



Ministry of Defence

Ministry of Defence
Main Building
Whitehall
London
SW1A 2HB
United Kingdom

Our Reference: FOI2018/03445

Email: [REDACTED]

12 July 2018

Dear [REDACTED],

Thank you for your email dated 19 June to the Ministry of Defence (MOD) in which you requested the following information:

- “1. When a civil servant in the ministry of defence is suspended for “alleged gross misconduct” what is the time frame for dealing with this matter. All relevant policies please.*
- 2. What is the time frame within which a formal grievance appertaining to the aforementioned should be looked at and dealt with. All relevant policies please.*
- 3. When a civil servant in the ministry of defence resigns during an “alleged” gross misconduct case and furnishes the department with the relevant notice period:*
 - a. Should the investigation be completed prior to the person resigning.*
 - b. Clarification is sought as to what happens when the employee resigns with notice.*
 - c. Do the civil service rules state that the disciplinary procedures should be progressed to its conclusion during the employees notice period*
 - d. It is my understanding that only if this is effected during the notice period can it supersede resignation. Clarification is sought and policy requested on this please.*
 - e. What policies are in place when a person who has been “falsely accused” and no investigation took place prior to their departure i.e. relevant notice period.*
 - f. What would be noted on the “accused” persons personnel file?”*

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOI Act). I can advise that following a search of our records, I have established that the MOD does hold information within the scope of your request.

Parts 1 and 2 of this FOI request are exempt under Section 21 of the FOI Act as we have already provided you all the relevant policies in FOI responses FOI2017/08007, 08334 and 08039.

Under section 16 I can however advise that there is no specific time frame for misconduct cases, as the amount of time needed will be dependant of the nature and seriousness of the case. This is, therefore, decided on a case by case basis.

The answers to Part 3 of your FOI request are set out below:

Part 3a is answered by the relevant misconduct policy which we have already provided you with - hence Section 21 of the FOI Act applies to this part.

Regarding the remaining Parts of your FOI request please see the attached copy of the resignation policy and a copy of the document 'Resignation - Frequently Asked Questions'.

Part 3f is not answerable under the FOI Act because the point is hypothetical - that which would be noted on a personnel file would depend on the nature and seriousness of an investigation and the amount of information required.

If you have any queries regarding the content of this letter, please contact this office in the first instance.

If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.gov.uk). Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely,

Defence People Secretariat FOI



Resignation and Retirement Policy

This Policy should be read in conjunction with the related Process and both must be followed.

1. Overview

Resignation is the formal means by which an employee tenders their written intention to terminate their employment, giving the correct period of notice, to their line manager. With the removal of the Normal Retirement Age (NRA) of 65 from 1 April 2010, the Department no longer requires individuals to retire at a specific age, which means that they can carry on working and must follow the resignation process when they decide to leave and draw their pension. Exceptionally, members of the Defence Fire and Rescue Service (DFRS) continue to be subject to a NRA of 65 but they may request approval to continue working beyond the NRA. Whether subject to the NRA or otherwise, and where it is a provision of their pension scheme, employees may enquire about partial retirement.

2. Applies to:

This policy applies to all MOD employees except:

- Locally Engaged Civilians
- Former MOD Employees, pensioners and dependents
- Prospective employees
- People seconded or on loan to the MOD from OGDs, Local Authorities, industry, and academia or on work experience placements who remain subject to their parent employer's terms and conditions.
 - Fee Earners and contractors

Note: the rules and processes include variations for members of the Senior Civil Service (SCS), The Royal Fleet Auxiliary (RFA), Ministry of Defence Police (MDP), Defence Fire and Rescue Service (DFRS), school based teachers employed by Service Children's Education (SCE) and US Visiting Forces Personnel (USVF).

3. Employment groups for which the Normal Retirement Age of 65 applies:

- Defence Fire and Rescue Services (DFRS)

4. Resignation and Retirement Policy

The MOD is committed to:

- Complying with all legal and statutory obligations associated with the termination of employment
- Objectively considering requests from DFRS employees seeking an extension of service beyond the NRA of 65
- Promoting a positive and proactive approach to retirement by supporting pre-retirement training and considering applications for partial retirement.

5. Employee Responsibility

When resigning from the Department, employees must:

- Tender their resignation in writing. This must be submitted to their line manager unless alternative arrangements are in place. For SCS, RFA and USVF personnel, refer to the process for details.
- Give the correct period of notice for their substantive grade.

