



**Non Disciplinary Dismissal Procedure**

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**The provisions of this procedure, which was developed by a partnership group on behalf of Grampian Area Partnership Forum, apply equally to all employees of NHS Grampian except where specific exclusions have been identified.**

NHS Grampian  
Non Disciplinary Dismissal Procedure

**This document is also available in large print and other formats and languages, upon request. Please call NHS Grampian Corporate Communications on Aberdeen (01224) 551116 or (01224) 552245.**

**This Procedure has undergone Equality and Diversity Impact Assessment.**

**Revision History:**

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Non Disciplinary Dismissal Procedure	1	10 August 2017	Amended to 10 August 2025
Non Disciplinary Dismissal Procedure	2	Agreed by Policies Sub-group 26 July 2022 - Ill health termination removed from Introduction, updating the use of the procedure in line with Once for Scotland policies.	10 August 2025

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# NHS Grampian

## Non Disciplinary Dismissal Procedure

### 1. Introduction

Non disciplinary dismissal is the process whereby an employee's contract of employment is terminated by NHS Grampian for reasons other than conduct or capability.

Where there is an issue of conduct or capability, the Employee Conduct or Employee Capability Policy must be used. Failure to do so may mean any subsequent dismissal is deemed to be unfair.

The reasons that a manager may have for considering the termination of an employee's contract for a reason other than conduct or capability include:

- Redundancy;
- Expiry of a fixed term contract;
- Some other substantial reason

Before enacting any part of this procedure the line manager must contact the HR Operational Team for advice and guidance.

### 2. Scope

This procedure applies to all directly employed staff, including temporary staff. It does not apply to Medical and Dental employees, for which medical terms and conditions relate.

### 3. Aims of Procedure

This procedure will ensure that non disciplinary dismissals are dealt with in a fair and consistent manner. The procedure provides:

- A consistent means of dealing with non-disciplinary dismissals;
- A means of appealing the outcomes of non-disciplinary dismissals.

In order to achieve these aims, the following principles and values apply:

- This procedure will be appropriately communicated to all employees and will be made readily accessible to them.
- Training on the procedure will be provided for managers and representatives of Trade Union and Professional Organisations using a partnership model,

in order to ensure that relevant staff are sufficiently skilled and competent in implementing the process. Where possible this training will be jointly delivered.

- HR advice will be available to managers involved in implementing the process.
- This procedure will be subject to ongoing monitoring to ensure that it is being applied fairly and consistently and that the stated principles and values are being met. The procedure will be subject to regular review, in partnership, to ensure that any new standards and/or structures are incorporated when necessary and that it remains fit for purpose.

#### **4. Right to be accompanied**

At every stage of this procedure, all employees are entitled to be represented by a Representative of a Trades Union or Professional Organisation (including full-time Trade Union Officers); a fellow member of staff, or a friend or relative, not acting in a legal capacity.

The employee is also entitled to request the use of “Language Line”, a “face to face” interpreter, or communication support, if required.

The representative is not permitted to answer questions on the employee's behalf, with the employee being required to personally respond to any specific questions directly.

Where the employee is an accredited representative of a recognised Trade Union or Professional Organisation, no dismissal decision should be taken without discussion with a full time official of the appropriate organisation.

If the representative chosen by the employee is not available at the time proposed, the meeting should be postponed to an alternative time suggested by the employee, provided that such alternative time is reasonable.

#### **5. Non Disciplinary Dismissal Process**

The formal process, which **must** be adhered to is as follows:

- a) Issue invitation to attend a non-disciplinary Dismissal meeting
  - In inviting the employee to attend a non-disciplinary Dismissal meeting, they must be given at least 10 working days notice, in writing, of the date and the specific nature of the planned meeting. This letter must contain enough information for the employee to understand what is happening and inform them of their right to be accompanied at the meeting. It should also be made clear what the employee should do if they and/or their representative is unable to attend on the given date.

- It is the employee's responsibility to arrange for their Staff Side representative, colleague, friend, or relative to accompany them to the meeting and to provide them with any appropriate papers.
- Where the employee has difficulty reading, or where their first language is not English, the manager must also ensure that the employee is given the opportunity to have the content of the letter explained orally.
- When arranging a non-disciplinary Dismissal Hearing, care should be taken to ensure that it is held in a private location where there will be no interruptions.
- If an employee fails to attend a Non-disciplinary Dismissal meeting without good reason, the meeting may continue in their absence.

