



**WATFORD
BOROUGH
COUNCIL**

COUNCIL FUNCTIONS COMMITTEE

9 November 2021

6.30 pm

Town Hall, Watford

Contact

Ona Ehimuan

democraticservices@watford.gov.uk

01923 278053

For information about attending meetings please visit the [council's website](#).

Publication date: 1 November 2021

Committee Membership

Councillor D Walford (Chair)

Councillor D Allen-Williamson (Vice-Chair)

Councillors K Crout, A Dychton, A Saffery, N Shah and M Watkin

Agenda

Part A - Open to the Public

1. Apologies for absence/ committee membership

2. Disclosure of interests (if any)

3. Minutes

The [minutes](#) of the meeting held on 23 February 2021 to be submitted and signed.

4. Workforce Monitoring Report 2021 (Pages 3 - 18)

Report of the Executive Head of Human Resources and Organisational Development.

5. Politically Restricted Posts Policy (Pages 19 - 28)

Report of the Executive Head of Human Resources and Organisational Development.

6. Overpayments Policy 2021 (Pages 29 - 38)

Report of the Executive Head of Human Resources and Organisational Development

PART A

Report to: Council Functions Committee
Date of meeting: 9 November 2021
Report of: Executive Head of Human Resources and Organisational Development
Title: Workforce Monitoring Report

1.0 Summary

- 1.1 Watford Borough Council is committed to equality and diversity across the full spectrum of its services and in its role as an employer. This commitment is articulated in its equality objectives and associated action plan, which identifies key actions the council will take to ensure equalities for its workforce and that it reflects the community it serves. Our commitment goes beyond our statutory obligations and reinforces our corporate priority to ensure equality and diversity is at the heart of everything we do.
- 1.2 The council has undertaken a range of measures to try and improve the quality of the information recorded and these measures include:
- The implementation of our new HR and payroll system, iTrent has allowed us to request staff to check their personal details held on the system and update any gaps.
 - Regular communications to staff during the implementation of iTrent and afterwards to include personal information.
 - Discussions at management team meetings on the requirement for the council to provide this information and asking managers to remind staff to update their information.
- 1.3 However employees have the right not to state or disclose information if they choose and therefore there are still significant gaps in information held which makes data analysis more difficult. Further steps to encourage staff to update and submit their information have been discussed and agreed by senior officers. These measures include:
- Greater communication on why the information is collected and what we use it for.
 - Greater involvement in line managers speaking at team meetings about the need for information and asking staff to update their details.
 - Greater guidance on the use of iTrent, with videos showing how straight forward it is to update personal details.
 - To fully explore if it is possible to take information from the web recruit system provided during the recruitment process and transfer that directly on to iTrent for the appointed candidate.
- 1.4 The statutory duties are governed by the Equality Act 2010. Under the Act, public sector organisations with over 150 employees are required to report at least annually on how their policies and practices affect staff with the following different 'Protected Characteristics':-
- Age
 - Disability
 - Gender
 - Gender reassignment
 - Pregnancy and maternity
 - Race
 - Sexual orientation
 - Marriage and Civil Partnership
 - Religious or Belief

1.5 The attached statement details the profile of Watford Borough Council's workforce from 1 April 2020 to 31 March 2021.

2.0 Risks

2.1

Nature of Risk	Consequence	Suggested Control Measures	Response (Treat, tolerate, terminate, transfer)	Risk Rating (the combination of severity and likelihood)
Non Compliance with requirements of the Equalities Act	Reputation/ fine	Agree and publish to time	Treat	2

3.0 Recommendations

3.1 That Council Functions Committee approves the Workforce Monitoring Report.

Contact Officer:

For further information on this report please contact: Terry Baldwin, Executive Head of Human Resources and Organisational Development on telephone extension: 8133: email: terry.baldwin@watford.gov.uk

Report approved by: Donna Nolan, Managing Director, Watford Borough Council.

4.0 Implications

4.1 Financial

4.1.1 The Shared Director of Finance comments that there are no financial implications in this report

4.2 Legal Issues (Monitoring Officer)

4.2.1 The Group Head of Democracy and Governance comments that it is a legal requirement to publish our workforce monitoring report annually.

4.3 Equalities/Human Rights

4.3.1 This report complies with our duty under the Equalities Act 2010.

Appendices

- Workforce Monitoring Statement 2021.

Background Papers

No papers were used in the preparation of this report.

File Reference

None.



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**WORKFORCE MONITORING REPORT
2021**



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1.0 INTRODUCTION

- 1.1 Watford Borough Council is committed to equality and diversity across the full spectrum of its services and in its role as an employer. This commitment is articulated in its equalities statement and objectives, which identifies key actions the council will take to ensure equalities for its workforce and that it reflects the community it serves. Our commitment goes beyond our statutory obligations and reinforces our corporate priority to ensure equality and diversity is at the heart of everything we do.
- 1.2 This statement details the profile of Watford Borough Council's workforce from **1 April 2020 to 31 March 2021**.

2.0 LEGISLATIVE FRAMEWORK

- 2.1 The statutory duties are governed by the Equality Act 2010. Under the Act, public sector organisations with over 150 employees are required to report at least annually on how their policies and practices affect staff with different 'Protected Characteristics'.
- 2.2 Watford Borough Council collects data from its workforce on the following protected characteristics:
- Age
 - Disability
 - Gender
 - Gender reassignment
 - Pregnancy and maternity
 - Race
 - Sexual orientation
 - Marriage and civil partnership
 - Religion or belief

3.0 MONITORING DATA

- 3.1 The statistics are taken from the Human Resources and Payroll information system, iTrent. iTrent provides us with comprehensive reporting allowing a full analysis of our workforce data to be undertaken.
- 3.2 Although we have the capability to undertake reporting, we are dependent on individuals disclosing their personal information to us, so that meaningful reporting can be undertaken. Where employees have chosen not to disclose this information, there are gaps in our data. We recognise the limitations of this system, which relies on individuals disclosing their personal information to us, and we have introduced some measures to remind staff to update their details.:

- With the introduction of iTrent, we have asked all employees to check the information held on the system, make sure it is correct and add any further information under the equalities section.
- Ask Group Managers and line managers to remind staff of the request to update their information.
- Engage with our Staff Ambassador Group, which is made up of employees from all levels of the organisation, and seek their input into how we can encourage more employees to disclose their personal information

3.3 We anticipate these initiatives, along with our continuing on-going requests to our employees to update their records, should help with future reports and provide a greater degree of accuracy on the makeup of our workforce.

