

Frequently asked questions

These are provided for guidance or quick reference guide only, so always refer to the policy

1. Resignation

1.1 How much notice do I need to give?

Should you wish to leave us, you will be required to give the amount of notice applicable to your pay band as detailed in the table below.

Pay Band	Notice period
Bands 1-5	4 weeks
Bands 6	8 weeks
Bands 7 and above	12 weeks

1.2 What notice will I receive if I am made redundant?

You would receive a minimum of 4 weeks to a maximum of 12 weeks depending on your length of NHS service and contractual notice. For example, if you have 8 years NHS service you would receive 8 weeks notice from the date of when notice is served. For your contractual notice please see your contract of employment or contact HR Direct.

Should you be offered alternative employment outside of the NHS, and you are requested/required to start by your new employer before this date, this may be agreed with us. However, we would always need to consider the needs of the operation when making this decision. You may want to refer to NHS Terms and Conditions of Service Handbook for details under the section 'Redundancy Pay - Early release of redundant employees'

1.3 What if my new employer wants me to start sooner than my contractual notice allows?

Sometimes a new employer may ask you to start your new job with them as soon as possible. It is important that you advise them of your contractual notice, and that you will need to agree a leave date with your manager, who may be able to agree an earlier date with you, depending on operational requirements. You need to have a discussion with your manager at the earliest opportunity to discuss your reasons for leaving and agree your notice period and leaving date.

1.4 What if I want to withdraw or 'retract' my notice/resignation?

The organisation is under no obligation to consider a retraction of notice, however this will depend on the point reached in the process. If for example it is within a day or so, you should have a conversation with your manager as to your reasons, and issues your manager may have. It is possible that for example, there may be a budgetary requirement that may preclude them from allowing this.

It is possible that you have put in your resignation in haste, without thinking this through and want to change your mind. Again your manager is not obliged to accept a retraction; however they will give this careful consideration. Where a particular issue has been identified leading up to the event, e.g. a disagreement with your manager or a work colleague, if your retraction is accepted, meaningful steps should be agreed between you to ensure this issue does not happen again.

1.5 How do I return any NHSBT property?

Anything issued to you by us will need to be returned on your last day. Using a leaver's checklist, your manager will make arrangements with you for this, including returning lease car, IT equipment, passes etc.

1.6 What should I do if I am thinking of resigning my post?

Where possible, you should talk to your manager as soon as you are thinking about resigning. Your manager will want to discuss with you your reasons for leaving, and will encourage you to participate in the Leavers Questionnaire, which you will receive once they notify Pay Support.

You will need to consider your notice period, and agree your leave date.

Your manager will re-calculate your annual leave up to your leave date, to establish if you have any accrued leave to take or whether you will need to re-pay us for any taken.

If you are owed annual leave, where possible this should be taken prior to leaving. Your manager will have to consider operational requirements when agreeing this. Should this not be possible, this will be paid in your last salary.

If you have any outstanding TOIL or Flexi, you should agree with your manager that this is also taken before you leave us.

2. Leaving work and claiming an NHS Pension

2.1 Where can I find out about my NHS Pension options when I leave NHSBT?

For information about the options available to you go to [link to NHS Pensions member's page <http://www.nhsbsa.nhs.uk/Pensions/4189.aspx>]

2.2 At what age am I expected to retire from the organisation?

From November 2011 the default retirement age (DRA) was removed by the Equality Act 2010. Unless an organisation can 'objectively justify' a specified retirement age, employers no longer have the right to compulsorily retire employees when they reach 65 years of age. It will therefore be for you to decide when it is the right time to retire, provided you are still able to fulfil your duties.

2.3 What is 'the normal pension age' in relation to my NHS Pension?

This will vary depending on the NHS Pensions Scheme and section you are in. It is the minimum age at which a member can retire and have their pension paid without reduction.

For further advice and information about the NHS Pension Scheme:

<http://www.nhsbsa.nhs.uk/pensions>

2.4 How much notice should I provide, if I wish to leave and claim my NHS pension?

You should provide your contractual notice as a minimum; however you are advised to provide a minimum of 16 weeks notice to enable you to receive payment of your NHS Pension when you leave.