DFRS employees who would like to request an extension of service to continue working after their NRA of 65 must:

- Apply in writing to the Hearing Officer, through their line manager, within the prescribed timeframe
- Explain why they would like to remain in service
- Give the proposed period of extension

Employees leaving the Department must comply with Departmental rules concerning:

- Annual leave
- Flexible working hours
- Performance appraisals
- Exit procedures including security arrangements, exit interviews and, where appropriate, the return of items of equipment or uniform issued for the purpose of office.
- Taking up any full or part-time employment in the UK or overseas (whether paid or unpaid) if the employee meets the criteria as given in the Business Appointment Rules.

Employees applying for Partial Retirement must:

- Apply to their line manager for approval if reshaping their job to meet partial retirement rules

Employees should complete the [MOD Online Exit Survey \(www\)](#).

6. Management Responsibility

Managers are responsible for:

- Discussing and accepting an employee's resignation and implementing the Departmental process. Note: Managers cannot refuse to accept a letter of resignation.
- Providing employees with details of the [MOD Online Exit Survey \(www\)](#). •
 - Ensuring employees comply with the appropriate exit processes •
 - Considering applications to:
 - Withdraw or change the date of a resignation,
 - Continue working after the NRA of 65 in the case of DFRS employees,
 - Reshape job to facilitate partial retirement, balancing the needs of the employee against the business needs of the Department.

For members of the SCS, manager responsibilities are undertaken by Corporate Capability in Corporate HR.

For USVF personnel, manager responsibilities are undertaken by the appropriate Business Support Team.

For RFA members, manager responsibilities are undertaken by DACOS RFA PERS OPS.

7. Impact Assessment Statement

This policy has been Equality and Diversity Impact Assessed in accordance with the Departmental Policy. This resulted in a:

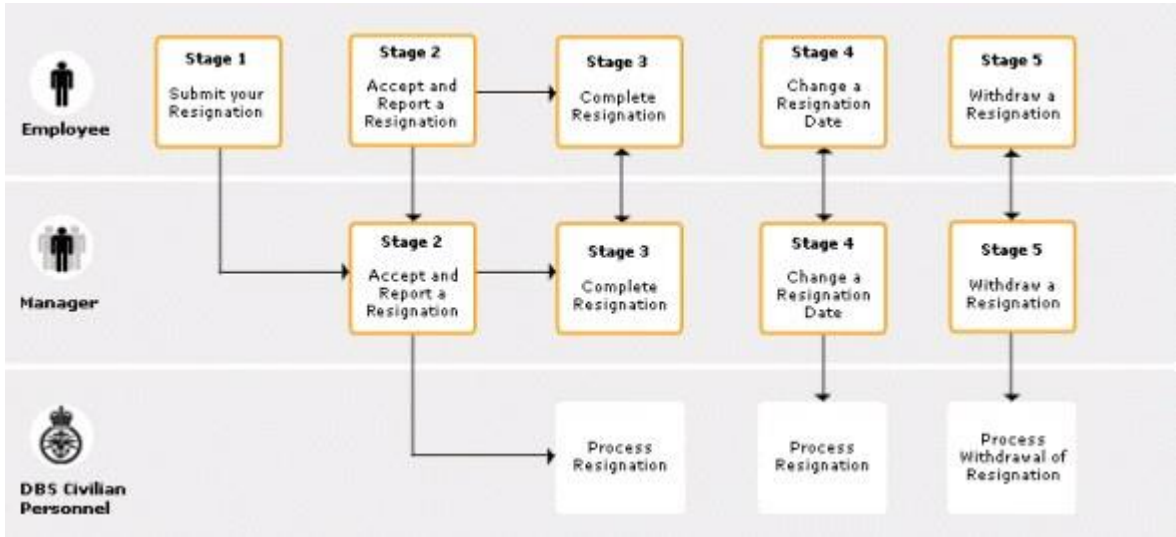
Part 1 Assessment Only (no diversity impact found/policy is a reflection of legal requirements and has been cleared by a Legal Advisor). This policy is due for review April 2014.

8. Version

Version: 1.0

Effective Date: 6 February 2012

This process should be read in conjunction with the related Policy and both must be followed.



