



Better health and sustainable healthcare for Bristol

Termination Policy

Termination Policy

Please complete the table below:

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Author (inc job title)	Judith Champion, Senior HR Business Partner
Date Approved	May 2014
Approved by	Quality and Assurance Group
Date of next review	May 2017
How is policy to be disseminated	All staff

Check list for Governing Body/approving committee

Has an Equality Impact Assessment been completed?	Yes
Has legal advice been sought?	No
Have training issues been addressed?	Yes
Are there financial issues and have they been addressed	Yes
How will implementation be monitored	Through the SWCSU HR Team
How will the policy be shared with: <ul style="list-style-type: none"> • Staff • Patients • Public 	Via the Bristol CCG internet site and dedicated communication to Bristol CCG employees.
Are there linked policies and procedures	

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1 Introduction

Bristol Clinical Commissioning Group acknowledges that employees will leave the organisation to progress their careers and due to personal reasons. The CCG also recognises that at times the CCG will need to terminate individual's employment. This policy provides a framework and guidance for the termination of employment to ensure that all employees are treated fairly and consistently.

2 What is Meant by Termination of Employment

For the purposes of this policy and procedure, termination of employment means the ending of the contract of employment by the organisation. If an employee decides to leave the organisation for any reason this policy and procedure does not apply –the employee would instead be required to give notice as set out in the contract of employment. This policy does not cover retirement (please see the Flexible Retirement Policy). With the exception of resignation and retirement, managers terminating employment should seek advice from Human Resources to ensure that the termination of employment complies with current legislation and relevant organisation policies

This policy and procedure includes dismissals for the following reasons:

- Non – renewal of a fixed term contract.
- Capability (see Managing Poor Performance and Capability Policy).
- Ill health (see Sickness Absence Policy).
- Conduct (see Disciplinary Policy).
- Redundancy (see Redundancy Policy).

3 What are the Key Principles of this Policy and Procedure

- The policy and procedure features general good practice and complies with employment legislation (the Employment Act 2002 (Dispute Regulations) Regulations 2004 and associated provisions in the Employment Act 2002)
- Managers must seek advice from the Human Resources Department at all stages of the process.
- Members of staff have the right to be accompanied by a trade union representative or a colleague not acting in a legal capacity at any meetings regarding the termination of their employment.
- Each step and action of the procedure will be taken without reasonable delay.
- The timing and location of meetings will be reasonable.
- Both managers and members of staff will have the opportunity to explain their cases at meetings.

4 The Clinical Commissioning Group's Responsibilities

The CCG must ensure that all dismissals are fair. The reason for dismissal must be one allowed by law.

These reasons are:

- Capability of the employee.
- Conduct of the employee.
- Redundancy.
- Contravention of a duty or restriction making the continuation of employment unlawful.
- Some other substantial reason which justifies the dismissal, for example the non-renewal of a fixed term contract.

In addition the CCG must act fairly by:

- Having procedures that encourage staff to improve where possible, rather than just imposing a sanction.
- Informing a member of staff about the complaint against him/her and giving the employee an opportunity to state his/her case before reaching a decision.
- Ensuring that employees know that they have a right to be accompanied at meetings by a Trade Union Representative or a colleague not acting in a legal capacity.
- Not taking disciplinary action until the facts of the case have been established.
- Not dismissing a member of staff for a first disciplinary offence, unless it is a case of gross misconduct.
- Always giving an employee an explanation, in writing, for their dismissal.
- Allowing an employee the right to appeal the termination of their contract, in line with the Appeals Policy.

5 Managers' Responsibilities

Managers should discuss the matter with a senior member of staff who has dismissing authority and who would ultimately sign the letter terminating the contract.

Dismissal due to capability

If the dismissal is because of capability or ill-health, managers should follow the procedure set out in the Managing Poor Performance and Capability Policy and/or the Sickness Absence Policy.

Dismissal due to conduct

If the dismissal is due to conduct, managers should follow the Disciplinary Policy.

Dismissal due to the end of a fixed term contract

If the dismissal is due to the non-renewal of a fixed term contract (see Fixed Term Contract Guidance), managers should contact the Human Resources Department at least three months before the expiry of the contract to ensure that the employee receives adequate notice and the correct process is followed. Further to this:

The manager should write to the employee in line with their notice period, explaining why the contract has not been renewed and inviting the employee to a meeting to discuss the termination of their contract. The employee should have

the opportunity to express their views and discuss any suitable potential employment opportunities within the organisation.

After the meeting, the manager should inform the employee, in writing, of the outcome of the meeting with reasons.

Dismissal due to redundancy

If the dismissal is due to redundancy, managers should follow the process set out in the Redundancy Policy.

It is a manager's responsibility to organise for the completion and return of the Termination Form in all cases. This should be done within two working days of receipt of a resignation letter (in the case of voluntary leavers), or as soon as possible following confirmation of a final decision in all other circumstances.

Managers will be held accountable for ensuring such action is taken promptly and where this does not occur in a timely manner and results in an overpayment being made, the manager concerned will be required to explain why this incident has occurred.

