



**SANCTA
FAMILIA**

CATHOLIC ACADEMY TRUST

Capability Policy

Internal Use

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Purpose and scope

Commitment to equality

We are committed to providing a positive working environment which is free from prejudice and unlawful discrimination and any form of harassment, bullying or victimisation. We have developed a number of key policies to ensure that the principles of Catholic Social Teaching in relation to human dignity and dignity in work become embedded into every aspect of school life and these policies are reviewed regularly in this regard.

Our values of Love, Service, Humility and Faith underpin all aspects of our working environment and guide how we engage with one another across the Sancta Familia Catholic Academy Trust.

Definitions

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

- ‘Academy’ means the academy named at the beginning of this Capability Policy and Procedure and includes all sites upon which the Academy undertaking is, from time to time, being carried out.
- ‘Academy Trust Company’ means the company responsible for the management of the Academy and, for all purposes, means the employer of staff at the Academy.
- ‘Board’ means the Trust Board of the Academy Trust Company.
- ‘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.
- ‘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.
- ‘Chair’ means the Chair of the relevant Local Governing Board or committee thereof, unless otherwise stated, or a member of the Trust Team.
- ‘Chief Executive Officer (CEO)’ means the most senior executive officer of the Academy Trust Company.
- ‘Clerk’ means the Clerk to the Local Governing Board as appointed from time to time.
- ‘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, a trade union official, or an accredited representative of a trade union or other professional association of which the employee is a member who should be available for the periods of time necessary to meet the timescales under this Capability Policy and Procedure.
- ‘Diocesan Schools Commission’ means the education service provided by the diocese in which the Academy is situated, which may also be known, or referred to, as the Diocesan Education Service.
- ‘Directors’ means directors appointed to the Board from time to time.

- ‘Headteacher’ means the most senior teacher in the Academy who is responsible for its management and administration. Such teacher may also be referred to as the Head of School or Principal.
- ‘Local Governing Board’ means the Local Governing Board appointed to carry out specified functions in relation to the Academy as delegated by the Academy Trust Company.
- ‘Misconduct’ means any action or inaction which contravenes the provisions of the employee’s contract of employment, the rules laid down by the Academy Trust Company 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.
- ‘Regional Trust Lead’ means a senior officer of the Academy Trust Company with responsibility for leading and supporting a group of academies within the Trust.
- ‘Trust-appointed officer’ means a senior officer of the Academy Trust Company authorised under the Trust’s Scheme of Delegation to chair capability or appeal panels, including the Regional Trust Lead and Chief Executive Officer (CEO).
- ‘Vice-Chair’ means the Vice-Chair of the relevant Local Governing Board as elected from time to time.
- ‘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 Capability Policy and Procedure.
- ‘Working Week’ means any week that you would ordinarily work.

1. Scope

- 1.1 This Capability Policy and Procedure applies to you if you are an employee or worker at the Academy (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 Policy and Procedure.
- 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 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 request the deletion of time-expired records in line with the provisions of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.
- 1.6 The Academy Trust Company delegates its authority in the manner set out in this policy, in accordance with the Trust’s Scheme of Delegation (December 2025). In accordance with the Scheme of Delegation, responsibility for capability cases is shared between the Headteacher, Local Governing Board, Chief Executive Officer (CEO) and Trust Board (Appendix 1, Row 128).
- 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 Academy Trust Company’s Disciplinary Policy and Procedure may be used concurrently whilst the Academy Trust Company endeavours to ascertain if the employee’s lack of capability is due to misconduct or lack of competence. The determination of which

procedure takes precedence, or whether both are run concurrently, will be made by the Head of HR and Culture in consultation with the CEO, and the employee will be notified of this decision in writing.

- 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 Academy Trust Company'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 Academy Trust Company may use its Sickness Absence Policy and Procedure. However, 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 Academy Trust Company is committed to ensuring respect, objectivity, belief in the dignity of the individual, and 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 Academy and across all academies in Sancta Familia Catholic Academy 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 our values of Love, Service, Humility and Faith, alongside 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 Academy Trust Company's Appraisal Policy and Procedure. The expectation is that it will only be invoked after the procedure set out in the Appraisal Policy and Procedure have been 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 taken into account 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 Academy Trust Company 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 provisions of the GDPR. Upon expiry of the relevant retention period, records will be securely deleted or anonymised in accordance with the Academy Trust Company's Data Retention Policy.

2. Capability 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 the Academy Trust Company's Appraisal Policy and Procedure and the pre-informal and informal stages of support detailed in Appendix A of this policy have been followed; 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
 - 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 Academy unless the Board determines that this is inappropriate.

