

# Notice Guidance

## Ending contracts of employment:

### H1. Staff Resignation

If a staff member wishes to stop working for an MP, he or she must provide a letter of resignation, giving the MP the number of weeks' notice as stated in their contract. For contracts from 10 April 2017, if the staff member is still within their probationary period and wishes to leave, they need only give one week's notice to the MP. In all other cases the staff member should provide their MP with the notice period that is within their contract of employment.

When this is done, the staff member should finalise their leaving date with the MP and discuss what will happen during the notice period. It may be practical for the staff member to take any accrued but untaken leave during this time, or any possible accrued time off in lieu. Remember leave is only accrued up to and including the last date of employment.

The staff member may ask to leave earlier than the end of their formal notice period and the MP may agree to this. If this happens it is a mutually agreed leave date and this date will be used for all calculations e.g. salary and annual leave. If this occurs, the staff member will NOT be paid for any remaining time in the notice period.

### H2. Pay in Lieu of Notice (PILON)

It is usual for staff members to work throughout their notice period, but the MP is able to stop this requirement and pay the staff member for some or all of their notice period in lieu of working. This is discussed between the MP and the staff member and will be outlined on the leaver's form clearly stating the number of days or weeks that should be paid in lieu. There is a calculator on the website that can work out the costs of this. Payment of PILON will come out of the MP's general staffing budget, or from the Winding up budget if the MP is leaving office. (See H6 for what happens after a General Election).

### H3. The MP ending the contract of employment

It may be necessary for the MP to end a member of staff's employment for a reason other than their resignation. Such a situation may include dismissal for conduct or capability reasons, or a redundancy when the MP restructures their office and some job roles are no longer required. More usually it is because of a general election when the MP has decided not to stand for re-election or loses their seat.

In any of these circumstances an MP is required formally to give their staff notice that their employment is ending for one of the above reasons, or others. In each case, an appropriate process must have been followed before the notice is given. Guidance for all circumstances will be given by Members' HR, who can be reached on 0207 219 2080 or at [membershr@parliament.uk](mailto:membershr@parliament.uk)

#### **H4. Ending a fixed-term contract**

A fixed-term contract usually comes to an end on the last date of the contract, unless terminated earlier by the employer or staff member giving notice in line with their contract of employment.

If the MP does not wish to extend the contract, in order to remove any ambiguity, they should confirm with the staff member ahead of time that their contract will finish on the last date.

If a staff member is not told that the contract is ending and they arrive for work the day after the contract end date and this is accepted by the MP the staff member will be considered to have ongoing employment and continuous service.

Please remember that if the staff member has more than two years' continuous service at the end of the contract, they will qualify for a redundancy payment.

#### **H5. Notice periods**

In all cases staff must be given the correct amount of notice. For new contracts from 10 April 2017, the notice period during the first six months' probationary period is one week for either the MP or the staff member. After the probationary period, or for other staff, the contractual notice period to end the contract given by either the MP or staff member is usually 4 or 8 weeks, although some contracts may be different.

There can be a difference between contractual notice (the notice period in the contract) and statutory notice (the legal requirement to provide appropriate notice based on length of service – this increases by one week per year up to a maximum of 12 weeks for staff with more than 4 years' service). Staff must receive notice that is the longer period of the two. For example:

- a. If a staff member has 4 weeks contractual notice but has worked for the MP for 6 years' 3 months at their point of leaving, they would be entitled to 6 weeks' notice because of the statutory notice.
- b. If a staff member has 8 weeks' contractual notice and has worked for the MP for 6 years' 3 months service, they would be entitled to 8 weeks' notice because of the contractual notice.

This rule applies regardless of the reason that notice is given to the staff member by the MP.

#### **H6. What happens at a General Election (GE)?**

If an MP chooses not to stand at the next General Election, or loses their seat, they have 2 calendar months from the date of the General Election to formally close down their office(s). Each MP will have their own requirements during this winding up period depending on their individual circumstances.

As the MP is no longer an office holder, staff costs will not be paid on behalf of the MP beyond the end of the winding up period. Therefore MPs have to consider what their staffing needs are during that period.

If the MP is standing down, they should decide what staff they need during the winding up period prior to the date of the election so the staff are aware that their employment will end sometime between the date of the GE and the end of the winding up period. MPs will be told the required length

of notice for each staff member. If all staff are needed to work to the end of the winding up period, it may be necessary to agree with some staff for them to stay for a longer period than their notice period.

As the MP is no longer an office holder, the roles their staff have are no longer required, and are therefore redundant. As each MP is an individual employer, it is highly unlikely that alternative roles can be found for the staff with that employer. Therefore each MP in these cases will have to make their entire team redundant. MPs can be guided through this process by Members' HR. How much redundancy pay the staff receive will be determined by their contract of employment, length of service with the MP and the statutory rules on redundancy. MPs and staff can look at what their entitlements might be by using the 'redundancy calculator tool' on [www.gov.uk](http://www.gov.uk). The specific page is <https://www.gov.uk/calculate-your-redundancy-pay>.

MPs must give notice to their staff in a timely manner, partly to avoid uncertainty for the staff and also to minimise unnecessary costs to the taxpayer. If an MP is standing down it should be possible to give formal notice to staff on the day after the GE, or even before, once the MP has legally stood down, depending on how the office is being wound up.

If the MP loses their seat and this is unexpected, it may understandably take a little longer for them to decide how they will wind up their office and determine what staff they need during the winding up period. Once the formal discussions have taken place about the situation and work requirements during the winding up period, the MP must give their staff notice of redundancy as soon as practically possible.

In both cases, MPs should give notice so that PILON (pay in lieu of notice) costs are not incurred unnecessarily.

There may be occasions where an MP resigns their seat mid-term or the MP dies whilst in service. In these cases the MP, or the assigned MP, must still wind up their office and manage the departure of their staff. In each case it is expected that notice to staff will be given as soon as practically possible.

#### **H7. Staff member standing for parliament**

If a member of staff chooses to stand for election to Parliament, any time taken to campaign must be taken as either annual leave or unpaid leave.

If the staff member is elected to Parliament, they must start the process of becoming an MP immediately. Therefore they must give their MP notice immediately, even if they are unable to physically work their notice period. The MP would normally accept this situation and waive notice, but the contract of employment would end with immediate effect. If the staff member is elected to the seat where their employer is standing down, the staff member would still have to resign their role with immediate effect as they will be unable to work during their notice period.

In either case, the staff member has resigned to become an MP and so they are not being made redundant. Therefore they would not be eligible to receive a severance (redundancy) payment.