**Leaving teaching - Ill Health / Resigning / Dismissal / Settlement Agreement *(updated Feb 2021)***

**LATEST RESIGNATION DATES & GENERAL OBSERVATIONS**

* **by Oct 31st to finish Dec 31st**
* **by Feb 28th to finish April 30th *(regardless of when Easter is - take care if changing eg to an Authority or Academy with a different holiday pattern)***
* **by May 31st to finish Aug 31st**
* **If you do not secure a new post to start immediately after your current post, there will be a break in service which will affect eg maternity, sickness and future redundancy pay**
* **Note that working for a Supply Agency will also bring an end to any accrued benefits**
* **Some schools do not recognise rights accrued if you are coming from an Academy - check first**

**ILL-HEALTH RETIREMENT**

* **This can be given as Total Incapacity Benefit (TIB), Partial Incapacity Benefit (PIB) - or you can be turned down**
* **See what qualifies as TIB (also called "enhanced") or PIB (also called “accrued”) on the Teachers’ Pensions website:** <https://www.teacherspensions.co.uk/members/working-life/life-events/ill-health.aspx>
* **You will also need to contact your own Payroll department. For Wigan members, this is 01942 827333**

***Advantage(s):***

* **If TIB (enhanced), they will release your pension and make up half a year for each year between your age now and 60 / 65; you must be diagnosed as not being able to work again until retirement age**
* **If PIB (accrued), whatever pension you have accrued will not be reduced and you can do jobs that are non-teaching**

***Disadvantage(s):***

* **If you apply for TIB and you get PIB, then obviously you will not get an enhanced pension - make sure you have taken this into account when working out your finances etc**
* **You will have to get proof of TIB from your doctor backed up by medical experts**

**RESIGNING *(IS A SETTLEMENT AGREEMENT [BELOW] A BETTER OPTION?)***

**Advantage(s):**

* **You may be allowed to leave before the end of your notice period (“garden leave”) and so if eg on capability, no more lesson observations**
* No more meetings to discuss progress, Action Plans, Occupational Health visits
* You will be able to **register** for work eg with Supply Agencies, and attend interviews for potential posts
* You will still get paid until the end of a full term
* If you resign before you reach **formal** capability, this will not be recorded on your reference

**Disadvantage(s) - please note this is not an exhaustive list:**

* You are limited in the benefits you can claim as you deliberately made yourself unavailable for work
* There may be difficulties in paying off your mortgage or loans (you MUST read the small print and check with the appropriate organisation directly)
* You cannot **start** any Supply job until your current post expires
* You may still have to work your notice
* **You may be given just a “factual reference”, with little mention of your strengths and contributions, making it not be as good as those from other applicants**
* If you are have been charged with gross misconduct and resign before it goes to a Hearing, you may be only be paid to the end of that month, rather than the term
* Capability and disciplinary issues may still be reported on your reference
* Safeguarding and other serious issues will still be reported to the national disciplinary panel that determines whether you should be barred from the profession
* Supply Agencies often have a question like: "Would you employ this person again?" - if your Head answers "no", you will find it very difficult to secure work

**DISMISSAL**

**Advantage(s):**

* If not gross misconduct, you will be instantly put on 3 months' notice on full pay from the date you are dismissed
* Removal of pressure
* Any insurance on loss of earnings, eg a loan or mortgage, may pay out (you MUST read the small print and check with the appropriate organisation directly)
* You will be able to claim benefits and do teaching work eg through an agency (if not gross misconduct)

**Disadvantage(s):**

* If you are found guilty of gross misconduct, you will be dismissed instantly and not be entitled to any pay from that date onwards
* Safeguarding and other serious gross misconduct issues will still be reported to the national disciplinary panel that determines whether you should be barred from the profession
* The dismissal will be on your record, which will make it harder for you to get teaching work - almost impossible of for gross misconduct
* Supply agencies often have a question like: "Would you employ this person again?" - if your Head answers "no", you will find it very difficult to secure work with a Supply Agency
* There may still have to be observations and progress meetings etc until a dismissal hearing is arranged

**SETTLEMENT AGREEMENT *(basically a resignation but may be more beneficial to you)***

* **You must NOT tell any of your colleagues you are leaving - the whole deal is immediately confidential**

**Advantage(s):**

* **You may be allowed to leave before the end of your notice period (“garden leave”) and so if eg on capability, no more lesson observations**
* No more meetings to discuss progress, Action Plans, Occupational Health visits
* You will be able to **register** for work eg with Supply Agencies, and attend interviews for potential posts
* You will normally still get paid until the end of a full term if you are a teacher
* **You can negotiate a reference (“Agreed Reference”) - but see below**
* **The Settlement Agreement should contain a clause that states neither you nor you employer can tell a third party (new school, Supply Agency) that you have an Agreed Reference, as many interpret this as meaning you were an unsuitable employee, and would therefore not want to employ you**
* If you resign before you reach **formal** capability, this will not be recorded on your reference
* **In conversations with a third party, your employer has to follow the “spirit” of the Agreed Reference - ie they cannot deviate significantly from what they have said about you on paper - and certainly cannot mention any eg sickness, capability or disciplinary issues that led up to you resigning**

**Disadvantage(s) - please note this is not an exhaustive list:**

* You are limited in the benefits you can claim as you deliberately made yourself unavailable for work
* There may be difficulties in paying off your mortgage or loans (you MUST read the small print and check with the appropriate organisation directly)
* **Your employer makes part of any Agreement that you "draw a line" under any other business, so if eg thinking of suing them, that would have to stop**
* You cannot **start** any Supply job until your current post expires
* **Any reference negotiated will concentrate on your strengths and positive contribution to the school -** but obviously it still may not be good enough to secure a job on its own
* Resigning before a disciplinary Hearing may not stop it being reported on your reference. Safeguarding and other serious issues will still be reported to the national disciplinary panel that determines whether you should be barred from the profession if you are a teacher
* Supply Agencies often have a question like: "Would you employ this person again?" - if your Head / Principal answers "no", you will find it very difficult to secure work