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VOLUNTARY EARLY RELEASE SCHEME

Introduction and Aim

NHS Wales continues to face a challenging period of profound and sustained change. It is clear that such moves may require substantial and rapid changes to take place to the number, location, working patterns and skill mix of staff.

The Voluntary Early Release Scheme has been designed as an enabling tool to support the flexibility of NHS Wales organisations in addressing the demands of rapid change and service re-design and; to assist staff in taking a personal decision regarding their future employment and enable staff who may wish to leave their employment with NHS Wales to do so with an appropriate compensatory payment.

It is not intended to replace existing terms and conditions or policy agreements but rather to supplement the range of options open to individual members of staff and their organisations in meeting the changing circumstances ahead.

It is the policy of NHS Wales to prevent all avoidable compulsory redundancies which could potentially occur as a result of Organisational Change. The use of the Voluntary Early Release Scheme may be used where circumstances and/or resources allow.

Linked Policies, Procedures and Written Control Documents

Other related documents are:

- Voluntary Early Release Scheme guidance for Managers
- All Wales Organisational Change Policy

Scope

This scheme applies to all employee of Public Health Wales

Equality and Health Impact Assessment

An Equality and Health Impact Assessment is not required for this scheme.

Approved by

Public Health Wales Board

Approval Date

28 March 2019

Review Date

28 March 2023- **All Wales People policies are now extant**

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Disclaimer

If the review date of this document has passed please ensure that the version you are using is the most up to date either by contacting the document author or the [Board Business Unit](#)

Summary of reviews/amendments				
Version number	Date of Review	Date of Approval	Date published	Summary of Amendments
2				Reference Updated from PHW-SCD08 to AW34 to reflect that it is an All Wales Scheme (agreed at the People and Organisational Development Committee 09.07.24). Scheme Extant.
V1c	N/A			Updated to reflect changes to approval process for VERS applications PHW-SCD08

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1 Nature of the VER Scheme

VER is a scheme where it is of mutual benefit, to both an employee and their organisation, for an individual to voluntarily choose to leave their employment, with the agreement of that organisation, in return for a severance payment.

VER is not a contractual entitlement and is not a redundancy, compulsory or voluntary, as covered by section 16 of the NHS Terms and Conditions of Service Handbook.

2 Scope of the Scheme

- Access to the Scheme is at the discretion of Public Health Wales
- Subject to the above and the eligibility criteria in section 4, application to the scheme may be made by any member of staff.
- Public Health Wales is responsible for the costs associated with any agreed compensatory severance payments.
- The Scheme is entirely voluntary and there is no legal obligation on the part of Public Health Wales to accept any individual application, nor an obligation for any employee to apply for the scheme or accept voluntary early release.
- Each application will be considered on its own merits and there is no guarantee that voluntary early release will be approved.
- The Scheme is open until further notice but may be withdrawn at any time.
- As there may be significant financial and lifestyle implications for the employee, NHS organisations should support the decision making process by assisting individuals with their understanding of these factors. However, employers are not in a position to offer independent financial advice to their staff.

3 Eligibility

To be eligible for a compensatory payment under this scheme, applicants must have been employed within the NHS in Wales for a minimum of one year, and;

- have not resigned or have accepted another post within NHS Wales at the time of application.
- have not given formal notice of their intention to retire prior to the date when applications is formally sought
- have not been notified of the date of termination of their contract of employment for any other reason
- must not be under notice of a Capability Hearing into their performance
- must not be under notice of a Disciplinary Hearing into their conduct

4 Compensatory Payment

The compensatory payment is a '**one off**' payment and will be calculated as follows:

- One month's pay for each completed year of reckonable service with the NHS, with a maximum of 12 months pay.
- This payment may be increased by up to three months to take into account any notice period agreed under paragraph 6 below, subject to an overall total of not more than 15 months pay.
- The maximum annual salary that may be taken into account for calculation purposes is £150,000.
- The calculation of an employee's reckonable service for the purposes of a VER payment, is calculated on the basis of the service up to the leaving date, and will comprise continuous full-time or part-time employment with Public Health Wales or any previous NHS employer but with the following additions:
- Where there has been a break in service of 12 months or less, the period of employment prior to the break will count as reckonable service;
- At Public Health Wales's discretion, any period or periods of employment with employers outside the NHS can be included in reckonable service., where this or these can be judged to be

relevant, and can be considered as being associated with the provision of NHS services. Such consideration will be subject to the break in service considerations as noted above.

- The following employment will not count as reckonable service:
- Employment that has been taken into account for the purposes of a previous redundancy, or loss of office payment by an NHS employer;
- Previous NHS service, which has already been recognised for payment of a redundancy payment, or compensatory payment
- A month's pay will be defined as the current substantive basic salary and any contractual elements of pay excluding pension. An employee's seconded salary will only apply if they have been seconded in that role for more than 4 continuous years.
- The first £30,000 of any compensatory payment will be tax free, and any remaining amount will be subject to tax and national insurance deductions.
- Where, however, such payment includes an element of pay in lieu of notice, this will be separately identified and netted off from the compensation calculation and will be subject to tax and national insurance deductions.

