

## Public – To be published on the Trust external website

## ALERT

Some links to the Trustwide shared drive may not work. To view the document, please hover over the link, copy it and paste it into a new tab

# **Title: Leavers Procedure**

# Ref: HR-0044-v3.4

Status: Approved Document type: Procedure



#### Contents

1	Introduction	4
2	Purpose	
3	Who this procedure applies to	5
3.1	What this procedure does not apply to	5
4	Related documents	5
5	Termination of employment	5
5.1	By the employee	5
5.2	By the manager	6
5.3	Notice Periods	
5.3.1	By employee when resigning	6
5.3.2	By the manager when terminating a contract of employment	7
5.3.3	-	
6	Duties and Responsibilities	8
6.1	The Trust will ensure that:	
6.2	The Line Manager is responsible for:	8
6.3	The Employee is responsible for:	
6.4	People and Culture Department is responsible for:	9
7	Exit interviews and thinking about leaving (leavers form)	9
8	Data Analysis	10
8 9	Data Analysis Death in Service	
-		10
9	Death in Service	10 11
9 10	Death in Service Manager's process for proposal to terminate employment	10 11 12
9 10 11	Death in Service Manager's process for proposal to terminate employment Appeals against Dismissal	10 11 12 12
9 10 11 12	Death in Service Manager's process for proposal to terminate employment Appeals against Dismissal Corporate Records Standard Work Process	10 11 12 12 13
9 10 11 12 13	Death in Service Manager's process for proposal to terminate employment Appeals against Dismissal Corporate Records Standard Work Process Definitions How this procedure will be implemented Training needs analysis	10 11 12 12 13 13 14
9 10 11 12 13 14	Death in Service Manager's process for proposal to terminate employment Appeals against Dismissal Corporate Records Standard Work Process Definitions How this procedure will be implemented	10 11 12 12 13 13 14
9 10 11 12 13 14 14.1	Death in Service Manager's process for proposal to terminate employment Appeals against Dismissal Corporate Records Standard Work Process Definitions How this procedure will be implemented Training needs analysis	10 11 12 12 13 13 14 14
9 10 11 12 13 14 14.1 15	Death in Service Manager's process for proposal to terminate employment Appeals against Dismissal Corporate Records Standard Work Process Definitions How this procedure will be implemented Training needs analysis How the implementation of this procedure will be monitored	10 11 12 12 13 13 14 14 14
9 10 11 12 13 14 14.1 15 16 17	Death in Service Manager's process for proposal to terminate employment Appeals against Dismissal Corporate Records Standard Work Process Definitions How this procedure will be implemented Training needs analysis How the implementation of this procedure will be monitored References	10 11 12 12 13 13 14 14 14 14
9 10 11 12 13 14 14.1 15 16 17 Appe	Death in Service Manager's process for proposal to terminate employment Appeals against Dismissal Corporate Records Standard Work Process Definitions How this procedure will be implemented Training needs analysis How the implementation of this procedure will be monitored References Document control (external)	10 11 12 13 13 14 14 14 14 14
9 10 11 12 13 14 14.1 15 16 17 Appe Appe	Death in Service Manager's process for proposal to terminate employment Appeals against Dismissal Corporate Records Standard Work Process Definitions How this procedure will be implemented Training needs analysis How the implementation of this procedure will be monitored References Document control (external) endix 1 - Equality Analysis Screening Form endix 2 – Approval checklist endix 3 – Appeal Process against Termination of Employment by the	10 11 12 13 13 14 14 14 14 14
9 10 11 12 13 14 14.1 15 16 17 Appe Appe Trust	Death in Service Manager's process for proposal to terminate employment Appeals against Dismissal Corporate Records Standard Work Process Definitions How this procedure will be implemented Training needs analysis How the implementation of this procedure will be monitored References Document control (external) endix 1 - Equality Analysis Screening Form endix 2 – Approval checklist endix 3 – Appeal Process against Termination of Employment by the	10 11 12 12 13 13 14 14 14 14 14 19
9 10 11 12 13 14 14.1 15 16 17 Appe Appe Trust Appe Appe	Death in Service Manager's process for proposal to terminate employment Appeals against Dismissal Corporate Records Standard Work Process Definitions How this procedure will be implemented Training needs analysis How the implementation of this procedure will be monitored References Document control (external) endix 1 - Equality Analysis Screening Form endix 2 – Approval checklist endix 3 – Appeal Process against Termination of Employment by the t 21	10 11 12 12 13 13 14 14 14 14 14 19



Appendix 6 - Membership application form	.30
Appendix 7 – Leavers Flowchart	.32
Leaver process for Medics	.33



# **1** Introduction

Although we hope that colleagues will have long and fulfilling careers in the trust, we know that employment may be ended for a variety of reasons. We are committed to ensuring that when this happens, regardless of reason, the end of employment with the Trust is handled in line with our trust values. This requires people from a number of different parts of the trust to take responsibility for playing their part in this process with compassion and respect at what can be a difficult time for a range of people.