2.5 How do I claim my NHS Pension?

When you leave you should advise your manager that you are retiring from the NHS Pension Scheme. This will initiate the claim process and you should expect to receive the retirement benefits claim form (AW8) from SBS Pensions Department within 2 weeks of handing in your notice. If you do not receive it within 2 weeks contact SBS Pensions Department.

2.6 When will I receive my pension?

It is most important that your manager advises of your resignation on Service Now immediately following the submission of your resignation selecting the option of 'Retirement' as reason for leaving. ESR FRM 104 (termination form) will then be sent to your manager for completion. Once this is received by NHSBT Pay Support the SBS Pensions Department will send out your retirement benefits pension claim form (AW8) to you. You must complete and return the AW8 as quickly as possible to avoid any delay in processing your pension. ***Unless the above actions are carried out promptly, there is a risk that you will not receive your Pension/Lump Sum on time.***

2.7 What happens if I am unable to take any outstanding annual leave before my leave date?

Any accrued annual leave must be taken wherever possible, and your manager must ensure this is supported. In any extreme cases where this is not operationally possible, leave will be paid. However, should this be the case, this will result in your retirement date being extended and your NHS Pension being recalculated, which may delay the payment of your NHS Pension.

3. Claiming a pension and returning to work with NHSBT

3.1 What if I want to reduce my hours leading up to claiming my pension or if I want to return to NHSBT after?

You may express an interest in some form of flexible working in the build up to retirement, including wishing to return to work after full retirement. For this to be considered, you will need to put your request in writing to your manager.

To find out more about the flexibilities offered by the NHS Pension Scheme go to: <http://www.nhsbsa.nhs.uk/pensions>

3.2 What do I need to consider if I wish to claim my NHS Pension and return to work with NHSBT?

If you return to any NHSBT post including your current post, your gross pension and gross salary, must not exceed your gross salary at the time of retirement. You must declare this on your application for flexible working. Should the organisation require you to work hours that mean you will exceed this, you and your manager must provide a business justification for consideration and approval by Workforce Specialist Services as part of your application. The business justification must be supported by your Operational Director.

Your manager must send your flexible working application that they have discussed with you and a copy of the business justification with any other supporting evidence to HR Direct. This will then be sent to Workforce Specialist Services for a decision.

If you are given approval, you can finalise arrangements with your manager. If approval is not granted, you will receive an explanation in writing.

On approval, the completed and fully approved application for flexible working will be sent by to Workforce Specialist Services NHSBT Pay Support for action. Note: an ESR change form is no longer required.

The same may also apply, should you wish to return to any NHSBT role in the future.

In all cases you must resign from your post and take a 2 week break between leaving and re-engagement, which is a 'statutory' break in service (this break cannot be covered by accrued annual leave or TOIL).

When planning a retirement with the intention of returning to work in the NHS it is important to make sure that a sufficient break in service is taken to ensure that your re-engagement does not lead to non-payment or suspension of your expected NHS Pension.

To do this, you must ensure that you take full account of any outstanding leave when calculating your break in employment. If you do not use your outstanding annual leave before you leave, this is added to your dates of employment and your last date for paid employment (and membership of the NHS Pension Scheme) will be extended.

For NHS Pension purposes when returning to **any** NHS employment (**including** those with NHSBT) there must be:

- a break of at least 24 hours. This means a minimum of 24 hours between the last working day extended by the period of any outstanding annual leave and the start date in the new employment
and
- no more than 16 hours per week can be worked in the first calendar month following the date of retirement, extended by any annual leave paid on leaving. .

3.3 What kind of flexible retirement options are available in the NHS Pension Scheme?

The flexible retirement options that may be available to you depend on the section of the NHS Pension Scheme you are in.

