

Regulation pertaining to clinical staff – Termination, withdrawal, revocation or suspension of registration, contract or status

Table of Contents

1.	Application	2
2.	Action under this Regulation	2
3.	Suspension	2
4.	Dismissal	3
5.	Appeal against dismissal	4

1. Application

- 1.1 This Regulation is made pursuant to the College's Ordinance Relating to Dismissal, Grievance Procedures and Related Matters for Academic Staff.

[Back to Contents](#)

2. Action under this Regulation

- 2.1 This Regulation only applies where a member of the clinical academic staff who is required to engage in clinical work or activities, and for that purpose is required to be registered with the General Medical Council or Dental Council or similar body, or to have an honorary or substantive contract or status with a National Health Service trust, has that registration, contract or status terminated, withdrawn, revoked or suspended. Members of the clinical academic staff are required to notify the College of any such change in registration or status.
- 2.2 If the College decides to take action against a member of the clinical academic staff for any reason other than under Paragraph 2.1 above, that action shall be subject to the provisions contained within the Ordinance and any Regulations or any other appropriate procedure made under:
- a) The Regulation pertaining to capability procedure for academic staff
 - b) The Regulation pertaining to redundancy procedure for academic staff
 - c) The Regulation pertaining to disciplinary and related procedures for academic staff
 - d) The Regulation pertaining to incapacity on health grounds
 - e) The Regulation pertaining to probation for academic staff
 - f) The Regulation pertaining to dismissal on grounds not covered by other specific Regulations
 - g) The Regulation pertaining to the retirement procedure for academic staff.

[Back to Contents](#)

3. Suspension

- 3.1 Upon receiving notification from the member of staff or otherwise that a member of staff's registration, contract or status has been suspended, the Principal, Vice-Principal or Director of Human Resources may write to the member of staff to notify them that a decision has been taken to suspend them from carrying out all or specific aspects of their duties for the College. The notification will include the following information:
- a) The reason for the suspension which shall be because they are unable to perform the duties of the post in the absence of the registration, contract or status.
 - b) The date when the suspension will take effect and, if possible, the anticipated duration;
 - c) Whether or not pay is to continue during the period of suspension;
 - d) At the discretion of the College, a copy of the suspension letter will be sent to the relevant NHS Trust.

- 3.2 If the period of suspension is to be unpaid, the member of staff will be offered a right of appeal against the decision to suspend.
- 3.3 Where appropriate, consideration may be given to redeploying the member of staff to a nonclinical post as an alternative to suspension.
- 3.4 During any period of suspension the member of staff may be required not to attend the College's premises or have contact with students, colleagues or funding bodies.
- 3.5 Any suspension, whether paid or unpaid, will be kept under review by the Director of Human Resources or his/her nominee. Where a member of staff has been suspended they may write to the Director of Human Resources and request that the decision to suspend them be reviewed. The decision of the Director of Human resources is final and the member of staff will be notified in writing of the outcome of the review.

[Back to Contents](#)

4. Dismissal

- 4.1 If, as a result of receiving notification from the member of staff or otherwise that the member of staff's registration, contract or status has been terminated, withdrawn or revoked and dismissal is being contemplated, the member of staff will be written to by the Director of Human Resources or his/her nominee to inform them:
 - a) That a notification has been received that their registration, contract or status has been terminated, withdrawn or revoked
 - b) That dismissal from their College post is being contemplated because they will not be able to perform the duties of the post in the absence of the registration, contract or status
 - c) Whether the dismissal being contemplated is likely to be with or without notice
 - d) That a Panel will be convened by the Director of Human Resources or his/her nominee that will comprise at least two members one of whom will be appointed as Chair and will take charge of proceedings.
- 4.2 The member of staff may make both written representations in advance of the meeting and oral representations at the meeting.
- 4.3 The member of staff will be given not less than five working days' notice of the meeting. If the member of staff is unable to arrange to be accompanied on the date proposed or fails to attend the meeting for reasons outside their control, the member of staff will propose an alternate date within 5 working days of the original date.
- 4.4 In the event that a member of staff refuses to attend a meeting or cannot attend the rearranged meeting, a decision may be made in the absence of the member of staff. The member of staff will be notified in advance that this is a potential consequence if they are unable or unwilling to participate in the process.
- 4.5 Normally within ten working days of the meeting, the Director of Human Resources or his/her nominee shall write to the member of staff notifying them of the Panel's decision.

Where there is a delay in arriving at a decision, the Director of Human Resources or his/her nominee shall contact the member of staff to explain the reason for the delay and give an indication of the date when they will be informed of the decision. When advising the member of staff of dismissal, the Director of Human Resources or his/her nominee will inform the member of staff that they have the right to appeal against the decision and will confirm the arrangements for submitting such an appeal.

- 4.6 Where appropriate, consideration may be given to redeploying the member of staff to a nonclinical post as an alternative to dismissal.

[Back to Contents](#)

5. Appeal against dismissal

- 5.1 A member of staff who has been dismissed in accordance with the provisions of this Regulation may appeal against the decision to dismiss. The appeal should be submitted in writing to the Director of Human Resources or his/her nominee within ten working days of receipt of the notification of dismissal, setting out the grounds for appeal.
- 5.2 The appeal will be heard by an Appeal Panel convened by the Director of Human Resources or his/her nominee. The Panel will comprise at least two members of staff who have not been directly involved in the particular case. One member of the Panel will be designated as Chair and take charge of proceedings. There may be circumstances where the Director of Human Resources at his/her sole discretion considers it appropriate to include a person independent of the College as a member of the Appeal Panel. Witnesses may be called only with the Chair of the Appeal Panel's permission.
- 5.3 The member of staff will have the right to be accompanied to the appeal meeting by a trade union representative or work colleague.
- 5.4 Normally within ten working days following any appeal meeting or receipt of all the representations, the person or persons conducting the appeal meeting shall write to the member of staff and notify them of the decision and give the reason(s) for it. If there is to be a delay in notifying the decision, the person conducting the appeal meeting shall contact the member of staff and explain the reason for the delay and give an indication of the date when the decision will be notified. The decision at appeal shall be final.

[Back to Contents](#)