



# CAPABILITY POLICY

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<b>THIS POLICY DOES NOT CREATE ANY CONTRACTUAL OBLIGATIONS ON OUR LADY IMMACULATE CATHOLIC ACADEMIES TRUST</b>			

## DEFINITIONS

In this Capability Policy and Procedure, unless the context otherwise requires, the following expressions shall have the following meanings:

- i. 'Trust' means the schools and academies that form part of Our Lady Immaculate Catholic Academies Trust and includes all sites upon which the Trust undertaking is, from time to time, being carried out.
- ii. Our Lady Immaculate Catholic Academies Trust is responsible for the management of the academies/schools and, for all purposes, means the employer of staff at the schools and academies. The Trust also employs central staff reporting directly to the Chief Executive.
- iii. 'Trust Board' means the body carrying out the employment functions of the Trust.
- iv. 'Directors' means Directors appointed to the Trust Board.
- v. 'Chair' means the Chair of the Trust Board, or the Chair of the Local Academy Committees appointed from time to time, as appropriate.
- vi. 'SEL' means the Trust Strategic Executive Lead within whose role contains those duties of the Chief Executive Officer (CEO).
- vii. 'Companion' means a willing work colleague not involved in the substance of the employee's performance issues under review by this Capability Policy and Procedure, or an accredited trade union representative or an official employed by a trade union who will be expected to make themselves available for the periods of time necessary to meet timescales under this Capability Policy and Procedure.
- viii. 'Diocesan Schools Commission' means the education service provided by the diocese, which may also be known, or referred to, as the Diocesan Education Service.
- ix. 'Local Academy Committee Members' (LAC) means the Local Academy Committee Members/members appointed and elected to carry out specified functions delegated by the Trust in relation to each of the schools/academies, from time to time.
- x. 'Vice-Chair' means the Vice-Chair of the Board, or the Vice-Chair of the Local Academy Committee elected from time to time, as appropriate.
- xi. Capability due to lack of competence means a lack of skill or aptitude leading to unsatisfactory performance. In these cases, this Capability Policy and Procedure will apply.

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- xii. Misconduct means any action or inaction which contravenes the provisions of the employee's contract of employment, Trust Code of Conduct, rules laid down by the Trust and/or any Professional Code of Conduct and Practice. In such cases the Disciplinary Policy and Procedure will apply, and the Capability Policy and Procedure may also apply.
- xiii. Capability due to ill-health means any health condition or any other physical or mental quality which results in unsatisfactory performance. In these cases, the Sickness Absence Policy and Procedure will apply.
- xiv. 'Headteacher' means the most senior teacher in the school/academy who is responsible for its management and administration.
- xv. 'Working Day' means any day on which you would ordinarily work if you were a full-time employee. In other words, 'Working Day' will apply differently to teaching and non-teaching staff. However, part-time and full-time staff will not be treated differently for the purposes of implementing this Appraisal Policy and Procedure.
- xvi. 'Working Week' means any week that you would ordinarily work.

## **1. SCOPE OF PROCEDURE**

- 1.1 This Capability Policy and Procedure applies to you if you are an employee or worker at the Trust (hereinafter referred to as an "employee" or "you").
- 1.2 The purpose of this Capability Policy and Procedure is to establish a structure to support employees in improving their performance to the standards expected and to take appropriate action to address identified performance weaknesses, where there has not been sufficient improvement, following support being provided pursuant to the Appraisal Policies and Procedures.
- 1.3 This Capability Policy and Procedure shall be invoked when there is an identified need to address, with a view to remedying, capability due to a lack of competence.
- 1.4 This Capability Policy and Procedure can be invoked by the Board or its delegate at any stage deemed appropriate although the expectation is that it will only be invoked after the procedure set out in the Appraisal Policy and Procedure has been fully exhausted.
- 1.5 An employee is entitled to have access by arrangement to their personnel file and to requests the deletion of time expired records in line with the provisions of the General Data Protection Regulations (GDPR) and the Data Protection Act 2018.
- 1.6 The Trust delegates its authority in the manner set out in this policy.
- 1.7 There may be some occasions where an employee's lack of capability could also be described as Misconduct. This Capability Policy and Procedure and the Trust's Disciplinary Policy and Procedure may be used concurrently whilst the Trust endeavours to ascertain if the employee's lack of capability is due to Misconduct or lack of competence.