	1995 section	2008 section	2015 scheme
Step down	✓	✓	✓
Wind down	✓	✓	✓
Retire and return*	✓	✓	✓
Draw down	✗	✓	✓
Late retirement enhancement	✗	✓	✓
Early Retirement Reduction Buy Out (ERRBO)	✗	✗	✓

*Members of the 1995 section will not be eligible to rejoin the NHS Pension Scheme on their return to employment

You can find out which section or scheme you are in through your Total Reward Statement or Annual Benefits Statement (<http://www.nhsbsa.nhs.uk/TRS.aspx>) or the NHS Pensions member identifier (<https://apps.nhsbsa.nhs.uk/choice/MemberID.html>).

From April 2015 you may have membership in more than one part of the scheme – so will need to ensure that if you wish to take up flexible retirement, the option you chose is applicable to all your pensionable membership.

3.4 Can I take my NHS Pension early?

If you have reached the Minimum Pension Age (MPA), but have not yet reached Normal Pension Age, for the NHS Pension Scheme/section you are in then you can consider taking your pension early under Voluntary Early Retirement (VER).

If you take your NHS Pension benefits under VER they will be reduced to take account of the early payment. Before you hand in your resignation it is essential that NHS Pensions have confirmed to you that the ‘Guaranteed Minimum Pension’ (GMP) test has been met. This test is an individual, statutory check by HM Revenue and Customs (HMRC) that your pension meets the minimum level as laid down by the relevant legislation. If this is not done then your NHS Pension will not be paid.

You must ensure that once you have received your estimate for initial consideration that you check the GMP test has been confirmed by HMRC to NHS Pensions before handing in your resignation. NHS Shared Business Services pensions department will be able to advise you about this.

If you are in the 2015 NHS Pension Scheme you may wish to consider Early Retirement Reduction Buy Out (ERRBO). For more information go to link to new pensions page: <http://www.nhsbsa.nhs.uk/pensions>

3.5 What length/s of service is recognised for loyal service awards?

You must have completed 20, 30 or 40 years continuous or aggregated service with NHSBT (or any predecessor organisation of NHSBT).

Aggregated service is your total service with NHSBT, and allows for any breaks in service you may have had.

4. Leaving work prematurely and claiming an NHS Pension due to ill health

4.1 What is the process for applying for ill health retirement?

You will need to contact SBS Pensions to request an ill health retirement pension breakdown and discuss the options available to you. SBS Pensions can be contacted on their helpline at 0303 123 1144 or via email at sbs.payrolldesk.nhs.net.

If you are a member of the NHS Pension Scheme you can make an application for ill health retirement. However this would need to be supported by medical evidence, which is usually obtained via Occupational Health. You should therefore obtain advice from HR as to how to take this request forward.

If you wish to pursue an ill health application, you will be given written notice that your employment is being terminated at the point when the application is submitted. Further information on ill health retirement can be obtained from the following link:

[http://www.nhsbsa.nhs.uk/Pensions/Documents/Pensions/Ill_health_Retirement_Factsheet_\(V2\)_-_12_2010_\(2\).pdf](http://www.nhsbsa.nhs.uk/Pensions/Documents/Pensions/Ill_health_Retirement_Factsheet_(V2)_-_12_2010_(2).pdf)

4.2 How long does an ill health retirement application normally take?

This will depend on the complexity of your case. Average timescales from submitting your application to the point of outcome notification is 4 months, however this can sometimes be longer if the NHS Pensions Agency requires further medical advice/information prior to making a decision.

4.3 What process is followed for my ill health retirement application?

When you have made the decision that you wish to apply for ill health retirement, you will need to inform your manager and local HR Consultant. You will be referred to Occupational Health (OH) and then a meeting will be arranged with you to discuss your request and OH outcome report.

You should however note that once you have advised us that you intend to pursue an ill health retirement application, you will be invited to a meeting where your employment will be terminated at the point your application is submitted regardless of whether that application is approved or not. The outcome will be confirmed in writing.

Following this meeting the HR Consultant will request an AW33E form from SBS Pensions. This form will be sent to you for completion and to be returned back to the HR Consultant. Once received and all parts are completed by yourself, this will be sent to our Occupational Health provider, who will complete the medical section of the application. At this point, your manager and Human Resources will arrange your dismissal with notice. Your application form will then be sent to the NHS Pensions Agency for consideration.