4.0 CORPORATE MONITORING

4.1 The council is committed to ensuring it achieves equalities objectives. Equality issues are overseen by the Corporate Equalities Working Group, and through the monitoring of performance indicators on equalities. Information on the council's performance on equalities can be found on the council's website at www.watford.gov.uk.

5.0 LEGAL GENERAL DUTIES – CORPORATE TARGETS

5.1 Under the Equality Act 2010, there is also a general equality duty, meaning the council must have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity between different groups
- Foster good relations between different groups

5.2 Due regard involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people from protected groups, where there are different needs of other people.

5.3 This general equality duty replaces all previous duties specified under previous equality legislation and applies to the council as an employer as well as a provider and enabler of services.

6.0 WATFORD POPULATION STATISTICS

6.1 The council receives local population details and projected local population growth through government released population data and Census information.

6.2 This report identifies the council's current employee profile and how that profile matches local population statistics taken from Census data. The report also indicates the targets the council sets through a series of Human Resource Performance Indicators.

7.0 WORKFORCE ANALYSIS

7.1 **Table 1:** Analysis by Ethnicity (Ethnic composition of council employees at 31 March 2021 compared to 31 March 2020 and compared to the current local population):

Ethnic Origin Description	No of Employees 2020/21	% of Employees 2020/21	% of Employees 2019/2020	% of local population (Census 2011)
Asian British: Bangladeshi	0	0.0%	0.46%	0.40%
Asian British: Indian	8	3.36%	6.42%	5.50%
Asian British: Other	5	2.1%	0.92%	4.40%
Asian British: Pakistani	2	0.84%	0.46%	6.70%
Black British: African	4	2.84%	1.83%	3.50%
Black British: Caribbean	2	0.84%	0.46%	1.70%
Black British: Other	1	0.42%	1.38%	0.60%
Mixed: White & Black Caribbean	3	1.26%	0.92%	3.40%
Other Ethnic Group	1	0.42%	0.00%	0.00%
White: British	79	33.18%	40.37%	61.90%
White: Irish	3	1.26%	2.75%	2.30%
White: Other	9	3.78%	3.67%	7.70%
Prefer not to say / not stated	121	50.82%	40.37%	0.00%
Total	238	100.00%	100.00%	

7.2 **Table 2: Black, Asian and Minority Ethnic Group (BAME).**

BAME	2020/21		2019/20	
	Total Employees (Headcount)	% of Employees	Total Employees (Headcount)	% of Employees
Yes	35	14.73%	28	12.84%
No	82	34.45%	102	46.79%
Prefer not to say / Not stated	121	50.82%	88	40.37%
Total	238	100.00%	218	100.00%

7.3 The total number of employees from a Black, Asian and Minority Ethnic (BAME) background for 2020/21 is 14.73%. The council's target has been increased to 27.1% from 13.0%. The figure this year is below the council's target. 50.82% of employees have not provided this information. As noted in 3.2 above, we continue to make efforts to address this by on-going

requests and reminders to our employees to update their records and the importance of providing the information. The most recent request was in August 2021. HR Business Partners also regularly raise the matter with managers in management meetings to urge their employees to complete the on-line form.

- 7.4 The community population for those from a Black, Asian and Minority Ethnic background is 38.12% (2011 Census).
- 7.5 The target percentage for top 10% of earners being from the BAME group was 13.0%, with an exceeded target of 19.23% (5 of the 24 most senior posts in the council are occupied by employees from a BAME group).
- 7.6 **Table 3: BAME's within the council's grading structure.** Figures for 2019/20 are shown in ():

Pay Band	Broad Description	No of BAME Employees	% of BAME employees	% of all employees
Band 5 and below	Most front line jobs	6 (6)	23.08% (21.43%)	2.52% (2.75%)
Band 6 to 8	Senior officers, team leaders, supervisors / technical specialists	15 (18)	57.69% (64.29%)	6.30% (8.25%)
Band 9 to 11	Professional grades / Managers /Section Heads	5 (4)	19.23% (10.71%)	2.1% (1.38%)
Head of Service and Senior Leadership Team*		0 (1)	0% (3.57%)	0% (0.46%)
Total		26 (28)	100.00%	12.84%

(*Senior Leadership team is made up of 8 senior staff employed by Watford Borough Council and 3 senior staff who are employed by Three Rivers-District Council and therefore not directly included in the figures for Watford.

- 7.7 The majority of the BAME population are employed in front line and Senior Officer/Supervisory roles in the council.
- 7.8 Small fluctuations will have a disproportionate effect on percentages due to lesser numbers of staff.

8.0 ANALYSIS BY GENDER

- 8.1 **Table 4: The council's gender profile at 31 March 2021.** Figures as at 31 March 2020 are shown as ():

Gender	Total no of employees	% of employees
Female	144 (128)	60.5% (58.72%)

Male	94 (90)	39.5% (41.28%)
Total	238 (218)	100.00%

- 8.2 60.5% of the workforce are female. This is above the local population demographics which show that 50.41% of the working population (2016 mid-year population estimates) are female.
- 8.3 The target for the top 10% of high earners is 50% for females. The actual total was 50% (12 of the 24 most senior posts being occupied by females).
- 8.4 The council uses the National Joint Council (NJC) Job Evaluation Scheme to ensure equality of pay between genders. This protects the council's continued robustness on all aspects of "equal pay for work of equal value" principles.
- 8.5 **Table 5: Female post holders within the council's grading structure.** Figures for 2019/20 are shown as ():

Pay Band	Total No of Female Employees	% of Total Female Employees
Band 5 and below	38 (34)	26.38% (26.56%)
Band 6 to 8	73 (69)	50.69% (53.90%)
Band 9 to 11	29 (21)	20.14% (16.41%)
Head of Service / Leadership Team*	4 (4)	2.78% (3.13%)
Total	144 (128)	100.00%

(*Senior Leadership team is made up of 8 senior staff employed by Watford Borough Council and 3 employed by Three Rivers District Council. The figures for 2019/20 **exclude** the three female senior staff employed by Three Rivers District Council.

- 8.6 This demonstrates the council's commitment to career opportunities for women.

