PrivateEdge

Disciplinary and poor performance

This document contains template letters for adaptation for use at each stage of a formal disciplinary or poor performance procedure. The letters are designed to accompany the Disciplinary and Poor Performance procedure also available on the PrivateEdge website and are compliant with the ACAS Code of Practice on Discipline and Grievance.

Template letters

The following template letters are included in this document. Note that these template letters are here to help you, but users must take full responsibility for the content that you include:

Letters for use during formal disciplinary process

1. Letter inviting employee to investigatory interview
2. Letter suspending employee pending disciplinary investigation
3. Letter to invite employee to disciplinary hearing
4. Letter to employee confirming outcome of disciplinary hearing - first written warning
5. Letter to employee confirming outcome of disciplinary hearing - final written warning
6. Letter to employee confirming outcome of disciplinary hearing - dismissal
7. Letter to employee inviting them to disciplinary appeal hearing
8. Letter to employee confirming outcome of disciplinary appeal hearing

Letters for use during formal poor performance process

1. Letter to employee inviting them to poor performance hearing
2. Letter to employee confirming outcome of poor performance hearing - first improvement notice
3. Letter to employee confirming outcome of poor performance hearing - final improvement notice
4. Letter to employee confirming outcome of poor performance hearing - dismissal
5. Letter to employee inviting them to poor performance appeal hearing
6. Letter to employee confirming outcome of poor performance appeal hearing

Letters for use during formal disciplinary process

1. Letter inviting employee to investigatory interview

[On headed notepaper]

[Employee name]

[Address]

[Date]

Dear [Employee name]

Notification of investigatory interview

I am writing to inform you that the company has decided it is necessary to conduct an investigation into the following allegation of misconduct:

[Summarise details of each issue being investigated in bullet points]

The aim of the investigation is to establish the facts of the matter by gathering as much relevant facts and information as possible. It is currently expected that the investigation will be completed by [day, month] or as soon as reasonably possible.

You are required to attend an investigation meeting on [date of the meeting] at [time of the meeting] at [location of the meeting].

In attendance at the meeting will be [name of investigating manager] and [name of note-taker], who will be present to take notes. Please bring with you any information that you think might be useful to the investigation.

Once the investigation has been completed, you will be informed in writing of its outcome. If it is found that there is a case to answer, you will be invited to attend a formal disciplinary hearing.

In the meantime, should you have any information that might be of assistance to the investigation or wish to discuss anything, please do not hesitate to contact [name of investigator/line manager/HR department]. Their contact details are [telephone number, email address].

To ensure that the investigation can be conducted as fairly as possible we request that you keep the matter confidential. Any breach of confidentiality may be considered to be a disciplinary matter.

Yours sincerely

1. Letter suspending employee pending disciplinary investigation

*Employees should only be suspended in cases of suspected gross misconduct where it is considered there may be a real risk to persons, property or evidence if the employee remains in the workplace.*

[On headed notepaper]

[Employee name]

[Address]

[Date]

Dear [Employee name]

Suspension pending disciplinary investigation

I am writing to confirm that you have been suspended from work until further notice with immediate effect pending investigation into the following allegation of gross misconduct:

[Summarise details of allegation]

Your suspension does not amout to disciplinary action and does not imply that you are guilty of any misconduct. We will keep the matter under review and will aim to make the period of suspension no longer than is necessary..

During your suspension, we shall continue to pay your salary in the normal way. You are also entitled to your normal contractual benefits. You remain bound by your contract of employment during your suspension.

You are required to co-operate in our investigations and may be required to attend investigatory interviews or disciplinary hearings. You should not attend the workplace unless authorised by [NAME] to do so. You must not communicate with any of our employees, contractors or customers unless authorised by [NAME]. However, you are required to be available to answer any work-related queries.

