**STRICTLY PRIVATE AND CONFIDENTIAL**

[Recipient’s Name and Address]

Dear <Title, Surname>,

**Outcome of conduct hearing**

Thank you for attending the conduct hearing on <DD/MM/YYYY> at <Location>. I confirm that the hearing was held in accordance with the NHSScotland Conduct Policy. The purpose of the hearing was to consider the following allegation(s):

[The details provided here should be the same as the details provided to the employee in their original letter advising them of the allegations with further detail that has become clear during the investigation or with any additional allegations that have been added as part of the investigation process, and the employee has had an opportunity to respond to. Equally, if an allegation has been removed following the investigation, this should be clearly indicated.]

I chaired the hearing, supported by <First Name, Surname, Job Title of the HR Representative> and <First Name, Surname, Job Title><who provided> <professional><technical><educational> advice. <First Name, Surname, Job Title> presented the findings from the investigation, along with <First Name, Surname, Job Title of HR representative>. At the meeting, you were <represented>< accompanied> by <First Name, Surname><Union><Job Title> <were not represented or accompanied and were happy to proceed on that basis>. <First Name, Surname, Job Title> attended as a witness for <management><for you>. <You><management> decided not to call any witnesses to the hearing.

Prior to commencing the hearing, you confirmed that you had received a full copy of the investigation report.

Having taken into consideration all of the information that was presented to me, including you and <First Name, Surname, Union’s> response to the allegations, please find below the findings relating to the allegation(s).

1. **The allegation of ###**

[Provide details of the evidence that was considered – both oral and documentary where relevant and summarise the case which was presented and any mitigating factors specific to the individual allegation]

In respect of this allegation, I find that there is <evidence><insufficient evidence> to support this allegation.

[Repeat for each allegation].

<There was no mitigation offered to explain your <actions><and><behaviour>. <While you offered mitigation related to <**insert** details of the mitigation>, I deemed the allegation(s) sufficiently serious that <it><they> could not be outweighed by this.

Or

In coming to my decision, I have taken the following factors into account [insert your own findings or examples of possible factors from the following list]:

1. Your length of service and the fact that no other significant incident has been raised.
2. That you have had no previous indication of issues of this nature being raised by staff.
3. The length of time which has elapsed before the original incident was raised.
4. That you had received <no><insufficient> training in this area.

<Notwithstanding the mitigation <offered><considered> I concluded that your <actions><and><behaviour> <was><were> a breach of the NHSScotland Guide to Expected Standards of Conduct in that you <**Insert** Relevant catch-all description from guide available in Supporting Documents that covers the allegations outlined>. <In addition, you displayed <actions><behaviour> that may be deemed unprofessional conduct relating under the following sections of the <Insert professional body, for example, NMC Code of Conduct>:

* Paragraph <**Insert** Paragraph number<s> and the detail>

[**Insert non-summary dismissal, such as where previous warnings are included to determine dismissal outcome**]

Having taken into account the evidence <and mitigation> outlined above and the existing live warning you have for <**Insert** The reason for the existing warning>, I would advise that I am dismissing you from your post of <Job title> for persistent unsatisfactory conduct. On that basis, your dismissal is with notice. You are entitled to <**Insert** entitlement under contract, for example, 4 weeks’> notice of my decision to dismiss you. Your last date of employment will therefore be <**Insert either** the day after the hearing plus the number of weeks’ notice if the decision was issued at the hearing, **or** the third day after mailing (such as assumed date of receipt) plus the number of weeks’ notice if the decision is given by letter>. In addition, you are entitled to payment for any outstanding annual leave.

**[Insert for summary dismissal, such as gross misconduct]**

Having taken into account the evidence <and mitigation> outlined above, I would advise that I am dismissing you from your post of <Job title> as I deemed your <actions><and><behaviour> [Insert if not all allegations are deemed gross misconduct <specifically in relation to Allegations <**Insert** numbers>] to [if individual allegations do not amount to gross misconduct insert <cumulatively>] constitute gross misconduct. Therefore, in line with the NHSScotland Conduct Policy, I concluded that dismissal was the appropriate sanction with effect from <**Insert** either the day after the hearing if the decision was issued at the hearing, or the third day after mailing (such as assumed date of receipt) if the decision is given by letter>. Under these circumstances, you have no entitlement to notice or pay in lieu of notice. However, you are entitled to payment for any outstanding annual leave up until the date of dismissal.

**[insert if individual has other substantive or contract for service with the Board]**

<In reaching my decision, I also considered whether the allegations against you were relevant in relation to your <bank contract><other substantive employment> with the Board. I concluded that the allegations were directly relevant, and therefore my decision related to your directly affected post will apply equally to your <Bank contract><other substantive employment>.

In determining the appropriate sanction, I considered whether, although the evidence in relation to <this><these> allegation<s><and the previous warning> suggested dismissal was the appropriate route, an alternative to dismissal should be considered. I, therefore, considered whether there was scope to continue your employment elsewhere in the Board or in a different role or banding. I concluded, however, given <the repeated nature of your misconduct, I had no confidence that this pattern of behaviour would cease><the seriousness of your misconduct><the nature of the misconduct and its potential impact on patient and public confidence><the breakdown in trust and confidence between the Board and you given the nature of your misconduct> this could not be sanctioned.

**[Insert for individuals covered by professional bodies and/or in regulated work]**

<On the basis that you have been dismissed from your employment with the Board, you should be aware that arrangements will be made to refer your case to><update> the <**Insert** relevant professional body, such as NMC>]. <In addition, there is a requirement under the Protecting Vulnerable Groups legislation to make a referral to Disclosure Scotland regarding the decision to dismiss you from regulated work.>

You have the right to appeal against my decision. Should you wish to do so, you must submit your appeal in writing, stating the grounds for your appeal, no later than 14 calendar days from receipt of this letter to <First Name, Surname, Job Title> <Address>.

Yours sincerely

**<First Name Surname>**

**<Job Title>**

[of Chairperson at the disciplinary hearing]

cc: <First Name, Surname> <Investigating Manager>

<First Name, Surname><Line Manager if not the Investigating Manager>

<First Name, Surname><HR support to Investigating Manager>

<First Name, Surname> <Trade Union Representative>

<First Name, Surname> <Others on panel>