Managers must also provide the employee with an exit questionnaire which should be completed and sent to the Human Resources Department for monitoring purposes. If the employee has requested an exit interview with the manager on this exit questionnaire, the manager must arrange this meeting with the employee. Please see section 6.

6 Employees' Responsibilities

The employee must make every effort to attend the meeting that their manager arranges to discuss the termination of their contract.

If the employee wishes to appeal, they must use the Appeals Policy. The Appeals Policy does not apply to grievance issues (please see the Grievance Policy) or banding issues (please see the Banding Policy).

Employees should give the appropriate notice as outlined in their statement of terms and conditions of employment/employment contract.

7 Exit Interviews

Leavers may request an exit interview, which should normally be undertaken by the individual's line manager (or a senior manager if more appropriate). The line manager generally has the best knowledge of the leaver and his/her job and is in the best position to talk through the reasons for leaving.

7.1 Exit Interview Techniques

Allow at least an hour for an exit interview, ensuring it is pre-arranged and at a location where interruptions are unlikely.

Explain why the meeting is taking place. It should be stressed that all responses at the interview will be treated in the strictest confidence, they will not prejudice references and the information will only be used in general analysis.

A copy of the exit interview questions is available from HR.

7.2 Exit Interviews and the Grievance Process

Consideration should also be given to appropriate mechanisms for issues raised by employees for example, it may be more appropriate for the employee to raise an issue via the grievance process (see Grievance Policy).

8 Notice Period

It is important that managers make reference to the employee's contract of employment before any decision or action is taken. Advice should be sought from the HR Department.

8.1 Employee Notice

Bands 1-5 will be required to give four weeks' notice to terminate employment.

Bands 6 and 7 will be required to give eight weeks' notice to terminate employment.

Bands 8 and above will be required to give twelve weeks' notice to terminate employment.

Managers may accept a shorter period of notice from an employee, or an employee may give longer notice than is contractually required. Such discretion should be exercised consistently and equitably, and if appropriate, may be waived on compassionate grounds.

8.2 Failure to Give Notice

Where an employee fails to give the required period of notice or fails to give any notice at all, they are in breach of contract. This will be regarded as taking unauthorised absence and staff will not be entitled to be paid for the day(s) not worked.

If in exceptional cases, the organisation decides to waive the need for an individual to work their normal notice period this must be agreed with the Human Resources department.

8.3 Employer Notice

Subject to the right of the organisation to terminate an employee's employment without notice in appropriate circumstances, the organisation will give an employee the following period of notice to terminate their employment:

Four weeks' notice if the period of continuous employment with the organisation is less than four years.

One week's notice for each year of continuous employment with the organisation if the period of continuous employment is four years or more but less than twelve years.

Twelve weeks' notice if the period of continuous employment with the organisation is twelve years or more.

The organisation reserves the right to make a payment in lieu of notice. Such payment will be limited to basic salary only and nothing in this clause entitles an employee to a payment in lieu of notice unless the organisation exercises its option to make such payment.

8.4 Summary Dismissal

In the case of gross misconduct, which warrants summary dismissal under the Disciplinary Policy, the organisation reserves the right to dismiss without notice and without compensation.

9 Death in Service

When an employee dies in service the manager must take appropriate action quickly and sensitively. These guidelines may need to be varied in the light of all the circumstances of the case and subject to the wishes of the employee's family.

When notified of an employee's death the manager should:

- Inform their senior manager.
- Offer condolences to the partner / family.
- Establish details of the funeral arrangements and whether floral tributes and the attendance of colleagues at the funeral service would be welcome.
- Inform the HR department so that they can contact the Pensions Team who will contact the next of kin to discuss any benefits that may be received and the paperwork that needs to be completed.
- Complete a termination form and send to the HR Department. This should give the date of death, indicate any outstanding annual leave and give the name of the next of kin or person to contact regarding the estate.
- Agree with the next of kin / partner / family the return of any significant organisation assets that the deceased held as an employee e.g. mobile phone, IT equipment, lease car etc.

10 Statement of Compliance with the Equality Act 2010

All relevant persons are required to comply with this document and must demonstrate sensitivity and competence in relation to the nine protected characteristics as defined by the Equality Act 2010. The Act prohibits discrimination on the basis of age, disability, gender reassignment, marriage/civil partnership, pregnancy/maternity, race, religion/belief, sex or sexual orientation. It also means that each manager or member of staff involved in implementing the policy must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation; advance equality of opportunity between those who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not.

If you, or any other groups, believe you are disadvantaged by anything contained in this document please contact the Document Lead (author) who will then actively respond to the enquiry.

11 Counter Fraud

The CCG is committed to the NHS Protect Counter Fraud Policy – to reduce fraud in the NHS to a minimum, keep it at that level and put funds stolen by fraud back into patient care. Therefore, consideration has been given to the inclusion of guidance with regard to the potential for fraud and corruption to occur and what

action should be taken in such circumstances during the development of this procedural document.

12 Review

This policy will be reviewed every 3 years but can be reviewed at any time if the CCG deems it necessary to do so or a review is requested by management or staff.

Jude Champion
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March 2014