

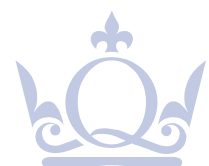
Implementing the HR Codes of Practice:
“Other” Potential Dismissals

Section 1: Key Concepts

When to use the Code 1

Section 2: Model Letters
[To follow]

Section 3: Forms and Documents
[To follow]



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When to use the Code

The Code provides for lawful dismissals where a matter cannot be dealt with appropriately by the use of another of the Codes of Practice. The Codes should only be used when there is a substantial reason (as opposed to a trivial one) for considering dismissal.

For example, you might appropriately use the Code of Practice on “Other” Potential Dismissals where:

- ❖ it is unlawful to continue to employ someone because their work-permit has expired and is not to be renewed; or
- ❖ an employee refuses to agree to a change to terms and conditions which is critical to the success of the College; or
- ❖ there is a business reorganisation which does not meet the technical definition of redundancy; or
- ❖ an employee's qualifications lapse and they no longer qualify to do their job; or
- ❖ an employee's registration with the General Medical or Dental Council has been withdrawn, and they are unable, lawfully, to fulfil their duties; or
- ❖ an NHS Trust has dismissed or suspended a clinical academic from their honorary contract for a reason that does not warrant action by the College under its own disciplinary procedures.

The Code makes provision for the College to consider reasonable adjustments that might enable the employment to continue. It also provides for the manager to discuss and make explicit:

- ❖ any conditions that an employee must meet to continue in employment
- ❖ a timescale for achieving any such condition or qualification.