A copy of our Disciplinary Procedure is enclosed. When we have completed the investigation, we will write to confirm whether you will be required to attend a disciplinary hearing. If we consider that there are grounds for disciplinary action we will inform you of those grounds in writing and you will have the opportunity to state your case at the hearing, in accordance with the Disciplinary Procedure.

If you have any queries about this matter or the terms of your suspension please feel free to contact me.

Yours sincerely

1. Letter to invite employee to disciplinary hearing

[On headed notepaper]

[Employee name]

[Address]

[Date]

Dear [Employee name]

Disciplinary hearing

I am writing to inform you that you are required to attend a disciplinary hearing at [PLACE] on [DATE] at [TIME]. The purpose of the hearing is to consider the following allegation of [misconduct OR gross misconduct] against you:

[SET OUT FACTUAL ALLEGATION - FOR EXAMPLE, "at [time] on [date] at [location] you assaulted another employee by [describe the assault]"].

I enclose copies of relevant documents and statements from the investigation which may be used at the disciplinary hearing. [We intend to call the following witnesses to the hearing: [GIVE NAMES OF WITNESSES] OR We do not intend to call any witnesses to the hearing.] If you wish to call any relevant witnesses to the hearing please let us have their names as soon as possible and no later than [DATE]. If there are any further documents you wish to be considered at the hearing, please provide copies no later than [DATE].

The hearing will be held in accordance with the company’s Disciplinary Procedure which is attached. If you are found guilty of misconduct we may decide to [issue you with a written warning or a final written warning OR dismiss you with notice or pay in lieu of notice]. [If you are found guilty of gross misconduct, you may be dismissed without notice or pay in lieu of notice.]

The hearing will be conducted by [NAME] who will be accompanied by [NAME] to take a note of the hearing. You are entitled to bring a colleague or a trade union representative to the meeting in accordance with our Disciplinary Procedure. If you wish to bring a companion, please let me know their name as soon as possible.

[Your suspension on full pay will continue pending the outcome of the disciplinary hearing.]

If, for any unavoidable reason, you or your companion cannot attend at that time please contact me as soon as possible. If you have any questions, please also contact me as soon as possible.

Yours sincerely

1. Letter to employee confirming outcome of disciplinary hearing – first or final written warning

[On headed notepaper]

[Employee name]

[Address]

[Date]

Dear [Name]

[First] OR [Final] written warning

You attended a disciplinary hearing on [date]. At this hearing, the following allegations were found proven: [set out allegations that were upheld].

It has therefore been decided to issue you with a [first] OR [final] written warning.

This warning will be placed in your personal file but will be disregarded for disciplinary purposes after a period of [Number] months. [*ACAS suggests that first written warnings should remain active for 6 months and final written warnings for 12 months, but these figures are not set in stone*] months, provided your conduct improves to a satisfactory level.

The conduct improvement expected is: [explain the standards of improvement expected]

The likely consequence of further misconduct during the period of this warning is: [a final written warning] OR [Dismissal].

If you wish to appeal against this decision you should inform [NAME] in writing by [DATE], stating your grounds of appeal in full.

If you have any questions regarding this warning please contact [NAME].

Yours sincerely

1. Letter to employee confirming outcome of disciplinary   
   hearing – dismissal

[On headed notepaper]

[Employee name]

[Address]

[Date]

Dear [Name]

Dear [NAME OF EMPLOYEE],

Confirmation of dismissal for misconduct

You attended a disciplinary hearing on [DATE]. I am writing to confirm that it has been decided that your employment should be terminated on grounds of your conduct.

At the disciplinary hearing, the following allegations were found proven: [set out each allegation of misconduct and summarise the findings in respect of each].

You were previously given warnings on [DATES] about your conduct. Your final written warning dated [DATE], which is still active, warned you that if there was any further misconduct prior to its expiry, you may be dismissed.

If you wish to appeal against this decision you should inform [NAME] in writing by [DATE], stating your grounds of appeal in full.

