

From: O'Mahony Tracy **On Behalf Of** Evans Tracie
Sent: 06 February 2015 10:33
To: All employees in scope
Cc: McGeachie Jacquie; Etheridge Zina; Mathieson Nicola; Kyriacou Christiana; Evans Tracie
Subject: CONFIDENTIAL TO BE OPENED BY ADDRESSEE ONLY

Dear Colleagues

RE : Performance Management Scheme for Chief Officers

In my letter of 28th January 2015, I have said that if the proposals were approved by the Staffing and Remuneration Committee on 19th February 2015 then all affected employees will be sent a formal letter confirming the decision and the payment settlement offer.

A further piece of information has arisen today which means that whilst the acceptance letter will deal with any contractual rights you may have, it does not deal adequately with any statutory rights you may have, and we need to find a way to waive both sets of rights.

The only way we can find to waive both sets of rights is for you to sign a draft "settlement agreement" (rather than an acceptance letter) which will be in full and final settlement of any claims you may have at the date of the agreement arising under the Performance Management Scheme for Chief Officers (under any version of the Scheme) and under which you agree to a variation of your contract with the Council so that from the date of the agreement you will not have any future contractual entitlement to payment under any version of the Scheme.

The "settlement agreement" will need to have been signed off by both the Council and yourself by 2pm on the 6th March 2015.

The issue with the "settlement agreement" is that you will need to have obtained independent legal advice on the terms and effect of the agreement before you sign it off. This is merely advice that ensures that you understand the terms stated within the agreement and the effect of the agreement on your ability to pursue contractual or statutory claims in connection with the Scheme. In the event the proposals are approved, the Council will be making arrangements for a firm of solicitors specialising in employment law to make such advice available to you at no cost , although if you wish, you may seek your own such legal advice, in which case the Council would be willing to contribute up to £250 plus VAT towards the cost of that advice if the settlement agreement is signed off by both the Council and yourself by 2pm on the 6th March 2015".

I apologise that this information has come to you during the consultation process rather than at the beginning however it is new information and I thought it important that you were aware of the slightly amended situation.

Please do not hesitate to call myself, Chas or Nicola should you wish to discuss the issue

Regards

Tracie

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