

9 March 2023

# 5

## Key considerations when ending employment

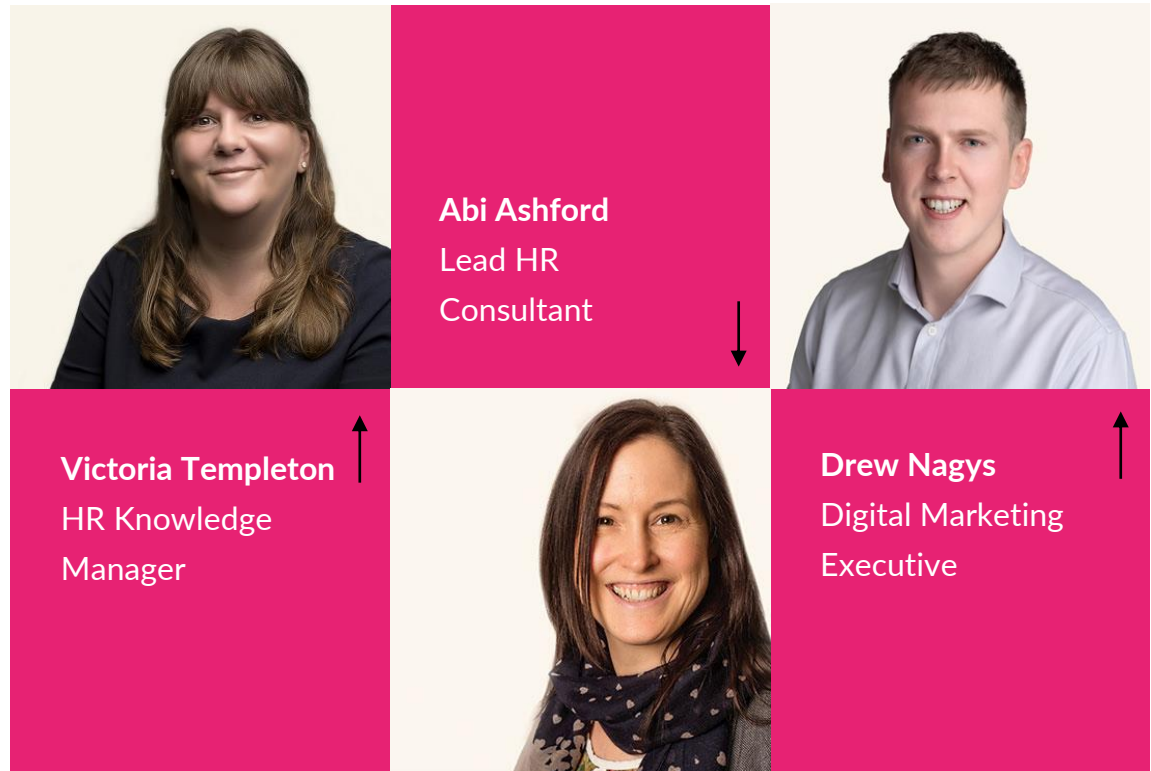
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# Introductions