The following arrangements apply with immediate effect (but may be varied or revoked in the event of a successful appeal):

[You are entitled to [LENGTH] notice under your contract of employment and your final day of employment will be [TERMINATION DATE]] OR [Your employment will terminate with immediate effect from [DATE] and you will receive [AMOUNT] pay in lieu of notice in accordance with your contract of employment.]

[You will be paid for [NUMBER] days’ accrued but outstanding holiday, calculated pro rata up to the end of your employment] OR [You have taken [NUMBER] days’ holiday in excess of your pro rated holiday entitlement and the sum of £[AMOUNT] will therefore be deducted from your final salary payment.

[You will be reimbursed for any genuine expense claims submitted by [DATE] with your final payment of salary.]

You must return all company property including [INSERT DETAILS SUCH AS MOBILE PHONE, LAPTOP COMPUTER, CONFIDENTIAL DOCUMENTS] belonging to us in good condition by [DATE].

Your final payment of salary shall be made on [DATE], subject to normal deductions of tax and National Insurance contributions. We shall forward your P45 to you in due course.

You will remain bound by any confidentiality and restrictive covenant clauses in your contract of employment.

If you have any further questions please do not hesitate to contact me.

Yours sincerely

1. Letter to employee confirming outcome of disciplinary hearing – summary dismissal for gross misconduct

[On headed notepaper]

[Employee name]

[Address]

[Date]

Dear [Name]

**Confirmation of summary dismissal for gross misconduct**

You attended a disciplinary hearing on [DATE]. I am writing to confirm that it has been decided that your employment should be terminated with immediate effect on grounds of your gross misconduct.

At the disciplinary hearing, the following allegations were found proven: [set out each allegation of misconduct and summarise the findings in respect of each. Explain why the conduct was so serious as to warrant summary dismissal].

You were previously given warnings on [DATES] about your conduct. Your final written warning dated [DATE], which is still active, warned you that if there was any further misconduct prior to its expiry, you may be dismissed.

If you wish to appeal against this decision you should inform [NAME] in writing by [DATE], stating your grounds of appeal in full.

The following arrangements apply with immediate effect (but may be varied or revoked in the event of a successful appeal):

You are not entitled to receive any notice or notice pay. Your employment will terminate with effect from [DATE].

[You will be paid for [NUMBER] days’ accrued but outstanding holiday, calculated pro rata up to the end of your employment] OR [You have taken [NUMBER] days’ holiday in excess of your pro rated holiday entitlement and the sum of £[AMOUNT] will therefore be deducted from your final salary payment.

[You will be reimbursed for any genuine expense claims submitted by [DATE] with your final payment of salary.]

You must return all company property including [INSERT DETAILS SUCH AS MOBILE PHONE, LAPTOP COMPUTER, CONFIDENTIAL DOCUMENTS] belonging to us in good condition by [DATE].

Your final payment of salary shall be made on [DATE], subject to normal deductions of tax and National Insurance contributions. We shall forward your P45 to you in due course.

You will remain bound by any confidentiality and restrictive covenant clauses in your contract of employment.

If you have any further questions please do not hesitate to contact me.

Yours sincerely

1. Letter to employee inviting them to disciplinary appeal hearing

[ON HEADED NOTEPAPER]

[Employee name]

[Address]

[Date]

Dear [Employee name]

Appeal hearing

I am writing to inform you that you are required to attend an appeal hearing at [PLACE] on [DATE] at [TIME]. The purpose of the hearing is to consider your appeal against the decision taken at the disciplinary hearing held on [DATE] that you be [issued with a first OR final written warning] OR [dismissed with notice OR with immediate effect].

The hearing will be conducted by [NAME] who will be accompanied by [NAME] to take a note of the hearing. You are entitled to bring a colleague or a trade union representative to the meeting in accordance with our Disciplinary Procedure. If you wish to bring a companion, please let me know their name as soon as possible.

I enclose copies of relevant documentation for use at the appeal. If there are any documents you wish to be considered at the appeal, please provide copies as soon as possible and in any event by no later than [DATE].