9.0 ANALYSIS BY DISABILITY

- 9.1 A disability is defined as a physical or mental impairment that has a substantial and long-term adverse effect on ability to perform normal day-to-day activities. 'Substantial' means more minor or trivial and the effect of the impairment will have lasted or is likely to last for at least twelve months.
- 9.2 The council fully supports the Disability Confident employer scheme. This means that all applicants who declare a disability and demonstrate in their application form that they meet the criteria detailed in the person specification are guaranteed an interview.
- 9.3 The council makes reasonable adjustments to accommodate the needs of employees who have a disability, in accordance with the 'Disability in Employment' Policy.

9.4 **Table 6: Council employees declaring that they have a disability.**

Disability	Total no of employees	% of employees
No	71 (48)	29.83% (22.02%)
Yes	8 (6)	3.36% (2.75%)
Not Stated	159 (156)	66.81% (75.23%)
Total	238 (218)	100.00%

9.5 The target percentage of all employees declaring that they had a disability was 5.00%, with an actual figure of 3.36% (8 out of 238). 66.81% of employees have not provided this information. We continue to make efforts to address this by on-going requests and reminders to our employees to update their records.

9.6 A high percentage of employees have not stated whether they have a disability or not, limiting a detailed analysis. This has been a historical issue at the council and steps have been taken to reassure and encourage employees to provide this information via the iTrent self-service system, including revised guidance on why we need this information.

9.7 The Council has a dedicated internet hub designed to look after health and wellbeing and are proud to have signed the Time to Change Employer Pledge. There is a thriving Health and Wellbeing forum and trained Mental Health Champions and Mental Health First Aiders. Our Health and Wellbeing Strategy also focuses on raising awareness of certain disabilities across the organisation by periodically organising campaigns on agreed topics.

9.8 The current Mental Health First Aiders have completed a two-day Mental Health First Aid Course. The same course is offered on-line by the provider in a 15 hour workshop which we can offer to employees who want to become MHFAs to be consistent in the training going forward.

10.0 ANALYSIS BY AGE

10.1 **Table 7: The council's Age Profile as at 31 March 2020.** Figures for 31 March 2020 are shown as ():

Age Group	Number of employees	% of employees	% of local population (from mid-2016 population estimates)
29 and under	23 (20)	9.66% (9.17%)	38.95% (38.95%)
30 – 39	42 (41)	17.65% (18.81%)	17.56% (17.56%)
40 – 49	64 (61)	26.89% (27.98%)	14.57% (14.57%)
50 – 59	73 (68)	30.67% (31.19%)	11.67% (11.67%)
60 – 64	31 (24)	13.03% (11.01%)	4.24% (4.24%)
65 +	5 (4)	2.1% (1.83%)	13.02% (13.02%)
Total	238 (218)	100.00%	

10.2 The age statistics at 31 March 2021 show a median age of council employees is between 40 and 49 years. The total number of employees under 40 is 65, which is an increase from last year. Last year, the number of employees under 40 was 61. This represents a 6.56% increase.

10.3 A range of initiatives have been put in place over the past 12 months to increase the number of young people coming to work in the council. Examples of these include apprenticeships Kickstart and work experience. As part of the Council's revised OD Strategy, the CSC is developing into an Academy for staff to join and then move on to other services. The Council is also refreshing its role and communications with local schools and colleges about job opportunities and the variety of roles within the Council.

11.0 PREGNANCY AND MATERNITY

11.1 During 2020/21, five female employees took maternity leave.

12.0 SEXUAL ORIENTATION

12.1 The council currently works with the Hertfordshire LGBT group, advertising events on the Intranet to raise awareness of the support network available for Lesbian, Gay, Bisexual and Transgender employees. More collaborative work is planned.

12.2 **Table 8: Sexual Orientation as at 31 March 2021.** Figures for 31 March 2020 are shown as ():

Sexual Orientation	No of employees	% of employees
Bisexual	3 (1)	1.26%(0.46%)
Gay Man	2 (1)	0.84% (0.46%)
Gender Reassignment	0 (0)	0.0% (0.00%)
Heterosexual	103 (83)	43.28% (38.07%)
Lesbian / Gay Woman	0 (1)	0.0% (0.46%)
Not Stated	129 (130)	54.2% (59.63%)
Prefer not to say	1 (2)	0.42%(0.92%)
Total	238 (218)	100.00%

12.3 It is noted that the majority of employees (54.2%) have not completed this section of the Equality Monitoring form. We therefore need to work with employees to increase the collation of this data, to help inform our practice. A recent revision of the Equality Monitoring form with additional explanatory text will hopefully go some way to address this. As noted in 3.2 above, we continue to make efforts to address this by on-going requests and reminders to our employees to update their records and the importance of providing the information. The most recent request was in August 2021. HR Business Partners also regularly raise the matter with managers in management meetings to urge their employees to complete the on-line form.

13.0 MARRIAGE AND CIVIL PARTNERSHIP. Not previously reported

Marital Status	No of employees	% of employees
Divorced	13	5.46%
Married	60	25.21%
Seperated	4	1.68%
Single / Never Married or in Civil Partnership	26	10.92%
Widowed	2	0.84%
Not Stated	133	55.88%
Total	238	100.00%

14.0 ANALYSIS BY RELIGION. Not previously reported

Religion	No of employees	% of employees
Christian	56	23.53
Declined to say	5	2.1
Hindu	9	3.78
Jewish	1	0.42
Muslim	2	0.84
No religious belief	36	15.13
Sikh	2	0.84
Other	1	0.42
Not stated	126	52.94
Total	238	100.00%

15.0 TRAINING

15.1 The council has a strong commitment to developing staff within the resources available and the training budget for 2020/21 was £100,270. The Training team responsible for training delivery also provides training support for Three Rivers District Council.

15.2 79 days of training were provided to staff (this equates to the number of people attending specific courses). For example 10 people attending a half day training course = 5 days of training delivered.

