**MODEL LETTER DECISION TO DISMISS**

**PERSONAL**

Dear

# Confirmation of termination of employment on grounds of lack of capability due to sustained poor performance

# 

I refer to the performance capability hearing held on \_\_/\_\_/\_\_ in the presence of \_\_\_\_\_\_\_\_\_\_\_.

The purpose of the hearing was to consider whether it was appropriate to terminate your employment on grounds of lack of capability due to sustained poor performance and your inability to satisfactorily comply with your contractual responsibilities as a result or whether an alternative course of action could be followed.

At the hearing your line manager was asked to present a report on your work performance.

The main issues covered by your line manager were as follows:

|  |  |
| --- | --- |
| 1. |  |
| 2. | *(To insert the issues covered by the line manager.)* |
| 3. etc. |  |

You were then given the opportunity to provide a full response as to why you had been unable to achieve and maintain an acceptable level of work performance.

A summary of your response was as follows:

|  |  |
| --- | --- |
| 1. |  |
| 2. | *(To insert a summary of the employee’s response.)* |
| 3. etc. |  |

**Decision to terminate employment**

I gave full consideration to the issues raised during the course of the hearing, from both you and your line manager, and decided on the basis of the information presented, that termination of your employment was the most appropriate outcome.

I write to confirm my decision that your employment be terminated on grounds of lack of capability due to sustained poor work performance with effect from \_\_/\_\_/\_\_.

**Reasons for decision to terminate employment**

My reasons for arriving at this decision and the main factors I took into account were:

*Insert the reason(s) for the decision and the factors taken into account.*

**Date of termination of employment and notice entitlement**

*Delete one option* I confirm your last day of service with the council as \_\_/\_\_/\_\_. You will receive \_\_ weeks’ pay in lieu of the amount of notice to which you are contractually entitled. ***Or***You are contractually entitled to **<x>**weeks’ notice of termination of employment and you will be required to work during this period of notice with your last day of service with the Council being ?/?/?.

Payment for any outstanding monies will be made to you as soon as possible and you are required to return the following items issued to you by the council (*list any such items, e.g. ID badge, keys, protective clothing, etc.*).

**Your right of appeal**

You have the right to appeal against this decision if you consider that:

* The outcome of the hearing was in some way unfair or incorrect **or**
* Where new and relevant matters have emerged that may affect the decision **or**
* Where there have been significant defects in the procedure that has been followed that have disadvantaged you

Should you consider you have grounds to appeal against the decision to terminate your employment, you can choose to either have your appeal heard by a senior manager or by the Appeals by Employees Committee.

If you wish to have your appeal heard by a senior manager then you must register your appeal in writing to the Director of *(service and address)* within **10 working days** of receipt of this letter. If you choose to have your appeal heard by the Appeals by Employees Committee then you must register your appeal in writing to the Director of Corporate Governance, Level 2 West, Business Hub 12, Second Floor West, Marischal College, Broad Street, Aberdeen, AB10 1AB, within **10 working days** of receipt of this letter.

In both cases, your notice of appeal must state the grounds on which your appeal will be based so must set out in sufficient detail:

* Why you consider the decision to terminate your employment to be unfair or incorrect
* Any new and relevant matters that have come to light that were previously not known about
* Why you consider that the Managing Performance procedure was not used correctly and how you were unfairly disadvantaged because of this

You have a right to be accompanied at any such appeal hearing.

Yours sincerely,

# NAME OF OFFICER CONDUCTING MEETING