Stage 1 - Submitting your Resignation

Step 1 - Make sure you are familiar with the **Resignation and Retirement Policy**.

Step 2 - Take advice if you wish from your Line Manager or Defence Business Services (DBS) Civilian Personnel.

The following process contains variations for members of the Senior Civil Service (SCS) and US Visiting Forces (USVF) personnel.

If you are a member of the SCS, actions allocated to line managers will be undertaken by Corporate Capability in Corporate HR.

If you are USVF personnel actions allocated to line managers will be undertaken by your Business Support Team.

Guidance - Business Appointment Rules

All MOD staff must comply with the Business Appointment Rules when leaving the Civil Service, and for a period of 2 years after leaving the Civil Service. You must obtain approval **before** taking up any form of full or part-time employment in the UK or overseas (whether paid or unpaid), if you meet the criteria as given in the Business Appointment Rules. For further information refer to:

- **Understand Business Appointment Rules.**

Guidance - Resignation where Misconduct Action is Pending

Where Misconduct action is pending the process should continue to conclusion while you are serving your notice. If you leave before the Misconduct action is completed, the process will continue in your absence providing there is enough evidence to bring the case to conclusion (you should be invited to attend the

Misconduct meetings if you wish). If there is insufficient evidence, the Misconduct process will cease, and a note placed on your P-file explaining that the Misconduct process could not be concluded owing to your departure.

Guidance - Teachers and Workers with Children or Vulnerable Adults

Where misconduct of a teacher or other worker with children and young people, (including service personnel under the age of 18) or vulnerable adults results in disciplinary action or dismissal, or might have led to dismissal if the individual had not resigned, the matter may need to be reported to either:

- The General Teaching Council - where no issues concerning the safety or welfare of children are raised but a registered teacher is dismissed for misconduct or incompetence, or resigns in circumstances where dismissal may otherwise have been considered - General Teaching Council of England; or
- The Independent Safeguarding Authority - please refer to **Safeguarding Matters** for further information. If a referral is thought to be required, advice should be sought from the DBS Civilian Personnel Health, Wellbeing and Sickness Team.

Step 3 - You must submit your resignation in writing to your line manager, giving the correct period of notice for your substantive grade (refer to **Resignation Notice Periods**). You must make sure your last day of service is a working day.

If you are a member of the SCS (substantive or employed under a fixed term contract), you should send your resignation letter to Corporate Capability in Corporate HR, copied to your line manager.

If you are USVF personnel, you should send your resignation letter to your Business Support Team.

Guidance - Resignation Letter

You may use **HR Form 034: Resignation Letter** to submit your resignation. If you choose not to use **HR Form 034: Resignation Letter** you must make sure that your letter includes all of the information asked for in the form. You do not have to give a reason for your resignation if you do not want to.

Stage 2 - Accept and Report a Resignation

Step 1 - Your Line Manager will discuss your resignation letter with you, agreeing your last day of service and the balance of your annual leave.

Your line manager will then write to you to acknowledge and accept your resignation, confirm your last day of service and the balance of your annual leave. This letter must be issued no later than 5 working days from receipt of your resignation letter.

Your line manager will inform DBS Civilian Personnel of your resignation.

Guidance - Annual Leave

You should discuss the number of days annual leave you are entitled to with your line manager. A pro-rata calculation is used. The **Annual Leave Calculator** should be used to calculate your annual leave entitlement.

If you have outstanding leave, your line manager should provide you with opportunities for you to take it (wherever possible). You may be able to convert some undertaken leave into cash payment. Your line manager is responsible for authorising such requests.

Where you have exceeded or are likely to exceed your annual leave entitlement, you should notify your line manager immediately to arrange for the appropriate recovery from salary.

For further information refer to **Holiday Entitlement**.

Stage 3 - Complete Resignation Process

Step 1 - You must:

- Complete any outstanding Performance and Assessment Development Reports for you and your staff. For further information refer to **Performance and Recognition**;
- Arrange to hand back all official equipment, documents and passes;
- Comply with any TLB / Business Unit specific exit requirements (e.g. exit interviews);
- Ensure your flexi balance is reduced to zero if you work under a flexible working hours agreement.

Online Exit Survey

Employees should complete the **MOD Online Exit Survey (www)** as part of the resignation process.

