

Landward Research

DISMISSAL PROCEDURE



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1 Introduction

This document sets out the dismissal procedure to be followed when considering dismissing a member of the workforce.

This procedure applies to dismissals on the basis of:

- **Conduct:** when the staff member has done something that's inappropriate or not acceptable. The Disciplinary Procedure relates to matters of misconduct and such be referred to alongside this Dismissal Procedure.
- **Capability:** when the staff member is not able to do the job or does not have the right qualifications
- **Redundancy:** when the job is no longer needed
- **A legal reason:** when the staff member cannot do their job legally, for example a lorry driver who's banned from driving
- **'Some other substantial reason':** Other substantial reasons could include:
 - A fixed-term contract ending
 - Third party pressure, for example if a client refuses to work with a staff member
 - A staff member refusing to agree to new terms and conditions of employment

This policy applies equally and fully to all Landward Research Ltd staff members and to all staff members of subsidiary companies of Landward Research Ltd (on 24th June 2021: Landward Research Teoranta, Landward Limited Liability Company and Landward Limited).

2 Principles

The staff member will be advised of the reason that dismissal is being considered and will be given the opportunity to state their case before any decision is made.

Dismissal will not be considered until a case has been thoroughly investigated.

Staff members will be provided, where appropriate, with written copies of evidence and relevant witness statements.

At all stages of the procedure the staff member will have the right to be accompanied by a trade union representative or work colleague.

If an staff member fails to attend a dismissal or appeal meeting, Landward Research will try and rearrange the meeting at least one more time. If the staff member continues to be absent but has a good reason such as sickness, then we will seek to be flexible about rearranging the meeting more than once if possible, or will offer to hold the meeting at a place or time more convenient to them, or allow them to provide their response in writing or via their representative.

Ultimately, we may have to go ahead with the meeting in the absence of the staff member and make a decision based on the information we have. In this instance, the staff member will be given every opportunity to participate and put their side of the case. The staff member will be warned that this will happen should they not turn up again. We will also consider any written representations made or representations made by the staff members representative if they attend alone.

Meetings will be conducted in a manner that enables both Landward Research and the staff member to explain their cases.

Staff members will have the right to appeal against dismissal.

Dismissal decisions can only be taken by the appropriate senior manager, and the staff member will be provided in writing with reasons for dismissal, the date on which the employment will terminate, and the right of appeal.

Any outcome of this Dismissal Procedure must remain confidential.

3 Standard Dismissal Procedure

3.1 Step 1: Statement Of Grounds For Action And Invitation To Meeting

Following an investigation the staff member will, without unavoidable delay, be given a written statement setting out the reason that dismissal is being considered (the grounds) and invite them to attend a meeting to discuss the matter. This will also state that they have the right to be accompanied by a trade union representative or work colleague at the meeting.

3.2 Step 2: The Meeting

The meeting will take place before action is taken, except in a case where disciplinary action consists of suspension.

The meeting will take place, without unreasonable delay, once the staff member has had a reasonable opportunity to consider their response to the written statement setting out the grounds for dismissal.

No less than seven calendar days in advance of the meeting the staff member will be provided with any evidence that will be referred to during the meeting. Where the staff member decides to rely upon any evidence, they should provide this in advance of the dismissal meeting.

Where possible, a note-taker, who must be uninvolved in the case, will take down a record of the meeting.

After the meeting, Landward Research will inform the staff member of our decision, when their employment contract will end and their notice period, if there is one. They will also notify them of the right to appeal against the decision if they are not satisfied with it.

The Line Manager/HR will give the staff member written confirmation of the decision, normally within seven working days of the meeting and without unreasonable delay. This will include notifying the staff member of their right of appeal and the procedure to be followed.

4 Dismissal Without Notice For Gross Misconduct

This procedure applies in relation to a dismissal where a staff member is dismissed without notice (or payment in lieu of notice) because of their conduct, this will only apply in cases of gross misconduct (when staff member has done something that's very serious or has very serious effects).

The dismissal will take place at the time that Landward Research becomes aware of the conduct or immediately thereafter.

4.1 Statement Of Grounds For Action

Following an investigation the staff member will, without unavoidable delay, be given a written statement setting out their alleged gross misconduct which has led to the dismissal and the basis for thinking, at the time of the dismissal, that they were guilty of the alleged gross misconduct.

5 Appeal

A staff member may appeal against the decision to dismiss them. The staff member wishing to appeal against a dismissal decision, must do so in writing within seven working days of receiving written notification of dismissal, stating the reasons for the appeal. Any documents submitted in support of the appeal must be attached.

Arrangements for the appeal meeting will be made by the HR, who will ensure that a note-taker is present.

The appeal meeting should be held without unavoidable delay. Where possible, at least two members of the Board will constitute an Appeal Panel and exclude any person who line-manages the staff member and/or who made the decision which is the subject of the appeal.

The appeal is not a rehearing of the original hearing, but rather a consideration of the specific area with which the staff member is dissatisfied in relation to the outcome of the original hearing. The appeal panel will therefore confine discussion to those specific areas rather than reconsider the whole matter afresh.

The employee must take all reasonable steps to attend the meeting.

After the appeal meeting, the staff member will be informed of the outcome of the decision to either uphold or reject the grounds for appeal, without unreasonable delay. The decision of the Appeal Panel or person hearing the appeal shall be final.

6 Other Related Documentation

Where necessary, this policy should be read in conjunction with other Landward Research Policies, such as:

- Grievance Procedure
- Disciplinary Procedure
- Sickness Absence Management Procedure
- Capability Procedure
- Code of Conduct
- Preventing Sexual Harassment Policy
- Equity, Diversity, and Inclusion Policy
- Preventing Bullying, Harassment, and Discrimination Policy

Relevant Legislation

The Employment Rights Act 1996

The Employment (Northern Ireland) Order 2003

7 Review

Landward Research will review this Procedure on an ongoing basis and carry out a formal review not less than every 3 years. Such review shall take into account the operation of the Procedure since the last formal review, any legal or regulatory developments, an assessment of current best practice in relation to fair trading and any other relevant information.