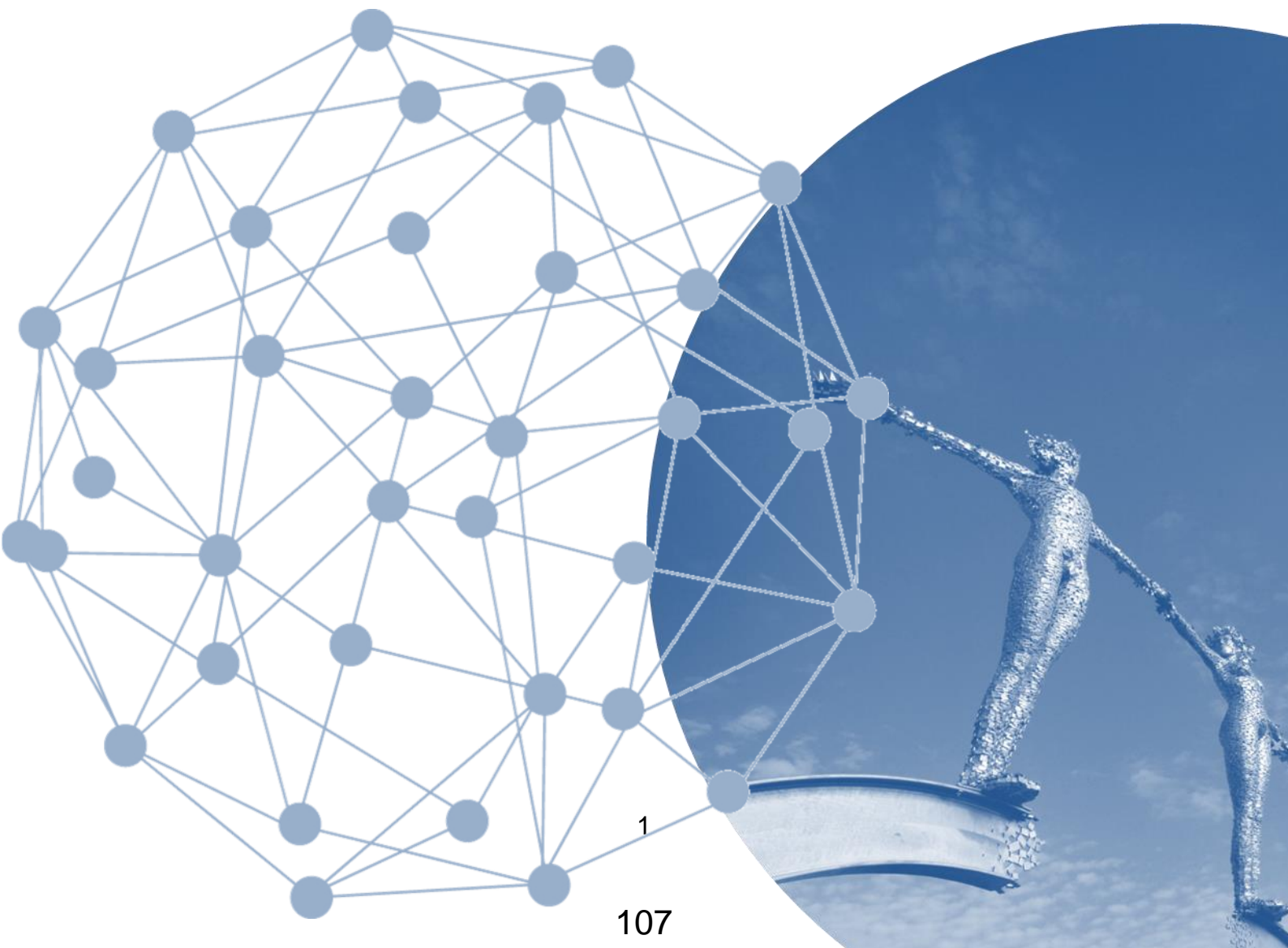




# Secondment Procedure

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**2023**



# SECONDMENT PROCEDURE

## 1. Introduction

- 1.1. Clackmannanshire Council recognises the mutual benefits that secondments can bring to staff and the Council.
- 1.2. External secondments are most likely to occur with partnership organisations such as the NHS, Police Scotland, Scottish Government and any other appropriate organisation taking into consideration service requirements.
- 1.3. A secondment is defined as, “an employee temporarily transferring to another section/service or organisation for a defined period, specific purpose and with the agreement of all parties.”
- 1.4. Employees should ensure that they have prior agreement from their Senior Manager that the Council can support a secondment before applying.
- 1.5. Employees are required to have at least 2 years’ continuous employment, on a permanent or temporary basis, to be eligible to be considered for a secondment.
- 1.6. Approval will normally be given for secondments which are 3 months to 2 years in duration. Although, with agreement this can be for a longer period.
- 1.7. Where a secondment is agreed this should be supported by a secondment agreement and have an identifiable end date.
- 1.8. An unsigned secondment agreement may delay the start date of any agreed secondment.