3. Table of persons

Capability, final capability and appeal managers

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:

Employee Level	First/Second Meeting – Capability Manager	Final Capability Meeting – Final Capability Manager	Appeal Manager (Written Warnings)
Headteacher / Executive Headteacher	Regional Trust Lead (must chair for an Executive Headteacher)	Chaired by Regional Trust Lead or Executive Headteacher (if not involved as the Capability Manager) or the Chair of another Local Governing Board	Chaired by the Regional Trust Lead or Executive Headteacher or CEO or the Chair/member of another Local Governing Board
Other Leadership Spine and School Business Manager	Headteacher of another school in the Trust	Chaired by a Regional Trust Lead or Executive Headteacher or a Local Governing Board Member	Chaired by the Regional Trust Lead or Executive Headteacher or CEO or the Chair / member of another Local Governing Board
Other Teaching Staff	Headteacher or a sufficiently senior member of staff appointed by the Headteacher	Chaired by the Regional Trust Lead or Executive Headteacher or Headteacher or Local Governing Board Member	Chaired by the Regional Trust Lead or Executive Headteacher or CEO or the Chair/member of another Local Governing Board
Other Support Staff	Headteacher or a sufficiently senior member of staff appointed by the Headteacher	Chaired by the Regional Trust Lead or Executive Headteacher or Headteacher or Local Governing Board Member	Chaired by the Regional Trust Lead or Executive Headteacher or CEO or the Chair/member of another Local Governing Board

Capability meetings

4. First capability meeting

4.1 Where the Academy Trust Company has fully exhausted the Appraisal Policy and Procedure in accordance with Paragraph 1 above, including the appeals process under that Policy (if an appeal is lodged), the Academy Trust Company will appoint a Capability Manager in accordance with Paragraph 2 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:

- a) what aspects of your performance are causing concern;
- b) what specific and achievable performance standards are expected of you; and
- c) the support that has been provided to you so far.

4.2 The Capability 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 identified, support and guidance required and how your performance will 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 Academy Trust Company'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:

- a) detail the professional shortcomings identified;
- b) give clear guidance on the improved sustainable standard of performance needed to exit the capability procedure;
- c) 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;
- d) 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
- e) 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.
- 4.8 You may appeal against a First Written Warning by writing to the Clerk within 5 Working Days of the date of 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 3.5 above, the Capability Manager will send you an Updated Performance Report along with a letter reminding you of the date of the Second Capability Meeting. The Updated Performance Report will provide 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 professional 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 and Procedure. The Academy Trust Company'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 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 up 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 Academy Trust Company'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 4.6 above, that no, or no sufficient, improvement has been made so that your performance remains 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 Clerk within 5 Working Days of the date of the Final Written Warning.
- 5.9 An appeal will 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 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 4.7 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 Performance 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 and Procedure. The Academy Trust Company's Appraisal Policy and 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 Academy Trust Company that your employment is terminated in accordance with your contract of employment and the Board will take 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. Please note that the Board will not review the Final Capability Manager's decision in order to ensure that a Local Governing Boards' Capability and Appeal Panel can be convened if necessary.

6.7 You may appeal against a decision to dismiss you with notice by writing to the Clerk within 10 Working Days of the date of the notice of termination.

6.8 An appeal will not delay the commencement of the notice period.

6.9 In the event that your employment is terminated in accordance with Paragraph 5.6 above:

- a) if your contract of employment contains a garden leave clause the Academy Trust Company may exercise that clause so that you are not required to attend the 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 Academy Trust Company may exercise that clause to bring your contract to an end with immediate effect.

7. Appeals

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 3, 4 and 5 above.

7.2 In all cases, your appeal letter must set out the grounds of your appeal in detail. When preparing your appeal letter, you may wish to consider the following grounds:

- That the action taken was unfair;
- That this Capability Policy and Procedure was applied defectively or unfairly;
- 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;
- 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 2 within 20 Working Days of the Clerk 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 potential outcomes of an 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.

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

8. Panels

8.1 Panels shall be chaired in accordance with the chairing arrangements set out in the table at section 2, which highlights that panels will be chaired by a Regional Trust Lead, Executive Headteacher, or other appropriate member of Trust staff where possible.

8.2 In the event that there are insufficient numbers of Local Governing Board members available to participate in a Local Governing Board's Capability or Appeal Panel, the Academy Trust Company may appoint associate members solely to participate in the appropriate Local Governing Board's Capability or Appeal Panel on the recommendation of the Diocesan Schools Commission. The chairing arrangements set out in the table at Schedule section 2 shall apply equally in such circumstances.