Care must also be taken to ensure:

- That any reasonable adjustments are made to cater for employees who have a disability e.g. arranging the meeting in a location which has wheelchair access and
- That appropriate arrangements are made to assist any employee whose first language is not English e.g. by providing an interpreter. Where interpretation is required, it is imperative that the interpreter is acceptable to all parties and acts impartially.

#### b) Hold the meeting

The meeting will be chaired by an appropriate relevant manager, in line with the Scheme of Delegation and will also comprise a representative of HR and, if appropriate, a person with relevant professional/technical knowledge.

#### c) Issue outcome letter to the employee

The letter must contain the following points:

- Details of the outcome of the non-disciplinary dismissal meeting;
- Detail of the discussion at that meeting;
- Employee's right to appeal against decision.

## 6. Appeal

If an employee considers that the decision taken in a non-disciplinary dismissal meeting, including a decision to dismiss, is unreasonable or unfair, they have the right to appeal against it.

The appeal should be made in writing to the Head of HR, and be received within 10 working days of the date of the letter confirming the outcome of the non-disciplinary dismissal meeting. The letter must give full details of the grounds on which the appeal is being made.

## **6.1 Appeal Process**

A Panel comprising a more senior manager than involved in the original meeting and a member of the HR Team will hear the appeal. The manager responsible for hearing the appeal should:

- Write to the employee inviting them to an appeal meeting within 10 working days of receiving the appeal.
- Give the employee a minimum of 5 working days' notice of the meeting date.

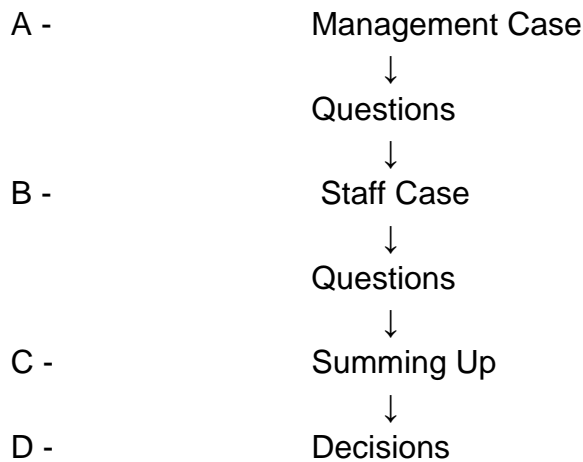
Records and access to all relevant documentation of the non-disciplinary meeting decision being appealed against will be made available to all parties.

The purpose of the appeal meeting is for the employee to discuss with the relevant manager, the grounds for their appeal and to identify why they feel the decision was unreasonable or unfair.

The procedure to be used at the Appeal Hearing is detailed at Appendix 1.

### Procedure for Appeal Panel

The basic procedure that will be followed is:



#### A. Management

- 1 Management present their case and call any witnesses.
- 2 Both the management presenter and witnesses are open to questions from the staff-side and the Appeal Panel.
- 3 The management presenter may re-question the witness/es to clarify any points that have arisen from the staff-side/Appeal Panel questions.

#### B. Staff-Side

- 1 Staff-side present their case and call witnesses.
- 2 The employee, the representative and witnesses are then open to questions from the management presenter and from the Appeal Panel.
- 3 The staff-side presenter may then re-question the witness(es) to clarify any points that have arisen from the management-side/Appeal Panel questions.

#### C. Summing Up

The management and staff-side representative will be given the opportunity to sum up their cases. The staff-side always have the opportunity to speak last. Neither side may introduce new information at this stage.



## **D. Decision**

Both management-side and staff-side must leave at the end of the summing up stage.

The Appeal Panel will discuss and come to a decision in private.

### **Additional Principles**

#### **1 Witnesses**

Witnesses will only be present while giving their particular evidence and will leave once they have given their evidence. Witnesses will not be recalled unless clarification of a particular aspect is crucial to the outcome of the Hearing.

#### **2 Adjournment**

The Appeal Panel may agree to halt a Hearing temporarily where this would assist its progress.

#### **3 Clarification**

In the course of making their decision after the formal management and staff submissions, the Appeal Panel may require clarification from one or other of the sides. In such circumstances both sides must be present in order that they hear the query and have the opportunity to respond.

#### **4 Departures from Procedure**

The procedure is designed to be fair and a degree of flexibility may be used where it is agreed that this would assist in eliciting the facts. The basic pattern of approach should, however, be followed and any amendments to the procedure outlined above must be agreed.