- 1.8 There may be occasions where an employee's lack of capability could relate to their health. This Capability Policy and Procedure may be used concurrently with the Trust's Sickness Absence Policy and Procedure. In particular, if an employee is absent from work on sick leave following this Capability Policy and Procedure being invoked, the Trust may use its Sickness Absence Policy and Procedure. The process of managing unsatisfactory performance due to capability will not necessarily cease where the employee is absent on the grounds of sickness.
- 1.9 The Trust is committed to ensuring respect, objectivity, belief in the dignity of the individual, consistency of treatment and fairness in the operation of this Capability Policy and Procedure. This commitment extends to promoting equality of opportunity and eliminating unlawful discrimination throughout the Trust community (including all of the schools/academies in the Trust).
- 1.10 This Capability Policy and Procedure offers opportunities to ensure justice for teachers, support staff and pupils alike and has the potential for the expression of Christian qualities such as honesty, self-knowledge, respect for others and their gifts, recognition of the needs and achievements of others, challenge of self and others, personal growth and openness
- 1.11 This Capability Policy and Procedure can be invoked at any time during any Appraisal Period as defined in the Trust's Appraisal Policies and Procedures. The expectation is that it will only be invoked after the procedure set out in the Appraisal Policy and Procedure has been fully exhausted.
- 1.12 The Capability Policy and Procedure does not form part of any other procedure but relevant information on capability, including the reports referred to in this Capability Policy and Procedure, may be considered in relation to the operation of other applicable policies and procedures.
- 1.13 The management of unsatisfactory performance and related investigations will be treated in confidence as far as possible by all parties involved at all stages of this Capability Policy and Procedure.
- 1.14 The Trust will maintain records of all interviews and reviews which take place under this Capability Policy and Procedure for a period of up to 12 months or longer where necessary and where there is an applicable lawful basis under the GDPR for extending the retention period. All data and evidence collected is to be shared between all the relevant parties, including the employee, and where there is an applicable lawful basis under the provision of the GDPR.
- 1.15 In all cases, advice from the Trust HR Director must always be sought.

## **2. CAPABILITY POLICY AND PROCEDURE – EMPLOYEES EXPERIENCING DIFFICULTIES**

- 2.1 This Capability Policy and Procedure should, except in exceptional circumstances, only be invoked where the measures set out in Paragraph 9 and Paragraph 10 (if an appeal is lodged) of the Trust's Appraisal Policy and Procedure for Teachers and/or Paragraph 9 and Paragraph 10 (if an appeal is lodged) of the Trust's Appraisal Policy and Procedure for Support Staff (as appropriate) have been exhausted; and:
- a) the employee has made no improvement, or no sufficient improvement as required under the relevant Appraisal Policy and Procedure; and/or
  - b) the employee is failing to improve despite feedback in relation to unsatisfactory performance; and

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- c) a recommendation has been made under the relevant Appraisal Policy and Procedure that this Capability Policy and Procedure be invoked.

2.2 If a Headteacher is subject to this Capability Policy and Procedure they will normally continue to be responsible for the appraisal of staff at the school/academy unless the Board determines that this is inappropriate.

### 3. CAPABILITY, FINAL CAPABILITY AND APPEAL MANAGER

The table below sets out the persons to be appointed throughout the stages of this Capability Procedure depending on the person who is the subject of the capability proceedings. In all cases, advice from the Trust HR Director must always be sought and the SEL informed. It is the responsibility of the Chair of the Trust Board and Trust HR Director to coordinate any Trust Board Panels including Appeals.

