

Dismissal Procedure

Ownership

Document Ownership	
Policy/Procedure/Guidance owned by:	People Team
Policy/Procedure/Guidance written/amended by:	Tracey Adekoya, People Partner (Policy and Employee Relations)
Ratified:	JNCC 11.06.25

Version Control

Version Control Table

All changes to this document are recorded in this table.

Date	Title
Sept 2023	V2 – Annual Policy Review
Sept 2024	V3 - Annual Policy Review
Aug 2025	V4 - Branding updated, included reference to glossary of terms for OFS E6 Definition and consistency of language with other policies and annual policy review

All changes to this document are recorded in this table.



University of Lancashire

Contents

Ownership	1
Version Control	1
1. Introduction	3
2. Authority to Dismiss.....	3
3. Elected trade union representatives	3
4. Arrangements of the Hearing	4
5. Appeals	5

1. Introduction

The following procedure and rules have been made under the provision of Article 10 (14) of the Articles of Government in respect of the dismissal of staff.

This procedure applies to you where a recommendation has been made for your dismissal as a result of action under other formal and agreed procedures.

This procedure applies to all colleagues of the University other than the Vice-Chancellor and holders of such Senior Staff posts as the University may determine from time to time. Such staff are subject to procedures related to Senior Staff.

This procedure is contractual and may be amended and/or updated by the University from time to time.

The [Office for Students \(OFS\) definitions](#) for harassment, sexual misconduct and bullying have been used in this Procedure. Within this procedure the term 'staff', 'colleague' and 'employee' are used interchangeably.

The OFS define staff as: includes but is not limited to employees (whether permanent, fixed-term or temporary) and all other individuals engaged by the University or acting on its behalf, including senior managers, officers, directors, consultants, contractors, trainees, seconded staff, homeworkers, casual workers, volunteers, interns, agents and sponsors.

2. Authority to Dismiss

The Vice Chancellor or their nominee has the authority to terminate your employment. This authority may not be delegated to anyone outside of VCG.

No dismissal will take effect without you being notified that dismissal is proposed. You shall be given the opportunity to attend a hearing, before any decision to dismiss by the Vice Chancellor or their nominee is taken. You may be accompanied at any hearing under this procedure by a trade union representative or fellow colleague.

3. Elected trade union representatives

The University recognises the right of a duly elected trade union representative to be represented by a full-time official at all stages of this procedure should they so wish. Action under this procedure will not normally be taken against an elected trade union representative, until the circumstances of the case have been fully discussed with a full-time official of the appropriate recognised trade union. If concerns relating to the

behaviour of an elected trade union representatives are to be dealt with at a hearing then a full time official of the appropriate union and/or other representative may accompany the individual concerned and adequate notice of at least 2 weeks will be given for a full time official to arrange to accompany the elected representative. No formal warnings or other formal action will be taken against an elected trade union representative without their full time official being notified in writing.

4. Arrangements of the Hearing

The People Team will contact you in writing to give the details of the dismissal hearing, the reasons why dismissal has been recommended and the right to be accompanied by a trade union representative or fellow colleague. Two weeks' notice will be given of the hearing arrangements. You will be provided with copies of any documentation to be relied upon no less than one week in advance of the hearing. The hearing will be chaired and a decision made by the Vice Chancellor or their nominee who has no prior involvement in the case.

Normally the hearing will be attended by the manager who recommended dismissal, a member of the People Team who will provide advice to the manager who made the recommendation, you and, if chosen, your trade union representative or fellow colleague. The member of the People Team who is providing advice to the manager who made the recommendation will not present the case as their primary role is to advise the manager who made the recommendation. All parties will have the opportunity to provide written statements from witnesses and witnesses may be called to the hearing to give statements in person as appropriate and reasonable. A further member of the People Team will also be present at the hearing to provide advice to the chair and to keep a formal record of the hearing. In general, the number of people present should be kept to the minimum necessary.

The format of the hearing will be as follows:

- the manager who made the recommendation for dismissal will present the case
- you and/or any accompanying person will have the opportunity to ask questions
- you and/or any accompanying person will have the opportunity to respond
- both parties may ask questions/clarify points arising from statements made by witnesses or from other evidence produced
- the chair may ask questions at any stage
- both parties will be allowed to sum up
- an adjournment will take place to enable consideration of all the facts by the chair so that a decision can be made as to what, if any, sanction or other action needs to be taken
- all parties will be informed of both the decision made, and the reason for the decision verbally.