## **2. Responsibilities**

- 2.1. The relevant service area Senior Manager has overall responsibility for approving secondments taking into consideration any budget implications.
- 2.2. HR will be responsible for issuing secondment agreements where agreed and approved.
- 2.3. Line managers should evaluate the rationale behind the appointment of a secondee prior to making any decisions. Line managers will also be responsible for managing the external secondee in line with the associated secondment procedure.
- 2.4. Staff have a responsibility to ensure that where seconded they understand that they may have to work to the host organisation's specific conditions regarding hours of work, flexitime and holiday arrangements such as holiday leave year.

## **3. Internal Secondment Opportunities (i.e. Secondments Within The Council)**

- 3.1. Any employee wishing to apply for a secondment must do so with the permission of their Senior Manager. All requests will be considered on the outlined criteria:
  - The exigencies of the service
  - The potential for securing a backfilling resource
  - What will the experience bring to the Council and the employee when the employee returns
- 3.2. Internal recruitment into any post will be in line with the Council's Recruitment and Selection Policy and Procedure.
- 3.3. A line manager from the host service/team should ensure they meet with the member of staff on commencement of the secondment and undertake appropriate induction arrangements.

- 3.4. During the secondment contact should be maintained with the substantive service, this is a joint responsibility with the secondee and their substantive line manager.
- 3.5. The line manager of the secondee should ensure they meet with them on a regular basis to discuss the secondment.

#### **4. External Secondment Opportunities (i.e. Secondment To An External Organisation)**

- 4.1. Any employee wishing to apply for an external secondment must do so with the permission of the relevant Senior Manager. All requests will be considered on the outlined criteria:
- The exigencies of the service
  - The potential for securing a backfilling resource
  - What will the experience bring to the Council and the employee when the employee returns
  - The recruiting body engaging in a secondment agreement
- 4.2. The secondee will usually work under the normal working arrangements specific to the host organisation. Any variation to this is by agreement at the time of secondment.
- 4.3. Where an employee undertakes a secondment with an external partner they will be required to meet the host organisations standards regarding conduct but will remain subject to Clackmannanshire Council's formal policies and procedures.
- 4.4. All terms and conditions of employment will remain during the secondment to an external organisation.
- 4.5. When absent the secondee should follow the absence reporting procedure for the host organisation although it should be noted that sickness allowance and payment will be in line with Council terms and conditions.
- 4.6. The partner organisation will be responsible for advising the Council of any periods of sickness absence.



- 4.7. Procedures for the authorisation of leave will be advised by the host organisation or service, the host organisation will ensure that the Council is updated of leave.
- 4.8. Where an employee is undertaking a secondment to an external partner the secondee will not have a break in their continuous service with the Council.
- 4.9. During secondment the secondee would be subject to any performance review/appraisal operated by the host organisation and during the secondment arrangements must be put in place for feedback on this to be provided to his/her substantive manager for inclusion in the individual's performance review and development (PRD) folder. Where the host organisation has no PRD arrangements in place, a process for regular review and feedback should be agreed by the substantive manager and the host organisation.
- 4.10. Any performance concerns should be discussed with the employee and the host organisation and the substantive line manager should be made aware.
- 4.11. Where there are concerns raised regarding meeting requirements for continuous professional development (CPD) then this should be discussed with the individual and the host organisation.

## **5. Inward Secondments (i.e. Secondment Of External Staff Into The Council)**

5.1 Any individual who is seconded into the Council from an external organisation will normally be employed on Clackmannanshire Council's Terms and Conditions and is responsible for making any arrangements with their employer with regard to their return to their originating post. .

5.2 All inwards secondments will be supported by a secondment agreement signed by the Council and seconding organisation. Such an agreement will outline the duration, notice periods, conditions applicable etc. to the secondment.

**The following sections below apply to Council staff undertaking Internal or External Secondments.**

### **6. Pension**

6.1. Employees should seek advice from pensions directly regarding any impact on their pension before undertaking an external secondment.

