

These templates should be used as a guide only. Advice must be sought from the HR Advisory Service.

For use to confirm the outcome of a formal capability stage 2 review meeting as follows:

- *that there has been sufficient progress/performance level is attained and the capability procedure will cease; or*
- *that there is insufficient progress but it is reasonable to set a further review period and to reconvene the stage 2 review meeting; or*
- *that there is insufficient progress but there is the potential to explore redeployment; or*
- *that there is insufficient progress and the employee is to be dismissed on the grounds of incapability.*

Private and Confidential

(Name)

(Address)

(Date)

Dear (Name)

Capability Procedure - Stage 2 review meeting outcome

I am writing to confirm the outcome of the formal capability stage 2 review meeting held on <date> regarding your [continued unsatisfactory] level of performance. I chaired the meeting and also in attendance was <name> HR Advisor and <name> as your representative. *or You chose not to be represented although you were reminded of this right.*

At this meeting we discussed the actions taken to date in relation to the areas of concern regarding your level of performance and I have outlined below a summary of the main points from our discussion:

<Detail the pertinent points which may include some or all of the following, though this is not an exhaustive list,

- *expected standard for performance and areas requiring improvement*
- *exploring reasons for shortfall*
- *set improvement period and monitoring/review arrangements*
- *assessment of progress in relation to each area of concern, identifying achievements and shortfalls and impact on service provision*
- *support, reasonable adjustments, coaching, development activities and their impact*

- *any relevant special circumstances, personal or work related issues*
- *any relevant medical, occupational health information*

Option 1 – that there has been sufficient progress/performance level is attained and the capability procedure will cease.

We discussed your improvement in performance fully at the meeting and as you have made sufficient progress to achieve the required standard of performance the formal capability procedure will cease at this second formal stage.

You are expected to continue to maintain the required level of performance and monitoring of your performance will be through the normal supervision and performance review processes for all staff such as 1 to 1 discussions and annual appraisal.

I would like to remind you that a copy of the letter dated <date>, together with enclosures, is held on your personal file for 12 months from <date 1> [from the end of the first stage improvement period] and will normally be disregarded for formal capability purposes after <date 2> subject to your continued satisfactory performance.

Should concerns over your performance arise in the future further action under the Council's capability procedure may be taken.

May I congratulate you on the effort you have put in to achieving the required standard of performance.

Option 2 – that there is insufficient progress but it is reasonable to set a further review period and to reconvene the stage 2 review meeting

I acknowledged the [significant] improvements that you have made regarding the standards required in your role and it is my decision that you be given <x> week/s extension in which to achieve the remaining performance targets, which are: [*Insert details of outstanding areas for improvement*].

The extended period of improvement will commence on <date> and end on <date> during which time your performance will continue to be monitored <insert dates/appropriate details of 1:1 conversations or the meetings that you have agreed>.

Please find enclosed a copy of the agreed performance improvement plan which sets out the standards of performance expected, the improvement/s required, support and timescale/s for attainment.

At the end of the extended improvement period, or earlier if sufficient progress is not maintained, the formal stage 2 review meeting will be reconvened on [insert date and time] at [insert location].

You have the right to be accompanied at this reconvened hearing by a work colleague or Trade Union representative. *I will be accompanied by <name> HR Advisor <and a note taker may also be present>.*

I hope that, as a result of these measures, your performance will improve to the standard required and no further formal action will be necessary. If, as a result of the reconvened stage 2 review meeting your performance is considered to be satisfactory in that you have met the required standard this will be confirmed to you in writing.

Please be advised that if the required level of improvement detailed in the performance improvement plan is not reached by the re-convened formal stage 2 hearing, a potential outcome of the re-convened hearing is your dismissal on the grounds of incapability.

I do of course hope this situation will not arise and I will continue to support you in order to improve your performance. In the meantime, should you identify any further support that you believe will assist you in achieving the expected standards of performance, please let me know as soon as possible.

Option 3 – that there is insufficient progress but there is the potential to explore redeployment;

Having therefore established that you are unable to achieve the level of performance in your role as <job title> there does remain the opportunity for you to seek redeployment to another role within the Council [during your notice period] for a period of <up to 8 weeks>. In order to facilitate this I have asked that the Redeployment Advisor contacts you direct to explore this with you.

Whilst I realise that redeployment is dependent on many factors, not least that suitable vacancies arise redeployment cannot be guaranteed. [and therefore if at the end of your notice period you have not been redeployed then your dismissal will take effect on <date>.]

Option 4 that there is insufficient progress and the employee is to be dismissed on the grounds of incapability.

I acknowledged the improvements that you have made regarding the standards required however you have been unable to achieve the standard of performance required in the following areas <detail> or as outlined in the performance improvement plan attached.

The provision of an extension to the improvement period was discussed and it was agreed that, taking into account *<detail the facts relating to the period of time and support already given, the lack of progress to date etc>*, this would not bring about any material change to your performance and therefore to attaining the standard required in your role.

Taking into consideration all the evidence presented at this hearing, my decision is that, because the required standard of performance has not been met **or** significant progress has not been made or cannot be made within a short period, you are to be dismissed on the grounds of incapability.

I am issuing you with *<Number of weeks>* paid notice from the date of the hearing and therefore your employment with Warwickshire County Council will be terminated on *<date>*.

You do have the right to appeal my decision. If you wish to appeal, you should do so in writing within 14 calendar days of receipt of this letter to [Name, title and address], stating the grounds for your appeal.

Also consider

May I remind you that the Council offer free and confidential access to information, advice and support as part of an Employee Assistance Programme delivered by an external independent provider, WorkplaceWellness. The service is free of charge to use and to access the service call the dedicated telephone number (0800 111 6387). (Text phone users dial 18001 followed by 0800 111 6385). WorkplaceWellness is available 24/7, 7 days per week, 365 days per year and a leaflet giving more details is enclosed.

If you have any queries regarding the content of this letter please do not hesitate to contact me.

Yours sincerely

[Name]
[Job Title]

Enc. Capability Procedure
Performance Improvement Plan
Notes from meetings etc.
WorkplaceWellness Leaflet