**Notice Periods and Leaving the Council**

***Originally issued January 2008***

***Updated September 2022: change of title and layout; implementation of information about different types of leavers including fixed term employees with details taken from employment contracts***

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**1. Introduction**

This policy is issued to assist employees on the application of notice periods which are contractually laid out within the employment contract.

This policy may be varied, withdrawn, or replaced at any time by the council at its absolute discretion.

**2.** **Scope**

This policy applies to all council employees on ‘Green Book’ NJC terms and conditions, except teachers, lecturers and school-based staff who have their own procedures. Employees on Soulbury terms and conditions and JNC Senior Officers are also not covered by this policy.

**3. Notice period provisions for employees on permanent employment contracts**

Please note that notice periods provisions for staff on fixed term contracts are outlined in section (4)

## **3.1 Notice to be provided by the Council for employees not confirmed in post following probation**

Employees without previous continuous service with **Croydon Council** who are not confirmed in post following unsatisfactory completion of their probationary period will be given a **minimum** **notice** period of one week.

## **3.2 Notice to be provided by Croydon Council to employees with continuous service with the council (not continuous local government service)**

## **3.3 Grade 1 to Grade 8**

|  |  |
| --- | --- |
| **Period of continuous employment with Croydon Council** | **Minimum notice period** |
| 4 weeks or more, but less than 5 years | 4 weeks |
| 5 years or more, but less than 12 years | 1 week for each year of continuous employment |
| 12 years or more | 12 weeks |

## **3.4 Grade 9 to Grade 11 and Youth & Community Workers**

|  |  |
| --- | --- |
| **Period of continuous employment with Croydon Council** | **Minimum notice period** |
| 4 weeks or more, but less than 9 years | 8 weeks |
| 9 years or more, but less than 12 years | 1 week for each year of continuous employment |
| 12 years or more | 12 weeks |

## **3.5 Grade 12 and above**

The minimum notice period to which officers on these grades are entitled to is 12 weeks.

## **3.6 Notice to be provided by employees (e.g., via resignation) to the council**

**3.7 Grade 1 to Grade 8**

The minimum period of notice of termination of employment which employees in these grades are required to give is 4 weeks.

**3.8 Grade 9 to Grade 11 and Youth & Community Workers**

The minimum period of notice of termination of employment which employees in these grades are required to give is 8 weeks.

**3.9 Grade 12 and above**

The minimum period of notice of termination of employment which employees in these grades are required to give is 12 weeks.

**4. Notice period provisions for employees on fixed term contracts**

**4.1 Notice to be provided by Croydon Council to employees on fixed term contracts**

* No notice is required where the fixed term is simply to expire after the term specified in the contract.
* In cases where the employment relies on funding provisions, employees should expect that when either the funding for the post or the specified fixed term comes to an end, their contract of employment will be terminated.
* The Council reserves the right at its entire discretion to terminate fixed term employees’ employment at any time prior to the completion of the specified fixed term by giving employees not less than one week's notice in writing. This could occur for operational reasons, or for any other reason that the Council deems appropriate.

**4.2 Notice to be provided by employees on fixed term contracts**

* During the first four weeks continuous service with the Council there is **no minimum period of notice** that employees need to give to terminate their employment – this can be varied by management.
* After four weeks continuous service, the minimum length of notice employees is required to give the Council of termination of their employment is four weeks, but this can be varied by management.

**5. Resignation**

* An employee who resigns from the council can submit their resignation to their line manager via email/letter or using My Resources.
* Managers should speak to the employee if they are unclear if a resignation has been submitted or is genuine.
* Managers should also seek advice from HR if a resignation is given in ‘the heat of the moment’ such as during or after an argument or dispute.
* Employees are able to resign using self-service on My Resources - details for doing this can be found on the intranet: <https://intranet.croydon.gov.uk/working-croydon/assistant-chief-executive-directorate/my-resources/my-resources-quick-reference#employee>. If resigning via self-service, a letter/email does not need to be provided although one can be attached if supplied by the employee.
* Employees who resign from the council during their probation period are required to give the appropriate notice period outlined in their employment contract and referred to in (3) and (4). Any variation to this notice period will be at the approval and discretion of line management.
* Upon resignation, the employee will be required to work their full contractual notice period, unless otherwise agreed.
* If an employee fails to work their full contractual notice period without prior authorisation from the council, the employee will not be paid for the portion of the notice period that they do not work.

**6. Exit Interview/Questionnaire**

Exit interviews are an important way of providing feedback to the council. All employees who voluntarily leave the council are encouraged to complete an online [exit questionnaire](https://www.getinvolved.croydon.gov.uk/staff-leavers-exit-questionnaire-aug-2021-aug-2022/survey_tools/staff-leavers-exit-survey) (open link in google chrome).

The questionnaire can be completed anonymously, and data supplied will be used for monitoring and analysis. Alternatively, employees can request an exit interview (face to face) with their line manager or an HR representative. Employees should contact HR Consultancy to request this.

