

Member resource

Template letter for use in response to claims by employers for repayment of wages paid during Covid-19



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Some hospital doctors working emergency rotas during the Covid-19 response have subsequently reported attempts by employers to claw back payments.

Our advice to members is to contact our head office on 01256 770 999 or your national officer for assistance if you are in such a situation.

However, HCSA has also produced a template letter which can be issued in response to an employer claim for repayment. It requests that they meet minimum requirements.

Doing so is an important way of letting your employer know that they cannot simply request the sum unchallenged, and will assist our team in progressing your case.

While this letter can be used by any hospital doctor in this position, only existing HCSA members will be able to access advice from our support team. We are not usually able to provide support on issues which predate a member's joining date.



Letter template

Dear XXX,

I write further to your [e-mail / letter] dated ... in which you notify me of an intention to deduct £XXX from my salary on the grounds of a previous overpayment to me.

As a result of your communication, I have obtained professional advice. Whilst I accept that section 14(1), Employment Rights Act 1996 (ERA 1996) entitles employers to make deductions from salary within a reasonable time for reimbursement of previous overpayments of wages and expenses, if the deductions do not accord with the limited circumstances authorised by the law they will be unlawful (see section 13(1), ERA 1996).

Further, the burden is on the employer to prove its entitlement to the sums deducted.

Therefore, before any sum is deducted, I require proof that the amount claimed is legitimate. To that end, please send me a clear and detailed explanation (referencing relevant dates and hours worked) which includes the full calculations supporting the total sum claimed. In order for me to take advice on the claim and make representations in the event of a miscalculation, please send the information to me 28 days in advance of the salary payment from which the deduction will be made.

Please also provide me with the name and contact details of a person who is sufficiently familiar with my case to answer any questions that may arise from the review of your explanation. Such a person should also be able, subject to the amount claimed, to agree repayment by instalments.

In conclusion, I wish to make it clear that I agree with the reimbursement of sums that have genuinely been overpaid. However, there must be a reasoned justification for the same so that it is clear that the proposed deduction is not an unlawful one.