### **7. Organisational Change and Workforce Management**

7.1. In the event of an employee's service undergoing a restructure during the period of their secondment the Council will ensure that that seconded employee is fully consulted.

## **8. Termination of Secondment Arrangements**

- 8.1. Should the secondment be terminated earlier than initially agreed then this should be with reasonable notice which would normally be four weeks to the substantive service/organisation.
- 8.2. Where a secondment is due to come to an end then the service should meet with the secondee to discuss the secondment coming to an end. Where the secondment has been ongoing for a period of two years or more then notice should be provided of no less than 8 weeks.
- 8.3. Where the employee requests to end their secondment early this will have to be assessed if it can be approved based on service delivery requirements.
- 8.4. Triggers for the early termination of a secondment arrangement may include but are not restricted to:
- Disciplinary issues
  - Unacceptable levels of absence
  - Performance issues
  - Organisational change

## **9. Conditions of Return After Secondment**

- 9.1. Arrangements should be made to prepare the secondee for a return to their substantive post by updating him/her on any changes to the team and or working arrangements that may have been implemented during their period of secondment.
- 9.2. When the secondment is for 20 months or less the secondee would normally return to their substantive post on conclusion.
- 9.3. Should the secondment be for a period of longer than 20 months or it is anticipated that cover may be difficult, the secondee would normally return to a comparable post on the same grade and normally within their own service.
- 9.4. Salary on return will be on the salary for the post the employee left, incorporating the normal salary increments and pay awards during the time of the secondment.

## **10. Renewal of Secondment Arrangements.**

- 10.1. Where there is a need for the secondment arrangement to continue beyond the scheduled end date appropriate approvals should be sought.
- 10.2. A revised secondment agreement should be issued, which should be signed and returned to HR.
- 10.3. It should be noted that any agreement for a secondee to return to the same post following a longer secondment needs careful consideration and should be discussed with an HR Business Partner.

## **11. Responsibilities for Health and Safety**

- 11.1. Should an employee be seconded to an external partner organisation then that organisation will be responsible for the Employers Liability Insurance and have a duty of care under the relevant Health and Safety legislation for the secondee.

## **12. Backfilling of the Substantive Post**

- 12.1. Should the substantive service require to backfill the secondee on a temporary basis then this should be done in line with the Council Recruitment and Selection Policy/Procedure and relevant approvals sought where appropriate.

## **13. Data Protection Statement**

- 13.1 The Council processes personal data collected during a secondment in accordance with its Data Protection Policy. In particular, data collected as part of the secondment process is held securely and accessed by, and disclosed to appropriate individuals in the management of the secondee and secondment process. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the organisation's disciplinary procedure.

## 14. Monitoring and Review

14.1. HR will monitor the effectiveness of the procedures on an on-going basis. Revisions and updates will be implemented by the Council following, if appropriate, consultation with recognised Trade Unions.

### EQUALITY IMPACT ASSESSMENT

Policy Name	Secondment Procedure
Department	Human Resources
Policy Lead	Human Resources
Equality and Fairer Scotland Impact Assessment	
Full Assessment Completed	Yes





## SALARY OVER AND UNDER PAYMENTS POLICY

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**2023**



## Version Control

### Key Information:

<b>Title:</b>	Salary Over and Under Payments
<b>Date Issued:</b>	
<b>Date Effective From:</b>	
<b>Version Number:</b>	
<b>Document Type:</b>	Policy
<b>Document Status:</b>	Final
<b>Author:</b>	Donna Perrie
<b>Owner:</b>	HR and WFD
<b>Approver:</b>	Council
<b>Approved by and Date:</b>	
<b>Contact:</b>	<b><u>Donna Perrie</u></b>
<b>File Location:</b>	

### Revision History:

Version:	Date:	Author:	Changes:
0.1	2018	D Perrie	Final
Review	2023	D Perrie	Reviewed

# SALARY OVER AND UNDER PAYMENTS

## 1.0 Introduction

- 1.1 Clackmannanshire Council has a duty to take reasonable care to ensure that staff receive the appropriate rates of pay, allowances and benefits in accordance with the terms of their contracts of employment.
- 1.2 To assist the Council in complying with this duty staff should regularly check that they are receiving their correct contractual entitlements and report any unusual or unexpected variances to their line manager as soon as possible. Line managers must in turn, notify Payroll within the pay processing deadlines, any changes to the terms and conditions or working arrangements of employees that are likely to affect their rates of pay.
- 1.3 In the event that an overpayment or underpayment occurs, the Council aims to remedy the matter in a manner that is reasonable and fair to the member of staff affected whilst at the same time, fulfilling the Council's duty to exercise care in administering public funds.
- 1.4 Under the terms of this policy, the Council undertakes to remedy any underpayment at the earliest opportunity, normally the next available pay run.
- 1.5 Equally the Council will timeously and effectively recover in full, all overpayments made in error or as a consequence of fraudulent actions. Recovery will be affected either by deduction from salary or by other appropriate measures arranged through the Council's revenues Sundry debtors department.



