

From mountain to sea

Capability Hearing Guide

The Chair must formally invite the employee to a capability hearing - please see guidance templates in the Resource Pack. Any documentation which will be referred to at the hearing must be provided to the employee in advance.

Format of Hearing

- The Chair will welcome everyone to the meeting and explain the reasons for the hearing.
- The manager must provide information on the employee's attendance at work, which should include any periods of special leave, the impact the absence is having on the Service, and detail the support provided including any appointments at Occupational Health. The employee and panel will have the opportunity to ask questions.
- The employee will provide information on their absence, and the manager and panel will have the opportunity to ask questions.
- Both parties will then be asked to sum up.
- Hearing will be adjourned to allow consideration of the information provided.
- Chair will invite the employee back and deliver the outcome.

The Chair will confirm the decision in writing to the employee - please refer to template letters. This must be done within 7 calendar days. If the employee is dismissed this is effective immediately.

Should the employee be dismissed, they will be offered the right of appeal. The Chair of the capability hearing would be required to present the reasons for their decision at any subsequent appeal.

Payment in lieu of notice and outstanding annual leave balance will be paid. Pay in lieu of notice is calculated as one week for every completed year of service, up to a maximum of 12 weeks. The annual leave balance will need to be recalculated if the employee has been off for more than 3 calendar months.

It is the responsibility of the Chair to ensure the line manager completes the online Leavers Process through [askHR](#).