

Wiltshire Council Human Resources

Some Other Substantial Reason Dismissal Policy and Procedure

This policy can be made available in other languages and formats such as large print and audio on [request](#).

What is it?

This policy and procedure details the processes for some other substantial reason for dismissal of an employee which is not covered by a separate Wiltshire Council policy and procedure.

Go straight to the section:

- The informal stage
- The formal stage

Who does it apply to?

This policy applies to all Wiltshire Council employees (with the exception of teaching and non-teaching staff employed in locally managed schools).

This is a harmonised policy and applies to both Wiltshire Council and ex-district TUPE employees.

In matters that involve chief / statutory officers and deputy chief officers (corporate directors and service directors) these procedures must be read in conjunction with their terms and conditions of employment and [Wiltshire Council's constitution](#).

When does it apply?

This policy applies where a dismissal does not fall under another Wiltshire Council policy and procedure but does fall under a fair reason for dismissal under the statutory notification. These include (but are not limited to):

- re-organisation
 - where there are no redundancies and the narrow legal definition of redundancy is not met (redundancy is covered by the [redundancy policy and procedure](#))

- refusal to accept changes to working practices or terms and conditions of employment
- protection from competition
 - where the employee acts in a way that falls short of a breach of duty or there is a situation which creates a potential conflict of interest
- breakdown of trust and confidence
 - where a situation falls short of a gross misconduct and a major breakdown of trust and confidence
- an economic, technical or organisational reason following TUPE transfer in line with TUPE regulations and guidance
- some other substantial reason not specified above
 - where an employee has a prison sentence imposed upon them and falls outside of the disciplinary procedure
 - where the employee's continued employment contravenes a statutory enactment such as a driving ban

The SOSR reasons for dismissal stated above may be considered independently under this procedure or may follow on from another Wiltshire Council policy and procedure that involves dismissal, at the discretion of your manager in conjunction with HR.

When does it not apply?

The Wiltshire Council policies and procedures listed below have their own processes for the dismissal of employees and fall outside of this policy and procedure in the first instance. These policies include

- Appeals policy and procedure
- Disciplinary policy and procedure
- Fixed term contract expiry procedure
- Ill health retirement policy and procedure
- Improving work performance policy and procedure
- Probationary period procedure
- Redundancy policy and procedure
- Sickness absence management policy and procedure

If an investigation has been undertaken in line with another policy or procedure and it has been determined that the SOSR policy and procedure should be used, investigations under the policy or procedure should be suspended and the SOSR policy and procedure followed.

What are the main points?

The informal stage

1. Your manager (following consultation with HR) will meet with you to outline the reasons for your potential dismissal and provide you with all relevant information in relation to your case.
2. In cases where an investigation is required (that is not covered by any other Wiltshire Council policy and procedure) your manager will inform you of the reasons for this and that the outcome of the investigation may lead to dismissal.
3. You will have the opportunity to respond to the intention to dismiss you on an informal basis either in writing or by attending a meeting with your manager.
4. Your manager will outline the timescales for your response to the reasons for your dismissal and arrange for a further meeting if required.
5. Your manager will consider your response to the intention to dismiss you and if appropriate commence the formal consultation process.
6. Your manager will maintain an accurate record of this meeting by using the [template meeting record](#) document.
7. In cases where you are unable to attend the meeting with your manager, they may accept a written submission from you and the meeting will be held in your absence.

The formal stage

8. You will be invited to attend a dismissal hearing with your service director (or their nominee) to consider your dismissal.
9. You will be given 10 working days written notice of this meeting and will have the right to be accompanied. Further information on who can accompany you at this meeting can be found in the guidance on the [right to be accompanied](#).
10. Your manager will present the case for the intention to dismiss you outlining the reasons.
11. You will be able to respond in relation to the case to dismiss you.
12. Your service director (or their nominee) will determine whether or not you should be dismissed based upon the evidence.

13. If you are unable to attend the hearing, in some circumstances the service director (or their nominee) may accept a written submission from you and the hearing will be held in your absence.
14. If you are unable to attend the meeting you should inform the service director (or their nominee) responsible for hearing the case as soon as possible. If you are unable to attend due to reasonable circumstances outside of your control, the meeting may be re-arranged.
15. If you are unable to attend the re-arranged meeting, the meeting will be held in your absence.
16. If you do not wish to attend the meeting or do not attend the meeting having made no attempt to inform the service director (or their nominee) of the reasons for this, the meeting will go ahead in your absence.
17. You will be informed of the outcome of the hearing in writing by the service director (or their nominee) responsible for hearing your case within 5 working days of the hearing.
18. If you are dismissed, the outcome letter will set out the reasons for your dismissal, the date of which your employment will terminate, any period of notice and your right of appeal.
19. If you are dismissed, you will be entitled to a notice period in accordance with the terms and conditions of your employment. You may not be required to work some or all of your notice period. This will be determined on a case by case basis and agreed with your manager and HR.
20. Your manager will complete a leaver form and follow the council's [leaver procedures](#).
21. Your service director (or their nominee) responsible for hearing the case may determine on a case by case basis that redeployment (where applicable) may be appropriate. You will be redeployed (where applicable) in line with the redeployment procedures outlined in the [appointments policy and procedure](#). If you fail to engage with this process you will be subject to dismissal.
22. If there are other employees that are involved in the same case (e.g. where a breakdown in relationship has occurred) each case will be heard separately.
23. You have the right of appeal against your dismissal in line with the [appeals policy and procedure](#).

Roles and responsibilities

Employee responsibilities

24. You have a responsibility to co-operate with the stages within this policy and procedure and to engage with the procedure at all times.
25. To make every effort to attend meetings set up under this policy and procedure and to notify your manager if you are unable to attend and the reasons for this.

Line manager responsibilities

26. To apply this policy and procedure in a fair and consistent way following advice from HR.
27. To liaise with HR at all key stages or where you need clarification to ensure consistency of application.
28. To understand and manage this policy and procedure and ensure that the processes are clearly communicated to the employee.

HR responsibilities

29. To provide advice and guidance on this policy and procedure to managers as required.
30. To attend a dismissal hearing (where appropriate) to advise on procedure.

Frequently asked questions

31. I am facing dismissal from my post. Can I be redeployed into another post within the council?

The service director (or their nominee) responsible for hearing your case will determine whether redeployment may be appropriate and will be considered on a case by case basis. If appropriate, you will be redeployed in line with the redeployment procedures outlined in the [appointments policy and procedure](#).

32. I do not accept my dismissal. What options are available to me?

You have the right of appeal against your dismissal in line with the [appeals policy and procedure](#).

33. I am facing dismissal due to a breakdown in the employment relationship which involves my line manager. Who will be responsible for managing my case?

If your case involves your line manager, the process will be managed by an alternative manager.

Equal Opportunities

This policy has been [Equality Impact Assessed](#) to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

Managers will make any necessary adjustments to ensure that all employees are treated fairly.

Advice and guidance

If you require help in accessing or understanding this procedure you should contact your line manager or trade union representative if you are a member.

If, due to the nature of your query, it is not appropriate to contact your line manager you should contact your head of service who will nominate an appropriate manager or colleague to help you.

See [guidance for managers – giving advice on policies](#).

Further information

There are a number of related policies and procedures that you should be aware of including:

[Dignity at work policy and procedure](#)
[Equality and diversity policy and procedure](#)
[Guidance for managers on holding meetings](#)

For further information please speak to your supervisor, manager, service director or contact your HR advisor.

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