



LEEDS
BECKETT
UNIVERSITY

Dismissal Policy and Procedure

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Procedure

1. Preamble

- 1.1 From time to time it may be necessary to dismiss staff, including for reasons of redundancy. This includes the termination of fixed term contracts (but not exclusively) which in legal terms, constitutes a dismissal.
- 1.2 This procedure is intended to deal with proposed dismissals which fall outside of any other University procedures. This is covered further below.

2. Relevant Dismissals

- 2.1 This Dismissal Procedure is relevant in the following circumstances:
 - The termination of indefinite contracts.
 - The termination of fixed term contracts where the employee has more than twelve calendar months' continuous service at the proposed date of termination;
- 2.1.1 It is important to note that 'fixed term' covers any temporary contract, whether or not an end date is stipulated. Examples of fixed term contracts include:
 - Cover for maternity leave
 - Limited funding provision
 - Cover for sickness absence
 - Work on a specific time limited project, for example, research, clearing, awards ceremonies
 - Temporary part time lecturer
- 2.2 This procedure is not relevant in the following circumstances:
 - The termination of fixed term contracts where the employee has less than twelve calendar months' continuous service at the proposed date of termination;
 - Where the termination is by mutual consent;
 - Where a separate University procedure applies.

3. Procedural Stages

3.1 Stage 1: Statement of grounds for dismissal and invitation to a meeting

- 3.1.1 Human Resources will write to the employee, giving details of the reason(s) for the proposed dismissal. The letter should include (whether in the form of copy documentation or in the letter itself) all information relevant to the reason for the proposed dismissal and an invite to the employee to attend a meeting with their manager to discuss the matter. The letter should also include a reminder of the entitlement to be accompanied and represented at this meeting.
- 3.1.2 The letter will be sent out giving sufficient time to hold the meeting and allowing for the contractual notice period. Where possible, and where the proposed termination date allows, the letter will be sent at least six weeks prior to the proposed termination date. There will be

occasions exceptionally, however, where the termination date is not known within this time-frame. In these circumstances the letter will be sent as soon as possible.

- 3.1.3 The employee must respond to their manager directly, within 5 working days of receipt of the letter. The manager will make arrangements for the meeting, where a meeting is requested.
- 3.1.4 Human Resources will review on a regular basis and in good time, all temporary appointments, including the forecast termination dates. Where either of these change (for example, a temporary appointment is extended) Human Resources will inform the employee of this in writing.
- 3.1.5 The relevant area is responsible for confirming the reason(s) for the proposed termination, and for the forecast termination date.
- 3.1.6 Prior to notice of proposed dismissal linked to an employee's approaching leave to remain expiry date the employee will be invited to an informal meeting with their manager to discuss their plans for extension of their leave to remain in the UK. This meeting will take place in advance of the current leave to remain expiry date. Evidence of extension of leave to remain or of application for further leave to remain is required in advance of the current leave to remain expiry date. If sufficient evidence is not provided (or subsequently if an employee fails to provide the University with evidence of permission to work in the UK), then Human Resources will write to the employee to invite them to a formal meeting. The letter will give details of the proposed dismissal and include a reminder of the entitlement to be accompanied and represented at this meeting.

3.2 Stage 2 The Meeting

- 3.2.1 The purpose of the meeting is to enable the employer to clarify the reason(s) for the proposal to dismiss and for the employee to raise and discuss with their manager any relevant issues.
- 3.2.2 Where an employee indicates that they wish to attend a meeting, the meeting must take place as quickly as possible, including to allow time for any appeal prior to the proposed termination date. However, before the meeting takes place, the employee must be given a reasonable opportunity to consider their response to the information provided. There should therefore be a minimum of five working days from the date of the letter notifying the employee of their entitlement to a meeting and the date of the meeting, unless both parties agree to an earlier date (shorter time periods may apply where the proposal to dismiss is due to failure to provide evidence of right to work in the UK).
- 3.2.3 Where an employee indicates that they do not wish to attend a meeting with their manager, or fail to respond without good reason within the timescales outlined in this procedure, there shall be no obligation on the part of our University to hold a meeting before the end date of the contract.
- 3.2.4 All parties present at the meeting can ask questions to help in establishing the facts.

3.2.5 After the meeting, the manager must notify the employee of the decision in writing, to be sent within two working days of the meeting or the completion of any subsequent investigation, and/or consideration where this is later. The letter should include a reminder of the right of appeal and the right to be accompanied and represented at any appeal meeting.

3.3 Stage 3 Appeal

3.3.1 Employees have a statutory right to appeal against a decision to dismiss. The process and timescales for appealing against a decision to dismiss are outlined in the Staff Appeals Policy and Procedure.

4. Representation

4.1 In these proceedings employees have the right to be present, to be heard, and to be accompanied and represented by either a full-time Trade Union officer, a Trade Union representative (who is an employee of our University), or a fellow employee. Once notification is received of a representative, they will be copied in on all relevant correspondence thereafter.

4.2 The manager may wish to be accompanied and advised in any meeting by a representative from Human Resources.

5. Confidentiality

5.1 These Procedures, and the matters discussed within, shall remain confidential, except where the outcome and rationale need to be notified to relevant individuals.

6. Alternative to Redundancy

6.1 Alternatives to redundancy will be fully explored with the employee. Our University Redeployment Policy and Procedure and Fixed Term Contract Guidelines provide further information.

7. Operation and Review

7.1 This Procedure applies to all staff with the exception of holders of a senior post, as defined in the Articles of Government (1997).

7.2 The content and application of this Procedure will be periodically reviewed in light of experience, changes to legislation and other relevant factors. Employees will be notified of changes after consultation with the recognised Trade Unions. An up to date copy is to be maintained in Human Resources and on the Intranet.

Reviewed July 2020