



Leaver's Policy

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**Document Location**



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## Revision History

Revision Date	Version Control	Summary of changes
August 2022	V1	New policy

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## 1 Purpose

The purpose of the procedure is to provide guidance for all employees of Tamworth Borough Council (TBC) (i.e. Chief Executive, Chief Officers, Managers, Officers) leaving the organisation and to ensure that a standard, fair and consistent approach is adopted.

Notice periods fall into two categories, contractual notice and statutory notice. This policy covers both types of notice and covers what will happen to other payments such as holiday entitlement, payment for time owed and responsibilities for the return of property.

## 2 Confirmation of resignation

Normally, the first indication of a resignation is a verbal one between the employee and the line manager. Whilst TBC can try and persuade the employee not to leave, it is not permissible to refuse to accept the resignation. Sometimes the issue can be resolved at the first meeting and the resignation withdrawn with the agreement of both parties. It is therefore reasonable to seek out initial reasons for resignation at this early stage to establish if anything can be done, rather than waiting for the exit interview. If an individual still wishes to leave TBC, they must provide written notice addressed to their manager. This should state:

- The resignation date
- The expected actual leave date
- The expected last day at work (if annual leave, banked hours or flexi is being taken)

## 3 Contractual Notice Periods

An employee resigning from TBC should give at least the amount of contractual notice required. Notice periods are aligned to the grading structure and the following notice periods will apply.

Grades	Notice Required
A-D	One calendar month
E-G	Two calendar months
H and I	Three calendar months

Employees employed under **the Joint Negotiating Committee for Chief Officers** are required to provide three calendar months' notice and employees covered under the **Joint Negotiating Committee for Chief Executives** are required to provide six months' notice.

These notice periods apply equally to employees on temporary and fixed term contracts if they wish to end the contract earlier than the initially agreed end date.

Either party may request that notice periods are waived by mutual agreement. However, this is only agreed in exceptional circumstances in consultation with the Assistant Director and Human Resources.

Where an employee wishes to withdraw their notice of resignation, they must make their request to the Head of Service or Assistant Director. They will meet with them to ascertain the reasons for the resignation and retraction. Human Resources must be consulted before an answer is provided to the individual.

#### **4 Statutory Notice Periods.**

The Council will give notice to the employee equivalent to one week of every complete year of service, up to a maximum of 12 week. This will apply in situations where the Council is giving notice to terminate a contract on the grounds of redundancy, dismissal or for termination on the grounds of ill health. This includes temporary and fixed term contracts. In cases of gross misconduct, dismissal is with immediate effect.

For employees covered under the Joint Negotiating Committee for Chief Executives, this is six months.

#### **5 Handover**

After an employee's notice has been submitted to their manager, it is expected and appreciated that they co-operate with any handover to their successor or colleagues.

#### **6 Responsibility of line managers**

On receipt of the employee's resignation, the employee's manager must complete a Termination Form; this must be completed as priority to prevent the possibility of overpayment.

The Termination Form must be sent to HR Admin in Human Resources. In the event that a short notice period is agreed with management, the Payroll Department must also be directly advised by email to minimise the risk of salary overpayment. Salary payments are despatched to the bank/building society around 12<sup>th</sup> of each month. Therefore, advance warning of anyone leaving before the month end is essential.

The manager should ensure all property is returned. If TBC property is outstanding, payroll needs to be informed.

Human Resources Team will write to the employee confirming their last day of employment and invite them to complete an exit questionnaire and attend an exit interview with their manager if requested. The employee may request for the exit interview to be with HR or another manager within the service.

Exit Interviews are useful to gain an understand of why an employee has chosen to leave, what they liked about working at TBC and what they consider would improve the organisation to be an employer of choice. The time taken to give feedback is appreciated. If allegations of serious misconduct or Grievance come to light in the exit interview, the information will be passed to the Head of HR & OD for further exploration.

## 7 Return of property

Employees will be required to return all property allocated during the course of employment, on or before the last day worked. This will include; mobile phone, all equipment and furniture if a home or hybrid worker, fobs, identity cards, keys or papers. This list is not exhaustive.

Failure to do so will entitle TBC to withhold final payments due to the leaver and/or deduct the cost of replacement items from any monies due and payable to the leaver. If it becomes necessary, the leaver will be advised that this is being done.

## 8 Annual leave and Flexi Balance

Employees who leave TBC are entitled to the proportion of annual leave whilst in employment.

Calculation: Leave entitlement for full year x Proportion of leave year in employment

For example: Employee works 5 days per week and has 10 years service. Leave year is 1<sup>st</sup> April – 31<sup>st</sup> March and they leave on 25<sup>th</sup> July.