**7. Dismissal**

* Where the council dismisses (except in cases of gross misconduct) an employee, the employee will be given their full contractual notice and unless otherwise agreed, will be required to work their full notice period.
* If the employee is dismissed for reasons of capability (including sickness or ill-health) or conduct other than gross misconduct, the council reserves the right to terminate their employment with payment in lieu of notice.
* Employment at the council may be terminated without notice or payment in lieu of notice if:
	+ employees commit an act of gross misconduct
	+ if they have committed a serious breach of their obligations as an employee
	+ if they cease to be legally entitled to work in the United Kingdom

**8. Redundancy**

* Where the council dismisses an employee by reason of redundancy, the employee will be given their full contractual notice and will be required to work the full period of notice unless otherwise agreed.
* An employee who is dismissed by reason of redundancy may be given a reasonable amount of paid time off work to look for alternative employment agreed with the discretion of line management.

**9. Retirement**

If an employee is retiring, notice should be given in accordance with the notice period set out in the contract of employment.

**10. Obligations for employees during the notice period**

* During the notice period, the contract of employment will continue to remain in force and the employee will receive their full pay and benefits.
* During the notice period, the employee remains bound by all the obligations and restrictions expressly set out or implied in their contract of employment and must not take up employment elsewhere.
* The council expects that the employee will conduct themselves in an entirely appropriate manner during the full period of notice (in line with the Code of Conduct) and uphold the high standards of performance required of all employees. This applies no matter who gave notice to terminate the contract of employment and for whatever reason.
* If an employee's performance during the notice period falls below the required standards, the council may address this as a performance or disciplinary matter
* The council reserves the right to require that during an employee’s notice period, they do not attend work at all or that if attending work, they do so only at specified locations which may be different to their normal place of work.

**11. Return of the council’s property**

The council requires employees to hand over to their line manager all property that belongs to the council on or before their final working day (or as agreed with their line manager).

This may include (but is not limited to):

* uniform(s);
* keys and key cards;
* security and building passes;
* mobile phone and blackberry device;
* laptop;
* removable data storage device;
* any other property belonging to the council

If the employee fails to return any property belonging to the council by the required date, the council may consider commencing legal proceedings against the employee.

**12. Holiday during notice periods**

* During the notice period, the council may require employees to take annual leave accrued for that holiday year but not taken by the date of termination.
* If, prior to notice of termination being given by either party, the council has authorised an employee's annual leave request, and the annual leave is scheduled to take place during the notice period, the council will seek to honour this arrangement.
* If, on termination of an employee's employment, the employee has accrued annual leave that they have not taken, they will be paid in lieu of this as part of their final salary payment.
* In the event of termination of employment due to gross misconduct, the council will pay any statutory accrued annual leave to the employee.
* In the event of the employee giving inadequate notice of termination of employment, any accrued leave will be calculated up to the last day of service.
* If, on termination of an employee's employment, the individual has taken paid holiday leave in excess of earned entitlement, they will be required to reimburse the council (by means of deduction from salary if necessary) in respect of such holiday.

**13. Outstanding payments to the council**

The council may deduct from any final pay all monies owing to it from the departing employee. This includes (but is not limited to):

* outstanding loans;
* wage advances;
* expenses advances;
* holiday taken but not yet accrued
* agreed training plans
* overpayments to salary

If the employee's final pay is insufficient to cover the sums owed to the council, the employee will enter into a debt repayment plan with the council for the repayment of all sums owed.

If the employee refuses to do this, or defaults on any repayment agreement, the council may bring a civil claim against the employee to recover the monies (as a debt) and its costs of doing so.

# **14. Long term sickness absence and notice periods**

Employees who have had long term sickness absences are encouraged to take annual leave before they leave the council’s employment.

However, the employee may be unable or unwilling to take leave before their end date. Line managers and employees should discuss individual situations with their HR Consultant before agreeing alternative courses of action, particularly in cases of capability dismissals with notice.

**15. Outstanding payments to the employee**

An employee who wishes to claim expenses properly incurred in the course of their duties must do so before the end of their notice period. The employee must follow the procedure set out in the council’s ***Expenses Management Policy*** which can be found in the [HR Handbook](https://intranet.croydon.gov.uk/working-croydon/hr/hr-handbook), module 05, chpt 6.

If the employee has not followed the procedure set out in the council’s expenses policy, the council may not repay the expenses to the employee.

**16. Links to other policies (all found in the** [**HR Handbook**](https://intranet.croydon.gov.uk/working-croydon/hr/hr-handbook)**)**

* Exit Interview Policy
* Flexible Retirement Policy
* Capability Procedure
* Disciplinary Procedure
* Early Retirement and Redundancy Scheme
* Restructuring and Reorganisation Policy and Procedure
* [Managing staff leaving the council](https://intranet.croydon.gov.uk/working-croydon/hr/leaving-us)

End