

1. Policy Statement

At NHSBT, we recognise that it is necessary to provide a clear process and guidance to our managers and employees, and to provide the appropriate support for any reason for leaving the organisation. Our aim is to provide as smooth a transition as possible from our employment in any circumstances.

There are several ways in which our employees leave our employment, and this policy will explain the process that you need to follow in these circumstances:

- Resignation
- Leaving work and claiming an NHS Pension
- Leaving Work, claiming an NHS Pension and returning to work with NHSBT (Flexible Retirement)
- Leaving work and claiming an NHS Pension under Voluntary Early Retirement
- Leaving work prematurely and claiming an NHS Pension due to ill health
- Leaving work and claiming a non NHS Pension
- Death in Service
- For Redundancy, Fixed term contracts, and Dismissal, refer to the appropriate policy and process.

When using this policy, you also need to refer to Knowledge (FAQ's) in People First.

2. The Process

The process sets out what you need to do if you are leaving us, and what your manager and the organisation will do to support this. It is important to provide the right level of support for you when leaving. We understand that, in some circumstances, this can be a very sensitive, emotional or difficult time.

Resignation

If you are considering resigning from your post, we would encourage you to have a conversation with your manager, to ensure that you are able to agree an appropriate intended leave date taking into consideration the following:

- Your contractual notice period
- The date you wish to start with your new employer
- Your new annual leave calculation

You will need to put your notice in writing to your manager, including the details of your intended leave date. It is most important that your manager completes the Notification of Resignation on People First, immediately on receipt of your resignation. ESR FRM 104 (termination form) will then be sent to your manager for completion.

Should you resign from your post, your manager will seek to understand and discuss with you your reasons for leaving, and may wish to explore with you anything we may have done differently which may have encouraged you to stay.

You will also be encouraged to take part in our on line exit survey. You will receive a link to this from Pay Support on submission of the Initial Notification.

Annual leave

You and your manager must ensure that any annual leave you have accrued up to and including your leaving date must be taken. Should you be unable to take this due to operational requirements, your manager may authorise to pay you any outstanding annual leave in your final salary. If you have taken more annual leave than you have accrued up to and including your intended leave date, this will be deducted from your final salary. Your manager must notify pay support on the Initial Notification form of any annual leave adjustments to be paid or deducted.

Leaving work and claiming your NHS Pension

Deciding to leave work is a very personal choice and as soon as you have thoughts about leaving work and accessing your NHS Pension, you may wish to start to have discussions with your manager. You may not be clear at this time as to your intentions or options and therefore this will allow you to talk confidentially about your own aspirations, thoughts and ideas and what specific support you may need. The earliest date that you will be able to access your pension will vary depending on the pension scheme and section you are in. See 'Pensions' in people First

Your Total Reward Statement (See 'Pensions' in People First) will have some valuable information in helping you with your decision.

If you are a member of the NHS Pension Scheme, although your contractual notice will be less, it is advisable that you provide a minimum of 16 weeks notice in writing to your manager to avoid delays in the payment of your Pension. This should enable all of the necessary documentation to be completed to ensure that you receive the timely payment of your NHS Pension.

Once you have discussed and decided on the detail, you need to confirm your intentions in writing to your manager.

You and your manager will agree that any outstanding annual leave is taken before your last day as this will not normally be paid as an alternative to taking the time off.

Leaving Work and claiming your NHS Pension and returning to NHSBT (Retire and Return)

As above, it is advisable that you discuss your thoughts with your manager as soon as possible, to see if this is an option for you.

Information on the options available to you and about flexible retirement from the NHS Pension Scheme can be found at 'Pensions' in People First.

Should a vacancy exist and your manager agrees to re-employ you, you will be asked to complete the Application for Flexible Working form (see 'Flexible Working' in People First). This form includes:

- your resignation
- confirmation of your NHS Pension retirement date
- And details of your re-engagement.

Following discussion between you, your manager will send this to NHSBT Pay Support to action the change.

You need to be aware that this is a resignation and therefore NHSBT is not obliged to re-employ you. For re-employment to be an option there will need to be an appropriate vacancy. It may not be possible to re-employ you in your previous role and therefore you will need to hold the necessary skills to carry out the vacancy to the most current job description for the role. It is advisable that you discuss appropriate vacancies with your manager *before* you resign. You will also need to consider the pension requirements in relation to the necessary break in service.

