# Template Letter 7 - Invite Stage –3 Capability Hearing

PRIVATE & CONFIDENTIAL

<Addressee>

<Address>

<Date>

Dear <Addressee>

**Invite Stage 3 Capability Hearing**

I write further to the Stage 2 Capability Meeting and subsequent review meeting in order to formally advise you that you are required to attend a Stage 3 Capability Hearing this meeting using MS Teams/ Zoom, please find the arrangements confirmed as follows:-

Date:

Time:

Venue:

This meeting is scheduled to take place using MS Teams/ Zoom and there is a link included within the invite and also in Outlook calendars where this has been sent electronically.

Please refer to the attached Appendix 1 document which includes guidance on etiquette for virtual meetings.

If you have any specific requirements in being able to use this facility, or would like to discuss any adjustments you would like included within the meeting, please contact me as soon as possible to discuss.

Additionally, if you would like to suggest an alternative method in conducting this meeting, please contact me as soon as possible to discuss.

These arrangements have been made in consultation with [you/your representative] and I would remind you that the Hearing may proceed in your absence should you or your representative fail to attend without advance notification to me and without good reason.

The hearing will be conducted by a Panel consisting of <name and title> Panel Chairperson <name and title> Independent Manager and <name> HR Adviser.

<Senior Manage/Manager> will present the details of your capability review to date.

You have the right to be accompanied at the meeting by a Lincolnshire County Council work colleague, recognised Trade Union Representative or recognised Trade Union Officer. Should you wish to arrange to be accompanied you should do so without delay and should contact me directly should any difficulties arise in making arrangements.

Whilst this is a formal process, in order to minimise unnecessary formality and apprehension, the electronic or tape recording of meetings and/or hearings will not be permitted. If you think that there are exceptional circumstances where this should be allowed (for instance, due to a disability) you should raise this in advance with the person due to conduct the meeting, the chair of the hearing or the relevant HR Adviser. Due consideration will then be given to the request and you will be advised of the outcome of that consideration.

However, where the nominated notetaker at meetings and/or hearings associated with the process feels it is necessary to make an audio recording in order to support with the preparation of the notes, the requirement to make the recording will be clarified with all present at the start of the meeting.

Please find enclosed the documentation, which will be presented at the hearing.

The specific concerns that will be considered at the hearing are:

**Identified Areas of Performance Concerns:**

<Insert concerns>

At the hearing consideration will be given to the steps taken to improve your performance and outcomes following the review periods. You will be entitled to make a statement at the hearing either in writing or orally and you may call witnesses and use documents relevant to your case.

**(INSERT AS APPROPRIATE)** It is not management’s intention to call witnesses to the hearing.

**OR**

It is management’s intention to call witnesses to the hearing, as follows: **(INSERT NAMES/TITLES)**

If you would like to call any witnesses you must inform me by means of the return of the enclosed copy of this letter. You are responsible for inviting any witnesses you wish to attend. In accordance with the Council’s Capability Policy you are able to call witnesses.

You should note, however, that the Council’s procedures do not stipulate that a Council employee is obliged to attend as a witness for a fellow employee, should they not wish to do so.

Therefore, in the event you wish to call any Council employees as witnesses it will be for the individuals concerned to decide whether or not they wish to attend the hearing in this capacity.

The Stage 3 Capability Hearing may result in one of the following outcomes:

1. No further action
2. Extension of review period
3. Dismissal with contractual notice

Should you be dismissed on the grounds of capability you will have the right of appeal against the decision.

The above is in accordance with the County Council’s Capability Policy Procedure, a copy of which was provided to you at an earlier meeting.

Please acknowledge receipt of this letter by signing the attached copy and returning it to me in the pre-paid envelope provided by return of post.

Yours sincerely

<Name>

HR Adviser

Enc.

cc: <Manager/Senior Manager>

<Representative/ Union>

I acknowledge receipt of this letter inviting me to a Stage 3 Capability Hearing at <Venue> on <Day> <Date> <Time> and confirm I will be attending.

SIGNED…………………………………………… DATE…………………………..

NAME (Print)………………………………………

I will be forwarding my documentation for presentation at the hearing by no later than <insert date documents required> (this should be 5 working days prior to the hearing)

**Delete as appropriate:**

I will be represented at the Hearing

I will not be represented at the Hearing

Name--------------------------------------- Title-----------------------------------

I do not intend to call witnesses

I intend to call the following witnesses

Name--------------------------------------- Title-----------------------------------

Name--------------------------------------- Title-----------------------------------

Updated July 2017