Dear

**CONFIRMATION OF DISMISSAL**

I refer to the disciplinary hearing held on (*date*) in the presence of (*names of officers present, including companion if applicable*) during which you were requested to respond to allegations that (*detail allegations, as per the letter inviting to hearing*). This letter confirms the disciplinary action taken in your case.

###### Disciplinary decision

Having given full consideration to the issues that emerged during the course of the disciplinary hearing, I confirm my decision that you be dismissed in accordance with the Council’s disciplinary procedure on the grounds of gross/serious\* misconduct.

###### Reasons for the decision to dismiss

My reasons for arriving at this decision, and the main factors I took into account, are as follows:

a) The nature of the unsatisfactory conduct was:

 *insert information*

b) The main factors that I considered before arriving at my decision were:

 *insert information*

\* I also took into account the letter dated (*date)* which informed you that you had been issued with a final warning in accordance with the disciplinary procedure. In that letter you were warned that if your conduct did not sufficiently improve, or if you committed a further act of misconduct, you were likely to be dismissed.

###### Date of dismissal and notice entitlement

***\*\*Para (1) – to be used in cases of gross misconduct***

On the basis that I regard your misconduct as amounting to gross misconduct, you are summarily dismissed from the Council’s employment **without** notice or payment in lieu of notice. Your last day of service with Aberdeen City Council was (*date*).

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. keys, protective clothing etc.

***\*\*Para (2) – to be used in cases of serious misconduct***

On the basis that I regard your misconduct as amounting to serious misconduct, whilst your last day of service with Aberdeen City Council was (*date*), you will receive (*amount)* weeks pay in lieu of the amount of notice to which you are contractually entitled.

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. keys, protective clothing etc.

***\*\*\*Para (3) -*** ***to be used in cases of gross misconduct and criteria dependent***

**Protection of Vulnerable Groups (Scotland) Act 2007**

The Protection of Vulnerable Groups (Scotland) Act 2007 places a legal obligation on the Council to make a referral to Scottish Ministers regarding any individual who is, or has been, doing regulated work with children or with adults if they have, whether or not during the course of their employment:

* harmed a child or protected adult;
* placed a child or protected adult at risk of harm;
* engaged in inappropriate conduct involving pornography;
* engaged in inappropriate conduct of a sexual nature regarding a child or protected adult, or;
* given inappropriate medical treatment to a child or protected adult.

This will be progressed as the allegations and the decision to dismiss meet the criteria for a referral to Disclosure Scotland.

This could subsequently affect your ability to work with Children and/or Vulnerable Adults in the future.

###### Your right of appeal

You have the right of appeal against this outcome if you consider the penalty is unduly severe or inconsistent, where new evidence emerges that may affect the decision or where there have been significant defects in the disciplinary procedure.

Should you consider you have grounds to appeal against the disciplinary action taken against you, you can choose to either have your appeal heard by a Chief Official or by the Appeals Sub Committee.

If you wish to have your appeal heard by a Chief Official then you must register your appeal in writing to (name of Director), Director of (*Service*). If you choose to have your appeal heard by the Appeals Sub Committee then you must register your appeal in writing to the Clerk of the Appeals Committee, Aberdeen City Council, Governance, 1st Floor Old Town House, Broad Street, Aberdeen, AB10 1AQ. Your appeal must be registered within **ten working days** of receipt of this letter.

To be a competent appeal you must state the grounds on which your appeal is based and set out in sufficient detail:

* why you consider the finding or the penalty to be unduly severe or inconsistent
* the new and relevant evidence that has come to light that was previously unavailable
* why you consider that the disciplinary procedure wasn't used correctly and how you were unfairly disadvantaged because of this

Yours sincerely

**NAME OF OFFICER CONDUCTING DISCIPLINARY HEARING**

* **For an act or acts of further misconduct, other than gross misconduct, by an employee who is under a final warning, the employee will be liable to dismissal with pay in lieu of notice. In cases of gross misconduct the employee will be liable to summary dismissal without pay in lieu of notice. Select the paragraph that applies under the heading *“Date of dismissal and notice entitlement"***
* **\* delete as appropriate**
* **\*\* delete this paragraph if not applicable**
* **\*\*\* delete this paragraph if not applicable**