9. Companion

9.1 If you are the subject of any Capability Meeting you may be accompanied by a Companion.

9.2 You must let the relevant Manager know who your Companion will be at least one Working Day before the relevant meeting.

9.3 If you have any particular reasonable need, for example, because you have a disability, you can also be accompanied by a suitable helper.

9.4 Your Companion can address the meeting in order to:

- put your case;
- sum up your case;
- respond on your behalf to any view expressed at the meeting; and
- 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:

- answer questions on your behalf;
- address the meeting if you do not wish it; or
- 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 postponed for a period not in excess of five Working Days from the date set by the Academy Trust Company to a date and 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:

- need to be held when you were timetabled to teach (if that is appropriate to your role);
- exceptionally be held during planning, preparation and administration time if this does not impact on lesson preparation (if this is appropriate to your role);
- exceptionally, be held after the end of the Academy day;
- not be held on days on which you would not ordinarily work;
- 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 3, 4, 6 and 7 may be held off the Academy site to minimise any distress for the employee.

12. Assistance

In any case concerning the religious character of the Academy Trust Company and / or the Academy, the Diocesan Schools Commission must be notified as soon as the Academy Trust Company becomes aware of the relevant circumstances and may be represented at any relevant meeting to advise the Capability Manager, Final Capability Manager or Appeal Manager. In all other 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 and / or the Local Authority may send a representative to advise the Capability Manager, Final Capability Manager or Appeal Manager.

13. Scheme of Delegation

13.1 This Capability Policy and Procedure operates within the framework of the Trust's Scheme of Delegation (December 2025), which is available on the Sancta Familia Catholic Academy Website. The Scheme sets out the respective responsibilities of the Headteacher, Local Governing Board, Chief Executive Officer (CEO) and Trust Board in relation to capability matters. This policy is a Trust-wide statutory HR policy, the approval of which rests with the Trust Board on the recommendation of the CEO (Appendix 1, Row 118).

13.2 Where capability proceedings relate to the Chief Executive Officer (CEO), the Trust Board will determine the appropriate process and appoint a suitable independent officer to manage those

proceedings. The Head of HR and Culture will advise the Trust Board Chair accordingly. This paragraph takes precedence over the Table of Persons at Paragraph 2 to the extent of any inconsistency.

14. Suspension

Suspension is not a routine part of this Capability Policy and Procedure. However, where circumstances arise in which capability concerns overlap with potential misconduct, or where the continued presence of the employee in the workplace would prevent the effective management of the capability process, the Academy Trust Company may consider suspension in accordance with the provisions of the Academy Trust Company's Disciplinary Policy and Procedure. Any decision to suspend must be made in accordance with that policy and will be treated as a neutral act.

15. Capability and disciplinary proceedings

Where it becomes apparent during capability proceedings that an employee's performance issues may also constitute Misconduct, the Head of HR and Culture, in consultation with the CEO, will determine whether to continue under this Capability Policy and Procedure, invoke the Disciplinary Policy and Procedure, or run both concurrently. The employee will be notified of this decision in writing as soon as reasonably practicable.

16. Probationary periods

This Capability Policy and Procedure does not apply during an employee's probationary period. Performance concerns arising during probation will be managed in accordance with the Academy Trust Company's Probationary Policy and Procedure. This Capability Policy and Procedure may be invoked following the successful completion of a probationary period where subsequent performance concerns arise.

17. Appraisal cycle and capability

Where capability proceedings are invoked and the Assessment Period runs across more than one appraisal cycle or academic year, the targets and standards set under this Capability Policy and Procedure will take precedence over any targets set under the Appraisal Policy and Procedure for the duration of the capability process. The Capability Manager will ensure that any change in appraisal cycle does not disrupt the continuity of the capability proceedings and will notify the employee in writing of how the process will continue across the relevant period.

18. Reasonable adjustments and occupational health

- 18.1 The Academy Trust Company is committed to making reasonable adjustments to this Capability Policy and Procedure where an employee has a disability within the meaning of the Equality Act 2010. Employees are encouraged to disclose any disability or health condition that may be relevant to their performance as early as possible so that appropriate support can be considered. Any reasonable adjustments to the process will be agreed in writing between the Capability Manager and the employee.
- 18.2 Where there are indications that an employee's performance may be affected by an underlying health condition, either party may request a referral to Occupational Health. Such a referral may be made at any

stage of this Capability Policy and Procedure and may run concurrently with the capability process. The outcome of any Occupational Health assessment will be taken into account by the Capability Manager in determining appropriate support and timescales under this Policy. Where capability is found to relate primarily to ill-health, the Academy Trust Company's Sickness Absence Policy and Procedure may be invoked instead of or alongside this Policy.

