**Appendix 10**

THIS IS A TEMPLATE LETTER – PLEASE AMEND IT AS NECESSARY TO SUIT THE SITUATION

Please transfer to the school headed paper.

Address

Date

Dear

**STAGE 3 FORMAL CAPABILITY MEETING – OUTCOME LETTER**

I am writing to confirm the outcome of your Stage 3 Formal Capability Meeting held on [date] in accordance with the Schools’s Capability Procedure.

The Staff Dismissal Committee comprised of 3 governors [names of the governors] and you were accompanied by [name of TU or work colleague [if relevant]]. [name of note taker] was also in attendance as a note taker. [name of HR lead] from London Borough of Harrow was also in attendance as HR Advisor to the panel.

The purpose of the meeting was to establish the facts concerning your performance that were giving cause for concern which are listed below:

**[insert concerns here]**

* *Identify the professional shortcomings, for example which of the standards expected of teachers are not being met.*
* *For non teaching staff identify areas of work where performance unsatisfactory*
* *Include details of the employees justification / comments*

On the evidence presented at the meeting, it was found that [details findings here].

***provide details of what was discussed and considered***

*Amend or delete as appropriate:*

There are insufficient grounds for pursuing the capability issue and that it would be more appropriate to continue to address the remaining concerns through the appraisal process. In view of this the capability procedure has now ended.

OR

That further investigation is needed and so the Stage 3 Formal Capability Meeting was adjourned. You are therefore required to attend a follow up Stage 3 Formal Capability with the Staff Dismissal Committee as detailed below:

Date:

Time:

Location:

You have the right to be accompanied by a trade union representative or work colleague during this meeting.

OR

That some progress has been made and the Staff Dismissal Committee are confident that it is appropriate to extend your monitoring and review period until [insert date]. Your performance will be assessed against the Performance Improvement Plan that was agreed with [enter name]. To enable your performance to be assessed you are required to attend a follow up Stage 3 Formal Capability Meeting with the Staff Dismissal Committee as detailed below:

Date:

Time:

Location:

You have the right to be accompanied by a trade union representative or work colleague during this meeting.

OR

Having completed the Stage 3 Formal Capability Meeting the Staff Dismissal Committee’s decision is that due to your unsatisfactory performance that it is appropriate to dismiss you on grounds of capability. Under your contract of employment you are entitled to [‘X’] weeks notice (***specify number of weeks notice***) and so your last day of employment is [insert date].

**APPEAL**

You have the right to appeal against the decision to dismiss you on the grounds of capability. If you wish to exercise this right, you must complete the Capability Appeal Form which should be sent to [insert name the name of the person who confirmed the decision] within 10 working days of the date of this letter. You should state the grounds for your appeal which may be one or more of the following:

* Procedure – failure to follow the School’s Capability Policy and Procedure had a material effect on the decision
* Decision – the evidence did not support the conclusion of the hearing officer
* Warning – too severe given the circumstances of the case
* Alternative action – should (or should not) have been considered.

I appreciate this may be a difficult time for you. You can access the School’s 24-hour Employee Assistance Programme for completely independent confidential support and advice, by telephoning [insert the company details] on [insert telephone number].

Yours sincerely

First Name and Surname

**Job Title**

Name of School