Guidance - Flexible Working Hours

If you work under a Flexible Working Hours (FWH) scheme you must ensure that any debit or credit is reduced to zero by your last day of service. Failure to reduce a debit to zero will result in loss of pay for the hours not worked. Credit hours that have not been reduced will not be eligible for payment in lieu. For further information refer to **Policy, Rules & Guidance: Flexible Working Hours**.

Guidance - Final Pay

Any advances of salary or overpayments will be recovered in full from your final salary, pension benefits or any other monies due to you. If you do not give adequate notice there is a risk that your final pay will be delayed to ensure that any overpayments or advances can be recovered.

Guidance - Resigning before normal pension age

Pension benefits and the options relating to them upon resignation will vary between schemes.

To find out more about what will happen to your benefits upon resignation, refer to the appropriate scheme website:

- **Civil Service Pension website (www)** (PCSPS members) • **NHS Pension Scheme website (www)** • **UKAEA PNISS website (www)**

Stage 4 - Change a Resignation Date

Step 1 - You must discuss the change of resignation date with your line manager and submit your request in writing to them. The requested change may incur a charge from the pension's administrator. If a charge is applicable your line manager will need to obtain budgetary approval to meet the cost before agreeing to the change of date.

If they agree to a change of date they will confirm this in writing to you and notify DBS Civilian Personnel.

Your line manager will recalculate your annual leave entitlement to take into account your new date of resignation.

If your line manager does not agree to the change of date, they will confirm this in writing to you.

Guidance – Changing a Resignation Date

It may be possible to change the date of your resignation after it has been agreed with your line manager but there can be no guarantee. It will be considered only where the change can be achieved without affecting the termination process and where it does not affect the business.

A change to a date of resignation may result in late or incorrect payment of salary if insufficient notice is given.

Stage 5 - Withdraw a Resignation

Step 1 - You must discuss the matter with your line management and put your request to them in writing. If they agree to the withdrawal of your resignation they will confirm this in writing to you and notify DBS Civilian Personnel.

If your line manager does not agree to the withdrawal of your letter of resignation, they will confirm this in writing to you.

Guidance – Withdraw a Resignation

Your resignation can only be withdrawn with the agreement of your line management. Once you have sent a resignation letter to your Line Manager, it may be possible to withdraw it though your line management is not obliged to accept its withdrawal. Your Line Manager's decision is final.

A withdrawal of resignation may result in late or incorrect payment of salary if insufficient notice is given. If you have any queries relating to your pay you should contact the **DBS Contact Centre**.

If it is agreed that your resignation can be withdrawn, your annual leave entitlement will be reinstated by your Line Manager to the amount it would have been had you not tendered your resignation.

Stage 1 - Submitting your Resignation

There is no Manager action at this Stage.

Stage 2 - Accept and Report a Resignation

Step 1 - Make sure you are familiar with the **Resignation and Retirement Policy**.

Step 2 - Take advice if you wish from your Line Manager or Defence Business Services (DBS) Civilian Personnel. You may also find **HR Form 222: MOD Line Manager's Checklist of Resignation Procedures** useful.

The following process includes variations for members of the Senior Civil Service (SCS) and US Visiting Forces (USVF) personnel.

For members of the SCS, actions allocated to line managers will be undertaken by Corporate Capability in Corporate HR.

For USVF personnel, actions allocated to line managers will be undertaken by your Business Support Team.

Guidance - Business Appointment Rules

All MOD staff must comply with the Business Appointment Rules when leaving the Civil Service, and for a period of 2 years after leaving the Civil Service. Employees must obtain approval **before** taking up any form of full or part-time employment in the UK or overseas (whether paid or unpaid), if they meet the criteria as given in the Business Appointment Rules. For further information refer to:

- **Understand Business Appointment Rules**

Step 3 - If an employee writes telling you that he or she wishes to resign, you cannot refuse to accept their letter of resignation. You must discuss with the individual their intention, agreeing the last day of service (which must be a working day) and the balance of annual leave (refer to **Holiday Entitlement**).

The resignation letter is the authority to terminate employment. Before accepting the resignation you must check that the appropriate period of notice has been given for the substantive grade (refer to **Resignation Notice Periods**) and take the following action:

- You must respond in writing to the individual using **HR Form 034: Resignation Letter** within 5 working days of receiving the resignation letter. You must send a copy of the form with the original resignation letter to DBS Civilian Personnel. If there is a paper rather than on-line annual leave sheet, this must also be attached to the letter.
- If you agree a shorter period of notice, you must confirm this in writing to the employee, copied to DBS Civilian Personnel within 2 days of receiving the original resignation letter.
- If an employee resigns without giving notice you must immediately notify the **DBS Contact Centre**.

