

Resignation checklist – what to do when an employee resigns

All employers, no matter how good they are, will likely have to deal with an employee resignation at some point.

Sometimes it is because an employee's personal circumstances change and sometimes it is because they have been offered a better opportunity elsewhere. On some occasions, it is because there are problems at work. As an employer it is important to know how to handle the details when an employee resigns.

You cannot refuse to accept someone's resignation. However, if an employee resigns verbally in the heat of the moment, you should give them an opportunity to change their mind in order to avoid a constructive dismissal claim.

Here is a checklist of some of the issues for employers to think about when an employee resigns:

- the resignation should be confirmed in writing;
- notice periods should be observed and the last day of work agreed for clarity;
- enforcing restrictive covenants in the contract;
- the necessity for garden leave;
- issuing a statement both to internal staff and possibly in the local press;

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- recruiting a suitable replacement;
- conducting an exit interview;
- retrieving company property and documents;
- terminating access to the computer network;
- stopping membership of benefit schemes – pension, health insurance;
- outstanding pay, expenses, bonuses and commission;
- issuing a P45;
- providing a reference; and
- maintaining the morale of remaining staff.

Is a settlement agreement needed?

If you think it is possible that the employee will bring an employment claim after they leave, you should consider negotiating a financial settlement and entering into a binding settlement agreement that will prevent the employee from bringing any costly tribunal claims.

If you would like more specific advice in relation to a particular resignation and what you need to do, or are considering offering a settlement agreement, we can help you. If an employee is leaving to join a competitor, please speak to us about your options as soon as possible.

Ware & Kay LLP

good on paper, even better in person

Contact us

Ware & Kay's specialist, Gill Wilkinson, has extensive experience in all aspects of employment law. Contact her on 01904 716000 or 01937 583210 or gillian.wilkinson@warekay.co.uk.

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