**CUMBERLAND
CITY COUNCIL**

Non-Performance Guidelines

Cumberland City Council has the right to terminate a grant, on the basis of non-performance. The non-performance circumstances include and are not limited to:

· The recipient has not met the acquittal requirements
· A criminal breach or fraud has been committed.

In the first instance, during the acquittal management process a request will be made by Council to the recipient to explain the non-performance of the grant and explain the discrepancy in writing by the recipient to Council.

The recipient must abide by the following time frames to achieve the acquittal requirements and the Council will implement the relevant processes during this time:

1. **OVERDUE, OVER 1 MONTH:**
   a. A SmartyGrants (SG) email to advise overdue and advising completion date outlining the consequences if acquittal not completed. This includes a request for the return of monies and inability to apply for further grants.

2. **NON-COMPLIANT, UP TO 3 MONTHS:**
   a. One follow-up email per month
   b. One phone call at end of 3 months
   c. One formal letter
   d. Recipient to be flagged and not considered for any further funding across council
   e. Designated with yellow flag via SmartyGrants (SG)

3. SERIOUS BREACH, UP TO 6 MONTHS

a. One formal letter
b. Recipient to not be considered for any further funding across council
c. Designated with red flag via SmartyGrants (SG)

The Council can request a refund of the grant monies, due to non-performance, and in circumstances where a large grant has been granted, Council may work with a debt collector to reclaim monies.

The Council, with appropriate approval, can write off non-performance funding as a bad debt. The following Council staff have delegation to write off debts for individual amounts:

· Director Finance and Governance – Up to $2,000
· General Manager – Up to $10,000
· Council – Above $10,000

In the case of non-performance, this will be documented on the recipient's case file and in SmartyGrants (SG) with the relevant flag - yellow or red on SmartyGrants (SG).