Torbay and South Devon NHS
NHS Foundation Trust

NOTICE PERIODS
(H8)

If you require a copy of this policy in an alternative format (for example large print, easy read) or would like any assistance in relation to the content of this policy, please contact the Equality and Diversity team on 01803 656680.

Torbay and South Devon NHS
NHS Foundation Trust

This is a controlled document. It should not be altered in any way without the express permission of the author or their representative. On receipt of a new version, please destroy all previous versions.

Date of Issue:	February 2017	**Next Review Date:**	February 2019
Version:	1.1	**Last Review Date:**	February 2017
Author:	HR Manager		
Directorate:	Workforce and Organisational Development		
Approval Route			
Approved By:		**Date Approved:**	
LCNC		23 October 2014	
JCNC		21 October 2014	
Deputy Director of Workforce		Feb 2017	
Links or overlaps with other policies:			
Need to list all policies that are referred to, or have links to this policy.			
Leavers Protocol			
Retirement Policy			

Amendment History

Issue	Status	Date	Reason for Change	Authorised
1.1		Feb 2017	Bi-annual review. Change of Trust ICO logo	Deputy Director of Workforce

Torbay and South Devon NHS
NHS Foundation Trust

Rapid Equality Impact Assessment

Policy Title (and number)	Notice Period Policy
Policy Author	HR Directorate
Version and Date (of EIA)	Version 1.1 February 2017
Associated documents (if applicable)	

RELEVANCE: Does the aim/purpose of the policy relate to each of the aims of the Public Sector Equality Duty?	
• **Eliminate unlawful discrimination or other conduct prohibited by the Equality Act 2010**	**Yes**
• **Advance equality of opportunity between people from different groups**	**No**
• **Foster good relations between people from different groups**	**No**
SIGNIFICANCE AND IMPACT: Consider the nature and extent of the impact, not the number of people affected.	
Does the policy affect service users, employees or the wider community? (if no, proceed to sign off)	**Yes**
Does the policy affect service delivery or business processes?	**No**
Does the policy relate to an area with known inequalities (deprivation/unemployed/homeless)?	**No**

EQUALITY ANALYSIS: How well do people from protected groups fare in relation to the general population?
PLEASE NOTE: Any 'Yes' answers may trigger a full EIA and must be referred to the equality leads below

Is it likely that the policy/procedure could treat people from protected groups less favorably than the general population? (see below)

Age	**No**☐	Disability	**No**☐	Sexual Orientation	**No**☐
Race	**No**☐	Gender	**No**☐	Religion/Belief (non)	**No**☐
Gender Reassignment	**No**☐	Pregnancy/ Maternity	**No**☐	Marriage/ Civil Partnership	**No**☐

Is it likely that the policy/procedure could affect particular 'Inclusion Health' groups less favorably than the general population? (substance misuse; teenage mums; carers; travellers; homeless; convictions; social isolation; refugees)	**No**☐

Please provide details for each protected group where you have indicated 'Yes'.

What if any, is the potential for interference with individual human rights?
(consider the FREDA principles of Fairness/ Respect/ Equality/ Dignity/ Autonomy)

N/A

RESEARCH AND CONSULTATION

What is the reason for writing this policy? (What evidence/ legislation is there?)

Details notice periods required under contract of employment

Who was consulted when drafting this policy/procedure? What were the recommendations/suggestions?

ACTION PLAN: Please list all actions identified to address any impacts

Action	**Person responsible**	**Completion date**

AUTHORISATION

Name of person completing the form	HR Manager		

Torbay and South Devon NHS
NHS Foundation Trust

Contents

1 Policy Statement 5
2 Purpose 5
3 Scope 5
4 Equality and Diversity Statement 5
5 Roles and Responsibilities 5
6 Resignation – Notice Periods 6
7 Redundancy – Notice Periods 6
8 Termination of Employment due to Ill Health 6
9 Entitlements to Notice 6
10 Disciplinary - Summary Dismissal 7
11 Payment in Lieu of Notice 7
12 Retirement 7
13 Training and Awareness 7
14 Contact Details 7
15 Monitoring, Audit and Review Procedures 7

Torbay and South Devon NHS
NHS Foundation Trust

1 Policy Statement

1.1 Both the employee and employer are normally entitled to a minimum period of notice on termination of employment. An employment contract can be terminated at any time by either party; it could be a resignation or dismissal, redundancy or retirement.

2 Purpose

2.1 The purpose of this policy is to provide guidance on the provision of notice of termination of employment either by the employee or the Trust.