On occasions, to preserve objectivity, other Headteachers and/or senior Trust staff may need to be supplemented onto a Panel if a Panel member has already been involved with the case.

<b>Employee Level</b>	<b>First/Second Capability Meeting – the Capability Manager</b>	<b>Final Capability Meeting – the Final Capability Manager</b>	<b>Appeal Manager (re Written Warnings)</b>	<b>Appeal Manager (re Dismissal)</b>
Strategic Executive Lead	<p><b>Directors’ Panel</b></p> <p>No more than 2 Directors including Vice-Chair of Trust Board</p> <p><i>(Trust HR Director to be in attendance)</i></p>	<p><b>Directors’ Panel</b></p> <p>No more than 2 Directors (appointed by the Vice-Chair of Trust Board)</p> <p><i>(Trust HR Director to be in attendance)</i></p>	<p><b>Trust Board Appeal Panel</b></p> <p>No more than 3 different Board Directors (appointed by Vice Chair of the Trust Board)</p> <p><i>(Trust HRD to be in attendance)</i></p>	<p><b>Trust Board Appeal Panel</b></p> <p>No more than 3 different Board Directors (appointed by Chair of the Trust Board) including Chair of the Trust Board</p> <p><i>(Trust HRD to be in attendance)</i></p>
Headteachers or a Senior member of Trust Leadership Team (SLT) (e.g., FD, Company Secretary, Trust HR Director)	<p>SEL, another member of Trust SLT (or immediate line manager) and Trust HR Director</p>	<p><b>Directors’ Capability Panel</b></p> <p>SEL and 1 Board Director appointed by the Vice-Chair of Trust Board</p> <p><i>(Trust HR Director will be in attendance)</i></p>	<p><b>Trust Board Appeal Panel</b></p> <p>No more than 2 Board Directors appointed by Vice-Chair of the Trust Board</p> <p><i>(SEL and Trust HR Director will be in attendance)</i></p>	<p><b>Trust Board Appeal Panel</b></p> <p>No more than 3 Directors appointed by Chair of the Trust Board</p> <p><i>(SEL and Trust HR Director will be in attendance)</i></p>

<b>Employee Level</b>	<b>First/Second Capability Meeting – the Capability Manager</b>	<b>Final Capability Meeting – the Final Capability Manager</b>	<b>Appeal Manager (re Written Warnings)</b>	<b>Appeal Manager (re Dismissal)</b>
Other Trust wide appointments (not member of SLT)	SEL, another member of Trust SLT (or immediate line manager) and Trust HR Director	SEL, another member of Trust SLT and Trust HR Director	<b>Trust Board Appeal Panel</b> No more than 2 Board Directors appointed by Vice-Chair of the Trust Board,  (SEL and Trust HR Director will be in attendance)	<b>Trust Board Appeal Panel</b> No more than 3 Directors appointed by Chair of the Trust Board  (SEL and Trust HR Director will be in attendance)
Other Leadership Post holders within school/academy	Headteacher  (Trust HR Director will be in attendance)	Headteacher and Trust HR Director  <i>(In cases of potential dismissal, panel may include Chair of LAC in an advisory capacity)</i>	<b>Trust Board Appeal Panel</b>  SEL and 1 Board Director appointed by Vice-Chair of the Trust Board  (Head and Trust HR Director will be in attendance)	<b>Trust Board Appeal Panel</b>  No more than 2 Directors appointed by Chair of the Trust Board  (SEL, Head and Trust HR Director will be in attendance)
Other Teaching Staff	Member of school/academy SLT (other than Headteacher) nominated by Headteacher, or exceptionally another person nominated by Headteacher	Headteacher and Trust HR Director  <i>(In cases of potential dismissal, panel may include Chair of LAC in an advisory capacity)</i>	SEL and Board Director  (Head and Trust HR Director will be in attendance)	<b>Trust Board Appeal Panel</b>  No more than 2 Board Directors appointed by Vice-Chair of the Trust Board  (SEL, Head and Trust HR Director will be in attendance)
Other Support Staff	Member of school/academy SLT (other than Headteacher) nominated by Headteacher, or exceptionally another person nominated by Headteacher	Headteacher and Trust HR Director  <i>(in cases of potential dismissal, panel may include LAC Chair in an advisory capacity)</i>	SEL and one Board Director  (Head and Trust HR Director will be in attendance)	<b>Trust Board Appeal Panel</b>  No more than 2 Board Directors appointed by Vice-Chair of the Trust Board  (SEL, Head and Trust HR Director will be in attendance)

