**DISMISSAL PROCEDURE – GENERAL**

This procedure applies where the employer is contemplating dismissing an employee. **It does not apply in cases of misconduct for which there is a separate procedure**. It **will** apply, for example, in cases of dismissal related to capability, redundancy, expiry or non renewal of a fixed term contract.

*The procedure below* ***only*** *outlines the minimum steps which must be followed to ensure compliance with the Statutory Procedures. Following this procedure in a dismissal situation does not guarantee that an Industrial Tribunal will find the dismissal ‘fair’. The employer, in addition to these steps, should act fairly and reasonably in arriving at any decision to dismiss an employee. This will include for example, consultation with the employee, offering suitable alternative work, where appropriate etc. Employer Guidance – this should be removed before issuing to the employee.*

**General Principles**

The employer will endeavour to ensure that:-

* Each step and action under the procedure is taken without unreasonable delay
* Timing and locations of hearings are reasonable
* Hearings are conducted in a manner that enables an employee to explain his or hercase.
* The employee must take all reasonable steps to attend the hearings.
* At hearings and appeal hearings the employee may, where reasonably requested, be accompanied by a fellow worker from the employer.
* Dismissal appeal hearings will be conducted as far as reasonably practicable by a more senior manager than the manager who took the action being appealed unless the most senior manager attended the hearing

**Procedure**

**Step 1**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ will inform the employee in writing of the alleged characteristics or other circumstances which have led to the contemplation of the dismissal of the employee (or action short of dismissal) and invite the employee to a hearing to discuss this.

**Step 2**

Prior to the hearing the employee will be provided with particulars on the basis for the grounds given in the statement in step 1. The employee will be given reasonable opportunity to consider his or her response to that information before any hearing takes place. The hearing will be conducted by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. No action (other than suspension on full pay) will be taken before the hearing takes place. After the hearing the employee will be informed in writing of the decision and of his or her right of appeal against this if he/she is not satisfied with it.

**Step 3**

If an employee wishes to appeal he/she must inform the employer within five working days. Where an appeal is requested, the employee will be invited to an appeal hearing. The Appeal hearing will be conducted by \_\_\_\_\_\_\_\_\_\_ and shall be held within five working days of the request for an appeal. The employer may implement any decision taken at the first hearing before the appeal hearing is held. After the appeal hearing the employee will be informed in writing of the employer’s final decision within five working days.