



## Ending Employment Policy

**Content list** – please select from the list below to jump to the relevant section.

|  |   |
|--|---|
| 1. Introduction and scope of the policy .....          | 2 |
| 2. Ending employment- reasons and notice periods. .... | 2 |
| 3. Resignation .....                                   | 3 |
| 3.1. Introduction .....                                | 3 |
| 3.2. Process .....                                     | 3 |
| 3.3. Resignation during disciplinary proceedings ..... | 4 |
| 3.4. Withdrawing notice of resignation. ....           | 4 |
| 4. Severance .....                                     | 5 |
| 4.1. Introduction .....                                | 5 |
| 4.2. Scope .....                                       | 5 |
| 4.3. Process .....                                     | 5 |
| 5. Death in service .....                              | 6 |
| 5.1. Introduction .....                                | 6 |
| 5.2. Support Available .....                           | 6 |
| 5.3. Process .....                                     | 6 |
| 6. Retirement .....                                    | 8 |
| 6.1. Introduction .....                                | 8 |
| 6.2. Ill-health retirement .....                       | 8 |
| 6.3. Flexible Retirement .....                         | 9 |



## 1. Introduction and scope of the policy

Surrey County Council operates a comprehensive framework of policies regulating various aspects of the employment relationship. This policy summarises the approach of the Council to concluding contractual relationships with staff whose employment terminates due to resignation, redundancy/severance/efficiency, retirement, or death in service.

This policy only covers individuals directly employed by Surrey County Council. This policy should be read in conjunction with the Change Management and/or Severance Policies for terminations due to redundancy or severance, and it does not apply to dismissals for reasons of conduct or capability; specific HR policies cover the management of those issues.

This policy acknowledges that a small number of employment contracts may be terminated by mutual agreement between the Council and the affected employee, however it does not seek to define a process for such terminations. Furthermore, circumstances may arise in which the Council may need to dismiss an employee for frustration of contract (e.g. due to visa expiry) or 'some other substantial reason', however it is not possible to codify them into a streamlined process.

## 2. Ending employment- reasons and notice periods.

Employment may be terminated in a number of circumstances led by the employee e.g. resignation or retirement. Alternatively Surrey County Council, as the employer, may terminate employment on grounds of conduct, capability, redundancy, statutory bar (e.g. an employee losing their entitlement to live in the UK), "some other substantial reason" or compulsory retirement. Employer-led termination is often referred to as dismissal. In some circumstances, the employee and the Council may come to a mutual agreement to terminate the contract of employment- where appropriate, the terms of such an agreement may be negotiated on an individual basis.

Managers are reminded that the Council has a number of payroll and associated processes and procedures that need to be followed when an employee is due to leave the organisation- these are largely independent from the reason for ending employment. Detailed information is available on s-net and from MyHelpdeskHR.

Notice periods are governed by a range of contractually defined entitlements and statutory provisions. A summary of notice requirements for Council employees is set out in the Table 1:



| Length of service with the Council   | Notice to be given by the Council          | Notice to be given by the Employee |
|--|--|------------------------------------|
| Employees in probationary period- all grades   | 1 month                                    | 1 month                            |
| <b>Monthly paid employees up to and including SP7; this includes all apprentices and interns</b> |  |                                    |
| Under 5 years  | 1 month                                    | 1 month                            |
| Between 5 and 12 years   | 1 week for each year of continuous service | 1 month                            |
| Over 12 years  | 12 weeks                                   | 1 month                            |
| <b>Employees on grades SP8 – SP10</b>  |  |                                    |
| Under 9 years  | 2 months                                   | 2 months                           |
| Between 9 and 12 years   | 1 week for each year of continuous service | 2 months                           |
| Over 12 years  | 12 weeks                                   | 2 months                           |
| <b>Employees on grade SP11 and above- regardless of length of service.</b>                       | 3 months                                   | 3 months                           |

*Table 1: Summary of notice periods for Surrey County Council employees.*

## 3. Resignation

### 3.1. Introduction

Employees who wish to leave their post with the Council in order to take up employment with a different organisation or pursue non-work interests are able to resign from Surrey County Council by providing written notice in accordance with the timescales detailed in the table above. Employees and managers should follow appropriate procedures to ensure a smooth handover and address all relevant practical issues.

### 3.2. Process

Employees are required to submit their resignation by letter or e-mail to their line manager, setting out the effective date of the resignation. They are also able to indicate their reasons for leaving in that letter.



A line manager who receives notice of resignation from one of their direct reports should arrange a meeting with the employee to discuss arrangements around the precise leaving date, any outstanding annual leave, handing over pieces of work and Council equipment etc. Where a physical meeting is not possible to arrange, the relevant discussions can be held over the phone or in writing.