- 1.6 Under the Employment Right Act 1996 the Council is entitled to recover, without agreement, an overpayment of salary or an overpayment in respect of expenses incurred by the member of staff carrying out their employment. The Council will contact the employee and explain why an overpayment has occurred and, wherever possible, agree a reasonable period of recovery and by default recover over the same period any overpayment was received. In exceptional circumstances recovery periods may be extended.
- 1.7 Whilst the primary aim of this policy is to deal with salary underpayments and overpayments, the Council acknowledges the importance of having robust human resources and payment systems and procedures in place to prevent or minimise the likelihood of those errors occurring.

## **2.0 Scope**

- 2.1 The policy covers current and former employees/Workers

## **3.0 Key Principles**

- 3.1 All incidences of salary underpayment or overpayment will be dealt with according to the merits of each individual case.
- 3.2 Incidents of underpayments will be addressed quickly and repayment of outstanding monies normally made in the next available pay run.
- 3.3 Where a payment is required to be processed outwith the normal payrun as a result of an error made within the service a £25.00 charge for each transaction will be chargeable to the service.
- 3.4 Where incidences of overpayment are identified, the employee affected and other relevant parties will be notified as soon as possible and arrangements will be made to timeously recover any monies owed to the council.

- 3.5 An employee who knowingly fails to notify of an overpayment situation in accordance with the terms of this policy and in circumstances where it is reasonable to conclude that they would have been aware of the overpayment, may be subject to the Council's disciplinary procedures.

#### **4.0 Processing of Personal Data**

- 4.1 The council processes personal data in accordance with its data protection policy. In particular, data collected as part of payroll processing is held securely and accessed by, and disclosed to, individuals only for the purposes of processing over/under payments in line with the agreed policy outlined above.

#### **5.0 Monitoring and Review**

- 5.1 Both HR and Trade Union Representatives shall monitor the effectiveness of the policy on an ongoing basis. Changes may result from employee, management and union feedback and/or from changes in employment legislation. Revisions and updates will be implemented by the Council following consultation with recognised Trade Unions

POLICY GROUP COMMENTS

Policy Name	Over and Under Salary Payments
Department	HR
Policy Lead	HR
Equality Impact Assessment	
Full EQIA required	Yes <input type="checkbox"/> No* <input checked="" type="checkbox"/>
* In no please provide rationale Policy applies equally to all Council employees and does not negatively impact on any group which falls within any of the 9 protected characteristics	
Date Full EQIA complete	N/A
Date Approved	
Review Date	



POLICY



## SALARY OVER AND UNDER PAYMENTS PROCEDURE

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**2023**



## Version Control

### Key Information:

<b>Title:</b>	Salary Over and Under Payments
<b>Date Issued:</b>	
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<b>Version Number:</b>	
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<b>Owner:</b>	HR and WFD
<b>Approver:</b>	Council
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<b>Contact:</b>	<b><u>Donna Perrie</u></b>
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### Revision History:

Version:	Date:	Author:	Changes:
0.1	2018	D Perrie	Draft 1
0.2	2023	D Perrie	Revision
			.

**Approvals:** This document requires the following signed approvals.

Name:	Signature:	Title:	Date:	Version:

**Distribution:** This document has been distributed to

Name:	Title/Service:	Date of issue:	Version:

## **SALARY OVER AND UNDER PAYMENTS**

### **1.0 Introduction**

- 1.1 Clackmannanshire Council has a duty to take reasonable care to ensure that staff receive the appropriate rates of pay, allowances and benefits in accordance with the terms of their contracts of employment.
- 1.2 The Council is required to recover public money which has been paid out incorrectly, regardless of reason.
- 1.3 This procedure outlines how recovery of overpayments or payment of underpayments will be made.