If, for any unavoidable reason, you or your companion cannot attend at that time please contact me as soon as possible. If you have any questions, please also contact me as soon as possible.

Yours sincerely

1. Letter to employee confirming outcome of disciplinary   
   appeal hearing

[On headed notepaper]

[Employee name]

[Address]

[Date]

Dear [name]

I am writing to inform you of the outcome of the appeal hearing conducted on [date].

I have decided to [uphold **OR** change] our original decision that [DETAILS OF ORIGINAL DECISION].

[My new decision is that [DETAILS OF NEW DECISION].]

The arrangements for dismissal set out in the letter of [DATE] [remain the same] OR [are [revoked] OR [will be varied as follows [INSERT NEW ARRANGEMENTS INCLUDING EFFECT ON CONTINUITY OF EMPLOYMENT AND SALARY]].

You have now exercised your right of appeal under the Disciplinary Procedure and this decision is final.

Yours sincerelyLetters for use during formal poor performance process

1. Letter to invite employee to poor performance hearing

[On headed notepaper]

[Employee name]

[Address]

[Date]

Dear [Employee name]

Performance management hearing

I am writing to inform you that you are required to attend a performance management hearing at [PLACE] on [DATE] at [TIME]. The purpose of the hearing is to consider an allegation that your performance has fallen below the required standard, to consider the reasons for this and to decide what, if any, action should be taken.

The allegation is that [SET OUT HOW PERFORMANCE FELL BELOW THE REQUIRED STANDARD].

I enclose copies of relevant documents and statements from the investigation which may be used at the performance management hearing. [We intend to call the following witnesses to the hearing: [GIVE NAMES OF WITNESSES] OR We do not intend to call any witnesses to the hearing.] If you wish to call any relevant witnesses to the hearing please let us have their names as soon as possible and no later than [DATE]. If there are any further documents you wish to be considered at the hearing, please provide copies no later than [DATE].

The hearing will be held in accordance with the company’s Capability Procedure which is attached. If the allegations are found proven we may decide to set targets for improvement within a specified time-frame and [issue you with a first performance improvement notice OR a final performance improvement notice OR dismiss you with notice or pay in lieu of notice].

The hearing will be conducted by [NAME] who will be accompanied by [NAME] to take a note of the hearing. You are entitled to bring a colleague or a trade union representative to the meeting in accordance with our Capability Procedure. If you wish to bring a companion, please let me know their name as soon as possible.

If, for any unavoidable reason, you or your companion cannot attend at that time please contact me as soon as possible. If you have any questions, please also contact me as soon as possible.

Yours sincerely

1. Letter to employee confirming outcome of poor performance hearing – first or final written performance improvement notice

[On headed notepaper]

[Employee name]

[Address]

[Date]

Dear [Name]

[First] OR [Final] performance improvement notice

You attended a performance management hearing on [date]. I am writing to inform you of your [first] OR [final] performance improvement notice.

This warning will be placed in your personal file but will be disregarded for performance purposes after a period of [Number] months [*ACAS suggests that first written warnings should remain active for 6 months and final written warnings for 12 months, but these figures are not set in stone*] months, provided your performance improves to a satisfactory level.

The nature of the unsatisfactory performance was: [explain the poor performance allegations that were found proven]

The performance improvement expected is: [explain the standards of improvement expected]. These improvements are expected to be achieved within the following timeframe: [set out period of time for improvement]. We will meet with you on [DATE] to review your progress.

[It has also been decided that [DETAILS OF ANY OTHER ACTION THAT WILL BE TAKEN, INCLUDING ADDITIONAL TRAINING OR SUPERVISION].]

The likely consequence of continued or further poor performance during the period of this improvement notice is: [a final performance improvement notice] OR [Dismissal].

If you wish to appeal against this decision you should inform [NAME] in writing by [DATE], stating your grounds of appeal in full.