16.0 RECRUITMENT

16.1 The council operates fair recruitment practices, ensuring equality of opportunity in employment. The following measures are in place:

- All the council's vacancies are advertised in relevant on line publications and on the council's web site. A positive statement about the council's commitment to equalities appears in all job adverts.
- All the council's jobs have an up to date job description that identifies the range of criteria necessary to undertake the role.
- All jobs are evaluated by an analytical job evaluation scheme, which ensures they are graded relative to all other jobs within the council.
- Selection is made on merit and is on the basis of meeting the essential requirements of the job. This is assessed by a panel who conduct shortlisting and the selection interviews, relevant exercises and assessment centres.
- To ensure that all applicants are short-listed against the same criteria, we ask all job applicants to complete the council's job application form or if submitting CV's, to complete the CV application forms.
- If the council engages temporary workers via a recruitment agency, the agency is required to comply with the council's equalities requirements. The council operates in accordance with the requirements of the Agency Workers Regulations and the majority of temporary assignments are made via our vendor neutral supplier, Comensura.
- All new employees undergo an induction programme where they are informed of their responsibilities under the council's 'Code of Conduct' and Disciplinary Policy.
- If an external job applicant believed that their application had not been considered fairly, they may register their dissatisfaction using the council's corporate complaints procedure.
- The council is accredited with the 'Disability Confident' (Level 1) employer scheme for employment practices to support those with a disability in the work place and plan to work towards obtaining Level 2 during the coming year.
- The council encourages applications from applicants in the protected characteristic groups, where these groups are under-represented.
- The council sets equalities targets and reviews them on an annual basis.

17.0 JOB APPLICANTS

17.1 During 2020/21, 145 roles were advertised with 1672 job applicants. Of those 1672 applicants who answered the question about their Ethnic Group on the Equal Opportunity Monitoring Form, 740 (44.26%) were from the BAME population.

The Applicant Tracking System, Webrecruit, was implemented during 2019/20 and this has resulted in a significant increase in the number of applicants stating their ethnic origin and other equality questions on the Equal opportunity Monitoring form than in the previous year (see tables below). The form is mandatory to complete, although there is the option to 'Prefer not to Say' as there is no statutory requirement to compel applicants to provide a response to these questions.

17.2 **Table 9: Ethnicity of job applicants.** Figures for 2019/20 are shown as ():

Ethnic Origin Description	No of Applicants 2020/210	% of Applicants 2019/20
Asian British: Bangladeshi	11 (8)	0.66% (0.65%)
Asian British: Indian	108 (96)	6.46% (7.84%)
Asian British: Other	152 (155)	9.1% (12.41%)
Asian British: Pakistani	40 (41)	2.39% (3.35%)
Asian British: Kashmiri	29 (17)	1.73% (1.39%)
Black British: African	92 (70)	5.5% (5.71%)
Black British: Caribbean	26 (5)	1.56 (0.41%)
Black British: Other	192 (127)	11.48% (10.37%)
Mixed Ethnic Background	72 (79)	4.31% (6.45%)
Other Ethnic Group	18 (18)	1.07% (1.47%)
White: British	689 (438)	41.21% (35.76%)
White: Irish	31 (19)	1.85% (1.55%)
White: Other	168 (117)	10.05% (9.55%)
Prefer not to say / not stated	44 (38)	2.63% (3.1%)
Total Number of Applicants 2019/20	1672 (1225)	100.00%

Table 9a: Ethnicity of job applicants. Figures for 2019/20 are shown as ():

BAME / NON-BAME	Number of applications	% of applications
BAME	740 (612)	44.26% (49.96%)
Non-BAME / Prefer not to say	932 (613)	55.74% (50.04%)
Total	1672 (1225)	100.00%

17.3 **Tables 10 to 15:** Other protected characteristics for 1672 job applications received during the year:

Table 10: Gender of job applicants. Figures for 2019/20 are shown as ():

Gender	No of Applicants	% of applicants
Female	790 (563)	47.23% (45.96%)

Male	856 (637)	51.2% (52.00%)
Prefer Not To Say	26 (25)	1.57% (2.04%)
Total	1672 (1225)	100.00%

Table 11: Disability of job applicants. Figures for 2019/20 are shown as ():

Disability	No of applicants	% of applicants
Yes	75 (54)	4.49% (4.41%)
No	1549 (1129)	92.64% (92.16%)
Prefer not to say	48 (42)	2.87% (3.43%)
Total	1672 (1225)	100.00%

Table 12: Religion of job applicants. Figures for 2019/20 are shown as ():

Religion	No of applicants	% of applicants
Buddhist	8 (7)	0.48% (0.57%)
Christian	563 (448)	33.67% (36.57%)
Hindu	130 (116)	7.78% (9.47%)
Jain	1 (4)	0.06% (0.33%)
Jewish	29 (13)	1.73% (1.06%)
Muslim	242 (171)	14.47% (13.96%)
Sikh	20 (23)	1.19% (1.88%)
Other	34 (434)	2.03% (35.43%)
No religion	519 (613)	31.04% (50.04%)
Prefer not to say	126 (9)	7.54% (0.73%)
Total	1672 (1225)	100.00%

Table 13: Age of job applicants. Figures for 2019/20 are shown as ():

Age	No of applicants	% of applicants
16-24	314 (140)	18.78% (11.43%)
25-34	479(426)	28.65% (34.78%)
35-44	400 (317)	23.92% (25.88%)
45-54	283 (201)	16.93% (16.41%)
55-64	150 (95)	8.97% (7.76%)
Not stated	46 (46)	2.75% (3.76%)
Total	1672 (1225)	100.00%

Table 14: Marital Status of job applicants. Figures for 2019/20 are shown as ():

Marital Status	No of applicants	% of applicants
Civil Partnership	45 (21)	2.69% (1.71%)
Divorced	84 (66)	5.02% (5.39%)
Married	635 (479)	37.98% (39.10%)

Single	811 (579)	48.5% (47.27%)
Widowed	4 (5)	0.24% (0.41%)
Prefer not to say	93 (75)	5.56% (6.12%)
Total	1672 (1225)	100.00%

Table 15: Sexual Orientation of job applicants. Figures for 2019/20 are shown as ():

Sexual Orientation	No of applicants	% of applicants
Bisexual	39 (25)	2.33% (2.04%)
Gay Man	26 (10)	1.56% (0.82%)
Gay woman	8 (14)	0.48% (1.14%)
Heterosexual	1497 (1075)	87.74% (87.76%)
Prefer not to say	88 (101)	5.26% (8.25%)
Other	14 (0)	0.84% (0)
Total	1672 (1225)	100.00%

18.0 THE WAY FORWARD

- 18.1 The council is fully committed to equalities and performing strongly as an employer of choice in representing staff with all protected characteristics at all levels in the organisation.
- 18.2 In an effort to improve representation in our workforce for those who have a disability the council will continue to participate in the Disability Confident employer scheme.
- 18.3 We have placed an advert promoting us as an employer of choice in a specialist disability related publication and we will continue to do similar promotional work going forward.
- 18.4 An Organisation Development Strategy incorporating succession planning and talent management has been developed, in part to ensure we are forward planning to address the aging workforce profile we currently have, to avoid a potential exodus of key knowledge and skills which might impact on corporate and service delivery. We will continue to review our strategy and ensure corporate training needs are revised annually to reflect the organisation's needs.
- 18.5 The council will seek to encourage younger people to join the organisation, by building on the existing apprenticeship schemes and work experience placements offered, including a scheme working closely with local schools. We will further explore the potential of providing a graduate scheme at the council, subject to available funding.