### **2.0 Definitions**

#### Overpayment

- 2.1 An overpayment is where an employee is paid an amount in excess of contractual entitlement. The causes of overpayment may include, but are not exclusively limited to:
  - Late or no notification of a leaver, maternity, sickness absence, change of contractual hours,
  - Placed on incorrect salary scale,
  - An error being made by the Service, HR or Payroll

#### Underpayment

- 2.2 An underpayment is where an employee is not paid their contracted pay in the month. The causes of underpayment may include, but are not exclusively limited to:
  - Late or no notification of a new start, maternity, sickness absence or change to contracted hours,
  - Timesheets, expenses and other claims not completed, received or processed in time,
  - Placed on incorrect salary scale,
  - Error in Self Service
  - An error being made by the Service, HR or Payroll,

### **3.0 Roles and Responsibilities**

#### Line Managers

- 3.1 Managers are responsible for informing payroll and the member of staff as soon as they discover that one of their staff members have been paid incorrectly.
- 3.2 Managers are responsible for ensuring that all relevant forms (new starts, leavers, changes) affecting staff pay are completed and passed to HR at the earliest opportunity and in line with the payroll deadlines.
- 3.3 Payroll will undertake initial validation checking each month and where any staff members pay differs from the previous month and cannot be explained through such things as increment date or payawards the information will be sent to the line manager for checking. Managers are responsible for ensuring any such queries are checked immediately and undertake any corrective action.
- 3.4 Line managers approving any payroll claims must assure themselves that they have the delegated authority to undertake this action.
- 3.5 Authorised signatories are responsible for ensuring that monthly payroll returns, timesheets, expenses/mileage claims are completed, checked and verified. The Council has moved to electronic submission via the iTrent System however the same principles apply prior to approving.
- 3.6 In the event that an employee is overpaid the line manager is responsible for meeting with the staff member and advising them of what has occurred.
- 3.7 Services are responsible for ensuring the review payroll establishment reports and payroll budget via Tech1 to confirm accuracy of payments.

#### Employees and Ex- Employees

- 3.8 Whilst every effort will be made to ensure that payment of salary is made accurately, there may be occasions when information on a change of circumstances is not made available in time to make an automatic adjustment and in overpayment of salary may result. Staff should ensure they check their pay slip each week/month to ensure their pay is accurate.

- 3.9 A leaver from the Council is responsible for checking that their final payment is correct and that they do not continue to receive payments from the Council after they have left.
- 3.10 Failure to declare an obvious overpayment could be construed as misconduct and result in formal disciplinary action.
- 3.11 Payroll and HR will be responsible for ensuring that any overpayments identified are corrected to ensure that no continuation of the overpayment can occur
- 3.12 The line manager will liaise with the Payroll and Systems Manager and staff member to agree an overpayment recovery plan.
- 3.13 Payroll will ensure that for existing staff recovery is processed by way of payroll.
- 3.14 In the case of former employees Payroll will liaise with Sundry Debtors in order that recovery can be made.
- 3.15 Recovery of an overpayment will be by reasonable agreement and will be referred to as the “Repayment Plan”. The repayment plan is underpinned by the following principles:
- One lump sum payment recovery for an overpayment which occurred in a single amount; or
  - Payment to be made within the same financial year; or
  - Monthly instalments over at least the same number of months as the overpayment occurred.
- 3.16 Repayment may be extended in exceptional circumstances at the discretion of the lead Council Officer responsible for payroll functions.
- 3.17 Where an employee leaves the service of the Council and the overpayment amount has not been recovered this will be deducted from the staff members final salary with any residual amounts advised to Debt Recovery.



#### Underpayments

- 3.18 Should an underpayment of salary occur, any underpayment will normally be rectified in the next available pay period after the underpayment has been identified. If the staff member is in receipt of benefits, or financially disadvantaged, then the underpayment as will be rectified soon as possible.

### **4.0 Monitoring and review**

- 4.1 Both HR and Trade Union Representatives shall monitor the effectiveness of the procedure on an ongoing basis. Changes may result from employee, management and union feedback and/or from changes in employment legislation. Revisions and updates will be implemented by the Council following consultation with recognised Trade Unions

Clackmannanshire Council  
Salary Over and Under Payments

Policy Name	Over and Under Salary Payments
Department	HR
Policy Lead	HR
Equality Impact Assessment	
Full EQIA required	Yes <input type="checkbox"/> No* <input checked="" type="checkbox"/>
* In no please provide rationale Policy applies equally to all Council employees and does not negatively impact on any group which falls within any of the 9 protected characteristics	
Date Full EQIA complete	N/A
Date Approved	
Review Date	