Guidance - Notice Period

Employees may decide to resign at any time, but must comply with the appropriate notice period. The amount of notice the department requires will depend on their grade and the status of their employment at the time you resign. For further information refer to **Resignation Notice Periods**.

If an employee resigns without giving notice you must notify DBS Civilian Personnel immediately so that they can take steps to terminate the employment. It may be, for example, that an employee hands in their resignation and leaves on the same day or telephones to advise you of their resignation. If an employee has not been seen at work and no one is aware of an authorised absence you should follow the rules for absence without leave (refer to **Reporting and Managing Unauthorised Absence**).

You can exercise discretion on the length of notice to be given and on the choice of the last day of service. If this is to be considered you must seek advice from DBS Civilian Personnel about the financial implications (e.g. the employee could have an outstanding advance of salary or a shorter period of notice could result in an overpayment of salary) and then advise the employee.

Note: You can neither extend the period of notice, nor can you allow an employee to leave early where disciplinary action is pending. For further information refer to **Guidance - Resignation where Misconduct Action is Pending** (see below).

Guidance - Annual Leave

When agreeing the last day of service you should take into account any annual leave still to be taken. The **Annual Leave Calculator** should be used to calculate the employee's annual leave entitlement (from the start of the leave year to the last day of service).

You must establish if the employee will have untaken or overtaken annual leave at the last day of service. Payment for untaken leave may be allowed - refer to **Holiday Entitlement**. You can record either the need for payment or recovery relating to the balance of annual leave on **HR Form 034: Resignation Letter**. If the annual leave balance cannot be reported when accepting the resignation you must complete **HR Form 035: Notification of under/overtaken Annual Leave or Flexi on Resignation** as soon as possible and forward it to DBS Civilian Personnel (with the employee's annual leave sheet where a paper copy is used).

For further information refer to **Holiday Entitlement**.

Guidance - Resignation where Misconduct Action is Pending

Where Misconduct action is pending the process should continue to conclusion while the employee is serving their notice. If the employee leaves before the Misconduct action is completed, the process will continue in the employee's absence providing there is enough evidence to bring the case to conclusion (the employee should be invited to attend the Misconduct meetings if they wish). If there is insufficient evidence, the Misconduct process will cease, and a note placed on the employee's P-file explaining that the misconduct process could not be concluded owing to the employee's departure.

You can neither extend the period of notice nor can you allow an employee to leave early.

Guidance - Teachers and Workers with Children or Vulnerable Adults

Where misconduct of a teacher or other worker with children and young people, (including service personnel, under the age of 18) or vulnerable adults results in disciplinary action or dismissal, or might have led to dismissal if the individual had not resigned, the matter may need to be reported to either:

- The General Teaching Council - where no issues concerning the safety or welfare of children are raised but a registered teacher is dismissed for misconduct or incompetence, or resigns in circumstances where dismissal may otherwise have been considered.
- The Independent Safeguarding Authority - please refer to **Safeguarding Matters** for further information. If a referral is thought to be required advice should be sought from DBS Civilian Personnel.

Step 4 - Having agreed the last day of service you must update HRMS by recording the resignation. When entering the date you must enter the day after the last day of service. This must be the next calendar day. If you do not have HRMS access you should contact the **DBS Contact Centre** and ask a customer service agent to input the resignation.

Step 5 - You must examine the resignation letter to determine whether, in your view, there is a grievance or implied grievance in the body of the letter. If there is, you should confirm (in writing) with the employee whether they want to proceed with the grievance. If so, it will be conducted in accordance with the Department's full grievance procedure. Copies of the correspondence should be forwarded to DBS Civilian Personnel for inclusion on the employee's personal file.

