Management of Leavers Policy

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 |
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 |

# Version History

| Version | Date | Author (Name and Title) | Summary of amendments made |
| --- | --- | --- | --- |
| 0.1 | May 2022  | Senior HR Business Partner  | First draft ICB Policy |
| 0.1 | June 2022 | Senior HR Business Partner  | Final draft for ICB approval  |
| 1.0 | 08/07/22 | Governance Support Officer | Final review of version 1.0 |
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## Introduction

This policy sets out to ensure that where staff leave the employment of the Integrated Care Board (ICB) appropriate actions are taken to safeguard the best interests of both staff and the ICB.

The ICB is continually looking for ways to retain an experienced and motivated workforce. Individuals who leave the ICB can be pivotal in helping the ICB to understand both positive and negative aspects of the role that they are leaving. For this reason, Exit Interviews can be a useful tool. In giving leavers the opportunity to express their views about their employment, the ICB is able to identify both problem areas and successes within the various job roles and to make necessary modifications to the role/team where feasible

## Purpose / Policy Statement

This policy aims to ensure that where staff leave the ICB, the line manager, HR and Payroll staff act in a timely manner to ensure that:

* + Staff receive all due monies and suffer no inconvenience.
	+ The financial interest and security of the ICB is maintained.

This procedure must be followed to ensure that when an employee leaves employment the necessary paperwork is completed. Failure to follow this procedure may result in errors in payment occurring and/or misuse of ICB data and property leading to substantial financial loss to the ICB and breach of contract.

## Scope

This policy applies to all ICB staff who leave the service through voluntary resignation or retirement.

Separate procedures may apply to staff who:

(a) Following a period of maternity leave, inform the ICB that they will not be returning to work, but previously stated that they would return to work.

(b) Are dismissed or summarily dismissed by the ICB.

(c) have their employment terminated on grounds of capability.

(d) have their employment terminated on the grounds of redundancy

(e) Have a settlement/compromise agreement in place

This procedure does not apply to staff who take up a different role in the ICB as this is not a termination of employment process. Instead, a Change Form will need to completed by the Recruiting Manager. Human Resources can offer advice where required.

## Definitions

* Leaver – an employee whose employment with the ICB is to be terminated.

## Roles and Responsibilities

### Integrated Care Board

* + 1. The ICB Board is accountable and responsible for ensuring that the ICB has effective processes for the management of leavers in accordance with relevant legislation and best practice guidance.

### Chief Executive

* + 1. The Chief Executive is accountable for the policy and procedure being in place to manage leavers of the ICB.

### Policy Authors

* + 1. Policy authors are responsible for ensuring that this document is updated when any changes are made to best practice regarding those that leave the employment of the ICB.

### Executive Chief People Officer

* + 1. The Executive Chief People Officer oversees the implementation of this policy and is responsible for ensuring that managers take action to meet the organisation’s obligations to ensure equity and consistency.

### Line Managers

* + 1. It is the responsibility of the line manager to ensure that the Leavers Checklist (available on the intranet) is followed in its entirety.
		2. The line manager should also ensure that when an interim or agency worker or contractor leaves, all ICB property is returned prior to their departure.
		3. The line manager is also responsible for:
	+ acknowledging the resignation of an employee,
	+ completion of the Leavers form for Payroll purposes.
	+ conducting a local exit interview to establish the reasons for leaving and gather feedback on the role and the ICB. A form is available for guidance – available on the staff intranet.

### All Staff

* + 1. Employees are required to:
	+ Ensure that contractual notice is given.
	+ Discuss and agree with their line manager their last working day and last day of service, taking into account outstanding annual leave.
	+ Comply with the policy and procedure.
	+ Return all equipment, property, documentation issued to them in accordance with this procedure.
	+ Ensure that any claims for expenses/reimbursements are made before leaving date.
	+ Print any copies of payslips or P60’s from Electronic Staff Record (ESR) Self Service before leaving. The final payslip and P45 will be sent via e-mail.
	+ Ensure the security of information regarding person identifiable information or commercially sensitive information.
	+ Prepare a comprehensive handover of work, actions, duties etc.
	+ where an overpayment has occurred, ensure the arrangement of a prompt repayment to the ICB.
	+ Where possible, using all outstanding accrued annual leave prior to leaving the ICB.
	+ Complete the Exit Questionnaire and have a choice to attend an Exit Interview.
		1. Employees who have had access to confidential information during the course of their employment are reminded that this duty of confidentiality extends beyond their contract of employment and they must not disclose any confidential information seen during their employment once they have left.

