**Appendix 14**

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

Please transfer to the school headed paper.

Address

Date

Dear

**OUTCOME OF APPEAL HEARING UNDER THE CAPABILITY POLICY & PROCDURE**

I write to confirm the [Warning Appeal Committee’s/ Staff Dismissal Appeal Committee’s] decision following the Appeal Hearing held on [insert date] in accordance with the School’s Capability Procedure.

I chaired the appeal and was supported by members of the appeal committee [insert names]. You were/were not accompanied at the Appeal Hearing by [name] your trade union representative/work colleague. This meeting was also attended by [name of HR Lead] as HR Advisor to the committee and [name] was also present as note taker.

The purpose was to consider your ground(s) of appeal against the decision resulting from the stage [1/2/ 3] Formal Capability Meeting held on [date] to issue you with a [final warning/dismissal notice]. We considered the following ground(s) of appeal which you submitted:

* ***Insert full details of the ground(s) for appeal.***

The [Warning Appeal Committee/Staff Dismissal Appeal Committee] carefully considered the facts presented at your appeal hearing, including supporting documentation, before reaching a decision.

**Insert details of what the committee considered / took into consideration**

***State findings – be clear, precise, and outline any mitigating circumstances and say if and how they have been taken into account in the decision.***

The committee concluded

That your appeal was not upheld and the decision made at the stage [1/2/ 3] Formal

Capability Meeting on the [insert date] stands.

OR

That your appeal was upheld. On the evidence presented at the Appeal Hearing, it was found that [delete as necessary – reason must fall within one or more of the following categories]:

* + - There were procedural irregularities which may have prejudiced the decision;
		- The Panel took into account and relied upon irrelevant evidence, facts or factors, which may have materially affected their decision;
		- The Panel failed to take into account and reply upon relevant evidence, facts or factors, which may have materially effected their decision;
		- Criticisms concerning the employee’s Performance concerns were not adequately investigated or sufficiently substantiated;
		- New evidence or information has come to light;
		- The Panel’s decision was unreasonable given the evidence and facts, mitigating circumstances including your length of service which were presented at the hearing.

This concludes the appeal process as there is no further right of appeal against the decision within the Capability Policy and Procedure for Schools.

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