This template has been provided the Scottish Council for Voluntary Organisations (SCVO).

Use of this model policy is entirely at your own risk. The policy should be adapted to suit your own organisational needs, and you should ensure if meets your own specific requirements. You should also check this policy is compliant with the law and your organisation’s governing document. No liability rests with SCVO.

For more information see our information on [using SCVO templates](https://scvo.scot/support/using-scvo-templates).

# Dismissal policy

# Introduction and aims

The purpose of this policy is to outline the Organisation’s stance when dealing with employee dismissals, where there is not an available policy that applies to the specific circumstances of the dismissal.

# Scope of this policy

The policy will apply to all employee dismissals, including employees on a permanent contract, and those on a fixed term contract that will not be renewed.

Dismissals related to redundancy or retirement will not be covered in this policy as they are included in separate policies. Furthermore, this does not apply to other terminations of employment that do not fall within the boundaries of dismissal, including resignation or voluntary retirement.

This policy should be utilised alongside the disciplinary and investigations policy, which sets out the steps to be taken prior to a dismissal, outlined in this policy.

## Circumstances in which a dismissal may take place

Within this policy, dismissal will only be considered in the following circumstances (this list is not exhaustive):

* incapability to perform their duties set out in their job description due to a lack of qualifications, incompetence or long-term absence. On these occasions, this policy should be read alongside the capability policy
* an employee’s misconduct, an occasion in which the organisation’s disciplinary policy should also apply
* circumstances where the law would be broken if the employee were to continue working for the Organisation, for example, where an employee’s role primarily involves driving, and they are disqualified from doing so.

Dismissals may also be considered for ‘some other substantial reason’ whereby the dismissal of an employee is warranted, depending on the particular circumstances of their employment.

## Dismissal procedure

The following procedure will depend on the specific circumstances of the dismissal and any other related policies. This will primarily involve the capability policy, the disciplinary policy, the redundancy policy or the retirement policy.

If a dismissal did not fit within any of the aforementioned policies, the disciplinary policy would apply.

The appropriate written notices and explanations of the steps within the policy will be provided to the employee, as stated in the relevant policies, for all cases.

A work colleague or trade union representative can be requested to accompany the employee during a meeting relating to a potential dismissal.

The employee will be able to review all the investigation documents and guidance that is applicable to the case prior to the meeting, and information that is required by legislation or guidance that is applicable at the relevant time.

In cases of gross misconduct, the employee may be suspended from work on full pay whilst the relevant investigations are undertaken.

The employee has the statutory right to appeal the decision, and this will be outlined to them, and will be set out in accordance with statutory requirements.

## Right to a written statement of the reasons for the dismissal

An employee with at least 2 years’ continuous service is entitled to request a written statement containing the reasons for their dismissal.

This request should be provided, in writing, to the HR department.

A reply to this request will be sent to the employee within 14 days on receipt of their request.

The normal service qualification rule above does not apply when the employee’s employment is terminated when she is pregnant.

# Notice periods

Following their dismissal, employees are entitled to receive notice. The notice period provided will be the statutory minimum unless it a longer period is stated within the contract of employment.

The notice period does not apply to summary dismissals for gross misconduct.

A confirmation letter outlining the decision will be sent to the employee, outlining the date in which the employment will terminate and, where different, the last day on which an employee is required to attend work. It will also include any holiday entitlement and final payments due. Contractual or statutory rights to payment in lieu of notice or garden leave will also be confirmed.

# Exit interviews

An employee who has been dismissed will be invited to an exit interview with their line manager or a member of the HR department. This interview will be used to arrange the return of any organisation property and provide an opportunity to discuss any practical issues relating to the dismissal, including, handover of work and final pay arrangements.

# Obtaining further information

If you require any further information or need to clarify any details contained in this policy, please contact the HR department.

**Document version control**

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| --- | --- | --- | --- |
| **Version number** | **Change or update** | **Author or owner** | **Date** |
| 1.0 | First version |  |  |
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