The Trust values the hard work, skills, compassion and experience of its staff and is keen to retain staff and explore different options and alternatives to try and encourage staff to stay with the Trust.

The Trust will monitor and evaluate the reasons why employees leave their employment in order to identify trends and percentage turnover figures.

The contents of this procedure have been developed and reviewed with Our Journey to change in mind, in particular how it will support to deliver our ambition in relation to our goal of co-creating a great experience for our colleagues.

We will do this by:

- Supporting and encouraging staff to engage with the Trust at the earliest opportunity when they have intentions to leave or have made a decision to leave, giving the staff member the opportunity to discuss any concerns relating to their thoughts/decision to leave but also, to allow the Trust the opportunity to rectify any concerns/issues that could potentially retain the staff member in our employment.
- Ensuring a consistent and proactive approach is followed when a resignation is received by the Trust.
- Ensuring that support is available to all when the Trust is proposing to terminate an individuals contract of employment.

# 2 Purpose

Following the procedure will ensure a consistent and proactive approach to managing the process of ending employment contracts for staff who have decided to leave the Trust, ensuring compliance with current legislation.



# 3 Who this procedure applies to

This procedure describes what you need to do if you are leaving the Trust or you manage someone who is leaving the Trust.

#### 3.1 What this procedure does not apply to

- This procedure does not cover dismissals as a result of conduct. Such matters are dealt with under the Managing concerns procedure.
- This procedure does not apply to doctors on fixed term training contracts.
- Any grievances/concerns raised about the process will be addressed at the appeal stage.

# 4 Related documents

The procedure refers to:-

- Managing concerns of potential conduct procedure
- Managing concerns of potential poor performance procedure
- Dealing with Concerns Affecting Medical Staff
- Staff Health Wellbeing and attendance procedure
- Retirement and Long Service Recognition Procedure
- Organisational Change Procedure
- Grievance Procedure
- Flexible Working Procedure
- Internal Staff Transfer Scheme
- Death in Service guidance
- Probationary Period Procedure

# 5 Termination of employment

#### 5.1 By the employee



When	Who	What
To resign from your post/terminate your contract of employment	You (the employee)	Inform your line manager in writing, giving the amount of notice as per Para 4.3 below.
On receipt of written notice	Line Manager	Agrees an effective date based on the period of notice contained within Para 4.3 below. Sometimes the line manager may agree with you to waive the period of notice.

## 5.2 By the manager

Termination of employment by an employer for whatever reason is called dismissal. This includes:

- non-renewal of fixed term appointments, see section 5.3.3
- those who retire through ill health (with the assistance of the pension scheme or not)
- medical incapacity
- inability to attend work on a regular basis
- redundancy
- temporary or other short term forms of employment
- non- achievement of a probationary period

In all cases the Manager must take advice from the People and Culture Department initially.

#### 5.3 Notice Periods

#### 5.3.1 By employee when resigning

Position	Notice period
Temporary contract of less than 6 months	1 week
Temporary contract of 6 months or more	2 months
AfC Grades 1 – 5	2 months
AfC Grades 6 – 7	2 months
AfC Grades 8 – 9	3 months
Consultant and SAS doctors	3 months
Registrars	1 month

These defined periods of notice do not prevent a manager waiving or reducing the required notice period if service needs permit. For example; if the manager has no



concerns about service continuity being provided during the notice period and where no temporary staffing resources, overtime nor additional hours will be used to cover the work that would otherwise have been carried out by the employee during the 8 week notice period.

Advice can be sought from the Trust's People and Culture Department. Payroll must be informed of any alterations to an individual's notice period.

Any staff member who leaves without giving notice or leave before the end of their notice period without permission from the Trust will be regarded as taking unauthorised absence and will only receive pay up to and including the last working day.

If you are retiring and claiming your NHS Pension then you are advised to give a minimum of 4 months' notice to allow time for all the pension arrangements to be put into place.

#### 5.3.2 By the manager when terminating a contract of employment

Length of Service	Notice period
More than 1 month but less than 2 years continuous service	1 week
More than 2 years but less than 12 years continuous service	1 week for each year of service up to a maximum of 12 weeks
More than 12 years continuous service	12 weeks

In certain circumstances you may be offered payment in lieu of notice – the Operational HR Team will offer advice to managers as to when this is appropriate. It is your decision as to whether you accept this if it is offered.