Note: In law, only the Trust, as the employer of staff, has the power to terminate employment therefore the Trust delegates its authority in the manner set out in this policy

#### 4. FIRST CAPABILITY MEETING

- 4.1 Where the Trust has fully exhausted the Appraisal Policy and Procedure in accordance with Paragraph 2 above, including the appeals process under that Policy (if an appeal is lodged), the Trust will appoint a Capability Manager in accordance with Paragraph 3 above. The Capability Manager will write to you inviting you to a First Capability Meeting. You will be given at least 5 working days' notice of such meeting. At the same time as sending you the letter inviting you to the First Capability Meeting, the Capability Manager will also send you a Performance Report which shall set out:
- 4.1.1 What aspects of your performance are causing concern;
  - 4.1.2 What specific and achievable performance standards are expected; and
  - 4.1.3 The support that has been provided to you so far.
- 4.2 The Capability's Manager's letter shall state that any documentation you wish to rely on during the First Capability Meeting must be submitted at least 2 Working Days prior to the First Capability Meeting.
- 4.3 At the First Capability Meeting you will have an opportunity to comment upon, offer an explanation and/or refute the contents of the Performance Report and to discuss the professional shortcomings, support and guidance required and how performance should be monitored and supported going forward.
- 4.4 At the end of the First Capability Meeting, having considered your comments, if the Capability Manager concludes that your performance is **satisfactory** you will no longer be subject to this Capability Policy and Procedure and shall be notified in writing of the Capability Manager's decision, as soon as is reasonably practicable. The Trust's Appraisal Policy and Procedure shall resume.
- 4.5 At the end of the First Capability Meeting, having considered your comments, If the Capability Manager concludes that your performance is **unsatisfactory** you will be given a First Written Warning and an Improvement and Support plan will be drawn up in discussion with you as soon as is reasonably practicable, but no later than 5 Working Days following the First Capability Meeting. The Improvement and Support plan will:
- 4.5.1 detail the professional shortcomings identified;
  - 4.5.2 give clear guidance on the improved sustainable standard of performance needed to exit the capability procedure
  - 4.5.3 explain the support that will be provided, and detail how your performance will be monitored and supported over a period of time, referred to in this Capability Policy and Procedure as the Assessment Period
  - 4.5.4 identify a reasonable timetable for improvement and provide a date for the Second Capability Meeting to be held at the end of the Assessment Period; and
  - 4.5.5 state that failure to improve may lead to dismissal.
- 4.6 The length of the Assessment Period following a First Written Warning will be at least 4 working weeks and no more than 12 working weeks.
- 4.7 If the Assessment Period is less than 12 working weeks, at any time during the Assessment Period the timeframe may be extended by the Capability Manager to a maximum of 12 working weeks in total, if there is sufficient evidence that the employee is progressing towards achieving the standards required. You will be informed of any such extension in writing.

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- 4.8 You may appeal against a First Written Warning by writing to the Trust HR Director within 5 working days of being sent the First Written Warning.
- 4.9 An appeal will not delay the commencement of the Assessment Period.
- 4.10 In the case of a Headteacher, a First Written Warning will remain live for 12 months. In the case of all other employees a First Written Warning will remain live for 6 months. If within that 12 or 6-month period the employee's required standard of performance is not sustained, the Capability Manager will recommence the Capability Procedure at the stage it was previously concluded, and you will be notified of this in writing.

