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| Wiltshire Council HR Policies And Procedures |
| Some Other Substantial Reason Termination Procedure |

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| Author and Members of HR Policy Sub-Group Responsible: | Revisions made by the HR Advisors sub group (all authorities represented) |
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| Related Policies: | <ul style="list-style-type: none"> - Capability policy - Disciplinary - Redundancy - Absence Management - Efficiency of the Service |
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Policy Statement:

This policy covers the statutory reason for fair termination of employment of Some Other Substantial Reason where it is not covered under a separate policy of Wiltshire Council such as the related policies referred to above.

Introduction / Purpose:

Where the employment of an employee is terminated for any reason it is important to ensure that not only do all parties involved in making such a decision understand and afford to that employee his/her statutory and contractual rights but also that the matter is handled in a sensitive manner giving due regard to the dignity of the employee concerned. This procedure seeks to provide the framework in which this may be facilitated where it is not covered under another Wiltshire Council Policy.

Objectives:

There are some circumstances under which an employee may be dismissed where the dismissal is not as a result of redundancy, ill-health, competence or conduct and this policy sets out to ensure that such employment terminations are carried out in accordance with an employee's statutory and contractual rights.

Scope:

This policy applies to all Wiltshire Council Staff except those employed in schools.

Procedure / Application:

Some Other Substantial Reason (SOSR)

Where a dismissal does not fall under another Wiltshire Council procedure but does fall under a fair reason for dismissal under the statutory definition, this is the policy that will be used.

Step 1 - line manager to meet with employee to outline the proposal for dismissal and the reason for it and to set a reasonable timescale for a response to the proposal.

In such proposals HR advice should always be sought prior to any consultations commencing. If appropriate, HR will advise on formal consultation with the recognised trade unions.

Step 2 – the employee(s) will have the opportunity to respond to the proposal on an informal basis, either by way of a meeting or in writing.

Step 3 – the line manager will consider any response and then initiate formal consultation. This will consist of:

- meeting with the employee(s);
- giving all relevant information;
- discussing the proposals;
- answering any questions;
- giving time to employee(s) to reflect on the information given;
- arranging a further meeting if required.

Step 4 – where the line manager determines that the matter should be pursued the employee will be invited to attend a hearing before the Service Director for the case to be considered. The line manager will present the Council's case. The employee will be able to respond and will be able to be accompanied by a trade union representative or work base colleague. If more than one employee is involved each case will be heard separately. If the employee does not wish to attend the meeting will go ahead in her/her absence.

Step 5 – the Service Director will notify the employee(s) in writing of the decision and of the right of appeal. Any appeal must be lodged within 10 working days of receipt of the outcome letter, with the Corporate Director, outlining the grounds for appeal.

Step 6 – where an appeal is lodged this will be heard by the Corporate Director within 25 working days, giving at least 5 working days notice to the employee. This will take the form of a rehearing. The outcome will be notified within 5 working days of the appeal hearing.

There is no further right of appeal.

Contact Details:

HR Advisory Team

Appendices / Supporting Information:

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Policy Version History:

Author

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