STRICTLY PRIVATE AND CONFIDENTIAL

[Recipient’s Name and Address]

Dear <Title, Surname>,

**Outcome from Stage 3 hearing**

Thank you for attending the formal Stage 3 hearing on the <DD/MM/YYYY> in<Location>. The hearing was held in accordance with the NHSScotland Capability Policy. The purpose of this letter is to confirm the outcome.

I chaired the hearing, and the panel consisted of <First Name Surname of Independent Manager>, <Job Title> and < First Name Surname of HR Representative>, <Job Title>. <I note you were <represented><accompanied> by < First Name, Surname >, <Union><Job Title>. <I note that you were not represented or accompanied and were happy to proceed on that basis>. The Chair of the formal Stage 2, < First Name Surname >, <Job Title> was also in attendance and supported by < First Name Surname of Stage 2 HR Representative>, <Job Title>. There was also a note-taker in attendance at the hearing.

The purpose of the hearing was to discuss the following:

* The nature, extent and evidence of the performance concerns and whether such concerns are well-founded;
* Possible contributing factors;
* What action has been taken by the manager and the individual with regard to the agreed supported improvement plan; and
* Whether there are any further considerations not previously explored which might result in the required improvement being achieved and an extension is appropriate.
* **[Delete / retain as appropriate]** Clear consideration of the Board’s duties under the Equality Act 2010 with regard to employees who may be considered to have a disability.

**[Delete / retain as appropriate]** <I note that you submitted a statement of case that was shared with all parties and presented at the hearing. The management case was also considered by all present at the hearing>.

**[Delete / retain as appropriate]** <The following witnesses were called and presented information on behalf of <you> <management>:

First Name Surnames of witnesses, Job Title,

In reaching my decision, the following information was considered:

**[detail all the information that was considered]**

Based on this, I concluded that

**[insert appropriate outcome]**

<you will be able to achieve and maintain the required standard of performance within your current role within a reasonable period of time. A further supported improvement plan was agreed and will be implemented as per the earlier stages. The Stage 3 hearing will be reconvened on DD/MM/YYYY when a final review will be completed by the same panel.>

<improvement is not likely to be achieved and maintained in the current role, and that permanent redeployment (at the same or lower pay band) is appropriate. The Redeployment Policy will be used to support this process. The Stage 3 hearing will be reconvened on DD/MM/YYYY if there is a failure to secure suitable alternative employment within this timescale>.

<you are unlikely to achieve the standards expected of you in your post and that the Board has exhausted all other reasonable options. For this reason, the decision has been made that there is no alternative but to terminate your contract of employment, in line with the Capability Policy.>

**[Insert if appropriate]**

<As previously advised in considering your capability for your post as <job title>, I was also considering whether the capability issues were relevant in relation to <your bank contract><your other substantive employment>. I concluded that <the issues were not relevant to your other role and therefore there is no impact on your other post><the issues were directly relevant to your other role, and therefore my decision in relation to this post also applies to your <bank contract><other substantive employment> and your contract will be terminated.>

<Having taken into account the details outlined above, I advise that I am dismissing you from your post of <**Insert** Job title> on the grounds of capability. On this 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.>

You have the right of appeal against this decision. Should you wish to appeal, you should do so in writing, stating your reasons for appeal to <First Name Surname> <job title><Address>.Your appeal should be received within 14 calendardays of receipt of this letter.

If you have any queries regarding the above, please do not hesitate to contact me.

Yours sincerely,

**<First Name, Surname of Stage 3 Chair>**

**<Job Title>**

cc: <Independent Manager>

<HR>

<Trade Union Representative>

<Line Manager>

Encl: <OHS report/s>

<Any other supporting documentation>

<The Redeployment Policy>