Part A

Report to: Council Functions Committee
Date of meeting: 09 November 2021
Report of: Executive Head of Human Resources & Organisational Development
Title: Politically Restricted Posts Policy

1.0 SUMMARY

- 1.1 The principle of political restriction in local government is based on a long established tradition that officers involved in advising members of an authority should be seen to observe a policy of political neutrality. The Local Government and Housing Act 1989 and the Local Government Officers (Political Restriction) Regulations 1990 and the Local Government Act 1972, set out the legal basis for political restrictions.
- 1.2 Certain posts in the Council are therefore 'politically restricted' so employees who are employed in these posts may not undertake certain specified activities and relevant post holders have this noted in their job description / contract. A Politically Restricted Posts Policy has been created to provide more guidance for employees who hold relevant posts on the implications of political restriction and the limitations that apply to them under current legislation (Appendix 1).
- 1.3 All staff in a politically restricted post will be reminded by letter on an annual basis of those restrictions and how to appeal, for those in sensitive roles only, should they wish to do so. There will also be supporting eLearning available for staff and for new employees in a political restricted post, this will be mandatory during their probation period. The draft letter to affected employees is attached as appendix 2.

2.0 RECOMMENDATION

- 2.1 That the Politically Restricted Posts Policy is approved by the Committee.
- 2.2 That the draft communication by letter to relevant post holders be approved by the committee.

Contact Officer:

For further information on this report please contact: Jenny Bennet, HR Business Partner
Telephone extension: 8313 email: jenny.bennet@watford.gov.uk

Report approved by: Terry Baldwin, Executive Head of Human Resources & Organisational Development.

3.0 **IMPLICATIONS**

3.1 **Financial**

3.1.1 None.

3.2 **Legal Issues** (Monitoring Officer)

3.2.1 The Group Head of Democracy and Governance comments that this policy ensures the council complies with political restriction requirements of The Local Government and Housing Act 1989 and the Local Government Officers (Political Restriction) Regulations 1990 and the Local Government Act 1972.

3.3 **Equalities**

3.3.1 There are no known equalities implications.

3.4 **Potential Risks**

Potential Risk	Likelihood	Impact	Overall score
Breach of political restrictions by an Officer with insufficient awareness and understanding of the restrictions that apply to them.	1	3	3

3.5 **Staffing**

3.5.1 None

3.6 **Accommodation**

3.6.1 Not applicable

3.7 **Community Safety**

3.7.1 Not applicable

3.8 **Sustainability**

3.8.1 Not applicable

Appendices

Appendix 1: WBC Policy – Politically Restricted Posts

Appendix 2: Draft letter for relevant post holders.

Background Papers

No papers were used in the preparation of this report.

File Reference

None



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POLITICALLY RESTRICTED POSTS - POLICY

MAY 2021

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1.0 INTRODUCTION

Certain posts in the Council are 'politically restricted' which means that employees who are employed in these posts may not undertake political activities.

2.0 AIMS OF THE POLICY

To provide guidance for employees who hold relevant posts on the implications of political restriction and the limitations that apply under current legislation.

3.0 SCOPE

All employees (including part-time employees).

Note: There are also shared service staff who will provide advice to Watford Committees but who are employed by Three Rivers District council and covered by the Three Rivers policy

4.0 PRINCIPLES

4.1 The principle of political restriction in local government is based on a long established tradition that officers involved in advising members of an authority should be seen to observe a policy of political neutrality.

This principle is fundamental to a fair and democratic system to ensure:

- Elected members should receive impartial advice from officers
- Officers should not be influenced by any political party in the implementation of policy

4.2 The Local Government and Housing Act 1989 and the Local Government Officers (Political Restriction) Regulations 1990 set out the legal basis for political restriction. Posts are politically restricted either because the particular post is listed in the legislation or because of the responsibilities of the post.

4.3 What does political restriction mean?

Certain posts in the Council are 'politically restricted' which means that employees employed in these posts may not undertake political activities either in or outside the workplace. Politically restricted employees will automatically be disqualified from standing for, or holding office, and these restrictions are incorporated as terms in an employee's contract of employment under the legislation.

4.4 Employees who are politically restricted are barred from standing for office as any of the following:

- Local councillors
- Members of Parliament
- Members of the Welsh Assembly

- Members of the Scottish Parliament

They are also restricted from canvassing on behalf of a political party or a person who is or seeks to be a candidate; cannot speak to the public at large or publish any written or artistic work that could give the impression that they are advocating support for a political party.

- 4.5 The cumulative effect of these restrictions is to limit the holders of politically restricted posts to bare membership of political parties, with no active participation within the party permitted.

5.0 FURTHER RESTRICTIONS WITHIN THE COUNCIL

The Local Government Act 1972, which first introduced legislation for political impartiality, enforces further restrictions:

5.1 Restrictions on members becoming officers

The Council cannot appoint as an employee in any capacity, any councillor who is currently a member of that Council or who has been a member of it in the previous 12 months.

5.2 Restrictions on officers becoming members

An employee will be disqualified from being elected or holding office as a member of the same local authority. This principle also applies more widely to employment with certain bodies over which that authority has influence. Therefore, an individual employee would also be disqualified from standing or holding office with that specific authority if they hold any paid office or employment with a local or joint authority on which the authority is represented.

