**Termination on grounds of capability (attendance) – letter**

**Attendance Guidance:** This model letter should be used by the designated officer to inform the employee that the outcome of the hearing is dismissal

**PRIVATE AND CONFIDENTIAL**

Dear

**Termination of Contract on Grounds of Capability – Attendance**

Include where the employee is represented or accompanied

I refer to the attendance hearing which you attended on the <date>, which was also attended by <name of employee's representative>, who accompanied you, the investigating officer <insert name of IO> and «name of HR representative», HR. This letter confirms my decision following the attendance hearing and provides you with more detail on the conclusions. I have enclosed a copy of the notes of the meeting for your records.

Include where the employee is not represented or accompanied

I refer to the attendance hearing which you attended on the <date>, which was also attended by the investigating officer <name of IO> and <name of HR representative>, HR. This letter confirms my decision following the attendance hearing and provides you with more detail on the conclusions. I have enclosed a copy of the notes of the meeting for your records. You were given the opportunity of being accompanied by a Trade Union representative or another representative of your choice, which you declined.

In the meeting I referred to the formal attendance management meetings which took place on **<<date>>,** **<<date>>,** and **<<date>>**. After each of these meetings you were left in no doubt that you were required to improve your attendance at work.

Since the first formal meeting, the Council has provided support measures aimed at helping you to improve your attendance at work, including a referral to the Occupational Health Adviser and regular meetings (Please add details on support provided and action taken).

It was intimated to you during the above noted formal meetings that you were required to improve your attendance and failure to do so would lead to consideration in respect of you remaining in the employment of the Highland Council.

Despite the efforts of the Council, your attendance has not improved to an acceptable level. It is clear that you are not capable of reaching an acceptable level of attendance at work and I therefore, have to dismiss you from the employment of the Council on the grounds of capability.

Under the terms of your contracts of employment you are entitled to **<<xx>>** weeks’ notice of termination of employment. However, it is proposed that your employment will terminate on **<<date>>** and you will receive a lump sum payment in lieu of notice for the remaining weeks. Your final pay will include pay in lieu of notice and any accrued holiday pay. I have asked Payroll to ensure that this amount is paid to you in full. Payroll will send to you your P45 following payment of your final pay. (take out as appropriate)

Under the Council’s Procedures you have the right to appeal against the decision to terminate your employment, and if you wish to exercise this right, then you should do so by writing to the Assistant Chief Executive, within 10 working days of the date of dispatch of this letter.  Your letter must outline the reasons for the appeal.  If you decide to appeal, it will be heard by the Appeals Sub-Committee of the Council.

This letter is written with regret and I would like to thank you for your service to the Council and express the hope that your health and wellbeing improves in the future.

Yours sincerely,

**«NAME»**

**«JOB TITLE»**