When returning to any NHSBT post including your current post, ***your annual gross pension and annual gross salary, must not exceed your gross salary at the time of retirement.*** Should the organisation require you to work hours that mean you will exceed this; you and your manager will need to provide a business justification to HR Direct for consideration by Workforce Specialist Services before making any commitment. Details of how to do this are in Knowledge (FAQ's) in People First.

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-employment does not lead to non-payment or suspension of your NHS Pension.

To do this, you must ensure that you take full account of any outstanding leave when calculating your break in service. Any annual leave that you have accrued up to and including your last day of service, must be taken before your last day of service. Your break in service must be a true break, and therefore annual leave must not be used as an alternative to this break.

For re-engagement within NHSBT there must be a break of at least 2 weeks, this means a minimum of 2 weeks between the date of the last working day extended by the period of any outstanding annual leave, and the start date of your re-engagement.

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 your retirement date

Similarly to above, leaving and claiming your NHS Pension, you must ensure that any accrued annual leave is taken before your last day, as this cannot be taken as part of your new arrangements.

You may have the opportunity to return to the same role, or you may be re-employed in a different role; on a fixed term basis and/or a part time basis. This means you could be asked to learn new or additional skills.

If you have already claimed your pension and returned to our employment and your position should become redundant, NHS redundancy compensation would apply only to the period post re-employment i.e. from your new start date following the appropriate break in service when you retired, claimed your Pension and returned to our employment. At the point of redundancy, you would need to have completed 104 weeks continuous service to be entitled to a redundancy payment.

Leaving work and claiming an NHS Pension under Voluntary Early Retirement

If it is your intention to take payment of your NHS Pension benefits before you have reached Normal Pension Age (NPA), then your benefits will be reduced to take account of your 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. The SBS Pensions Department will be able to advise you about this.

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

If it is your intention to make an Ill Health application, you will need to discuss this with your manager. Regular meetings will probably have been taking place as part of the management of your absence or ongoing health situation, including Occupational Health referrals. This may be an option for you if you have received medical advice from Occupational Health or a medical practitioner that you are unfit to return to work with no return date due to Ill Health or in cases of terminal illness.

When making an application, it is essential that you have sought all of the necessary advice and have the appropriate information to ensure that you make the right decision for you. In addition, you will need to complete the correct paperwork in a timely manner.

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.

Leaving work and claiming a non NHS Pension

If you are not a member of the NHS Pension Scheme and have a pension elsewhere, you are still advised to discuss your intentions with your manager. Whether you have decided to take your pension or not at this time, but still wish to leave, you will need to provide contractual notice.

Death in Service

The death of an employee is a traumatic experience and must be handled with great care. In addition, it is essential for managers to put appropriate plans in place for bereavements as effectively and sensitively as possible.

There are many practical issues which, as the manager of the employee who has died, you will need to ensure are completed. There is a 'Death in Service checklist' available to support you with this (see 'Leavers' in People First).

Leavers Questionnaire

Following receipt of the Initial Notification by Pay Support, you will receive a link to our Leavers Questionnaire by e mail which we would encourage you to complete before you leave us. We like to think ourselves as a good employer and NHSBT as a great place to work. However, it is important that we listen to your feedback good and bad, so that if there is something we need to do or change, we are able to do so.

Your responses are confidential, and will be read by HR Direct to help us understand the reasons why people leave, what we do well and any improvements we need to make.

Should you raise any issues or concerns before you leave, by either speaking to your manager or through the Leavers Questionnaire, you will be given an opportunity to meet with HR and /or an appropriate operational manager to discuss your concerns or issues.

References

If you are providing us as a referee to a potential new employer, please provide them with our contact details as: HRDirect@nhsbt.nhs.uk

As a manager, please refer all reference requests to HR Direct.

Corporate Written References

NHSBT will always provide a reference when requested, unless you tell us otherwise. In this situation, we will state that you do not wish us to provide a reference, and therefore we will refer the potential employer back to you. In the first instance, we will provide a standard reference containing the following information:

- The job role you were performing at the time that you left us
- Your start date
- Your leave date
- We will also provide a continuous service date if requested by another NHS or public sector employer.

In some circumstances, any additional information may be provided if requested by your new employer for example:

- The number of days taken as sick leave, however reasons for absence will not be provided.
- Any investigation that had been completed and a decision communicated
- Any sanctions on file, that were live or unspent at the time of leaving
- If you have been dismissed and the reasons why

Should you be dismissed by us, there are some circumstances where we have a duty and obligation to share with an employer whether they ask us or not. Examples of such issues may include:

- Safeguarding
- Fraud
- Theft
- Incidents resulting in reporting to a professional body
- Criminal acts reported to the police

This list is not exhaustive.