6.0 WHICH POSTS ARE POLITICALLY RESTRICTED?

Posts will only be considered to be politically restricted if they fall into two broad categories known as **specified** and **sensitive** posts:

- 6.1 **Specified** posts are automatically subject to restrictions on public political activity and have no right of appeal. The following posts constitute specified posts in accordance with legislation:

- the Head of the Paid Service (HoPS)
- the statutory Chief Officers
- non-statutory Chief Officers (officers reporting to the HoPS excluding secretarial/clerical support employees)
- deputy Chief Officers (officers reporting to a Chief Officer excluding secretarial/clerical support employees)
- the Monitoring Officer
- the s151 Officer

- 6.2 **Sensitive** posts are those included in a list prepared and maintained by the authority of posts which meet one or both of the following duties-related criteria:

(i) Giving advice on a regular basis to one or more of the following:

- the authority itself, i.e. full Council
- any committee or sub-committee of the authority or to any joint committee on which the authority are represented
- the executive of the authority i.e. the Cabinet
- any committee of that executive; or to the Mayor or any Portfolio Holder
- overview and scrutiny committees (and their sub-committees)
- assistants to political groups

The Council can appoint up to three assistants for political groups subject to stringent conditions and safeguards

Political assistants may not speak to the public in a manner that creates the impression that they are speaking as an authorised representative of a political party (whether authorised to do so or not)

Political assistants may not publish, cause, authorise or permit any other person to publish any written or artistic work of which they are the author, co-author or editor that creates the impression that the publication or work is authorised by a political party

(ii) Speaking on behalf of the authority on a regular basis to journalists or broadcasters

6.3 How often is a “regular basis”?

6.3.1 The legislation does not provide a definition of “regular”. However, the use of the word “regular” would suggest that something more than an occasional attendance to present a formal report to a committee is needed to establish that advice is given on a regular basis. In determining whether an employee’s post falls within the definition, consideration should be given to the following:

- the number of times over the previous 12 months that the post holder either attended or provided a report for, those groups described above
- the number of times over, for example, the previous 12 months that the post holder has provided a report to an individual member of the executive

6.3.2 It should be noted that giving advice to elected members on a regular basis does **not** automatically mean that a post should be politically restricted.

7.0 HOW DO I KNOW IF A POST IS POLITICALLY RESTRICTED?

The Council maintains a list of those posts (see appendix 1) which have been defined as politically restricted in accordance with the legislation; this list includes both **specified** and **sensitive** posts. This list is reviewed on a regular basis. Role Profiles (job descriptions) will also confirm whether a post is politically restricted.

8.0 NEW ROLE PROFILES

New, or amended, role profiles will need to be assessed, using the criteria above, to determine whether the post should be politically restricted.

9.0 RIGHT OF APPEAL AGAINST POLITICAL RESTRICTION

An employee whose post has been determined to be **sensitive** under the legislation, and is therefore politically restricted, can appeal to the Managing Director to be exempted from the list, on the grounds that their authority has wrongly applied the criteria set out in paragraph 6.2 above. However, the holder of a **specified** post under the legislation has no right of appeal.

9.1 How do I appeal?

Appeals should be made in writing to the Managing Director setting out the grounds of the appeal and attaching a full job description of the post.

10.0 RESIGNING TO TAKE UP POLITICAL ACTIVITIES

Employees can resign their post to take up political activities. It is left to the discretion of the Council as to whether or not to reinstate an employee who resigns their post. The Council is not obliged to keep a post open or to give preferential treatment should an employee re-apply for a post.

APPENDIX 1

POLITICALLY RESTRICTED POSTS

Service Area	Position
	Monitoring Officer
Commercial	Executive Head of Commercial Finance & Innovation
Community & Environmental Services	Group Head of Community & Environmental Services Head of Leisure & Environmental Services Head of Parking Services Head of Community Protection Head of Parks Open Spaces and Projects. Licensing Officer Business Compliance Officer Community Safety Co-ordinator
Corporate Management	Manging Director Head of Enterprise Project Management
Corporate Strategy and Communications	Executive Head of Strategy & Communications Head of Communications Communication & Engagement Officer Mayor's Political Assistant
Democratic Services	Electoral Services Manager Democratic Services Manager Senior Democratic Services Officer Democratic Services Officer
Human Resources	Executive Head of HR and OD Head of HR Operations
Legal Services	Head of Legal Services Senior Solicitor
Place Shaping	Group Head of Place Shaping Head of Regeneration & Property Head of Planning & Development Head of Housing Head of Transport and Infrastructure Development Management Manger Spatial Planning Manager Principal Planning Officer Planning Enforcement Manager Planning Enforcement Officer Planning Officer
Service Transformation	Group Head of Transformation Head of ICT Head of Customer Experience Head of Corporate Asset Management Corporate Procurement Manager Business Intelligence Manager

Dear xxxx

r.e. Politically Restricted Post

You are being sent this letter to confirm that the post in which you are employed is classed as 'politically restricted' as reflected in your job profile / your contract of employment.

A Politically Restricted Posts Policy has been introduced in order to provide guidance for employees who hold relevant posts on the implications of political restriction and the limitations that apply under current legislation. You should read the policy which can be found here [\(ADD LINK when report is approved\)](#).

Further eLearning training will also be provided related to the implications of being in a politically restricted post and you will be contacted by HR regarding this in due course.

If you have any queries about the restricted classification of your post please speak to your line manager in the first instance and refer to the appeals process in the policy, although please do note that if you are employed in a 'specified' post you are automatically subject to restrictions on public political activity and have no right of appeal.

Yours sincerely,

Terry Baldwin
Executive Head of HR and OD

Part A

Report to: Council Functions Committee
Date of meeting: 09 November 2021
Report of: Executive Head of Human Resources & Organisational Development
Title: Overpayments Policy

1.0 SUMMARY

- 1.1 This is a new policy for Functions committee to approve; however the process for reclaiming overpayments is well established and contained within contracts of employment for staff. The requirement for a formal policy follows on from a recent a recent Payroll Audit, where it was recommended that the repayment process currently undertaken, when there has been an overpayment of salary or expenses, should be drawn up into a Policy with clear procedural guidance on how the recovery of overpayments is to be made, so as to formalise in that policy what is written in contracts of employment and what happens in these events. It was further recommended that the Overpayments Policy should be published on the Intranet.
- 1.2 As members receive their remuneration through the same payroll system officers felt that it was appropriate to include in the policy how overpayments of member remuneration and expenses would also be dealt with, which mirrors how staff are dealt with. If approved a copy will be sent to all members and placed on the Member Portal.