## 5. SECOND CAPABILITY MEETING

- 5.1 At least 5 Working Days prior to the Second Capability Meeting, the date of which will have been notified to you in accordance with Paragraph 4.5.4 above, the Capability Manager will also send you a copy of the Updated Performance Report along with a letter reminding you of the date of the Second Capability Meeting. The Updated Performance Report will state details of the assessments of your performance that have taken place during the Assessment Period, the support that has been provided to you and an evaluation of your performance at the end of the Assessment Period.
- 5.2 Any documentation you wish to rely on during the Second Capability Meeting must be submitted at least 2 Working Days prior to the Second Capability Meeting.
- 5.3 At the Second Capability Meeting you will have an opportunity to comment upon, explain and/or refute the contents of the Updated Performance Report, to discuss any continuing shortcomings, support and guidance required and how your performance will be monitored and supported going forward.
- 5.4 The Capability Manager will confirm the outcome of the Second Capability Meeting in writing within 5 working days of the date of such meeting.
- 5.5 Where the Capability Manager concludes, at the end of the Second Capability Meeting, that the standard of your performance is **satisfactory** you will no longer be subject to this Capability Policy & Procedure. The Trust's Appraisal Policy & Procedure shall resume. However, if the required standard of performance is not sustained during the life of the First Written Warning, the Capability Manager will recommence the Capability Procedure at the stage it was previously concluded, and you will be notified of this in writing.
- 5.6 Where the Capability Manager concludes, at the end of the Second Capability Meeting, that some progress has been made and that with a further period of monitoring an acceptable level of performance will be achieved, the Capability Manager may determine that you should be subject to an Additional Assessment Period of to 4 Working Weeks. If at the end of this Additional Assessment Period, the Capability Manager concludes that your performance is **satisfactory**, you will no longer be subject to this Capability Policy and Procedure. The Trust's Appraisal Policy and Procedure shall resume. However, if the required standard of performance is **not** sustained during the life of the First Written Warning, the Capability Manager will recommence the Capability Procedure at the stage where it was previously concluded, and you will be notified of this in writing.
- 5.7 Where the Capability Manager concludes, at the end of the Second Capability Meeting, or at the end of the Additional Assessment Period referred to in Paragraph 5.6 above, that no, or no sufficient, improvement has been made so that your performance remains

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**unsatisfactory**, you will be given a Final Written Warning setting a Further Assessment Period of 4 Working Weeks and notifying you of the date for a Final Capability Meeting to be held at the end of the Further Assessment Period. You will be informed that failure to make satisfactory sustainable improvement during such Further Assessment Period may result in your dismissal.

- 5.8 You may appeal against a Final Written Warning by writing to the Trust HR Director within 5 working days of being sent the Final Written Warning.
- 5.9 The fact of the appeal does not delay the commencement of the Further Assessment Period.
- 5.10 A Final Written Warning for all employees will remain live for 12 months and if, within that 12 months, the employee's required standard of performance is not sustained the Capability Manager will recommence the Capability Procedure at the stage it was previously concluded, and you will be notified of this in writing.

