

DOCSHOP – OTHER EMPLOYMENT DOCUMENTS

We set out below a brief description of the contents of each template. Each template comes with drafting notes to allow you to tailor it to the particular needs of your business.

If you require specific advice on implementing any employment documents within your business, this is charged for separately. Please call us on **0845 607 7823** to discuss your requirements further.

Suite of Disciplinary Documents

Disciplinary Policy and Drafting Notes

Checklist for Conducting Disciplinary Hearing

Letter Suspending Employee from Duties

Letter Requesting Attendance at Disciplinary Hearing

Outcome Letters

Various: No Case to Answer – Letter Recording Verbal Warning - Written Warning – Final Written Warning – Dismissal

Letter Notifying Employee of Appeal Hearing

Appeal Hearing Outcome Letter

Suite of Redundancy Documents

Practical Guidance Note on Redundancy

What is redundancy – Selection – Collective Redundancies and Consultation with Appropriate Representatives – Individual Consultation – Communications – Dismissal - Appeals

General Announcement

Letter Inviting Volunteers

Selection Matrix

Collective Consultation Documents

Letter inviting nominations for election of employee representatives - Letter providing prescribed information to employee representatives

Individual Consultation Documents

“At risk” Letter/Invitation to First Individual Consultation Meeting - Notice of Provisional Selection/Invitation to Second Individual Consultation Meeting - Confirmation of Selection for Redundancy and Notice of Dismissal - Letter Notifying Employee of Appeal Hearing - Appeal Hearing Outcome Letter

Checklists/scripts for redundancy consultation meetings

Settlement Agreement

With effect from 29 July 2013, compromise agreements have been renamed ‘settlement agreements’ and new provisions have been inserted into the Employment Rights Act 1996 making settlement agreement discussions inadmissible as evidence in ordinary unfair dismissal cases so that offers to end the employment relationship on agreed terms can now be made on a confidential basis. ACAS have produced a statutory Code of Practice and this can be accessed on their website, www.acas.org.uk.

A settlement agreement is a legally binding agreement which is designed to enable an employee to settle employment claims that they may have against their employer where those claims arise under statute (e.g. a claim for unfair dismissal or unlawful discrimination) or contract (e.g. a claim for notice pay). The requirements for a valid settlement agreement are fully summarised in our guidance note.

List of Contents

Termination of employment

Termination Date – Optional clauses dealing with Garden Leave, Resignation from Office as Director

Payments and compensation

Deals separately with different forms of payment (payments in lieu of notice, redundancy payments, payments for entering into new obligations, payments in respect of accrued rights) and tax treatment of different payments. Optional drafting in respect of conditions on receipt of certain payments plus payment in instalments.

Expenses and repayment of loans

Benefits

Alternative drafting options deal with continuation/non-continuation of certain benefits e.g. insurance, company car (including option to purchase), augmentation of pension scheme

Optional clauses dealing with share options, provision of outplacement counselling, transfer of shares to Company

Announcement

Optional wording around announcement of employee's departure

Reference

Optional clause for any reference agreed

Waiver of claims

A list of claims which the employee agrees not to bring/continue against the employer including future claims: see Guidance Note on risks here; optional provision for exclusion from waiver of claims

Withdrawal of proceedings

An obligation on the employee to withdraw legal proceedings brought against the employer and not to oppose dismissal of the proceedings upon withdrawal

Tax indemnity

Provides protection against tax liability arising from the £30,000 HMRC exemption for termination payments not being available or tax becoming due for any other reason – NB see Guidance Note on risks here

Post-termination restrictions

Options to repeat contractual restrictions or for employee to enter into new restrictions

Confidential Information

Contains a prohibition on the employee using, copying or disclosing confidential information

Employee obligations

Covers employee obligations to keep the fact of the agreement confidential, not to bad mouth the employer, optional wording to make the obligations mutual

Return of company property

Legal fees

Optional clause where employer pays for employee to take legal advice on settlement agreement

Representations and warranties

Conditions regulating settlement agreements

A clause confirming that the conditions governing the validity of settlement agreements are satisfied

Jurisdiction

Third parties

Adviser's certificate