## Policy Detail

### Procedure

* + 1. This procedure ensures that where staff leave the ICB’s employment:
	+ there is no inconvenience to the member of staff who is leaving the ICB.
	+ the ICB suffers no harm to security or financial integrity.
		1. The line manager will inform the member of staff that they should confirm their intentions in writing (email is acceptable). The line manager should check the required contractual notice period and discuss with a Human Resources representative if there is a dispute.
		2. If the manager perceives that an employee has resigned in the heat of the moment, for example during an argument or in a challenging work environment, they should contact a member of the Human Resources team in the first instance to discuss the circumstances and agree on an appropriate course of action.
		3. In consultation with a Human Resources representative, the manager should formally acknowledge the resignation and confirm the required notice period.
		4. The manager should agree with the employee their last working day. As part of this process the Line Manager should review the employees annual leave record and agree if any accrued annual leave is to be taken during the notice period or paid at the end of their employment. If an employee has overtaken their leave allowance this must be indicated on the leavers form.
		5. The line manager will offer the member of staff the opportunity to meet and conduct an exit interview. Should the employee decline this offer, the line manager must draw the employee’s attention to the Exit Questionnaire which will be available and/or the opportunity to meet with a more senior member of management or a member of the HR team.
		6. The line manager will complete a leaver form and forward it to the Human Resources Department together with the letter of resignation/retirement. This must reach the team before the cut-off date of 5th of the month in order to avoid overpayment.
		7. If the member of staff is retiring the Guidance on Retirement should be referred to, and the line manager should liaise with the HR department accordingly. Staff and managers should note that 3 to 4 months’ notice is required in order to process the NHS pension in a timely manner.
		8. The line manager will consider the need for a replacement member of staff. Advertising/recruitment processes may commence after the employee has given notice in writing. There is no requirement to wait until the employee has served notice.

### Support Provided by Human Resources

* + 1. On notification from the manager of the employee’s intention to leave employment HR should:-
	+ provide advice to managers regarding the process and procedure e.g. notice period, leave date and annual leave etc.
	+ Instruct payroll of any changes to final salary arrangement if required. This arrangement needs to be agreed and authorised by the manager.
	+ On receipt of the Leavers Form send out ‘confirmation of leaving’ letter.
	+ Where concerns have been raised by either the line manager or the individual, an HR representative will arrange an Exit Interview with the individual preferably before they leave the organisation.
	+ Where an overpayment remains outstanding, and no attempt has been made by the ex-employee to pay this back to assist the manager, Finance and Payroll to notify the relevant authorities.

### The Return of ICB Property

* + 1. The line manager will arrange for the employee to return the following items on or before their last day (this will also apply to interim/temporary staff who have been in possession of such items):
		2. **IT, Electronic and other Information Resources**
	+ Managers are to notify the IT Department so that equipment can be returned and reallocated to another member of staff.
	+ Communication devices including Smartphones, and Iphones, a register is held of all Smartphones users. If a Smartphone is passed to another user without permission, that Smartphone will be terminated without warning.
	+ Tablet PCs must be returned to the CSU IT Department. A register is held of all Tablet PC users. If a Tablet PC is passed to another user without permission, that Tablet PC will be terminated without warning.
	+ Managers should note that their budgets will continue to be charged if these processes are not adhered to.
	+ Any other pieces of IT equipment issued must be returned to the IT Department must be notified of who the new owner is so that the Asset Registers can be updated.
		1. All personal electronic files must be cleared before the employee leaves, thus ensuring that work required by the department is handed over and saved to the appropriate shared network drive.
		2. If a user has a Smartcard and is leaving to join another NHS organisation, then the Smartcard can be taken with them and an RA02 form will need to be completed by a Sponsor. If they are not returning to the NHS, then the Smartcard will need to be handed back to the Smartcard Team along with an RA03 form which should be completed by a sponsor. Forms can be obtained from the CSU Smartcard team.
		3. If the user has a Windows User account and an @nhs.net account, then a Leavers form will need to be completed via the online portal.
		4. The IT departments should be asked to remove the user from the email system and revoke network access.
		5. If an employee does not return equipment, the manager should contact them to make arrangements with the employee to return all equipment back as a matter of urgency. If this is not successful, the manager should escalate to a member of the Human Resources team who will write to the employee at their last known address. If this is not successful, the manager will need to contact the Finance team to request an invoice to raised and sent to the employee for the cost of the equipment. This will then be for Finance to follow through on their processes regarding debts.