### 3.3. Resignation during disciplinary proceedings

If an employee tenders their resignation while being under investigation for allegations of misconduct, the Council will reserve the right to continue with an ongoing investigation. If the allegations relate to safeguarding concerns, the Council will always investigate them as thoroughly as possible.

The Council will also endeavour to investigate allegations relating to fraud or other actions and/or omissions which may have caused financial/reputational damage to the organisation. This is an important consideration in the light of the Council's commitment to transparency and accountability, and would facilitate the gathering of relevant evidence if allegations may give rise to the Council seeking redress against one or more of its [current or former] employees in the civil courts. Detailed advice is available from the Internal Audit team and HR.

**Commented [PM1]:** New provision as outlined in para 4 of Ctte report.

If there are no safeguarding requirements or serious financial/reputational implications, management should take advice from HR and assess whether it would be in the interests of the Council to continue with the process until its conclusion.

If an investigation is concluded and a decision is made to proceed to a disciplinary hearing, the employee will have the right to be invited to the hearing and be accompanied [normally by a work colleague or union representative], even if the hearing takes place after their last day of service. Managers need to bear in mind that in certain cases the outcome of a disciplinary hearing may affect registration for a regulatory body such as the Law Society or Health Care Professional Council (HCPC).

### 3.4. Withdrawing notice of resignation.

An employee may decide to withdraw a formal letter of resignation. Their line manager should decide whether withdrawing the resignation would be practicable and beneficial to the Council. If the manager decides to agree to the withdrawal of notice, they should contact Employee Services immediately asking for the resignation to be cancelled.



## 4. Severance

### 4.1. Introduction

It is Council policy to take all reasonable steps to avoid compulsory redundancies and where such redundancies occur nevertheless for unavoidable business reasons, to keep the number of redundancies to a minimum.

### 4.2. Scope

The severance scheme applies to termination of employment on the grounds of compulsory redundancy, voluntary redundancy, or efficiency, and covers all Surrey County Council employees who are eligible to join the Local Government Pension Scheme, the Teachers' Pension Scheme or the NHS Pension Scheme, including schools employees managed by a Governing Body, and regardless of whether an employee has actually joined their respective pension scheme.

It is important to note that fixed-term posts are included in the scheme, as the deletion of a fixed-term post is considered a redundancy. However, an employee who has a fixed-term contract to cover for the absence of a substantive post-holder (e.g. due to maternity or sickness) will not generally be considered as redundant at the expiry of that contract. Detailed advice to employees and managers is available from HR.

### 4.3. Process

All severance terminations which represent a cost to the Council must be approved by the Head of the Human Resources & OD Service or the HR Manager – Strategic Support. This decision may require consultation with the Severance Review Group [which consists of a number of senior officers from across the organisation] depending on the nature of the



case and the total cost to the Council. Severance terminations for certain senior management posts (including those of the Chief Executive Officer and Strategic Directors) require Member approval- full details are available in the Employee Severance Policy and Guidance document.

Managers and employees are encouraged to refer to the Council's Employee Severance Policy and Guidance document, which provides further detail on procedural arrangements, redundancy pay calculations, pension and tax implications.

**Commented [PM2]:** Clarification added as described in para 6 of the Ctte report

## 5. Death in service

### 5.1. Introduction

The death of an employee can be a very stressful and upsetting time for their family and colleagues. Managers and employees of the Council should approach such an occasion with appropriate sensitivity and thoughtfulness. It is particularly important to be careful in communications so as to minimise distress to relatives, friends and colleagues both in the workplace of the deceased employee and with associated services and partner agencies.

### 5.2. Support Available

The Council is keen to support the colleagues as well as [any] family members of employees who die in service; confidential one-to-one support is available via the Employee Assistance Programme, while coaching and counselling may also be made available through trained individuals within the organisation.

There is no automatic entitlement to a death in service benefit under Council policies, however employees participating in the LGPS, TPS and other pension schemes are likely to be eligible to benefits under the terms of the respective scheme.

There is also support available for employees who have been diagnosed with a terminal illness- however, this is not within the scope of this policy and will be outlined in the relevant Council documentation and through the commitment of the organisation to the Dying to Work Charter.

### 5.3. Process

Normally the immediate line manager should be identified as the "key contact" responsible for implementing the necessary arrangements.

As soon as the death of an employee is notified to Surrey County Council, the following individuals should be informed without delay:



Line manager/Supervisor, and Head of Service

Immediate and associated work colleagues and partner organisations

MyHelpdeskHR – for practical support as well as pension-related contacts

Occupational health – if the deceased employee's health was under review

S-Net directory editors

In the event of a death at work, Health and Safety Manager [who will arrange to contact the Health and Safety Executive where appropriate].