## Meet the Presenters and Technical Support



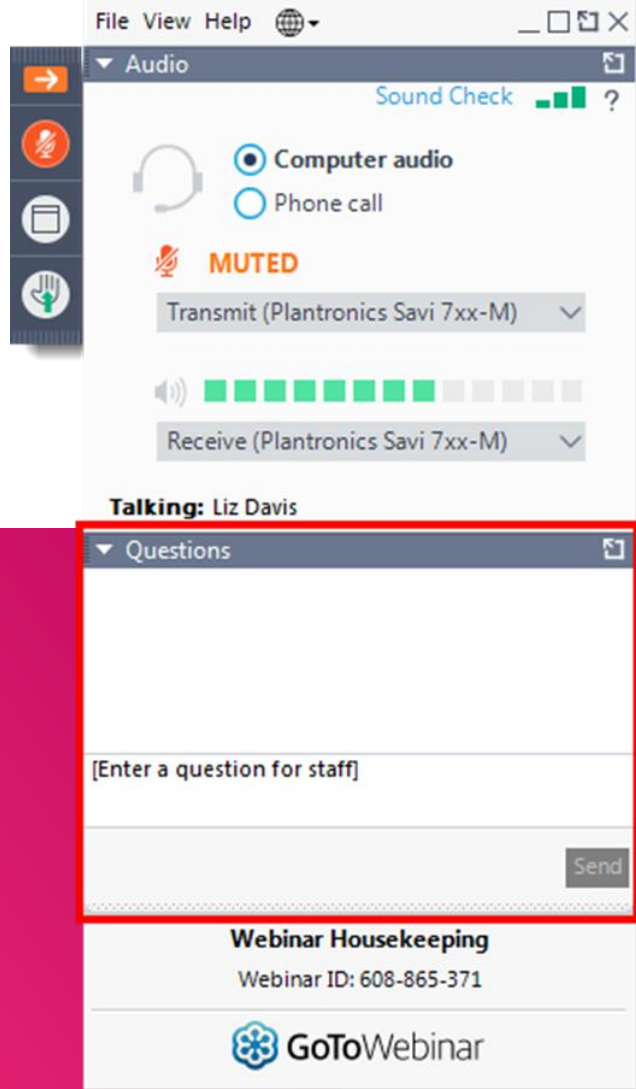




# How to ask questions

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# GoTo Webinar Housekeeping

## Time for Questions

### Your Participation

Please continue to submit your text questions and comments using the Questions panel





9 March 2023

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## Key considerations when ending employment



# Agenda

- How can employment end?
- The importance in managing the end of employment
- The 5 key considerations



# How does employment end?

## Employee

- Resignation
- Retirement

## Employer

- End of fixed term contract
- 5 potentially fair reasons for dismissal
  1. Conduct
  2. Capability
  3. Redundancy
  4. Some other substantial reason
  5. Statutory illegality

## Mutual Agreement

- Without prejudice
- Protected conversation



**Settlement Agreement**



# The importance in managing the end of employment?

Does it matter?

**Yes!** Because.....

- Lead to costly tribunal claims
- Create unnecessary management time and effort
- Give your business negative publicity
- Could also trigger others to leave
- Lead to low employee engagement