#### 5.3.3 Fixed Term Contracts

(1)

Fixed-term contracts will normally end automatically when they reach the agreed end date. The employer does not normally have to give any notice.

However, if a fixed term contract is not renewed, this is considered to be a dismissal and the following is applicable:

o If the Employee has over 2 year's continuous service, they will be eligible to be registered within the Trust Redeployment Process.



o If the Employee has less than 2 years' service and the fixed term contract is not going to be renewed, the manager will provide written notice, including reasons for non-renewal, this will be provided at least 1 week prior to the end of the fixed term contract, (this will ensure the Trust is providing 1 weeks' notice as per the individuals contract of employment).

o Where a fixed term contract is due to come to an end during a period of maternity leave, the employees contract will be renewed to cover the maternity leave period. If this results in the employee gaining over 2 years continuous service, they will be eligible to be registered within the Trust's Redeployment process.

## 6 Duties and Responsibilities

The Director of People and Culture has devolved responsibility for the operational implementation and ongoing monitoring of the Leaver's Procedure.

### 6.1 The Trust will ensure that:

• All employees whose employment with the Trust ends will receive the correct period of notice and/or payment in lieu of notice if appropriate

• All employees leaving the Trust are encouraged to complete the leavers form to discuss their reasons for leaving <u>https://intranet.tewv.nhs.uk/thinking-about-leaving-or-moving-roles</u>

- All of its property and equipment is securely recovered from employees who are leaving our employment
- The procedural mechanisms for the ending of employment are handled in a sensitive, professional and timely manner

The Leavers data is reviewed and used, where possible, to inform improvements to service delivery

#### 6.2 The Line Manager is responsible for:

• Ensuring that the leaver's process is carried out in accordance with the Leaver's Procedure

• Liaising with the People and Culture Operations Team if they are concerned about an employee's reason for leaving, before acknowledging and accepting a resignation

- · Acknowledging an employee's verbal/written resignation
- Ensuring a copy of the resignation letter and response are recorded on the employee's main personal file (held locally or centrally)
- Completing the termination on ESR, clearly indicating the correct reason for leaving



• Encouraging the employee to complete the leavers form; https://intranet.tewv.nhs.uk/thinking-about-leaving-or-moving-roles

• Completing the managers checklist for leaver's as detailed in <u>Appendix 5b</u> (copy to be retained on the personal file)

• Where applicable notifying the Counter Fraud Specialist of suspected fraud and the Security Manager of any Trust property or equipment not returned

• Ensuring the employee's annual leave entitlement is accurately calculated and that any balance outstanding is used prior to the end of employment. Final leave allowance whether under or over taken should be recorded and payroll informed

• It is the responsibility of the Line Manager to inform IT Services of all leavers to ensure user accounts are closed down, this should normally be on the planned leaving date.

## 6.3 The Employee is responsible for:

• Notifying their Line Manager at the earliest opportunity, verbally, of their intention to resign from post and thereafter in writing, giving the appropriate notice period as detailed in their contract of employment

- Completing the leavers form and providing honest feedback about their employment
- Returning all Trust property to their Line Manager
- Ensuring an appropriate handover of any outstanding workload or casework is carried out, including passing any case notes or files to their Line Manager
- Where possible, using all outstanding annual leave prior to leaving the Trust

## 6.4 People and Culture Department is responsible for:

- Recording and analysing leavers data
- Notifying managers of any resignations submitted directly to the People and Culture Department
- Providing advice and guidance to managers and staff on the appropriate interpretation of this procedure
- Carrying out a Leavers debrief with the employee if requested

# 7 Exit interviews and thinking about leaving (leavers form)

• The employee must indicate their intention to leave at the earliest opportunity by completing the form at the link: <u>https://intranet.tewv.nhs.uk/thinking-about-leaving-or-moving-roles</u> This will initiate the process of the offer of a discussion with an independent person, this doesn't preclude the employee having a discussion with their line manager at any point.



• This process is described in the flow chart in Appendix 5. An outcome of the conversation could be that different options are considered to retain the member of staff in employment.

• Any concerns raised after the employment has ended will be addressed as a complaint.

• Employees should be advised at the outset that if their discussion contains information that is of a serious concern to the organisation, the Trust will reserve the right to act accordingly on that information.