**Step 1:** Annual leave for whole year = 31 days as they also have 5+ years service

**Step 2:** Calculate the proportion of leave year in employment

Between 1<sup>st</sup> April and 25<sup>th</sup> July there are 116 days calendar days. There are 365 days in a year, 366 on a leap year. Therefore, they are employed for  $116/365 = 31.78\%$  of the year

**Step 3:** Pro-rata based on the proportion of the leave year worked:

$$31 \times 31.78\% = 9.85 \text{ days and then round up to 10.}$$

Employees are normally requested to take any outstanding annual leave prior to the agreed termination date. Normal procedures regarding requesting annual leave apply. If staff are unable to take annual leave prior to their termination date due to exigencies of the service, pay for outstanding annual leave will be made with their final payment. Adjustments will be made to the employee's final salary if annual leave is overtaken. If an employee has overtaken their annual leave entitlement, this will be paid back in their final salary.

Staff are required to have a nil flexi balance at the point of leaving. Payment will not be made for credit balances.

Once the termination paperwork has been processed, managers **must not** authorise any further leave as the employee could then be paid incorrectly.

## **9 Recovery of outstanding overpayments**

Staff repaying any salary overpayments by instalments should expect the final balance to be deducted where possible from their last pay. Any payment required will be advised by HR and Payroll at the earliest opportunity. TBC will require any further outstanding monies to be paid with immediate effect.

If the member of staff received post entry training funding for role related qualifications, the course fees will need to be reimbursed in accordance with the letter confirming the post entry training arrangement.

Car or travel loan payments will be reclaimed on leaving under the relevant policy unless a debtor's repayment plan is agreed.

If the member of staff resigns during or within three months of returning from Maternity or Adoption Leave and received twelve weeks half pay, they will be required to reimburse TBC of this payment.

## **10 Termination on the grounds of ill health.**

Where the Council is having to terminate an employee's contract on the grounds of ill health or capability, regardless of the status of current occupational sick pay (i.e. full, half or zero rate) the Council will re-instate full pay for the contractual notice period. Please see the Managing Attendance Policy for further details.

## **11 Termination following a disciplinary hearing**

The Council will, under certain circumstances detailed in the Disciplinary Policy, issue a summary dismissal to an employee where they have been subject to disciplinary findings which are deemed to be serious gross misconduct. This will mean the Council is not required to give the contractual or statutory notice to an employee and will end the contract of employment with immediate effect. Please see the Disciplinary Policy for further details.

## **12 Informing relevant departments:**

The manager will complete the 'ICT Access Removal Request Form', available on Infozone, to inform the ICT department that the employee is leaving prior to the leaving date.

HR will send an email to the 'Leavers' email group so that the relevant responsible officers remove access to, for example, corporate credit cards, door fobs, information systems.

### **13 Final Payments**

Payroll will ensure that all final payments are concluded and the P45 is produced. Final payments are made to the employee's bank or building society account in the usual manner. If a pay award is agreed after an employee leaves, it is the ex-employee's responsibility to request that any backdated arrears are paid after their leaving date.

### **14 Leaving employment – what happens to your pension benefits?**

Payroll will notify Staffordshire Pension Fund shortly after members have left employment.

If any adjustments are made to pay after the leaving date (i.e. payment of arrears made) notifications will be sent to the Staffordshire Pension Fund as soon as possible. Staffordshire Pension Fund will write direct to members with details of their accrued retirement benefits and options available.

Options for Leavers:

- (1) Refund of contributions- with no pension benefits remaining

Employees with less than two years Pension Scheme membership and no transfers into the scheme can elect to receive a refund of contributions. They will receive their own contributions, less any tax relief applied.

- (2) Deferred benefits

Benefits will be deferred and remain with the Local Government Pension Fund fully index-linked and based on your period of scheme service. They will usually be payable at members normal retirement date.

- (3) Transfer out to another Scheme

When pension benefits are "Deferred" it is usually possible to transfer these to the Pension Scheme of a new employer. A transfer is where the 'cash value' of benefits is calculated by Staffordshire Pension Fund and is then paid to another pension scheme. Details about a transfer can be requested from Staffordshire Pension Fund.

A leaver over the age of 55 can elect to draw their pension earlier but this will be at a reduced rate. Please refer to Staffordshire Pension Fund's website for details of the sliding scale.