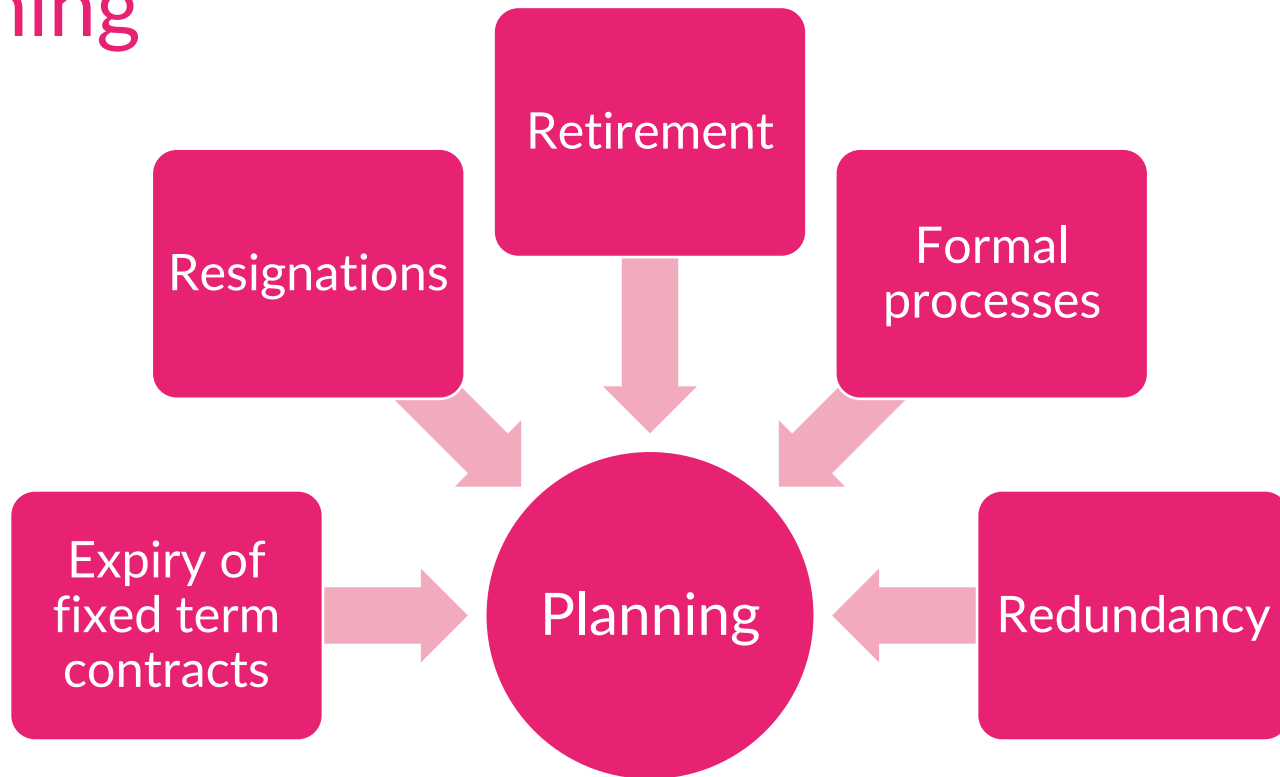


# Planning



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# Planning



- Good employee experience
- Attrition management
- Future skills and capabilities
- Structure fit for purpose

# Exit Interviews



2





# Exit Interviews

- Key management tool
- Allows the business to learn where improvements can be made
- Can help prevent staff turnover
- May even prevent the person from leaving



# Exit Interviews

- Undertaken by the line manager or HR
- At the time of the resignation or last date of employment?
- Will they be as honest if it is their own line manager conducting it?
- How likely will it take place, if they happen on the last day of employment?
- Should they happen as soon as someone resigns or will the fact they need to work their notice still prevent openness?



# Off Boarding



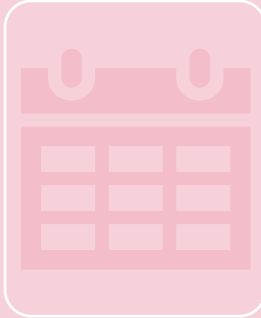
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# Off boarding



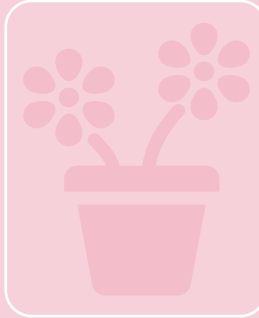
## Resignation response

- Employee experience
- Written acknowledgment
- Company leaving card
- Senior manager meeting



## Managing the notice period

- Statutory vs Contractual
- Requests from e/e to leave earlier
- PILON?



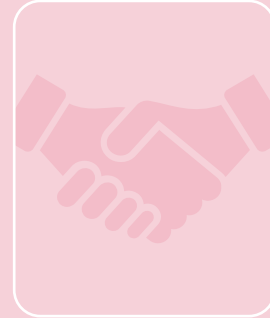
## Managing annual leave

- Leave outstanding – take during or pay at end?
- Taken too much leave – deduction from wages



## 'Gardening leave'

- Contract of employment
- Senior, specialist or technical jobs
- Remain available for work
- Continue to be an employee



## Handover

- Crucial to the smooth transition

# Fair process



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# What is a fair process?

- Important question!
- Lack of, insufficient, unfair process can successful unfair dismissal claim at Employment Tribunal
- Each case judged on its own set of circumstances
- Case law, codes of practice and legislation helps guide employers



# For instance...



- ☐ The dismissal was for one of the recognised fair reasons
- ☐ Up to date medical evidence
- ☐ All allegations investigated and responded to
- ☐ Your own company policies were followed
- ☐ Your processes are compliant with the Acas Code of Practice


# For instance...



1. Allowing a family member of an employee to attend their absence meeting with them. This could be deemed a reasonable adjustment.
2. Rescheduling a disciplinary hearing for a 3<sup>rd</sup> time due to the nature of the reason for the request, nature of hearing and employee circumstances.
3. Other practical examples?