## **6. FINAL CAPABILITY MEETING**

- 6.1 At least 5 Working Days prior to the Final Capability Meeting which you will have been invited to in accordance with Paragraph 5.7 above, the Final Capability Manager will send you a Final Performance Report along with a letter reminding you of the date of the Final Capability Meeting. The Final Report shall contain an evaluation of your performance and will detail any support provided during the Further Assessment Period.
- 6.2 Any documentation you wish to rely on during the Final Capability Meeting must be submitted at least 2 Working Days prior to the Final Capability Meeting.
- 6.3 At the Final Capability Meeting you will have an opportunity to comment upon, explain and/or refute the contents of the Final Performance Report and to discuss any continued professional shortcomings.
- 6.4 The Final Capability Manager will confirm the outcome of the Final Capability Meeting in writing within 5 working days of the date of such meeting.
- 6.5 Where the Final Capability Manager concludes that the standard of performance is **satisfactory** you will no longer be subject to this Capability Policy & Procedure. The Trust's Appraisal Policy & Procedure shall resume. However, if the required standard of performance is not sustained during the life of the Final Written Warning, the Final Capability Manager will recommence the Capability Procedure at the stage where it was previously concluded, and you will be informed of this in writing.
- 6.6 Where the Final Capability Manager concludes that your performance remains **unsatisfactory** and is not capable of sustainable improvement the Final Capability Manager may recommend to the Trust that your employment is terminated in accordance with your contract of employment and the Trust will take the appropriate steps to terminate your employment with notice. Alternative sanctions may also be considered, for example, redeployment, or demotion to a lower graded role, by mutual agreement. Alternative employment in these circumstances does not have to be in equivalent terms and conditions to the current post and protection of salary will not apply. A decision to dismiss will always be the last resort.
- 6.7 You may appeal against a dismissal with notice by writing to the Trust HR Director within 10 working days of being sent the notice of termination.

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- 6.8 The fact of the appeal does not delay the commencement of the notice period.
- 6.9 In the event that your employment is terminated in accordance with Paragraph 6.6 above:
- (a) If your contract of employment contains a garden leave clause the Trust may exercise that clause so that you are not required to attend the school or academy during the notice period but remain employed and so bound by the terms of your contract of employment until the expiry of the notice period; or
  - (b) If your contract of employment contains a payment in lieu of notice clause the Trust may exercise that clause to bring your contract to an end with immediate effect.

## **7. APPEALS AGAINST DECISIONS MADE BY CAPABILITY MANAGER AND/OR FINAL CAPABILITY MANAGER**

- 7.1 An appeal against a decision of the Capability Manager or Final Capability Manager can be made at each stage of the procedure set out at Paragraphs 4, 5 and 6 above.
- 7.2 In all cases your appeal letter must set out the grounds of your appeal in detail. When preparing your appeal, you should consider the following grounds:
- a) that the action taken was unfair;
  - b) that this Capability Policy and Procedure was applied defectively or unfairly
  - c) that new evidence has come to light which was not available when the relevant decision was made by the Capability Manager or Final Capability Manager;
  - d) that the sanction was overly harsh in all the circumstances.
- 7.3 Appeals will be heard by the relevant Appeal Manager appointed in accordance with Paragraph 3 within 20 working days of the Trust HR Director receiving your appeal letter.
- 7.4 You will be given 5 Working Days written notice of an Appeal Meeting and the Appeal Manager will confirm in this notice what evidence will be relied upon at the Appeal Meeting and whether the evidence will be written or oral. If written evidence is to be relied upon you will be provided with copies of such evidence with notice of the meeting in order to enable you to prepare for the Appeal Meeting. If oral evidence is to be relied upon at the Appeal Meeting, you will be given details of who will be in attendance. You will be able to provide evidence prior to the Appeal Meeting provided that such evidence is submitted at least 2 Working Days prior to the Appeal Meeting
- 7.5 You will be given an opportunity to comment on the evidence provided during the Appeal Meeting whether such evidence is given in writing or orally. The Appeal Manager will consider the evidence provided by you and by the Capability Manager or Final Capability Manager (as appropriate) in order to determine whether the relevant decision was fair and reasonable.
- 7.6 The Appeal Manager will confirm the outcome of the Appeal Meeting in writing to you within 5 working days of the date of the Appeal Meeting. The decision of the Appeal Manager is final and there will be no further right of appeal. The outcomes of the Appeal Meeting are that:
- (a) the Appeal Manager may uphold the decision of the Capability Manager or Final Capability Manager; or

(b) the Appeal Manager may uphold the employee's appeal, overturn the decision of the Capability Manager or Final Capability Manager and refer the matter back to the Capability Manager or Final Capability Manager for reconsideration.