2.0 RECOMMENDATION

- 2.1 That Council Functions Committee approves the Overpayments Policy.

Contact Officer:

For further information on this report please contact: Terry Baldwin, Executive Head of Human Resources and Organisational Development on telephone extension: 8133: email: terry.baldwin@watford.gov.uk

Report approved by: Donna Nolan, Managing Director, Watford Borough Council.

3.0 IMPLICATIONS

3.1 Financial

- 3.1.1 The Shared Director of Finance comments that all steps should be undertaken to reclaim legitimate overpayments to staff and/or members.

3.2 **Legal Issues** (Monitoring Officer)

3.2.1 The Group Head of Democracy and Governance comments that it is in accordance with contracts of employment to reclaim overpayments. The council also takes all appropriate steps to reclaim any overpayments of remuneration or expenses from members.

3.3 **Equalities**

3.3.1 There are no known equalities implications.

3.4 **Potential Risks**

Potential Risk	Likelihood	Impact	Overall score
Overpayments are not reclaimed resulting in a loss of finance and reputation for Watford Borough council	1	2	2

3.5 **Staffing**

3.5.1 None

3.6 **Accommodation**

3.6.1 Not applicable

3.7 **Community Safety**

3.7.1 Not applicable

3.8 **Sustainability**

3.8.1 Not applicable

Appendices

Appendix 1: Overpayments Policy

Background Papers

No papers were used in the preparation of this report.

File Reference

None



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**OVERPAYMENTS POLICY
OCTOBER 2021**



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1.0 Policy

1.1 Watford Borough Council (the Council) is required to ensure that employees and Council members are paid/remunerated correctly at all times. However, if an overpayment of salary/allowances or any other payment (either expenses and/or benefits) is made for any reason, the Council will take the necessary steps to recover the overpayment from the employee or member.

2.0 Scope and Purpose

2.1 This policy applies to all employees, ex-employees, members and ex-members of the Council.

2.2 This policy is intended to support clarity and fairness in ensuring that errors are corrected in an effective and timely manner and any overpayments are recovered.

2.3 The definition of an overpayment is where an employee or member is paid an amount in excess of either their contractual entitlement or the members remuneration scheme. Likely causes of an overpayment could include:

- A Leaver Form not being completed, received or processed on time;
- Late or no notification of payroll amendments;
- An employee taking annual leave in excess of their entitlement when leaving the Council;
- An employee not returning from maternity leave; and
- A payroll processing error.

2.4 The Council is committed to minimising the number of overpayments as far as practicable. Measures are in place to limit overpayments occurring and these are continually reviewed. The effectiveness of this will be assessed through analysis of overpayments at quarterly Leadership Board meetings.

2.5 Whilst it may not be the employee's or member's fault, it would not be acceptable for an employee or member to simply assume that they had received an increase in pay/allowances without there being some reason for them to believe that this is the case.

2.6 Any Council employee or member who suspects that they have received an overpayment must contact the HR (Payroll) team as soon as possible. Through its external Payroll provider, HR will check the employee's/member's payslip and confirm whether or not an overpayment of salary/allowances or any other payment has been made.

2.7 Where an overpayment has been identified either by the Council or by an individual employee or member, HR will ensure that the employee's or member's personal Tax, National Insurance and pension contributions, where applicable, will also be adjusted without unreasonable delay to ensure that there should be no detriment to an employee or member following recovery of any overpayment made by the Council.

- 2.8 HMRC notifies the external Payroll provider of any underpayments of Tax and National Insurance contributions. When the notification is received it is input into the HR & Payroll system by automatic data transfer and the adjustment is made in the next pay cycle. The Council has no discretion on Tax Code changes. Any queries must be addressed to HMRC directly.
- 2.9 The Executive Head of HR and Organisational Development has overall responsibility for the appropriate recovery action of the outstanding debts and may delegate specific actions to the relevant Manager, HR or the Revenues & Benefits (Debt Recovery) team, as appropriate.
- 2.10 If an individual fails to report an overpayment which they may have been aware of through for example, a check of their payslip, the Council may decide whether to carry out an investigation, which could result in disciplinary action.

3.0 Recovery from Current Employees or Members

3.1 Payment errors can be identified in several ways:

- the employee or member upon receipt of their salary identifies that an error has occurred;
- a member of the HR (Payroll) team may identify that an error has occurred;
- the external Payroll provider may identify that an error has occurred; and
- the Manager/Budget Holder identifies that an error has occurred.

3.2 When a payment error is identified, the external Payroll provider will calculate the amount of the overpayment. The HR (Payroll) team will write to the employee or member to explain the reason of the overpayment, detail the gross and net amounts and the proposed recovery through the payroll.

3.3 The overpayment will be calculated as both a Gross and Net value. The Gross value is the amount the Council has overpaid. The recovery will however, be based on the Net amount (after Tax, National Insurance and pension, as appropriate), i.e. the amount the employee or member has received. This ensures that the overpayment recovery can be processed without detriment to an employee's or member's Tax, National Insurance and pension, as appropriate.

3.4 If the error has occurred over a one or two month period, the circumstances of which the employee or member is already aware of, the overpayment will be calculated and the adjustment will be made automatically the following month.

3.5 If the employee or member could not reasonably have known about the overpayment or the overpayment occurred over more than two months, the overpayment will be calculated and a repayment plan will be agreed before any recovery is processed through the payroll. The net overpayment will be recovered in instalments from future salary payments in the same tax year.

3.6 If the employee or member considers that, due to exceptional circumstances, the timing of the repayment is not possible because it will cause financial hardship, they must contact the

HR (Payroll) team through their Manager in the case of an employee, or directly if a member before 1st of the following month to request postponement of the repayment so that a repayment plan can be agreed. This proposal will be considered on a case-by-case basis presented by the Executive Head of HR and Organisational Development in consultation with the relevant Group/Executive Head of Service.

- 3.7 If, during the period of repayment of an overpayment, the employee's salary is affected by any of the following examples: Nil Salary or Statutory Payments only or Sickness Absence on Half Pay, or Maternity Absence on Half or Nil Pay, then the overpayment may be re-negotiated subject to repeating the above process so that repayment is made at a time where normal salary is reinstated or as a Leaver.

4.0 Recovery from Leavers

- 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.

