

Recovery of Exit Payments – Waiver Policy

Issued by HR



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Introduction

Under the Repayment of Public Sector Exit Payments Regulations 2016 individuals who earn £80,000 and above (pro rata if part time) who leave public sector employment and then rejoin it within a twelve month period will be required to repay to their former employer a proportion of the exit payment they received.

The Regulations set out that the repayment requirement applies to the following types of exit payment:

- redundancy payments
- payments made in relation to a voluntary exit from employment
- KCC funded top-up payments to allow an employee to take early retirement with an unreduced pension
- payments made in relation to the terms of a fixed term contract
- payments made under a settlement or conciliation agreement
- payment by way of shares consequent upon a loss of employment

Payments excluded from the regulations include:

- payment in lieu of notice
- payment for accrued annual leave
- payments made in respect of incapacity or death arising from an accident, injury or illness

The Repayment of Public Sector Exit Payments Regulations 2016 include a provision which allows, in exceptional circumstances, public sector employers to waive the requirement for an individual to repay their exit payment. This policy sets out KCC's approach to waiving the repayment requirement.

Scope

This policy applies to all former KCC employees who meet the criteria set out in the 'Introduction' section above.

General Principles

- Former employees who rejoin the public sector within twelve months of receiving an exit payment will be required to repay the appropriate proportionate amount
- The maximum time period for repayment is normally twelve months
- Any breach of the repayment agreement between the former employee and KCC will be notified to the individual's new public sector employer and could result in their dismissal
- The repayment requirement can be waived but only in line with this policy

Waiving the Repayment Requirement

Requests for waiving the required repayment will be considered on a case by case basis and will only be agreed in exceptional circumstances - these may include:

- where there is an urgent need to recruit a particular individual to deal with a particular issue
- where unexpected effects occur as a result of the machinery of government changes
- where an exit payment includes a settlement in respect of an actual or potential claim of employer fault (e.g. in a Settlement Agreement)
- proven hardship

Employee Requirements for Requests to Waive the Repayment Requirement

- Requests will only be accepted if they are made in writing and submitted to the Head of Human Resources
- All requests must provide sufficient detail regarding the reasons why they are requesting that the repayment requirement is waived.

KCC Standards

- All requests for the waiving of the repayment requirement will be considered in the first instance by the Head of Human Resources
- Where the Head of Human Resources determines that the waiver request does not meet the exceptional circumstances criteria, written notification of this decision will be sent to the former employee.
- Where the Head of Human Resources feels that there may be sufficient grounds on which to consider waving the repayment requirement the matter will be referred to Full Council for a final decision
- There is no right of appeal against the decision taken by either the Head of Human Resources or Full Council.
- If a waiver request is agreed by Full Council, the following information will be retained for three years:
 - the identity of the former employee
 - the amount and the type of payment that was waived
 - the date the decision was taken to waive the repayment
- KCC will, as part of the annual Statement of Accounts, publish the following information on the waiving of the repayment requirement:
 - the amount and type of payment that was waived
 - the date the decision was taken to waive the repayment
 - the reason for the decision to waive the repayment

Alternative Formats

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