If you have any questions regarding this warning please contact [NAME].

Yours sincerely

1. Letter to employee confirming outcome of poor performance hearing – dismissal

[On headed notepaper]

[Employee name]

[Address]

[Date]

Dear [Name]

Dear [NAME OF EMPLOYEE],

Confirmation of dismissal for poor performance

You attended a performance management hearing on [DATE]. I am writing to confirm that it has been decided that your employment should be terminated on grounds of your poor performance.

At the performance management hearing, the nature of the unsatisfactory performance identified was: [explain the poor performance allegations that were found proven]

You were previously given improvement notices on [DATES] about your performance. Your final performance improvement notice dated [DATE], which is still active, warned you that if there was any continued or further poor performance prior to its expiry, you may be dismissed.

If you wish to appeal against this decision you should inform [NAME] in writing by [DATE], stating your grounds of appeal in full.

The following arrangements apply with immediate effect (but may be varied or revoked in the event of a successful appeal):

[You are entitled to [LENGTH] notice under your contract of employment and your final day of employment will be [TERMINATION DATE]] OR [Your employment will terminate with immediate effect from [DATE] and you will receive [AMOUNT] pay in lieu of notice in accordance with your contract of employment.]

[You will be paid for [NUMBER] days’ accrued but outstanding holiday, calculated pro rata up to the end of your employment] OR [You have taken [NUMBER] days’ holiday in excess of your pro rated holiday entitlement and the sum of £[AMOUNT] will therefore be deducted from your final salary payment.

[You will be reimbursed for any genuine expense claims submitted by [DATE] with your final payment of salary.]

You must return all company property including [INSERT DETAILS SUCH AS MOBILE PHONE, LAPTOP COMPUTER, CONFIDENTIAL DOCUMENTS] belonging to us in good condition by [DATE].

Your final payment of salary shall be made on [DATE], subject to normal deductions of tax and National Insurance contributions. We shall forward your P45 to you in due course.

You will remain bound by any confidentiality and restrictive covenant clauses in your contract of employment.

If you have any further questions please do not hesitate to contact me.

Yours sincerely

1. Letter to employee inviting them to poor performance   
   appeal hearing

[On headed notepaper]

[Employee name]

[Address]

[Date]

Dear [Employee name]

Appeal hearing

I am writing to inform you that you are required to attend an appeal hearing at [PLACE] on [DATE] at [TIME]. The purpose of the hearing is to consider your appeal against the decision taken at the performance management hearing held on [DATE] that you be [issued with a first OR final performance improvement notice] OR [dismissed with notice OR dismissed with pay in lieu of notice].

The hearing will be conducted by [NAME] who will be accompanied by [NAME] to take a note of the hearing. You are entitled to bring a colleague or a trade union representative to the meeting in accordance with our Capability Procedure. If you wish to bring a companion, please let me know their name as soon as possible.

I enclose copies of relevant documentation for use at the appeal. If there are any documents you wish to be considered at the appeal, please provide copies as soon as possible and in any event by no later than [DATE].

If, for any unavoidable reason, you or your companion cannot attend at that time please contact me as soon as possible. If you have any questions, please also contact me as soon as possible.

Yours sincerely

1. Letter to employee confirming outcome of poor performance appeal hearing

[On headed notepaper]

[Employee name]

[Address]

[Date]

Dear [name]

I am writing to inform you of the outcome of the appeal hearing conducted on [date].

I have decided to [uphold OR change] our original decision that [DETAILS OF ORIGINAL DECISION].

[My new decision is that [DETAILS OF NEW DECISION].]

The arrangements for dismissal set out in the letter of [DATE] [remain the same] OR [are [revoked] OR [will be varied as follows [INSERT NEW ARRANGEMENTS INCLUDING EFFECT ON CONTINUITY OF EMPLOYMENT AND SALARY]].

You have now exercised your right of appeal under the Capability Procedure and this decision is final.

Yours sincerely