# Appendix 10

**MODEL LETTER CALLING EMPLOYEE TO CAPABILITY APPEAL HEARING**

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|  |  |
| **PERSONAL** |  |

Dear

**NOTICE OF APPEAL HEARING**

You have appealed against the decision to terminate your employment on grounds of lack of capability. I will be chairing the appeal and the arrangements are as follows:

**When the appeal will be heard**

On\_\_/\_\_/\_\_ (*date/time*) at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*location*).

**Format of the appeal hearing**

I intend to conduct the appeal hearing using the following:

1. Firstly, I will explain the purpose and format of the hearing and deal with any procedural issues that may arise

2. I will then ask you to state your grounds and reasons for the appeal, highlighting whether any new matters or evidence have come to light that are relevant to the case

3. I will then ask the officer who took the decision to terminate your employment on grounds of lack of capability to respond

4. I will question both the officer who took the decision and yourself. My assisting colleague(s) may do so also as a means of clarifying matters

5. I will give both parties the opportunity to make a closing statement, firstly the officer who took the decision, then yourself

6. I will allow adjournments during the course of the hearing where they are necessary

7. At the end of the hearing, I will adjourn the meeting

1. During this adjournment, I will consider all of the relevant issues that have emerged from the hearing and make my decision
2. I will then reconvene the meeting and announce my decision, along with the reasons for arriving at that decision. I will thereafter confirm my decision in writing

**Potential outcome of hearing**

I will carefully consider your grounds for appeal, and the response made by the officer who took the decision to terminate your employment, and then decide whether there are sufficient and reasonable grounds to either:

1. uphold the appeal in full, in which case you will be reinstated to your post; or
2. reject the appeal, in which case the decision to terminate your employment will stand.

**Your right to be accompanied**

You have the right to be accompanied by a trade union representative or work colleague if you so wish. You may not be accompanied by your partner, a spouse or a legal practitioner.

I will be accompanied by an HR Adviser.

The decision of this appeal hearing is final and there is no further right of appeal.

**Confirming your attendance**

Please contact me as soon as possible to confirm that the above date and time for the hearing is suitable, whether you will be accompanied and, if so, by whom.

Yours sincerely,

**NAME OF OFFICER CONDUCTING MEETING**

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| Copy to: | HR Adviser |
|  | Personal File |