Stage 3 - Complete Resignation Process

Step 1 - You must:

- Complete any outstanding Performance and Assessment Development Reports for the employee. For further information refer to **Performance and Recognition**.
- Take appropriate action to find a replacement (see **Moving Jobs** and **Recruiting Staff**)
- Consider whether a valedictory letter is appropriate. For further information refer to **Policy, Rules & Guidance: Valedictory Letters**.
- Ensure the employee understands their obligations under the "Business Appointment Rules" for a period of 2 years from leaving the Civil Service (see **Guidance – Business Appointment Rules**) •
Ensure the employee's flexi balance is reduced to zero if they work under a flexible working hours agreement. Payment cannot be made for flexi credit. If the employee's flexi balance is in debt on the last day of service you must notify DBS Civilian HR immediately using **HR Form 035: Notification of under/overtaken Annual Leave or Flexi on Resignation**. The rules about the termination of FWH accounts can be found in **Policy, Rules & Guidance: Flexible Working Hours**.
- Arrange for the employee to hand back all official equipment, clothing, documents etc.
- On the last day of service retain their MOD pass (and any building or establishment passes) for secure disposal. For further information refer to JSP440: Defence Manual of Security **Part 7, Section 5, Chapter 3**.
- Give employees details to complete the **MOD Online Exit Survey (www)** as part of the resignation process.

Stage 4 - Change a Resignation Date

Step 1 - You must discuss the change of resignation date with the employee and take advice as appropriate. The requested change may incur a charge from the pension's administrator. Before agreeing to the change of date you should liaise with DBS Civilian Personnel to confirm if a charge will apply. If a charge is applicable you will need to obtain budgetary approval to meet this cost.

If you agree to a change of date you must:

- Confirm this in writing to the employee.
- Telephone the **DBS Contact Centre** to notify them of the change
- Send a copy of your written agreement with the employee's written request to change their resignation date to DBS Civilian Personnel. Recalculate the employee's annual leave entitlement to take into account the new date of resignation using the **Annual Leave Calculator**.
- Complete an amended statement of annual leave for payment or recovery – **HR Form 035: Notification of Under/Overtaken Annual Leave or Flexi Debit upon Leaving** with the new resignation date stating the balance of un-taken leave for payment or recovery action if appropriate
- If you do not agree to the change of resignation date, you must:
 - Confirm this in writing to the employee
 - Send a copy of your confirmation letter with the employee's written request to change their resignation date to DBS Civilian HR

Guidance – Changing a Resignation Date

Staff do not have the right to change their date of resignation, but may do so with the agreement of their line management. If you are asked to change a last day of service for any reason, it should only be considered where the change can be achieved without affecting the termination process and where it does not affect the business.

Things to consider may include:

- Consulting your line management chain
- Current stage of the resignation process
- Potential charge from the pensions administrator • Current stage at which any pension has been processed
- Effect on the business.

Stage 5 - Withdraw a Resignation

Step 1 - You must discuss the request to withdraw the letter of resignation with the employee and take advice as appropriate.

If you agree to the withdrawal of a letter of resignation, you must:

- Confirm this in writing to the employee.
- Telephone the **DBS Contact Centre** to notify them of the withdrawal of the resignation.
- Send a copy of your written agreement with the employee's written request to withdraw their letter of resignation to DBS Civilian Personnel.

If you do not agree to the withdrawal of a letter of resignation, you must:

- Confirm this in writing to the employee. • Send a copy of your confirmation letter with the employee's written request to withdraw their letter of resignation to DBS Civilian Personnel.

Guidance - Withdraw a Resignation

Staff do not have the right to withdraw their letter of resignation, but may do so with the agreement of their line management. You do not have to accept the withdrawal of a resignation but in making your decision there are a number of things that you may wish to consider. These may include:

- The level of expenditure already committed to recruiting a replacement;
- The value of the employee to the business;
- Whether a new appointment has already been made;
- At which stage of the resignation process the request is made.

These are only examples; you have to make a decision based on the particular factors before you.

The decision of the Line Manager is final.

Updated:30/04/2018 |

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Ministry
of Defence

RESIGNATION – FREQUENTLY ASKED QUESTIONS

Version 2.0
14 May 2015

Resignation

01 If a line manager is absent, who should an employee notify of their resignation?

If a line manager is absent the employee should hand their letter of resignation to their senior manager or another individual within their line management chain.

The senior line manager should then notify the DBS Civilian Personnel via telephone to enable the resignation to be processed.

The resignation should not be left until the line manager returns to work as this may result in the employee being overpaid.

02 How do I change my resignation date?

If an employee requests to change their date of resignation they must submit this request in writing to their line manager.

