



## Employee resigns: HR guide

### Description

## Introduction

When a valued **employee resigns** from the organisation, the news may come as surprise and be hard to deal with. How you react to a resignation, however, could have a significant impact on your business and workforce. What things should bosses consider?

### Is it worth trying to change the employee's mind?

It's important to find out why your employee is resigning. There could be a number of reasons. Only when you have a clear picture of why they want to move on will you be able to assess whether it's worth trying to persuade them to stay. It could be a financial issue and you may feel that by promising a bigger salary you can get your employee to reconsider.

There is likely to be more to it than that though – and don't think you can always just offer some extra money to retain them. If the employee has specific gripes about the business, such as the direction which it is going or how they are being managed by a particular person, you might not be able to offer ways to resolve their concerns.



## **Contain your anger and be professional**

It wouldn't be surprising if you're angry about the employee's decision, especially if you are unsuccessful in trying to persuade them to stay. You may be annoyed with yourself, thinking that you could have done more before to prevent the resignation.

Don't be too hard on yourself and, tempting as it may be, refrain from taking out your anger on the departing employee. Ignoring them or being petty serves no useful purpose whatsoever particularly as your paths may cross again professionally. Moreover, when your other employees find out how you are reacting, it will send out the wrong message. Be professional, courteous and act with dignity at all times.



## **Notice and gardening leave**

Do check that the employee has provided the correct notice as set out in their contract.

You may have the option in the contract of paying the employee instead (in lieu) of them serving out their notice. It is important to check the wording of the relevant clause. You might, for example, be able

to pay the employee their basic salary only (and not include an additional sum equivalent for benefits) for the notice period.

The contract could also allow you the option of placing them on gardening leave for their notice period. If the employee has access to confidential information and/or is client facing, you may prefer that they stay away from the office. You will have to weigh up whether the employee is likely to damage the business or whether you need the employee to work for all or part of the notice period while you recruit a replacement. You may require the employee for a handover.



## Restrictive covenants and confidentiality

The employee may have [restrictions](#) in their contract precluding them, for instance, for a certain period of time from joining a competitor, soliciting or dealing with clients or poaching staff. You should remind the employee of any restrictions as well as their confidentiality obligations and the requirement to return company property. You may wish to make it clear that any breaches will be taken seriously.

And one last tip. Try not to take the resignation personally. After all, it's just business.

This guide is intended for guidance only and should not be relied upon for specific advice.

If you have any queries when an **employee resigns** or need advice on other employment law issues please do not hesitate to [contact](#) me on [020 3797 1264](tel:02037971264).

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