Garden Leave: A Practical Guide for Employers

Garden leave means an employee remains employed during some or all of their notice period but is not required to carry out their normal work. It can protect confidential information and business relationships, but it is not the same as ending employment early.

1. Understand what garden leave means

The employee remains employed through the relevant notice period. The employer ordinarily continues normal contractual pay and benefits, and the employee remains subject to continuing contractual obligations. Garden leave is different from a payment in lieu of notice, where employment generally ends sooner.

Employers should check the contract and the circumstances before directing an employee to stay away from work; an express contractual provision is preferable, and legal advice may be appropriate if the employee objects.

2. Define expectations in writing

State when garden leave starts and ends, whether the employee should be contactable, the arrangements for taking holiday, any restrictions on access to premises or systems, and how equipment will be returned. Do not impose new restraints without checking the contractual position.

Ensure managers and payroll share the same effective dates so that notice pay, benefits and leaving arrangements are handled consistently.

Example | Six-week notice period

An employee resigns on 2 November and owes six weeks' notice. Their employer agrees the final employment date in writing and places them on garden leave. The employee does not attend site, but remains on normal pay and benefits until the agreed date.

3. Consider proportionate protection of information

A legitimate concern might be access to pricing, customer records or confidential plans. Restrict systems according to business need and ensure any confidentiality or post-termination restrictions are enforceable and proportionate.

Avoid treating garden leave as a punishment or assuming it removes the employer's normal obligations to the employee.

4. Retain the notice and exit evidence

Keep the resignation or dismissal communication, contract terms, garden leave instruction, notice calculation, pay and benefit records and equipment handover in the employee file.

Common errors employers should avoid

- Treating garden leave as unpaid time away from work.
- Confusing the employment end date with the date the employee last attended site.

How Assyst helps employers manage notice and exit records

Assyst stores employment documents, HR communications, work schedules and payroll-related records in one place. Authorised users can issue and retain the notice or garden leave instruction through the letters and communications feature, record the agreed dates and keep the documentation with the employee file. This helps HR and payroll work from consistent information while access remains permission-controlled.

Discuss your workforce requirements with Assyst

Assyst Workforce Management is a workforce management platform for multi-site employers, bringing together HR and paperless onboarding, time and attendance, workforce scheduling, payroll calculations, task management and a mobile staff app. To discuss how Assyst could support your business, visit www.assyst.uk and contact us through the website.

Useful official sources

Acas — When an employee is not required to work notice
https://www.acas.org.uk/notice-periods/when-an-employee-is-not-required-to-work-their-notice

GOV.UK — Handing in your notice
https://www.gov.uk/handing-in-your-notice/giving-notice

Acas — Notice periods
https://www.acas.org.uk/notice-periods

General guidance for employers in Great Britain, reviewed November 2026. Contract terms and individual circumstances may require professional advice.