# 8 Data Analysis

- The form collects information on whether the employee is leaving or thinking about leaving along with reasons for this. Data from the form will be reported monthly to Board, through speak up meetings and to Care Groups.
- Care Group leads will be made aware of any themes and actions as required.
- This process will provide tangible information for analysis in order to identify recruitment and retention issues or common themes which result in resignation or ending of employment. It will also help to gain positive feedback and identify areas of good practice which can be shared across the organisation.
- Analysis of the Leaver's data will help inform the Trust's recruitment and retention strategy with a view to continually improving the employee experience within the Trust. Additionally, it will help to inform the future planning and organising of work within the Trust, in particular the specific core roles and responsibilities of each post.

# 9 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 have contributed to the scheme.

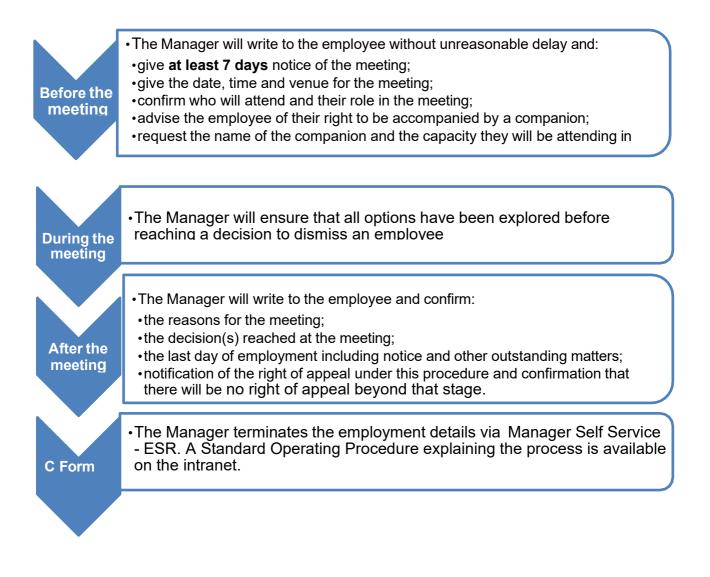
• The Line Manager should immediately notify by telephone the Pension Advisor in the Payroll Department of the death.

• The Line Manager should also notify the People and Culture Operations Department of the death in order to ensure measures can be put in place to ensure no written correspondence in the deceased's name is sent to the home address.

• The People and Culture Operations Department will be able to provide advice and guidance on the protocols to be followed following a death in service including information for the family and advice on the sensitive recovery of any Trust property. Separate Trust guidance is also available.



# 10 Manager's process for proposal to terminate employment





(1)

# 11 Appeals against Dismissal

• Please see <u>Section 5.3.3</u> for Non Renewals of Fixed Term Contracts.

You **must** inform the Associate Director of operational delivery & resourcing that you wish to appeal against a decision to dismiss **within 7 days** of receipt of the letter informing you of the decision to dismiss

- The process following notification of appeal is attached at Appendix 3
- The format for the appeal hearing is at Appendix 4

# **12 Corporate Records Standard Work Process**

Please find linked below the Trust's Corporate Records Standard Work Process, which provides information on the retention and storage of personal files.

- Standard Process to Archive documents
- Corporate Records Archive Form



# **13 Definitions**

Term	Definition
Companion	<ul> <li>Your chosen companion can be a fellow worker employed by the Trust, or</li> </ul>
	A trade union representative, or
	<ul> <li>An official employed by a trade union or friend or family member.</li> </ul>
	• A trade union representative who is not an employed official must have been certified by their union as being competent to accompany a worker in line with the ACAS code of practice.
Accredited Representative	• An elected or appointed representative of a Professional Organisation or Trade Union who is notified to, and accepted by, the Trust as a formal representative of that organisation
Continuous Service	Continuous service for the purpose of calculating statutory notice periods (in accordance with the Employment Rights Act 1996) would be from the date you commenced with the Trust
	• If you have left and rejoined the Trust, there must not have been a break of more than a week (measured Sunday to Saturday). If there has been a break, your continuous service would commence from the date you rejoined the Trust
	<ul> <li>Please note, bank work, does not count towards continuous service</li> </ul>

# 14 How this procedure will be implemented

- This procedure will be published on the Trust's intranet and external website.
- Line managers will disseminate this procedure to all Trust employees through a line management briefing.
- People and Culture Department will produce a communication brief for the intranet and All staff weekly briefing



### 14.1 Training needs analysis

Staff/Professional Group	Type of Training	Duration	Frequency of Training
All staff	Awareness of new procedure		

# 15 How the implementation of this procedure will be monitored

Number	Auditable Standard/Key Performance Indicators	Frequency/Method/Person Responsible	Where results and any Associate Action Plan will be reported to, implemented and monitored; (this will usually be via the relevant Governance Group).
1	Procedure Review	12 months from date of publication	Policy Working Group
2			
3			

