

DISMISSAL POLICY

1 Introduction

- 1.1 If an employee's conduct is sufficiently serious or if there is no satisfactory improvement or if further misconduct occurs, following a final written warning, an employee will normally be dismissed. The full detailed policy relating to disciplinary procedures and actions must be read and discussed and agreed with the Corporate Shared Service Centre before dismissal is sanctioned. The procedures can be accessed via the [Discipline Policy](#).
- 1.2 All our policies are fully inclusive of all staff regardless of age, marriage and civil partnership (both same sex and opposite sex), pregnancy and maternity, race, religion or belief, sex, sexual orientation, whether they have an impairment or health condition, are neurodivergent or use British Sign Language, their gender identity or gender expression. We acknowledge that the terms 'gender identity' and 'gender expression' are not protected characteristics as defined by the Equality Act 2010, however, we believe that Government policy which includes provision for those persons who identify within the 'trans' umbrella (rather than on the basis of binary gender) is a more inclusive approach and one which ensures the Welsh Ministers are in a position to comply with all their statutory duties related to equality and the promotion of well-being in Wales. If you have any feedback on the inclusivity of this policy, please email EqualityintheWorkplaceTeam@gov.wales

2. Behaviour likely to result in dismissal

- 2.1 Some examples of behaviour likely to result in dismissal are set out below (please note that this is not an exhaustive list as the nature of behaviour would have to be taken into account):
- Theft, fraud, deliberate falsification of records (including time sheets)
 - Giving false information in any job application
 - Physical violence or threatening behaviour
 - Deliberate or reckless damage to property
 - Serious harassment or bullying on any grounds
 - Being unfit for work through alcohol or illegal drugs
 - Serious negligence which might cause unacceptable loss, damage or injury
 - Serious insubordination
 - Serious breach of health and safety rules
 - Bringing the Welsh Government into disrepute
 - Failure to respect confidential information or breach of the Official Secrets Act (subject to Whistleblowing policy).

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- Serious abuse of the Welsh Government's internet and e-mail systems including the deliberate or unauthorised viewing of pornographic images (see IT Security policy for guidance).

3. Appeals

- 3.1 If an employee disagrees with the decision to dismiss, they may appeal against the decision. The full procedures relating to appeals can be accessed via the Discipline Policy and Appeals Policy.

4 Recovery of losses to public funds

- 4.1 On dismissal for an offence involving loss to public funds, any sums unpaid, for example in respect of salary or wages up to the last day of duty, or of income tax overpaid on salary may be withheld as a set-off against the loss. Full details can be found in the Recovery of Losses to Public Funds. This policy also sets out the rules relating to forfeiture of pension benefits.

5 Annual leave-payment in lieu

- 5.1 Where an employee is dismissed for serious misconduct WG will pay for leave outstanding up to the statutory annual leave entitlement 5.6 weeks (28 days for full time/pro-rated for part time) (this is in line with the Working Time Directive). Any contractual annual leave outstanding over and above the statutory entitlement will be forfeited.
- 5.2 In relation to suspension, the Welsh Government has discretion to determine the extent to which leave accrues during any period of suspension, and the extent to which leave outstanding at the commencement of any period of suspension may be carried forward.

6 Notice periods

- 6.1 Where an employee is dismissed for disciplinary reasons, the employee will not be given any pay in lieu of notice periods.