The line manager should only consider this request where the change can be achieved without affecting the termination process and where it does not affect the business. Things to consider may include consulting your line management chain, current stage of the resignation process and affects on the business.

If the change in date is agreed, the line manager must write to the individual to confirm their agreement, sending a copy to the DBS Civilian Personnel Exit Services Team. In addition the Line

Manager is responsible for telephoning the DBS Contact Centre to advise the DBS Civilian Personnel Exit Services Team of the change.

The line manager must also complete an amended statement of annual leave for payment or recovery **HR Form 035: Notification of Under / Overtaken Annual Leave or Flexi Debit upon Leaving** with the new resignation date stating the balance of un-taken leave for payment or recovery action. This should be sent to the DBS Civilian Personnel Exit Services Team for action.

The Line Manager's decision is final.

03 How do you withdraw a resignation?

If an employee changes their mind about resigning once they have sent in a letter to their line manager, it may be possible to withdraw it though the line management is not obliged to accept the withdrawal. The employee should discuss the matter with their line manager and put their request to them in writing.

The line manager does not have to accept the withdrawal of a resignation but in making their decision there are a number of things that they may wish to consider. These may include consulting their line management chain, the level of expenditure already committed to recruiting a replacement, the value of the individual to the business, whether a new appointment has already been made and at which stage of the resignation process the request is made. These are only examples: the line manager has to make a decision based on the particular factors before them.

If the line manager agrees to the withdrawal of resignation they must confirm this in writing to the employee, sending a copy to the DBS Civilian Personnel Exit Team. In addition the line manager is responsible for telephoning the DBS Contact Centre to advise the DBS Civilian Personnel Exit Services Team of the change.

The Line Manager's decision is final.

A resignation cannot be withdrawn after an employee's last day of service. If the employee wishes to return to MOD they must apply for a post through fair and open competition.

04 If an employee resigns but refuses to submit a resignation letter what action should be taken?

If an employee resigns without submitting a resignation letter, the line manager must notify DBS Civilian Personnel immediately.

It may be, for example, that an employee resigns and leaves on the same day or telephones the line manager to advise of their resignation.

When the line manager notifies DBS Civilian Personnel of the resignation they will take steps to terminate the employment.

05 If an employee resigns without notice what action should be taken?

If an employee resigns without giving notice you must notify the DBS Civilian Personnel straight away by contacting the DBS Contact Centre. It may be, for example, that an employee hands in their resignation and leaves on the same day or telephones you to advise of their resignation.

When you notify DBS Civilian Personnel of the resignation they will take steps to terminate the employment, including entering the resignation on HRMS.

06 If disciplinary action is pending can an employee resign?

Where an employee resigns during the course of a misconduct process, the process should be continued to conclusion while the employee is serving their notice. The Decision Manager should hold the decision meeting, make the decision and send copies of the documents to DBS Civilian Personnel to be placed on the employee's personal HR file. The record will state that the employee resigned but the misconduct decision will be recorded for future reference.

If the process cannot be concluded before the employee's departure, the employee will be informed that the process will continue in their absence and invited to attend the misconduct meetings, if they wish. If there is enough evidence to conclude the process in the employee's absence, it should be concluded in a normal way, as described above. If a misconduct penalty is imposed, it will be recorded on the employee's personal HR file for reference and they will be notified in writing, including their right to appeal.

If there isn't enough evidence to conclude the process, the process will be stopped due to lack of evidence. This should be recorded by the Decision Manager and the appropriate information put on the employee's personal HR file explaining that they were subject to a misconduct process which could not be concluded due to the lack of evidence, owing to the employee's departure.

07 What are the notice periods for fixed term appointments if they resign?

Notice periods for fixed term appointments if they resign are as follows:

- Senior Civil Service - 6 months;
- Band B - 1 month normally but for some key posts the contract may specify up to a maximum of 3 months;
- C1 and below - 1 month;
- Superintendent rank and above - 1 month normally but for some key posts the contract may specify up to a maximum of 3 months; □ Chief Inspector rank and below - 1 month;
- All DFRS personnel - 1 month.

One month in this instance means 28 days. The last day of service must be a working day.

08 What is the notice period for a casual employee if they resign?

The notice period for a casual employee is 1 week unless a longer period is called for in the letter of appointment.