# **16 References**

Employment Act 2008 (implemented 6th April 2009)

# **17 Document control (external)**

To be recorded on the policy register by Policy Coordinator

Date of approval	29 March 2023
Next review date	29 March 2026
This document replaces	HR-0044-v3.3 Leavers Procedure
This document was approved by	Policy Working Group
This document was approved	29 March 2023



This document was ratified by	Director of People and Culture
This document was ratified	01 April 2023
An equality analysis was completed on this policy on	30 March 2023
Document type	Public
FOI Clause (Private documents only)	n/a

#### Change record

Version	Date	Amendment details	Status
v3.4	29 Mar 2023	Updated and removed leavers debrief process and hyperlinks to debrief process to include new Leavers process and hyperlinks	Approved (not published)
V3.4	01 Apr 2023	Updated link to new leavers process	approved



#### Appendix 1 - Equality Analysis Screening Form

Please note: The Equality Analysis Policy and Equality Analysis Guidance can be found on the policy pages of the intranet

Section 1	Scope
Name of service area/directorate/department	People and Culture
Title	Leaver procedure
Туре	Procedure
Geographical area covered	Trustwide
Aims and objectives	<ul> <li>Following this procedure will help the Trust:</li> <li>Understand reasons why people are leaving the Trust Support Trust's strategy on retention</li> <li>Proactive and standardised approach to the notification of a leaver</li> <li>Guidance for managers on what to do when a member of staff notifies them of their intention to leave</li> <li>Opportunity for staff to discuss reasons for leaving and explore alternative options</li> </ul>
Start date of Equality Analysis Screening	Feb 2023
End date of Equality Analysis Screening	March 2023

Section 2	I	Impacts		
Who does the Policy, Service, Strategy, Code of practice, Gu or Business plan benefit?	idanaa Draiaat	All staff who wish to leave the Trust All managers who receive a notice of resignation from their staff member		
Will the Policy, Service, Function, Strategy, Code of practice, Guidance, Project or		• Race (including Gypsy and Traveller) NO		
Ref: HR-0044-v3.4	Page 16 of	33 Ratified date: 29 March 2023		
Title: Leavers procedure		Last amended: 29 March 2023		





Business plan impact negatively on any of the protected characteristic groups?	• <b>Disability</b> (includes physical, learning, mental health, sensory and medical disabilities) <b>NO</b>
	• Sex (Men, women and gender neutral etc.) NO
	Gender reassignment (Transgender and gender identity) /NO
	• Sexual Orientation (Lesbian, Gay, Bisexual, Heterosexual, Pansexual and Asexual etc.) NO
	• Age (includes, young people, older people – people of all ages) NO
	<ul> <li>Religion or Belief (includes faith groups, atheism and philosophical beliefs)</li> <li>NO</li> </ul>
	• <b>Pregnancy and Maternity</b> (includes pregnancy, women who are breastfeeding and women on maternity leave) <b>NO</b>
	• <b>Marriage and Civil Partnership</b> (includes opposite and same sex couples who are married or civil partners) <b>NO</b>
	• <b>Armed Forces</b> (includes serving armed forces personnel, reservists, veterans and their families) <b>NO</b>
Describe any negative impacts	
Describe any positive impacts	Whilst we currently do not have any evidence of any negative impact the procedure may have, the new procedure allows an independent person the opportunity to review and undertake a discussion with the member of staff wishing to leave the Trust and to ensure all staff have a chance to discuss the reasons why they are wishing to leave the Trust and explore alternative options. Regular monitoring of the procedure will continue to ensure the process does not negatively impact on the above protected characteristics and that no-one is disadvantaged.

Section 3	Research and involvement
What sources of information have you considered? (e.g. legislation, codes of practice, best practice, nice guidelines,	See References section





CQC reports or feedback etc.)	
Have you engaged or consulted with service users, carers, staff and other stakeholders including people from the protected groups?	Yes
If you answered Yes above, describe the engagement and involvement that has taken place	Members of the Policy Working Group including staffside; JCC - which is made up of management representatives, staff side representatives and HR. The initial leavers procedure was fully consulted on Trustwide and the updated procedure has been reviewed at policy working group as the only amendment is the process for the leavers form. The staff side members of the group represent all staff including those with protected characteristics
If you answered No above, describe future plans that you may have to engage and involve people from different groups	

Section 4	Training needs
As part of this equality analysis have any training needs/service needs been identified?	Yes - Ongoing promotion of the new form, regularly communicating the process with managers and staff
Describe any training needs for Trust staff	Yes
Describe any training needs for patients	No
Describe any training needs for contractors or other outside agencies	No

#### Check the information you have provided and ensure additional evidence can be provided if asked



## Appendix 2 – Approval checklist

To be completed by lead and attached to any document which guides practice when submitted to the appropriate committee/group for consideration and approval.