It is important to note that once an application form is submitted to the NHS Pensions Agency for consideration, NHSBT or SBS will not have any control over the decision making or timescales of this process. You will need to contact the NHS Pensions Agency directly to obtain any further information.

4.4 What happens if I have been dismissed and my ill health application has not been approved?

Once your application is complete and it has been sent to our Occupational Health provider to complete the medical section, your manager and Human Resources will arrange your dismissal with notice. Should your application not be approved by the NHS Pensions Agency you will have the following options:

- You can appeal to NHS Pensions through their appeal process of which you will be notified
- If you are above the Minimum Pension Age (MPA) for the NHS Pension Scheme/section you are in, you may request a pension estimate from the SBS Pensions Department for a reduced pension under Voluntary Early Retirement,
- You will need to wait until you reach the Normal Pension Age (NPA) in your NHS Pension scheme

4.5 What are my options if I have been diagnosed with a terminal illness?

Your manager will work with your HR Consultant supporting your situation to offer appropriate advice on the support available to you. The option of ill health retirement (as detailed above) will be discussed with you.

We would like to draw your attention to the confidential Employee Assistance Programme service, who are able to provide independent support. For further information please visit the intranet page as follows:

http://nhsbtweb/group_services/health_and_safety/employee_assistance_programme/index.asp

You can access the EAP service, via the following details

- Call 0800 716 017
- Call (outside the UK) +44 (0) 800 716 017
- www.employeecare.com (access code and password: 72992)

The NHS SBS Pensions Department will need to be informed of the urgency of your case and to enable you to make an informed decision as soon as possible.

5. Leaving work and claiming a non NHS pension

5.1 When should I submit my intention to leave?

If you do not have an NHS pension, but have other provision, you will need to ensure that all of the necessary paperwork has been completed for your pension provider, to ensure the payment of your pension is timely. You are advised to contact your pension provider at the earliest opportunity to discuss this. Normal resignation with contractual notice will apply.

6. Death in Service

6.1 What do I do if I am notified that one of my employees has died?

You are advised to notify HR Direct as soon as practicable so that you may be referred to an HR consultant for support. You will be sent a checklist containing all aspects you will need to consider at this difficult time for you and your team.

6.2 What arrangements should I consider for colleagues to attend a funeral of a colleague who has died?

Managers should firstly consider the wishes of the family in relation to attending a funeral. This is also contained in the 'death in service' checklist. Depending on the circumstances in which the employee died, you should consider who could attend. This could be a representative of the department, or a particular work colleague who they were close to. This would depend on operational requirements, however in some circumstances such as particularly tragic circumstances, operational requirements where possible, may be changed by management to allow more people to attend. Any time taken should be considered in line with the Time off Work Policy.

7. Leavers Questionnaire

7.1 How will my manager respond to my resignation?

Should you resign from your post, your manager will discuss with you your reasons for leaving, including:

- Why you are leaving
- Where you are going to work or do next
- And could we have done anything different to have encouraged you to stay

You will also be encouraged to take part in our on line leavers questionnaire. You will receive a link to this from Pay Support when they receive notification of your resignation from your manager.

The survey is confidential, and will be assessed by HR Direct.

8. References

8.1 Can the organisation provide a reference for me?

This is our standard practice and will only be in response to your future employer, and therefore you would have provided NHSBT as your referee at the time of application/offer. Should you not wish us to provide a reference you must notify HR Direct in writing immediately to HRDirect@nhsbt.nhs.uk

8.2 What is a personal reference?

This may be provided by an addressed individual, however they are not duty bound to provide this. It would normally be about a person, such as their character, interests, etc and not anything work related. Therefore, it will contain the opinion of the individual only and not that of NHSBT. This **must not** be provided using our headed paper.

8.3 What is a corporate reference?

HR Direct will provide a written reference containing the criteria indicated in the Policy. We are therefore bound by the content of that reference. All corporate references will be 'open' so marking references 'private' or 'confidential' will not affect this. Should your future employer request additional information, this will be sought from the person who managed you before you left.

8.4 How do I request a reference?

All reference requests must be directed to HRDirect@nhsbt.nhs.uk

8.5 Who will provide a reference for me?

HR Direct will provide a corporate written reference in the first instance. Should your new employer request additional information, this will where possible be directed to the person who managed you prior to you leaving us.