09 If an employee resigns without giving their full notice period can this be accepted?

You cannot refuse to accept a letter of resignation.

If an employee is looking for a shorter notice period the line manager must first establish if disciplinary action is pending against the employee. If it is, then a shorter period of notice cannot be approved.

If disciplinary action is not pending, the line manager must seek advice from the DBS Civilian HR about the financial implications before agreeing to it. The line manager must then discuss the situation with the employee.

Where a shorter notice period is agreed the line manager must write to the employee, copied to the DBS Civilian Personnel within 2 days of receiving the original resignation letter. They should also telephone the DBS Contact Centre to notify of the last day of service.

If an employee does not ask for a shorter period of notice but simply fails to give the required period of notice, the line manager must notify the DBS Civilian Personnel immediately by contacting the DBS Contact Centre.

10 If I resign do I have to give my full period of notice?

Your line manager can exercise discretion on your period of notice and on your choice of last day of service under some circumstances.

If disciplinary action is pending against you, a reduction in your period of notice cannot be agreed.

If disciplinary action is not pending, your line manager must seek advice from the DBS Civilian Personnel about the financial implications before agreeing to it. Your line manager must then discuss the situation with you.

Where a shorter notice period is agreed your line manager must write to you confirming your last day of service, copied to the DBS Civilian Personnel, within 2 days of receiving the original resignation letter. They should also telephone the DBS Contact Centre to notify of the last day of service.

11 As a Line Manager can I ask for a longer period of notice than that prescribed?

You cannot insist on a longer period of notice but you can discuss it with the individual and if they agree an extension may be granted.

There is no compulsion on the individual to agree.

12 How do I request a Radiation Termination Record?

If at any time you have been employed as a MOD Classified radiation worker (a classified person), we are legally required to provide you with a copy of a Termination Record on leaving the Department. A Termination Record is a record of your exposure to radiation while you were employed as a classified person. If you have been employed by the Department in such capacity, **HR Form 237: Request for a Radiation Termination Record** should be completed and sent to the address on the Form.

Resignation with Pension

01 If I don't give sufficient notice of my Resignation with Pension, will I lose any of my entitlement?

If you do not give sufficient notice for the purposes of the Pension Administrator you will not lose your entitlement to the pension benefits for the period from your date of resignation until the date that your pension is ready to be paid. You will receive a back payment of your entitlement for this period. However, you will not receive interest on this back payment.

02 What is the minimum notice period for a Resignation with Pension?

Contractually you are not required to give extra notice if you want to resign and claim your pension. You should be aware that the Pension Administrator needs about 4 months to process your pension paperwork.

If you want your pension to start at the same time as your intended last day of service, you will want to think about giving extra notice of your intention so that DBS Civilian Personnel can ensure that your pension benefits are paid on time. Contractual notice periods are as follows:

- Staff at Band B and above recruited or promoted to the grade on or after 2 April 1990 - 3 months;
- Staff at Band B and above recruited or promoted to the grade before 2 April 1990 - 1 month;

- All staff below Band B including Skill Zone - 1 month;
- Teachers - 3 month notice during the summer term or 2 months notice during other terms, giving a last day of service as the last day of a school term (i.e. 30 April for Spring Term, 31 August for Summer Term and 31 December for Winter Term);
- Head Teachers - 4 months notice during the summer term or 3 months notice during other terms, giving a last day of service as the last day of a school term (i.e. 30 April for Spring Term, 31 August for Summer Term and 31 December for Winter Term);
- RFA employees - 3 months;
- MDP officers in the ranks of superintendent and above - 3 months;
- MDP officers below the rank of superintendent - 1 month;
- All DFRS personnel - 1 month;
- All Departmental Medical Grades - 3 months;
- NHS Analogue grades - 3 months unless alternative notice period given in employee's Statement of Particulars;
- Casual Staff - 1 week unless a longer period is called for in the letter of appointment.

Fixed Term Appointments:

- Senior Civil Service - 6 months;
- Band B - 1 month - normally but for some key posts the contract may specify up to a maximum of 3 months;
- C1 and below - 1 month;
- Superintendent rank and above - 1 month normally but for some key posts the contract may specify up to a maximum of 3 months;
- Chief inspector rank and below - 1 month;
- All DFRS personnel - 1 month

You must make sure that your last day of service is a working day.

One month in this instance means 28 days.