*\*\*BLUE TEXT SHOULD BE REMOVED BEFORE ISSUE\*\**

***Dismissal due to poor performance***

*When you want to confirm a dismissal on the ground of poor performance, you will need this dismissal letter. This is the final sanction for a lack of capability that isn’t the employee’s fault.*

*The dismissal process should also comply with the Acas Code of Practice on Disciplinary and Grievance Procedures, as the Code covers performance dismissals.*

*However if the employee has under 2 year’s service and no protected characteristics you can use the Termination of Employment (less than 24 months service no protected categories)Template Letter. Employees with under 2 years service are typically not entitled to the disciplinary/capability procedures, and this would be stated in the handbook or contract of employment.*

*N.B. The letter confirming termination should be signed by the person who conducted the performance review meeting whenever possible.*

Date. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . *(insert date)*

Dear . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . *(insert name of employee)*

Further to your performance review meeting on ................... *(insert date)* regarding the Company’s proposal to dismiss you on the ground of poor performance due to your lack of capability to do your job*,* this letter confirms the termination of your contract of employment. You are entitled to receive ................... *(insert number)* [weeks/months] notice. You [are/are not] required to work out this notice period. We therefore confirm that the effective date of termination of your employment will be ................... *(insert date).*

At the meeting you were given the statutory right to be accompanied and you chose to [waive this right/have in attendance ................... *(insert name of trade union official or work colleague)*]*.*

As you are aware, we have previously discussed with you the areas in which you were failing to perform to the Company’s required standards and we gave you ................... *(insert number)* months in which to improve. Unfortunately, your performance has still not improved to the required standards. We have taken into account the reasons you put forward to explain your poor performance but nevertheless, taking into consideration the previous active final written warning you received for similar poor performance, the Company believes it is left with no alternative but to dismiss you with notice on the ground of poor performance due to lack of capability. The Company would refer you to the following aspects of your performance which are, in the Company’s view, below the required standards and which have led to your dismissal:

* *(List each of the employee's failings which have resulted in their dismissal).*

We have also considered alternative employment within the Company but, unfortunately, we have been unable to find any suitable alternative position for you.

You will receive your P45 in due course and you will be paid the following:

* your normal salary up to the date of the termination of your employment
* a payment in lieu of your notice period since we do not require you to work out this period\*
* a sum in respect of accrued but untaken annual leave entitlement\*.

*(\*Delete as appropriate)*

Please note that in accordance with your contract of employment, the Company reserves the right to deduct from your final termination payment a sum in respect of any annual leave taken in excess of your accrued entitlement as at your termination date.

You have the right to appeal against the Company’s decision if you are not satisfied with it. If you do wish to appeal, you must inform the Company in writing in accordance with the Company’s capability procedure, a copy of which is attached for your information. If you do appeal, the Company will then invite you to attend an appeal meeting which you must take all reasonable steps to attend.

Meeting conducted by: ................... *(insert name).*

Yours sincerely

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For and on behalf of the Company