8.6 When are you likely to be asked for a Reference?

You are most likely to be asked to act as a referee by an employee seeking work outside NHSBT or promotion or transfer within NHSBT, and from former employees. There may be occasions that you will be asked to provide a reference for a former employee/work colleague from your previous employment or a personal reference for a friend.

8.7 Am I obliged to provide a reference?

No. However, it is unusual for us to refuse a request, as it is an established practice and also a refusal may damage the individual's opportunity of gaining employment. Therefore, we honour all reference requests. Please refer all reference requests to HR Direct.

8.8 Do I have any specific obligations to the individual or organisation requesting the reference?

Yes. You have a 'duty of care' to both the organisation requesting the reference, and the current or ex-employee the reference is written for. This means that we must not give a misleading impression to the organisation seeking the reference. The reference must be true, accurate and fair. This not only relates to what you provide in the reference, but also what you do not. For example, it would be misleading to provide a glowing reference for an individual dismissed for misconduct. The reference must be fair to the individual and should not contain any matters that have not previously been addressed with that person. For example, it would not be fair to refer to complaints made about that individual if a thorough investigation had not been concluded and addressed with them. Individuals have rights to request access to references written about them. You should also be careful to ensure that you do not say anything that could impact our reputation or cause NHSBT to be subject to any unnecessary complaint. If you are unsure, you may wish to discuss this with HR Direct.

8.9 Can I protect myself by disclaiming liability for the information provided in the reference?

A disclaimer will be standard on all written NHSBT references, however, there is no guarantee that it will not be challenged and managers must not rely on this.

8.10 What if I get asked for an unsolicited reference?

You are not advised to provide an unsolicited references addressed "to whom it may concern", unless the person/organisation requesting a reference can give a clear reason for asking someone who the candidate has not cited as a referee (i.e. "we always ask for a reference from all employers over the last 5 years").

8.11 What do I need to check before I write a reference?

References must only be given when the identity of the person/organisation requesting the reference can be established.

8.12 What do I do if I am telephoned and asked to provide a verbal reference?

When providing a telephone reference you must consider the following:

- You must make every possible effort to ensure this is a genuine request i.e. ask for an email etc or directions to a website to establish if this is a genuine company and contact
- All Information that is provided should be factually accurate and relevant to the employee/former employee, not excessive and be up to date. It may also include a balanced assessment of the individual's character and abilities, and where you are expressing an opinion rather than fact this should be stated. You must have reasonable grounds on which to base your statements.
- Information on Sickness Absence may include the number of absences and length of absences; however you *must not* disclose confidential medical information. Therefore you must not outline the reason for the absence.
- Reference to *current* disciplinary sanctions should, as a duty of care to the prospective employer, be included. Only matters that have been properly investigated and which you have reasonable grounds to believe are true should be mentioned if the employee resigned before a hearing was held.
- Care should be taken not to refer to spent convictions in references, except where the organisation requesting the reference is exempt from the Rehabilitation of Offenders Act (most NHS organisations), in which case the referee will need to disclose all known offences, whether spent or unspent, including driving offences.

8.13. If I am applying for an internal job, will my manager be asked for a reference?

Yes they may be asked. However, the same considerations need to be given as if providing a reference externally.

8.14 Can I provide a reference to another manager if an employee has applied for an internal vacancy?

Yes. However, the same considerations need to be given as if providing a reference externally. If you are unsure of the information you may provide, please contact HR Direct.

8.15 Can the person I have provided the reference for ask to see what I have written?

Yes. An employee or ex employee may request to see this and should make their request to HR Direct.

9. Policy Approval and Review

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9. FAQ's Section Details

Section	Section Heading	Page
1	Resignation	1
2	Leaving work and claiming an NHS Pension	2
3	Claiming a Pension and returning to work at NHSBT	3
4	Leaving work prematurely and claiming an NHS pension due to ill health	5
5	Leaving work and claiming a non NHS Pension	6
6	Death in Service	6
7	Leavers Questionnaire	7
8	References	7