	Title of document being reviewed:	Yes / No / Not applicable	Comments
1.	Title		
	Is the title clear and unambiguous?	Y	
	Is it clear whether the document is a guideline, policy, protocol or standard?	Y	
2.	Rationale		
	Are reasons for development of the document stated?	Y	
3.	Development Process		
	Are people involved in the development identified?	Y	
	Has relevant expertise has been sought/used?	Y	
	Is there evidence of consultation with stakeholders and users?	Y	
	Have any related documents or documents that are impacted by this change been identified and updated?	Y	
4.	Content		
	Is the objective of the document clear?	Y	
	Is the target population clear and unambiguous?	Y	
	Are the intended outcomes described?	Y	
	Are the statements clear and unambiguous?	Y	
5.	Evidence Base		
	Is the type of evidence to support the document identified explicitly?	Y	
	Are key references cited?	Y	
	Are supporting documents referenced?	Y	
6.	Training		
	Have training needs been considered?	Y	
	Are training needs included in the document?	Y	
7.	Implementation and monitoring		



	Title of document being reviewed:	Yes / No / Not applicable	Comments
	Does the document identify how it will be implemented and monitored?	Y	
8.	Equality analysis		
	Has an equality analysis been completed for the document?	Y	
	Have Equality and Diversity reviewed and approved the equality analysis?	Y	Per LC
9.	Approval		
	Does the document identify which committee/group will approve it?	Y	
10.	Publication		
	Has the policy been reviewed for harm?	у	
	Does the document identify whether it is private or public?	у	Public
	If private, does the document identify which clause of the Freedom of Information Act 2000 applies?	n/a	



# Appendix 3 – Appeal Process against Termination of Employment by the Trust

1. Arrangements will be made for the appeal to be heard without unreasonable delay, normally **within 3 months** of the date lodged.

2. Prior to the hearing of an appeal, both management and staff side will be asked to submit relevant documentation considered in the previous stage for the information of the panel. Management should ensure their submission outlines the main issues of the case to be heard and should be submitted at least 3 weeks before the date of the hearing (or 12 working days before the hearing if the correct number of copies is submitted).

3. Employee submissions should be made to the Associate Director of Operational Delivery & Resourcing or a nominated deputy no later than **5 working days** before the hearing in readiness for exchange between relevant parties.

4. The Appeals Panel will consist of two Directors, one of whom will act as the chair of the panel. The Associate Director of Operational Delivery & Resourcing or a nominated deputy will attend in an advisory capacity and the appeal panel may appoint an assessor when the case relates to professional conduct or competence.

5. The appeals panel will not include anyone who has been directly involved in the original decision.

6. The appeal panel may hear any new evidence not available in the previous stage.

7. The employee will have the right to be accompanied by an accredited representative or a colleague employed by the Trust.

8. The appeal panel will determine one or a combination of the following decisions:

- That the original decision(s) was correct
- That the original decision(s) was not appropriate, and reinstate the employee.

9. If a decision can be reached the same day the employee or their representative will be advised verbally of the outcome of the appeal hearing.

10. This decision will be communicated in writing within 5 working days, by the Chair of the Appeals Panel or the Senior Manager hearing the appeal to both parties. If for any reason this confirmation or the decision will be delayed beyond this period, the employee must be advised of the reason for the delay and the likely timescale for receipt.

11. In all cases this document will include:

- the reasons for the meeting
- the findings of the Appeal Panel
- the decision(s) of the Appeal Panel
- the reasons for those decision
- 12. There will be no right of appeal beyond this stage.



## Appendix 4 – Format of the Appeal Panel Hearing

1. The Trust's representative shall state the Management case in the presence of the employee and his/her companion and may call witnesses.

2. The employee or his/her companion shall have the opportunity to ask questions of the Trust's representative and witnesses.

3. The members of the Appeal Panel shall have the opportunity to ask questions of the Trust's representative and witnesses.

4. The Trust's representative shall have the opportunity to re-examine his/her witness on any matter referred to in their examination by members of the Appeal Panel, the employee or his/her companion. Witnesses will withdraw from the hearing.

5. The employee or his/her companion shall put his/her case in the presence of the Trust's representative and may call witnesses.

6. The Trust's representative shall have the opportunity to ask questions of the employee, his/her companion or his/her witnesses.

7. The members of the Appeal Panel shall have the opportunity to ask questions of the employee, his/her companion or his/her witnesses.