### Other Items to be Returned

* + 1. The line manager should ensure discussion takes place with the employee to establish any other items they may have. These may include:
	+ Any keys held.
	+ ICB I.D./name badge - to be destroyed by the line manager (it can be put into confidential waste).
	+ Uniforms (where applicable) to be returned as appropriate.
	+ Personal attack alarm or Lone Worker Device. In respect of the Lone Worker Device, Managers should return the device to the Risk Manager as soon as possible, in order that the device can be disconnected.
	+ Any patient notes/other ICB documentation or equipment to be returned to the relevant department.

### Exit Interview and Questionnaires

* + 1. It is important to the ICB to understand the reasons for staff turnover, which may occur as a result of dissatisfaction with a role or a belief that there may be better opportunities elsewhere. Exit Interviews are one of the most useful tools that management can use to analyse their retention issues.
		2. The Exit Questionnaire, available on ESR, will be the primary source of data collection from leavers.
		3. Exit Interviews are to be offered by line managers in the first instance; however, an employee may request to meet with a more senior manager and/or a member of HR.
		4. Whilst retaining confidentiality, the information provided will be used for the purpose of monitoring and evaluating employment trends and to identify both positive and negative aspects to the employing service area, which may then be investigated more fully if necessary.

### Outstanding Monies

* + 1. Managers should check whether staff have any agreements in place that could that mean that outstanding monies need to be deducted from final salary. Examples are removal expenses, payment of a course/qualification under a learning agreement, non-return after maternity leave, lease car, overtaken annual leave. In such situations the ICB has a right to reclaim costs. Human Resources can be contacted for guidance.
		2. The line manager should discuss this with Human Resources and make the member of staff aware. Details are to be supplied on the leaver form. Where the outstanding amount exceeds final salary separate arrangements may be required with the Finance department for the payment of the debt.
		3. Where an employee leaves voluntarily part-way through a course/qualification, that the ICB has funded or before the prescribed time period, the ICB has the right to reclaim costs in line with the Learning and Development Policy.
		4. Where an employee does not return from maternity leave after stating that they will do so, the Maternity and Adoption Policy should be referred to.
		5. Where an employee has taken an amount of annual leave that exceeds their entitlement at the point of leaving, the employee’s final salary payment will be reduced by the amount of annual leave overtaken.

### Employees who Leave without Notice

* + 1. An employee who leaves without giving notice or leaves before the end of their notice period without the permission of the ICB will be regarded as taking unauthorised absence and will not be entitled to be paid for the day(s) not worked within their contracted notice period.
		2. If, in exceptional cases, the ICB decides to waive the need for an individual to work their normal notice period this must be agreed with the line manager and Human Resources.

### References

* + 1. Employment references must only be provided by those who have the designated authority to do so. This has now been designated to the Human Resources who will provide a factual reference only.
		2. Managers are advised to contact Human Resources if they are named as a referee.
		3. Personal References

There are legal consequences from providing an employment reference; therefore, personal references must not be written on ICB headed paper or sent via a NHS email account. Employees or managers who are approached regarding a request for a personal reference or an employment reference which they are not authorised to give, should contact Human Resources in the first instance.

### Death In Service

* + 1. Death in Service Benefits are only payable when an employee who dies in service was a member of the NHS Pension Scheme at the time of their death and has contributed to the scheme.
		2. The line manager should immediately notify by telephone the Human Resources of the death followed by the completion of a leaver form. This should give the date of death, indicate any outstanding annual leave and give the name of next of kin or person to contact regarding probate.

### Retention of Personnel Files

* + 1. Personal files will be kept until the employee’s 75th birthday after which they will be confidentially destroyed in line with the Records Management & Information Lifecycle Management Policy.

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* + 1. Personal files will be kept until the employee’s 75th birthday after which they will be confidentially destroyed in line with the Records Management & Information Lifecycle Management Policy.
		2. Any personal files held for the employee should be sent by the manager to Human Resources for archiving.
		3. It should be noted that the files of leavers are not transferred following TUPE/COSOP.

## Monitoring Compliance

The HR Team will be responsible for monitoring that this procedure is followed and may be consulted at any stage through the process to offer advice to those involved.