(c) Should an appeal against dismissal be successful, you will be reinstated with no break in your continuous service.

## **8. DIRECTORS' PANELS**

8.1 Directors' Capability and Appeal Panels shall normally comprise of two or three Trust Board Directors/Local Academy Committee Members not previously involved in the matter and shall not comprise the Chair or Vice-Chair unless there are insufficient numbers of Directors/Local Academy Committee Members not previously involved in the matter, in which case the Chair and/or Vice-Chair may be appointed to a Directors' Capability or Appeal Panel.

8.2 In the event that there are insufficient numbers of Trust Board Directors/Local Academy Committee Members available to participate in a Trust Board Directors'/Local Academy Members' Capability or Appeal Panel, the Trust may appoint associate members solely to participate in the appropriate Directors'/Local Academy Committee Capability or Appeal Panel on the recommendation of the Diocesan Schools Commission.

8.3 In all cases, advice from the Trust HR Director must always be sought and it is the responsibility of the Chair of the Trust Board and Trust HR Director to coordinate arrangements for any Trust Board Panels including Appeals.

## **9. COMPANION**

9.1 If you are the subject of any Capability Meeting, you may be accompanied by a Companion (see definition).

9.2 You must let the relevant Manager know who your Companion will be at least three working days before the relevant meeting.

9.3 If you have any particular reasonable need, for example, because you have a disability, you may also be accompanied by a suitable helper but you should also inform the Capability Meeting Manager of their name

9.4 Your Companion can address the meeting in order to:

- (a) put your case;
- (b) sum up your case;
- (c) respond on your behalf to any view expressed at the meeting; and
- (d) ask questions on your behalf.

9.5 Your Companion can also confer with you during the meeting.

9.6 Your Companion has no right to:

- (a) answer questions on your behalf;
- (b) address the meeting if you do not wish it; or
- (c) prevent you from explaining your case.

9.7 Where you have identified your Companion and they have confirmed in writing to the relevant Manager that they cannot attend the date or time set for the meeting, the meeting will be

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postponed for a period not in excess of five Working Days from the date set by the Trust to a date or time agreed with your Companion. Should your Companion subsequently be unable to attend the rearranged date, the meeting may be held in their absence or written representations will be accepted.

## **10. TIMING OF MEETINGS**

The aim is that meetings under this Capability Policy and Procedure will be held at mutually convenient times but depending on the circumstances, meetings may:

- 10.1 need to be held when you were timetabled to teach.
- 10.2 exceptionally be held during planning, preparation and administration time if this does not impact on lesson preparation (if this is appropriate to your role);
- 10.3 be held after the end of the academy/school/Trust Day.
- 10.4 not normally be held on days on which you would not ordinarily work.
- 10.5 be extended by agreement between the parties if the time limits cannot be met for any justifiable reason

## **11. VENUE FOR MEETINGS**

Any meeting held under Paragraphs 4, 5, 6 and 7 may be held off the school/academy site to minimise any distress for the employee; this may include being held at Trust offices or another school within the Trust.

## **12. ASSISTANCE**

In all cases involving any sanction in relation to the Headteacher or to a person on the leadership spine, or to potential or actual dismissal of any other member of staff, the Diocesan Schools Commission may send a representative to advise the Capability Manager, Final Capability Manager or Appeal Manager.

## **13. REVIEW OF THIS PROCEDURE**

This procedure has been developed utilising a template policy and procedure produced by the Catholic Education Service (CES) for use in Catholic Voluntary Academies in England, was amended in September 2013 and updated in June 2016, May 2018 and June 2020 following consultation with the national trade unions. It may be adapted, as appropriate, for use in joint Church academies subject to the approval of the CES on referral by the relevant Catholic diocese.

***END OF DOCUMENT***