- 4.2 If the overpayment is greater than the final salary payment, immediate payment will become due prior to leaving the Council. If no payment is made before leaving the Council and no contact is made within 14 days of leaving, the matter will be referred to the Revenues & Benefits (Debt Recovery) team so that an invoice can be raised for the balance, and the debt recovery process can begin.

- 4.3 Where a member has left the Council and it becomes apparent that they have received an overpayment of their allowance, they will be written to by HR as soon as practicable after the overpayment has been identified and asked to repay the overpaid amount in full. Revenues and Benefits will be notified so that an invoice can be raised and debt recovery commenced. Where the ex-member considers that, due to exceptional circumstances, immediate repayment in full will cause them financial hardship, they must contact the HR (Payroll) team as soon as possible so that a repayment plan can be agreed. This proposal will be considered on a case-by-case basis by the Executive Head of HR and Organisational Development. The HR (Payroll) team will then notify Revenues and Benefits of the agreed payment plan who will manage the collection of the overpayment. Where an ex-member fails to comply with an agreed payment plan or fails to repay the overpayment the process in 5.3 below will be followed.

5.0 Recovery from Ex-Employees

- 5.1 When a payment error is identified for an employee who has already left the Council, the external Payroll provider will calculate the net amount of the overpayment. The HR (Payroll) team will write to the ex-employee to explain the circumstance of the error and refer the matter to the Revenues & Benefits (Debt Recovery) team so that an invoice can be raised and debt recovery commenced.

- 5.2 If the ex-employee is unable to repay an overpayment immediately then the Revenues & Benefits (Debt Recovery) team may agree a repayment plan period not normally exceeding the length of time over which the overpayment was made but no more than 6 months.

Repayments over a period of more than 6 months must be agreed with the Executive Head of HR and Organisational Development.

- 5.3 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.
- 5.4 If an ex-employee has been overpaid for more than two pay periods after leaving the Council and has not alerted either their Manager or HR to the overpayment, then this will be referred to the Fraud team for investigation. The investigation will progress independently of the payroll recovery process.

7.0 Writing Off Debts

- 7.1 In order to request that a salary/allowance overpayment or a proportion of the debt is written off, the matter must be referred to the relevant Group/Executive Head of Service and Executive Head of HR and Organisational Development.
- 7.2 If a decision to write off all or part of the debt is made, this will be confirmed in writing by the Executive Head of HR and Organisational Development and sent to the HR (Payroll) team who will notify the employee or ex-employee, member or ex-member.
- 7.3 If the decision is not to write off the debt, recovery procedures will continue.
- 7.4 Budget Holders should be aware that if recovery is not made then any outstanding amount will fall on the home cost centre.

8.0 Table of Responsibilities

Responsibilities of:	Responsibility
Employee	<ul style="list-style-type: none"> a) Accurately completing Time & Expenses claim forms in a timely manner. b) Ensuring they understand their salary entitlement. c) Checking their payslip every pay period to ensure that it appears accurate and matches the payment received within their bank/building society account. d) Raising pay anomalies with their Manager and the HR (Payroll) team immediately. e) Repaying any amounts overpaid as soon as possible. f) Remaining aware of their position and obligations under this policy.
Member	<ul style="list-style-type: none"> a) Ensuring they understand their members remuneration entitlements. b) Checking their payslip every pay period to ensure that it appears accurate and matches the payment received within their bank/building society account. c) Raising pay anomalies with the HR (Payroll) team immediately.

	<ul style="list-style-type: none"> d) Repaying any amounts overpaid as soon as possible. e) Remaining aware of their position and obligations under this policy.
Employing Department/Manager	<ul style="list-style-type: none"> a) Reporting changes in employee contracts, including hours, Band/Grade, position transfers, leavers to HR in a timely manner, by the relevant cut-off date and ideally before the effective date of the change. b) Notifying the HR (Payroll) team of leaving dates as soon as possible, paying particular attention to the fact that a portion of the monthly pay is paid in advance. The Leaver information must also include details of any under or overtaken annual leave. c) Checking Time & Expenses claims for accuracy prior to approval. d) Ensuring all amendments to pay are processed in a timely manner in accordance with the appropriate process, and payroll deadlines. e) Checking the accuracy of information provided to the HR (Payroll) team. f) Informing the HR (Payroll) team immediately when an overpayment or other unexplained discrepancy has been reported to them by an employee. g) Supporting HR, as appropriate, when overpayments are made.
Human Resources	<ul style="list-style-type: none"> a) The Overpayments Policy. b) Ensuring changes received are input into the HR & Payroll system in a timely, accurate manner within agreed timescales. c) Ensuring any Council employee who is subject to a payroll discrepancy is dealt with in a fair manner and in accordance with current employment legislation and good practice. d) Ensuring that when an overpayment has been identified, details are communicated to the employee and the Manager, in a timely manner. e) Retaining records of any overpayments to Council employees for audit purposes. These records will include: The amount owed; proposed method of repayment; proposed payment period; proposed final date of recovery. f) Processing payroll amendments in an effective and timely manner, adhering to payroll deadlines, and reducing the potential for overpayments. g) Processing recovery of overpayments on the HR & Payroll system. h) Supporting Managers and the Revenues & Benefits (Debt Recovery) team, as appropriate when overpayments are made. i) Identify and report overpayment trends with the Executive Head of HR and Organisational Development in a timely manner.

External Payroll Provider	<ul style="list-style-type: none"> a) Manually calculating the net overpayment and providing a schedule of calculations to the HR (Payroll) team. b) Processing recovery of overpayments on the HR & Payroll system. c) Explaining manual overpayments to employees including Tax and National Insurance enquiries.
Revenues & Benefits (Debt Recovery)	<ul style="list-style-type: none"> a) Raising invoices under this policy. b) Recording any overpayments in the Council's ledger and setting up a recovery process where it is not possible to recover via an individual's salary. c) Monitoring the recovery of all overpayments d) Providing monthly debt recovery updates to HR and Budget Holders. e) Escalating overpayments to other Agencies as appropriate; f) Providing any information required by Debt Collection Agencies or Courts as appropriate in order that they may take relevant action.
Finance	<ul style="list-style-type: none"> a) Recording all salary overpayments in the Council's Finance system and for monitoring recovery of these amounts. b) Querying and correcting any unusual items or unexplained variances with Budget Holders and HR.