8. The employee or his/her companion shall have the opportunity to re-examine his/ her witnesses on any matter referred to in their examination by members of the Appeal Panel or the Trust's representative. Witnesses will withdraw from the hearing.

9. The members of the Appeal Panel may invite either party to clarify or expand upon any statement he/she may have made; ask questions to determine whether or not any evidence will be called in respect of any part of his/her statement or evidence. Both parties may examine the clarifications in accordance with points 2 or 6 above.

10. The Panel may at their discretion adjourn the hearing in order that further evidence may be produced by either party or where evidence requires additional time to be considered or for any other justifiable reason.

11. The Trust's representative and the employee or his/her companion will be given the opportunity to sum up their case if they so wish. The employee or his/her companion shall have the right to speak last. In their summing up neither party may introduce any new matter.

12. The panel will satisfy themselves that all parties have made all the points that they wish and are satisfied with the fairness of the hearing.

13. The panel will adjourn the hearing to enable full consideration of all the evidence presented and to consider their decision.

14. The Panel will deliberate in private only recalling both parties to clear points of uncertainty on evidence already given.

15. Before making a decision, the Determining Manager should consider:

• whether there has been as much consideration of alternatives to dismissal as was reasonable in the circumstances;

• all matters raised that were related to the decision, whether or not they were known to the manager making the decision at the time, but not matters that are unrelated to the reason for that decision;

• whether the actions taken or not taken were reasonable in the circumstances;





- whether there are any mitigating circumstances which may have a bearing on the case were reasonably considered;
- whether the decision and action was proportionate to the issues at hand;
- whether the action taken was within the band of reasonable responses that an employer would have been able to take in the circumstances;
- Whether there have been any similar cases in the past.

16. If a decision can be reached the same day the employee or their representative will be advised verbally of the outcome of the appeal hearing.

17. Confirmation of result of appeal will be put in writing and sent to both the employee and their representative within **5 working days**. If for any reason this confirmation or the decision will be delayed beyond this period the employee must be advised of the reason for the delay and the likely timescale for receipt.



# Appendix 5a: Leaver Checklist - Medics

Job Details			
Name of Doctor			
Job Title & Specialty			
Base & Location			
End Date			

## Before Doctor Leaves

	Yes	N/A	Date	Initials
Letter of resignation received				
Letter of acknowledgement sent				
If leaving, meeting with Dr Boylan offered If				
retiring, meeting with Dr Boylan booked Link				
to exit questionnaire sent				
Annual leave entitlement checked Actual				
last working day confirmed				
Payroll advised of annual leave (even if none to take)				
Payroll advised of retirement gift vouchers ESR				
Updated				
ESR Checked (Checker to sign)				
If doctor is a supervisor, ESR records updated				
Email Revalidation Lead re Exit Report (locums only)				
Email Quality Officer re SAS leaver Medical				
Education informed				
Jenny informed (if LTFT Trainee)				
Arrange for laptop/smartphone return (Juniors only)				
Patchwork profile checked (compliance documentation still valid)				
Library informed if FP or GP registrar (tewv.libraryadmin)				

Ref: HR-0044-v3.4 Title: Leavers procedure



Tees, Esk and Wear Valleys NHS Foundation Trust

Check if SpR still requires IT access (for research)

### After Doctor Has Left

	Yes	N/A	Date	Initials
IT Network/PARIS access removed – One Form				
LYPFT Network/PARIS removed				
Cancel ID Badge				
Removed from Master Database				
Removed from Additional PA database				
Removed from Medical Directory				
Removed from Trust Doctor database				
Removed from email circulation lists				
Email: Revalidation Lead (update revalidation DB & GMC Connect)				
Library informed if not FP/GP Registrar				
NEAP informed				
Foundation Trust Membership informed				
SARD form sent to IT (to make doctor dormant – unless returning)				
Exit report received from supervisor				
Exit report sent to doctor and agency				
Smartcard stopped				
Email: Gillian Ing for carpark removal (Roseberry Park only)				
Advise DMD of leaver for CPD purposes –				





cons/SAS

Remove from CPD Peer Group list

Archive doctor on DRS

٦

#### . . . .

File notes:	



I confirm I have followed and completed the actions in this leaver checklist form

Name:..... Signature:....

Medical Staffing Advisor

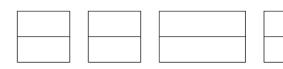
I confirm this leaver checklist form is fully completed

Name:..... Signature:..... Date:....

Medical Staffing Team Leader

File placed into leavers drawer Personal e-file archived

Date:....