Monitoring information will be published and reported as appropriate.

Should the monitoring uncover any shortfalls in the implementation of the policy, the HR team will work with the relevant management team to draw up an action plan for improvement. This action plan may include, for example:

• training for line managers.

• A risk assessment.

## Staff Training

No essential (including mandatory) learning and development requirements have been identified for any staff groups, in order to fulfil the requirements stated within this policy.

Guidance can be sought from Human Resources team.

## Arrangements For Review

This policy will be reviewed no less frequently than every two years. An earlier review will be carried out in the event of any relevant changes in legislation, national or local policy/guidance, organisational change or other circumstances which mean the policy needs to be reviewed.

If only minor changes are required, the sponsoring Committee has authority to make these changes without referral to the Integrated Care Board. If more significant or substantial changes are required, the policy will need to be ratified by the relevant committee before final approval by the Integrated Care Board.

## Associated Policies, Guidance And Documents

* Guidance on Retirement.

#### Associated Policies

* Learning and Development Policy.
* Maternity and Adoption Policy.
* Records Management & Information Lifecycle Management Policy.

## References

* Records Management Code of Practice 2021.

## Equality Impact Assessment

The EIA has identified no equality issues with this policy.

The EIA has been included as Appendix A.

## Appendix A - Equality Impact Assessment

**INITIAL INFORMATION**

|  |  |
| --- | --- |
| **Name of policy:** Managing Leavers **Version number (if relevant):** 1.0 | **Directorate/Service**: People Services  |
| **Assessor’s Name and Job Title:** Carolyn Druce  | **Date:** 3rd May 2022 |

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| **OUTCOMES** |
| *Briefly describe the aim of the policy and state the intended outcomes for staff*  |
| This procedure must be followed to ensure that when an employee leaves employment the necessary paperwork is completed. |
| **EVIDENCE** |
| *What data / information have you used to assess how this policy might impact on protected groups?* |
| The ICB monitors the composition of its workforce under the nine protected equality characteristics and reports on this annually. This information helps the ICB to assess the potential impact of its policies upon staff**.** |
| *Who have you consulted with to assess possible impact on protected groups? If you have not consulted other people, please explain why?*  |
| Relevant Trade Unions have been consulted on the policy and any comments will be taken into consideration when the policy is published. |

**ANALYSIS OF IMPACT ON EQUALITY**

The Public Sector Equality Duty requires us to **eliminate** discrimination, **advance** equality of opportunity and **foster** good relations with protected groups. Consider how this policy / service will achieve these aims.

N.B. In some cases it is legal to treat people differently (objective justification).

* ***Positive outcome*** *– the policy/service eliminates discrimination, advances equality of opportunity and fosters good relations with protected groups*
* ***Negative outcome*** *–**protected group(s) could be disadvantaged or discriminated against*
* ***Neutral outcome***  *–**there is no effect currently on protected groups*

Please tick to show if outcome is likely to be positive, negative or neutral. Consider direct and indirect discrimination, harassment and victimisation.

| ProtectedGroup | Positiveoutcome | Negativeoutcome | Neutraloutcome | Reason(s) for outcome |
| --- | --- | --- | --- | --- |
| Age |  |  | x | This is an administrative process and there is a neutral outcome at all protected groups.  |
| Disability(Physical and Mental/Learning) |  |  | x |  |
| Religion or belief |  |  | x |  |
| Sex (Gender) |  |  | x |  |
| Sexual Orientation |  |  | x |  |
| Transgender / Gender Reassignment |  |  | x |  |
| Race and ethnicity |  |  | x |  |
| Pregnancy and maternity (including breastfeeding mothers) |  |  | x |  |
| Marriage or Civil Partnership |  |  | x |  |

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| **MONITORING OUTCOMES** |
| Monitoring is an ongoing process to check outcomes. It is different from a formal review which takes place at pre-agreed intervals. |
| *What methods will you use to monitor outcomes on protected groups?* |
| This policy outlines administrative process. Monitoring will involve reviewing whether managers and staff are following policy – e.g. leaver forms completed in a timely manner, reduced overpayments etc |

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| **REVIEW** |
| *How often will you review this policy / service?*  |
| Every 2 years as a minimum and earlier if there are any significant changes in legislation, policy or good practice. |
| *If a review process is not in place, what plans do you have to establish one?* |
| N/A |