

RESIGNATION FLOWCHART

Does the employee submit resignation in the heat of the moment?

YES

NO

Be mindful of any constructive dismissal risk. Has employee resigned in response to a fundamental breach of contract by the employer?

Allow a 48 hours cooling off period before asking employee if they still wish to resign. Has employee withdrawn resignation during cooling off period?

NO

Consider whether you want to pay in lieu of notice or place employee on garden leave (check contract of employment for right to do this in either case). Paying in lieu of notice?

Check your contracts of employment. Does notice need to be given in writing? Make sure the employee has complied with contractual requirements

YES

NO

YES

The resignation is withdrawn. Consider whether underlying issues need to be dealt with then discuss with employee whether they wish to raise a grievance using the grievance procedure

Confirm acceptance of resignation in writing. Include details of last date of employment.

Does the employee have accrued but untaken holiday?

Confirm acceptance of resignation in writing and confirm details of payment in lieu and last date of employment. Look at contract to check whether payment is of basic salary or salary plus benefits.

YES

NO

Check your contracts of employment to see whether you have the contractual right to pay in lieu of notice or place the employee on garden leave. If you do not have an express clause covering this then you should generally only proceed with payment in lieu or garden leave with the employee's agreement. Validity of any post-termination restrictions will be compromised if you act without either agreement or contractual authority in these areas

Consider whether you want employee to take their accrued holiday during their notice period. Check contract to see if you already have employee's agreement for this. Remind employee to take holiday or give employee notice of holiday dates during notice period.

Follow any internal leavers process including exit interviews, return of company property and reminding the employee of any post-termination restrictions.

Once notice has been given by the employee and accepted by the employer it cannot be retracted by the employee unilaterally. This can only be done with agreement