# Appendix 5b: Leaver Checklist – Non medics

Action Required	Who is responsible?	Date Completed
Calculate Annual Leave Entitlement	Line Manager	
Complete the tasks identified within the Manager Self Service Standard Operating Procedure for Termination of Employment.	Line Manager	
Complete the form : <u>https://intranet.tewv.nhs.uk/thinking-about-leaving-or-moving-</u> roles	Independent/Line Manager/Employee	
Public Membership of Trust discussed	Line Manager/Employee	
<ul> <li>Document &amp; Data Management – Ensure the following:</li> <li>Any data held on a portable device has been moved to the appropriate shared drive, Line manager should be aware of where the information is being stored on the shared drive.</li> <li>Delete all data from portable device.</li> <li>Portable devices should be returned by employee</li> <li>Email account reviewed and all emails either filed in shared drive or deleted (see corporate records management guidance or contact Information Governance department).</li> <li>All records on the home drive have been transferred to the shared drive or deleted (see corporate records management guidance or contact Information Governance department).</li> </ul>	Line Manager/Employee	
Information Asset Administrator to review all information and sign off that information has been correctly saved by completion of the removal of network access	Information Asset Administrator	



documentation. NH5 Foundati	
Lease Car Details (ensure the return of the Lease Car has been processed) Lease Car Keys need to be returned	Line Manager/Employee
ID Badge is returned	Line Manager/Employee
Security Fob	Line Manager/Employee
Library notified of leaving date	Line Manager/Employee
Is this role an Information Asset Owner or Administrator? If yes notify the Policy Co-ordinator	Line Manager/Employee
Is this role a policy author or policy lead? If yes notify the Policy Co-ordinator	Line Manager/Employee
<ul> <li>Return of all Trust property such as:</li> <li>Mobile</li> <li>Portable Devices i.e. – Ironkey</li> <li>Attack Alarms</li> <li>Uniform</li> <li>Trust Property/Premises Keys</li> <li>Laptop &amp; Accessories.</li> <li>Pagers/Bleepers</li> <li>Car Park Pass</li> <li>Disable NHS smartcard</li> <li>Any other Trust property</li> <li>Library books</li> </ul>	Line Manager/Employee



#### **Appendix 6 - Membership application form**

By signing up as a member, the Trust is better able to listen to the views of local people. The Trust now has a greater freedom to provide services that help make a positive difference to the needs of local people.

Membership is FREE and you decide how much or how little you want to be involved, whether it is just receiving information or standing as a local Governor – the choice is yours.

#### Your details:

Any information you give here will be treated confidentially and used only for the purpose of providing you with information and updates about the trust. All information will be held in accordance with the Data Protection Act 1998.

Title:

Name:

Address:

Postcode:

Telephone:

Email:

Gender:

Date of birth:

Please tell us more about you so we can monitor how well we are recruiting members that represent all the communities we serve:



#### White

British
Irish
Any other whit

te background

#### **Black or Black British**

Caribbean

African

Any other black background

#### Asian or Asian British



Pakistani Bangladeshi

Any other Asian background

#### Mixed

#### Other ethnic groups

Chinese Eastern European Any other ethnic group

#### How would you prefer us to contact you?

By email By post to the address you have given us

Signature:

Date:

Your name will be included on a public list for the purpose of managing membership unless you tick the box to indicate that you do not wish your name to appear.





Where the Manager becomes aware the employee has a firm intention to leave i.e. conditional offer or retirement, they must advise the individual of the leavers form <u>https://intranet.tewv.nhs.uk/thinking-about-leaving-or-moving-roles</u> and refer them to this process

The employee has a firm intention to leave i.e. conditional offer or retirement

Employee completes the leavers form online

If the employee wishes to have a discussion about their decision this is requested at question 8 on the form

The independent person contacts the employee to arrange a discussion

During the discussion the following will be explored.

• Clarity on the reason for leaving

• What circumstances prompted the individual to start to look for another role?

• Are there any circumstances where the individual may consider i.e. Flexible working, Internal Transfer, promotion, career break, in order to remain with the Trust?

• If there is anything in relation to the reason for leaving that the Trust ca support the individual with?

Where the employee has identified potential options that may enable them to remain with the Trust, the independent/nominated person/line manager will explore with these with the appropriate manager/service to determine what options are available and feed this back to the individual within 2 working days

If the employee is concerned about the line manager knowing why they are leaving they should make the independent person aware of this

If the discussion raises any area of concern, that requires escalation, the nominated person/ Line Manager should escalate these to the appropriate person (General manager/ Head of Profession) seeking advice from the People and Culture Team as required

Where the employee has identified potential options that may enable them to remain with the Trust, the independent/nominated person/line manager will explore with these with the appropriate manager/service to determine what options are available and feed this back to the individual within 2 working days