Managers Reference

Should the above not satisfy your new employer, and should they come back to us for additional information, if this cannot be easily answered by HR Direct, this will be referred to the person who managed you when you left the organisation to respond. The types of questions that may be asked in this case may be:

- Timekeeping
- Attitude
- Behaviours etc

This list is not exhaustive.

Managers who are asked for a reference need to ensure that you provide a true, fair and accurate reference. Should you need any advice or guidance in providing this, contact HR Direct. There may be times that you are asked to provide this by telephone. To ensure that you are able to answer their questions fairly, you should only provide this if you are/were the employee's immediate manager. Before you answer any questions, you must take reasonable steps to ensure that the enquiry is from a genuine source.

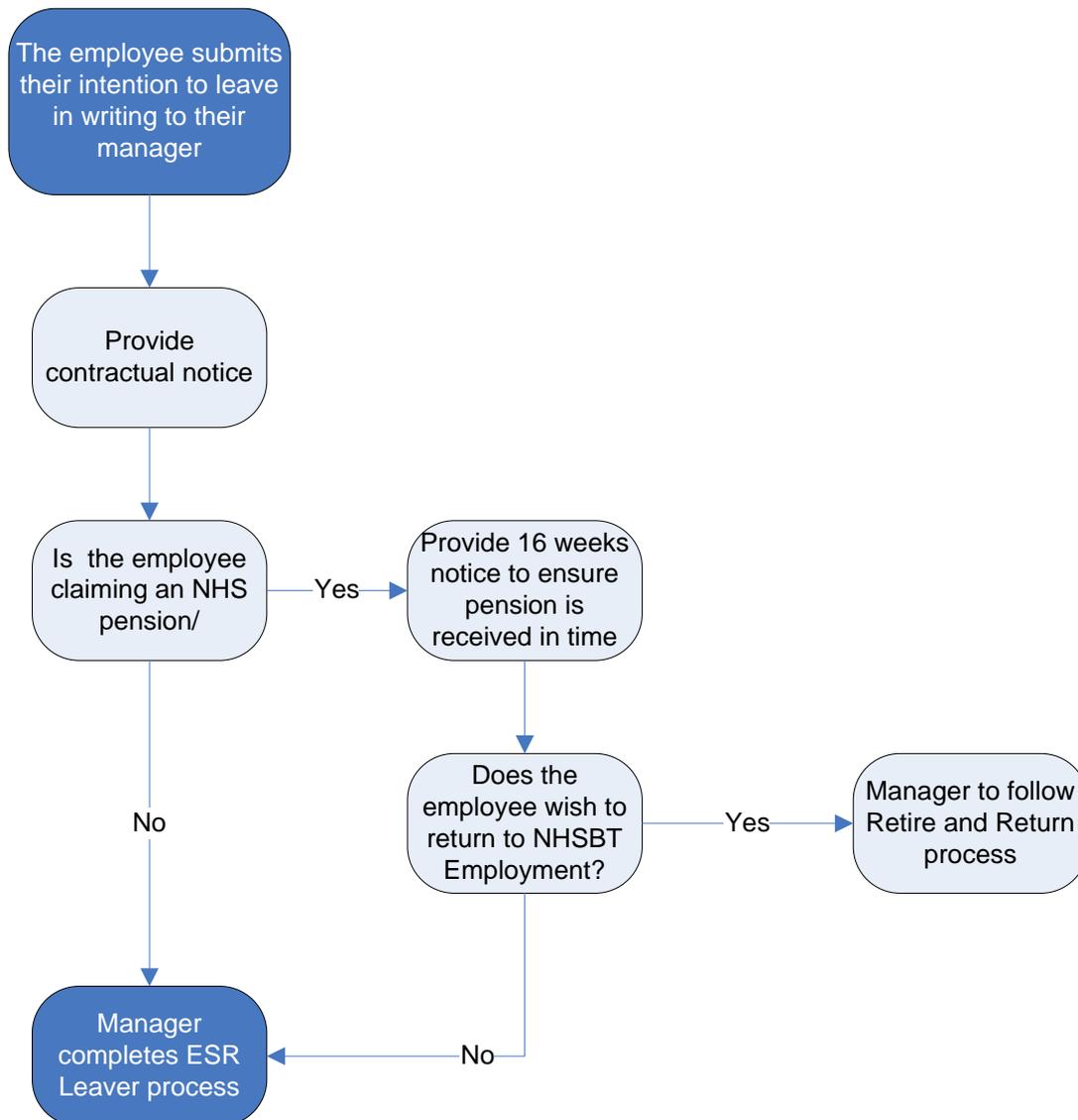
Personal References

This can be given by anyone, however, as there are legal consequences of providing a reference, personal references must not be written on NHSBT headed paper. If asked for a personal reference, you must state that it is written on a personal basis, and not on behalf of NHSBT.