3 Scope

3.1 This policy applies to all staff employed by TSDHCT and SDHCT on Agenda for Change Terms and Conditions of Service.

4 Equality and Diversity Statement

4.1 The Trusts are committed to preventing discrimination, valuing diversity and achieving equality of opportunity. No person (staff, patient or public) will receive less favourable treatment on the grounds of the nine protected characteristics (as governed by the Equality Act 2010): sexual orientation; gender; age; gender re-assignment; pregnancy and maternity; disability; religion or belief; race; marriage and civil partnership. In addition to these nine, the Trusts will not discriminate on the grounds of domestic circumstances, social-economic status, political affiliation or trade union membership.

4.2 The Trusts are committed to ensuring all services, policies, projects and strategies undergo equality analysis. For more information about equality analysis and Equality Impact Assessments please refer to the Equality Analysis Procedure (SDHCT only).

5 Roles and Responsibilities

5.1 Managers Responsibilities

- Acknowledge receipt of the resignation letter.
- Discuss and agree departure dates based on the notice periods required.
- Complete the necessary termination form and leavers checklist and forward to the appropriate departments. Please refer to the Leavers Protocol.
- Ensure where possible all annual leave entitlement has been taken before the last day of employment.

5.2 Employees Responsibilities

- Provide a letter of resignation to your line manager as soon as you have decided to leave the Trust.

- Work your full notice period, unless agreed otherwise with your manager, acting in accordance with the Trust's policies and procedures.
- Liaise with your manager to plan any outstanding annual leave entitlement

6 Resignation – Notice Periods

6.1 Members of staff may resign from their post by giving the required period of notice in writing to their line manager. The resignation letter should detail the effective date of resignation and the date of the employee's last working day, if this is different. In most cases the employee will be expected to work out their notice period. A shorter period of notice may be negotiated with the appropriate manager if it is in the interests of the service.

BAND	NOTICE PERIOD
Bands 1 - 4	4 weeks
Band 5 - 7	8 weeks
Bands 8 - 9	12 weeks

7 Redundancy – Notice Periods

7.1 Employees who face compulsory redundancy or whose voluntary redundancy is accepted or who are retired on organizational change grounds are entitled to a period of notice on the termination of their contract. This period will not be less than the statutory minimum period of notice.

8 Termination of Employment due to Ill Health

8.1 Where an employee is dismissed on the grounds of incapability due to ill health, they will be entitled to a period of notice on the termination of their contract. This period will not be less than the statutory minimum period of notice. .

9 Entitlements to Notice

9.1 The minimum periods of notice to which an employee is entitled is either the minimum period determined by statute, this is currently:

(i) Not less than one week if your period of continuous employment with the Trust is less than two years.

(ii) One week for each year of continuous employment with the Trust if your period of continuous employment is two years or more but less than 12 years.

(iii) Not less than a maximum of 12 weeks if your period of employment with the Trust is 12 years or more.

OR

(iv) The minimum period of notice you are required to give the Trust whichever is the longer. Therefore as a minimum all staff will receive 4 weeks' notice.

10 Disciplinary - Summary Dismissal

10.1 Employees who are summarily dismissed from the Trust on disciplinary grounds will not be entitled to payment in lieu of notice.

11 Payment in Lieu of Notice

11.1 In organizational change dismissal or ill health circumstances the Trust will consider making a payment in lieu of a period of notice to terminate the contract of employment, whether the period of notice is the statutory minimum or an improved period of notice as required under the contract of employment.

12 Retirement

12.1 Employees wishing to retire, who are eligible for an NHS pension, need to be aware that the Payroll Service Department requires a minimum of three months' notice to process pension requests.

12.2 In all cases of retirement it is essential that the employee confirm their intention to retire in writing to their line manager detailing the effective date of retirement and the date of the individuals last working day, if this is different. For further information regarding retirement please refer to the Retirement Policy.

13 Training and Awareness

10.1 Advice and support will be provided by the HR team to support staff and managers in adhering to this policy and their understanding of dealing with notice periods.

10.2 The HR team will raise awareness of this policy through the publication of information on iCare and Contact and to advise staff of changes to the policy through the staff bulletin and ratification processes.

14 Contact Details

14.1 Any queries regarding this policy should be directed to the HR team of the Directorate of Workforce and Organisational Development.

- HR Helpline – 01803 655754 (ext. 55754)
- HR department – 01803 654506 or 01803 210475

15 Monitoring, Audit and Review Procedures

15.1 This policy will be monitored and audited on a regular basis. A full review will take place every two years by the Directorate of Workforce and Organisational Development unless legislative changes determine otherwise.