5 Notice

Any early release will mean that employment will come to an end by mutual agreement. While there is no requirement for either party to give notice, a notice period or a payment in lieu of notice of up to three months may be mutually agreed in exceptional circumstances, to be agreed by the Director of People and Organisational Development. Please note, general practice in Public Health Wales is that we do not pay notice.

An employee's proposed leaving date will be subject to negotiation and mutual agreement between the employer and employee

6 Approval Process

Governing Principles

In considering individual applications for early release, Public Health Wales will:

- employ robust corporate governance principles
- be mindful of the need to show responsible use of public monies
- be able to demonstrate value for money
- take into consideration the impact, in both the short and long term, on the effectiveness of the organisation and its remaining employees.
- any member of staff who wishes to be considered under the Voluntary Early Release Scheme should register an expression of interest with their Line Manager in the first instance although, from time to time Public Health Wales may seek expressions of interest.

Developing the application for early release

A business application must be made for each application, demonstrating:

- how the work undertaken by the applicant can be redesigned, re-assigned, or undertaken in a different way, and
- that the financial saving from the post, or an equivalent amount, will be removed on a recurrent and auditable basis
- that the cost of the individual's release will be recovered through a payback period of no more than one year. This may be extended where an employee receives a payment in lieu of notice.
- that consideration is given to the risk of the loss of skills and experience, and to the potential impact on remaining employees
- that patient/service user safety, quality and efficiency can be maintained or enhanced as a consequence of the release.

A business application which includes a payback period of longer than one year may be submitted providing there is a clear demonstration that approval of such VER payment or payments would facilitate wider workforce redesign and/or skill mix change. The business application must include a cost benefit analysis to

demonstrate the profile and timescale during which savings will be realised.

The approval process

Where the Line Manager supports the application, having taken advice from the respective Finance Business Partner and People Business Partner, agreement also needs to be given by the Divisional Director.

Once an application for release has been jointly considered by the Directors of People and Organisational Development and Finance and the business application has received their support, it must be approved by the organisation's Remuneration and Terms of Service Committee.

Obtaining Welsh Government Approval for ex-gratia payments

Payments under a VERS scheme are classified as 'ex gratia' payments and they therefore need to be managed in accordance with the losses and special payments procedure detailed in a Welsh Office Health Department document, Manual of Guidance (Wales) produced in December 1998. Under this guidance payments currently over £50k require WG approval. This must be obtained prior to the employee being notified of the outcome of their application.

7 Application Process

Please refer to Voluntary Early Release Scheme (VERS) guidance for Line Managers and 'How to apply for Voluntary Early Release Scheme' (VERS) both of which are available on the intranet

8 Settlement Agreement

By agreeing to early release, employees will be required to waive all rights to redundancy or compensatory benefits associated with redundancy, premature retirement, or any other employment related claims through the courts or an Employment Tribunal and must, therefore, enter into a Settlement Agreement drawn up by a suitably qualified independent adviser. The Agreement will set out the financial and all other terms on which the employment relationship will end.

Where the employee seeks such advice from an independent and qualified legal adviser, the NHS organisation will meet

reasonable costs, up to a maximum of £250 plus VAT, provided a valid Settlement Agreement is entered into.

9 Access to Pension following compensatory payment

This Scheme is voluntary and where the employee has opted to receive a compensatory payment they may, subject to the relevant pension scheme rules, seek access to their pension. The NHS organisation will **not** be responsible for the payment of any pension enhancements. It is recommended that individuals wishing to explore any such options seek advice from the NHS Pensions Agency and/or the relevant Payroll Department.

10 Re-employment

It is a condition of any early release that successful applicants will not seek to return to employment within the NHS in Wales within a period equal to the duration of the compensatory payment plus three months, subject to a minimum period of 4 months.

Examples: 4 months after 1 year's service
5 months after 2 years' service
6 months after 3 years' service
7 months after 4 years' service.

Increasing thereafter up to **15 months** after 12 years' service.

Employment within NHS Wales will be deemed to include:

- employment with a primary care contractor
- services provided by the employee as a bank, locum or agency worker or independent contractor.
- the provision of consultancy services to the NHS

Any compensatory payment must be declared by an employee to any future NHS employer.

11 Appeal

There is no right of appeal against the decision not to grant Voluntary Early Release

12 Implementation Plan

All staff will be made aware of the existence of this scheme. It will be available on the Public Health Wales Policies Intranet page, and will be publicised via the staff intranet.

Whilst training will not be offered on the scheme staff and line managers will be advised to seek guidance from the People and OD team.

13 Equality and Welsh Language

The scheme will be made available in Welsh

14 Audit

Application of the scheme will be monitored on an ongoing basis, with input from the People and Organisational Development team to ensure the guidelines are compliant with current legislation, to ensure they are effectively implemented, and ensure that they are reviewed in accordance with the timetable for review.