### **15 Confidentiality**

Employees are reminded of their the duty owed to TBC under which you have to keep confidential information received or obtained in confidence and not to use, divulge or communicate to any person, firm or organisation (other than in the course of properly performing your duties or with the consent TBC or as required by a court of competent jurisdiction) any confidential information relating to the business, organisation, transactions, accounts, finances or affairs of TBC which you may have received or obtained while in its service. This restriction shall continue to apply after the termination of your employment but shall cease to apply to information which may come into the public domain otherwise than



through unauthorised disclosure by you. You shall use your best endeavours to prevent the unauthorised use, publication or disclosure of such information.

### **16 Garden Leave/Pay in Lieu of Notice**

The Council reserves the right to instigate Garden Leave or pay in lieu of notice in appropriate circumstances. This will normally be where keeping an employee at work during the notice period may be detrimental to the business of the Council. The Head of Paid Service in conjunction with the relevant Executive Director must be fully consulted for approval.

## Appendix 1: Leavers Checklist

This checklist is to be completed by the manager, with the employee's input and cooperation, prior to the employee's leaving date. Once completed, the form should be returned to Human Resources, together with the completed exit interview form.

Employee's name	
Job Title	
Last date of employment	
Final working day if taking leave or flexi	

Checklist for Manager:	Date completed (or N/A)
Resignation/retirement letter received from employee	
Speak to and then write letter to employee acknowledging resignation	
Agree a leaving date with the employee	
Send resignation letter and a copy of your acknowledgement letter to HR Admin who will recalculate leave entitlement on Tensor	
Agree when any outstanding annual leave will be taken and determine the last working day	
Complete a termination form ( <b>ensuring the annual leave section is complete</b> ) and send to HR Admin	
Approve any outstanding expense claims to Payroll	
Inform ICT of the employee leaving date by completing the ICT Access Removal Request form	
Arrange handover of work with the employee	
Conduct exit interview with the employee/request for exit questionnaire to be sent out	
Checklist for Employee	
Submit any outstanding expense claims to Payroll	
Staff ID badge (return to Customer Services)	
Locker key (return to Customer Services FAO of HR))	

Carpark fob (return to Customer Services FAO of HR)	
Mobile phone (return to ICT)	
Laptop/ICT equipment (Return to ICT)	
Desk/chair (Return to office)	
Company credit card (return to Finance)	
Uniform (Return to manager)	

Manager's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Employee's signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Please return this form to HR Admin**



Part 1 – Details		
What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Leavers Policy	
Date Conducted	October 2022	
Name of Lead Officer and Service Area	Jackie Noble HR	
Commissioning Team (if applicable)	N/A	
Director Responsible for project/service area	Anica Goodwin	
Who are the main stakeholders	Employees	
Describe what consultation has been undertaken. Who was involved and what was the outcome	CMT TULG Members	
Outline the wider research that has taken place (E.G. commissioners, partners, other providers etc)		
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	<input type="checkbox"/>
	A Strategy/Policy/Procedure	<input checked="" type="checkbox"/>

	A function, service or project	<input type="checkbox"/>
What kind of assessment is it? Indicate with an 'x' which applies	New	<input checked="" type="checkbox"/>
	Existing	<input type="checkbox"/>
	Being reviewed	<input type="checkbox"/>
	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>

### Part 2 – Summary of Assessment

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

To provide guidance for employees and managers on the leaving process.

Who will be affected and how?

All employees.

Are there any other functions, policies or services linked to this impact assessment?

Yes  No

If you answered 'Yes', please indicate what they are?

**Part 3 – Impact on the Community**

**Thinking about each of the Areas below, does or could the Policy function, or service have a direct impact on them?**

Impact Area	Yes	No	Reason (provide brief explanation )
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The policy is applicable to all employees irrespective of age.
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of disability and explicitly references reasonable adjustments
Gender Reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of gender reassignment
Marriage & Civil Partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of marital status
Pregnancy & Maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of pregnancy and maternity
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of race
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of religion or belief and explicitly references adjustments for religious observance
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sexual orientation

Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sex
Gypsy/Travelling Community	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Caring/Dependent responsibilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of those with caring responsibilities
Those having an offending past	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Children	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Vulnerable Adults	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Families	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those who are homeless	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those on low income	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Drug or Alcohol problems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Mental Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Physical Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Other (Please Detail)	<input type="checkbox"/>	<input type="checkbox"/>	

**Part 4 – Risk Assessment**

**From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications**

Impact Area	Details of the Impact	Action to reduce risk

**Part 5 - Action Plan and Review**

Detail in the plan below, actions that you have identified in your CIA, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

**If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why**

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome
n/a				

Date of Review (If applicable) .....