The decision may be that:

- the case is not proven and no dismissal will take place. If the chair decides there is no misconduct on your part and the chair believes the disciplinary procedure has been invoked either negligently or maliciously the chair should recommend that an investigation into the conduct of the manager bringing the case should take place.
- the case is proven and a decision to dismiss is made

The decision of a dismissal hearing and the reason for the decision will be confirmed in writing by the People Team within one week.

5. Appeals

You may appeal against your dismissal.

The appeal must be made in writing and must set out the grounds for appeal. The appeal must be lodged with the Clerk to the University Board within two weeks from the date of the notification of the decision to dismiss.

The appeal will be heard by a committee drawn from the Board of Governors. The composition of the committee will be determined by the Chair of the Board and will include three members of the Board of Governors who have had no previous involvement in the dismissal action against you, one of whom will be appointed Chair. You have the right to be accompanied by a trade union representative or fellow colleague.

The appeal hearing will operate on the basis of reviewing the decision to which the appeal relates. Ordinarily it will not be conducted as a re-hearing of the evidence given when the decision to dismiss was taken but will rather be concerned with reviewing the application of the procedures, whether, on the basis of the evidence presented at the formal meeting, the decision was appropriate, whether the sanction is proportionate, and considering any new material evidence not available at the original hearing which you wish to introduce. Witnesses may be called upon to provide statements to the appeal hearing in writing or in person as appropriate and reasonable.

Normally, the hearing will be attended by the Vice Chancellor or nominee who made the decision to dismiss against which you are appealing, a member of the People Team who will provide advice to the Vice Chancellor or nominee who made the decision, you and, if chosen, your trade union representative or fellow colleague. The member of the People Team who is providing advice to the Vice Chancellor or nominee who made the decision will not present the case, as their primary role is to advise the Vice Chancellor or nominee who made the decision. A further member of the People Team will also be present at the hearing to provide advice to the chair and to keep a formal record of the hearing.

The stages of the appeal hearing are as follows:

- you and/or any accompanying person, as described above, will present your case for appeal including any fresh evidence not available at the time of the original hearing and directly related to the case under appeal, and any written statements by witnesses may be presented. Any fresh evidence should be submitted one week in advance of the appeal hearing, unless there is a good reason why this is not possible, in which case the chair may decide not to allow it. Witnesses may be called upon to provide statements in person, where reasonable and appropriate. New information on unrelated issues cannot be introduced.
- the Vice Chancellor or nominee who decided upon the dismissal will present evidence related to the case against you, including any fresh evidence in response to fresh evidence submitted by you, and any written statements by witnesses may be presented. Witnesses may be called upon to provide statements in person where reasonable and appropriate. New information on unrelated issues cannot be introduced.
- both parties may ask questions/clarify points arising from statements made;
- the members of the committee hearing the appeal may ask questions at any stage;
- both parties sum up in the order of you and/or any accompanying person first, and the Vice Chancellor or nominee second;
- an adjournment will take place to enable the consideration of all the facts by the committee hearing the appeal, so that a decision can be made;
- you and any accompanying person will be informed verbally of the decision made and reason for the decision;
- the decision and reason for the decision will be confirmed in writing by the People Team within one week of the appeal hearing.

The outcome of the appeal hearing is final.

Where you have been dismissed without notice, the dismissal will stay in force until the date of the appeal hearing. If the appeal is upheld, then the member of staff will be reinstated with no loss of payment or accrued benefits. If the appeal is rejected, then the date of dismissal will be the date of the dismissal hearing at which you were informed verbally of the decision to dismiss without notice.

Where you have been dismissed with notice, the dismissal remains in effect, but you will be suspended on full pay, but still under notice, until the outcome of the appeal has been determined. In the circumstances where the appeal cannot be heard before the notice period expires, then you will remain an employee but will receive no further remuneration after the expiry of the notice period. If the appeal is upheld, then you will be reinstated with no loss of benefits. If the appeal is rejected, then the date of dismissal shall be either as stated in the dismissal notice or any alternative date set by the appeal committee. If there is still a period of notice to run at the time the appeal committee gives its decision, the University may in its absolute discretion decide to make payment in lieu of the balance of the notice period.



**University of
Lancashire**