# Settlement Agreements



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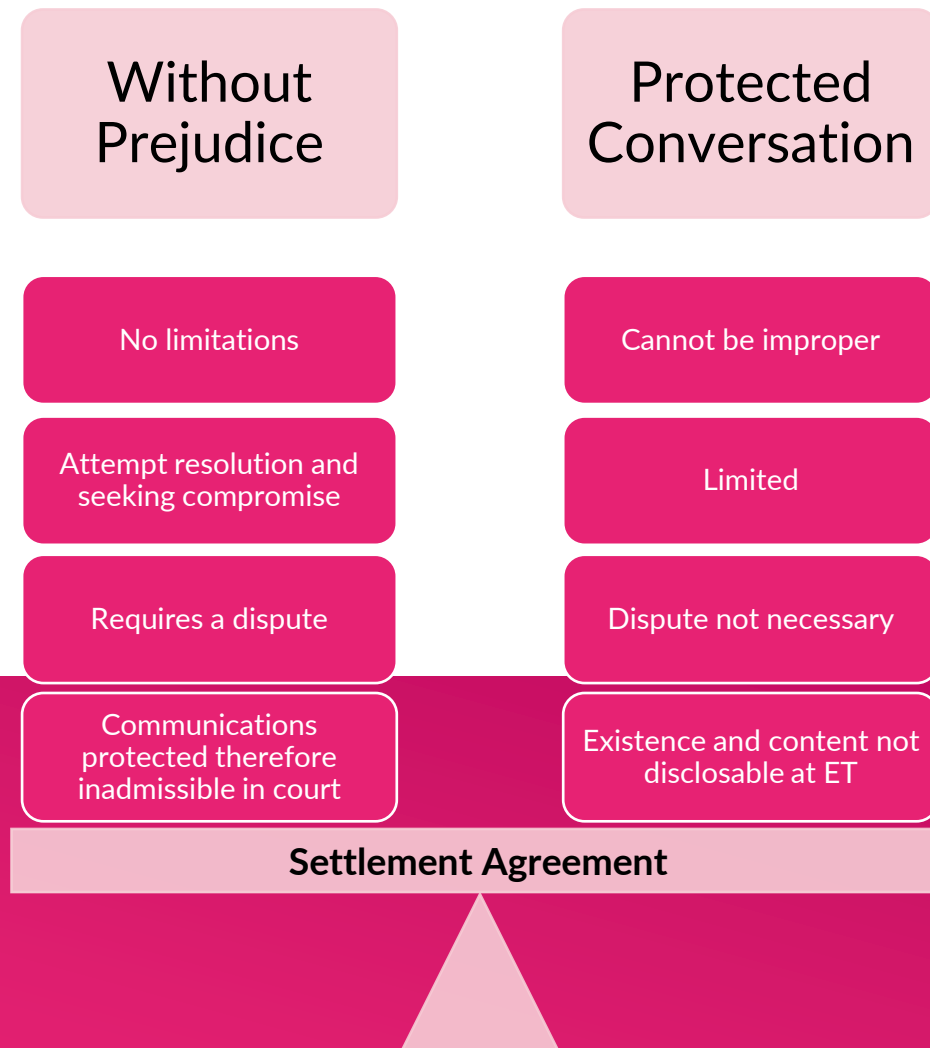


# Settlement Agreements

- Alternate of parting ways
- Dispute
- Wrongdoings
- Commercial decision
- Care taken on ensuring the correct conversation is being held



# Settlement Agreements





# Virtual Employment Law Seminar

Join us for our annual employment law virtual seminar. We'll take a look at the upcoming developments in the world of HR, that are likely to have an impact on your business and how you manage your people in 2023.

**Wednesday 22 March**  
**10am – 12pm**

This free, 2-hour practical approach to employment law will help your business to plan and respond accordingly.



# Our 2022/23 SME Survey Results

Scan the QR code for  
a digital copy:





# Training Courses Management

- Effective Communication Skills
- Leading the Team
- Managing Conflict at Work
- Effective Appraisal Skills
- Managing Poor Performers
- Recruitment and Selection
- Holding Difficult Conversations
- Equality, Diversity & Inclusion
- Managing Grievance
- Managing Disciplinary
- Employment Law
- ILM Level 3
- ILM Level 5



2023 Dates are being scheduled

Scan to find out more





# Training Courses

## Health & Safety

### Level 2 Health & Safety

14 April @ 9:30am

Dates currently being scheduled:

- Level 2 Fire Safety
- Level 2 Food Safety
- Level 2 Mental Health First Aid
- Level 3 Safeguarding
- Level 2 Emergency First Aid
- Mental Health Ambassador
- Safeguarding Ambassador



2023 Dates are being scheduled

Scan to find out more



# Webinars

- Return to work interviews – why do them?  
13 April @ 10am
- EU Law (Reform and Revocation) Bill  
11 May @ 10am

**\*\*New Webinar  
Programme Coming  
Soon\*\***



Scan to find out more



Using the comments  
functionality, tell us what  
topics you would like to  
see as a future webinar



# Thank you

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