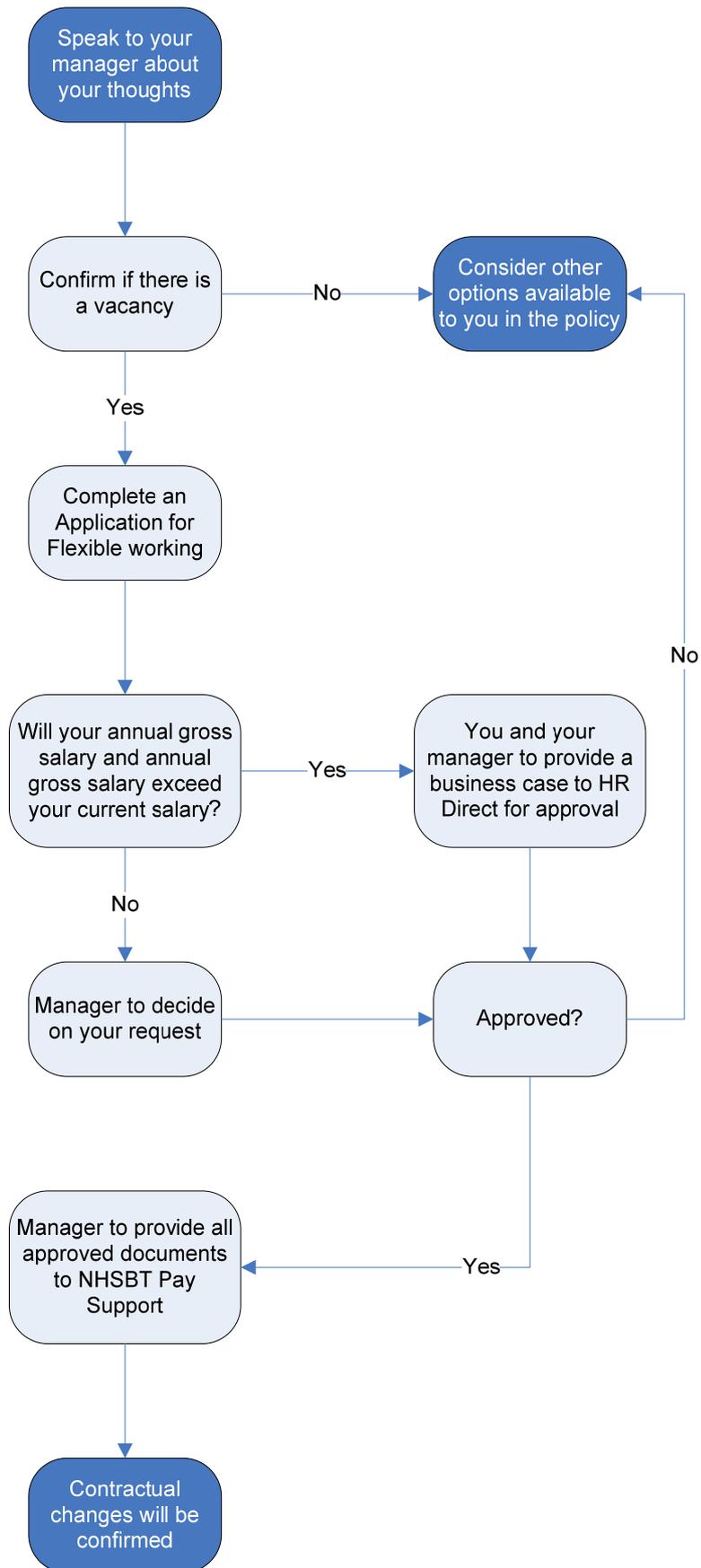
If you are approached as a peer or colleague (i.e. who have no management responsibility for that employee) you should make it clear that you are only providing a personal reference as detailed above.

3. Flowchart

Leaver Process



Retire and Return Process



4. Policy Approval and Review

Policy version	UCD/Workforce/Leavers/013v2.2
Title	Leavers Policy
Approved by SPC	October 2016
EIA completed	24 th November 2016
Counter Fraud check	28 th October 2016
This document replaces	UCD/Workforce/Leavers/013v2.1
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