It is the key contact's responsibility to maintain communication with the next of kin as appropriate. Key contacts should be mindful that the immediate family of the employee may be very distressed- where that is the case, it may be sensible for another relative or friend to be nominated as a contact. Normally it is comforting for relatives to hear that a senior work colleague knows of the situation and is offering support, and helpful for the bereaved to see or have contact with someone who knew their relative at work.

The key contact should arrange for the relevant Head of Service or other senior manager to draft a letter of condolences providing further information and advice, including a reference to the Employee Assistance Programme.

On notification of a death of an employee, any balance of salary/wage will be immediately frozen until such time as the next of kin can be legally proven. This will take the form of sight of probate, letters of administration or the completion of a Statutory declaration. Only when the next of kin has been legally established will any balance of pay be released. It is important for the key contact to advise the bereaved relatives that the monies often take several weeks to be released. Banks may be able to make some funds available in lieu of the 'frozen' pay until the legalities are complete- however, arrangements may differ between banks.

The Employee Services Team has appropriate procedures in place to deal with the administration around a death in service. They will be able to calculate any applicable benefits in readiness for payment- however, it may be necessary for them to liaise with the Teachers' Pension Scheme or another pension provider/authority external to the Council.

An additional compensatory scheme may apply to employees who joined the County Council prior to 26 June 1985 and who die in employment (Compensation Scheme). MyHelpdeskHR will be able to advise on the scheme.

In some cases, financial liabilities may be owed to the Council, or may fall due to be deducted from the deceased's pay e.g. car loans, car lease, relocation loan, mortgage subsidies, attachment of earnings in respect of court debt. Where possible, consideration should be given to waiving the recovery of outstanding monies; sums of less than £5,000 may be waived by a Strategic Director whilst sums in excess of £5,000 must be reported to the People, Performance, and Development Committee.



At a suitable time, and with considerable sensitivity, the key contact will need to oversee the practical steps associated with an employee leaving the Council as set out in the relevant processes for leavers. Any desk, lockers and/or Council vehicle assigned to the deceased employee will need to be cleared and any personal items identified and returned to their next of kin.

It is recommended that colleagues who regularly liaised with the deceased are informed of the employee's death. Similarly the deceased's name should be removed from any distribution lists and the s-net directory. An automatic response should be arranged for the e-mail account of the deceased employee.

In a society where people may practise any faith or none, it is good practice to avoid making assumptions about funeral arrangements. Thus, it is very important that the key contact consults with the deceased's family about appropriate means by which the deceased's colleagues may show their respect for the deceased.

Occasionally colleagues compile a "remembrance" book that celebrates their colleague's life and work; this can be a source of consolation for the bereaved and help colleagues to deal with their own sense of loss and grief.

## **6. Retirement**

### **6.1. Introduction**

There is no Compulsory retirement age for Surrey County Council employees. Employees should, wherever possible, be permitted to continue working for as long as they wish to do so. Employees may voluntarily retire at a time of their choosing and, depending on the terms of their pension scheme, they may be entitled to claim pension benefits at any time from age 55 (reductions for early payment may apply). An employee who is a member of the Local Government Pension Scheme or the Teachers Pension Scheme is entitled to pay into the Scheme until they reach 75 years of age.

### **6.2. Ill-health retirement**

Early retirement may be appropriate for, and available to, employees who are unable to continue working due to health reasons, however the process will depend on pension scheme arrangements and occupational health advice.



### 6.3. Flexible Retirement

Surrey County Council employees may apply for flexible retirement in accordance with the following terms:

In order for an employee to be granted flexible retirement the employee must consent to a permanent reduction in grade or hours of employment equivalent to at least 20% of their contractual pay.

Depending on operational requirements and the individual circumstances of each case and subject to paragraph 4 and 5 below, the Council will have discretion to determine whether flexible retirement should be granted.

It will also be at the discretion of the Council to determine what reduction in hours worked should apply if flexible retirement is granted, but the reduction must be a minimum of at least 20% of the employee's contractual pay.

Individual cases must be approved by the employee's Service Director or Head of Service/Assistant Director except where the applicant themselves is a Director or Head of Service/Assistant Director, in which case approval must be obtained from the relevant Member Committee responsible for the appointment of the post.

Where payment of a pension for an employee who is not a Director or Head of Service/Assistant Director would result in a cost to the pension fund, approval for payment must also be sought from the Severance Review Group (SRG).

If an employee is granted flexible retirement they would be required to take all of their accrued pension benefits and not given the option to take part of their pension benefits.

An employee would not be able to take flexible retirement more than once.

Further guidance and advice on flexible retirement is available on s-net and from MyHelpdeskHR.

This page is intentionally left blank