19. Multi-academy and MAT-wide considerations

- 19.1 Where a capability case needs to move between academies within the Trust — for example where a member of staff transfers to another academy during an ongoing capability process — the CEO or Regional Trust Lead shall determine, in consultation with the Head of HR and Culture, the stage at which proceedings should continue and shall notify all parties in writing. The integrity and continuity of the capability process will be preserved so far as practicable.
- 19.2 Where there are insufficient eligible Local Governing Board members at the relevant academy to constitute a capability or appeal panel in accordance with Paragraph 7.1, the Academy Trust Company may draw upon Local Governing Board members from another academy within the Trust, or appoint associate members in accordance with Paragraph 7.2.
- 19.3 Where redeployment is considered as an alternative to dismissal under Paragraph 5.6, this may include a role at another academy within the Sancta Familia Catholic Academy Trust. Any such redeployment is subject to the agreement of the CEO, the relevant Headteacher and the Headteacher of the receiving academy. Redeployment within the Trust does not have to be on equivalent terms and conditions and salary protection will not apply.
- 19.4 Where a school joins the Trust and a capability process is already underway under the predecessor employer's procedures, the CEO, Head of HR and Culture, and Headteacher will review that process on or as soon as practicable after the date of transfer and determine the appropriate stage at which proceedings should continue under this Policy. The employee will be notified of any such determination in writing. For schools newly joining the Trust where no capability process is underway, this Policy applies in full from the date of the school's admission to the Trust.
- 19.5 Where a school joins the Trust under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE), transferring employees' existing contractual rights are preserved on transfer. This Policy will apply to any capability concerns arising after the date of transfer. Any pre-transfer capability process will be handled in accordance with Paragraph 18.4 above.

Appendix A – Informal support

Appendix A: Informal Support Stages

When informal support is triggered

If, during the appraisal cycle, a member of staff is not meeting their appraisal objectives or the expectations of the teacher's standards / headteacher's standards, the appraisal process may be paused, and the member of staff will move into informal support. There are two stages of informal support, pre-informal and informal (see below). The appraiser will meet the teacher informally to tell them that they're going to be receiving additional informal support due to not meeting their appraisal objectives or the expectations of the teacher's standards / headteacher's standards. In this meeting, employees will be given clear and specific feedback about the nature and seriousness of the concerns, agree targets and the additional support they will receive, as well as giving the employee the chance to comment and discuss the concerns.

The Headteacher will sign off on the targets for both the pre-informal stage and informal stage.

Stage 1: Pre-informal support (4-6 weeks)

Purpose: To provide early, targeted support to help the member of staff improve their performance and meet the expectations as laid out in the teacher / headteacher standards, as well as their appraisal objectives.

Process:

- The member of staff will receive between **4-6 weeks of structured support**.
- They will have a **dedicated weekly meeting with the person leading on support** to review progress and address any challenges.
- They will be set **no more than 3-4 clear, achievable targets**, broken down into manageable steps to ensure focus and success.
- Support will be agreed (for example, coaching, mentoring, peer observations).
- Progress will be monitored regularly, with clear feedback provided after each meeting.

Outcome:

- If, at the end of the 4-6 week period, the member of staff has made sufficient improvement, they will return to the standard appraisal process. Due to the time taken for this support to take place, it is likely that appraisal targets will need to be reviewed.
- If concerns remain or insufficient progress has been made, the member of staff will move to Stage 2: informal support.

Stage 2: Informal support (4-6 weeks)

Purpose: To provide extended, intensive support where initial support has not resulted in sufficient improvement.

Process:

- The member of staff will receive **4-6 weeks of structured support**.

- They will continue to have **dedicated weekly meetings with the person leading on support / ideally this will be a different person to the pre-informal support** to review progress.
- **No more than 3-4 clear, achievable targets** will remain in place, with adjustments made as necessary based on progress.
- Additional support measures will be put in place as appropriate (e.g., additional coaching, peer observation, external training).
- Progress will be formally reviewed at regular intervals, with written records kept of all meetings and outcomes.

Outcome:

- If, at the end of the 4-6 week period, the member of staff has made sufficient improvement, they will return to the standard appraisal process. Due to the time taken for this support to take place, it is likely that appraisal targets will need to be reviewed.
- If an employee seriously underperforms or doesn't respond to the informal support provided, they will be told in writing that the appraisal system no longer applies and that their performance will be managed under the capability procedure and then invited to a formal capability meeting (see above).

Key aspects of informal support

- All support will be provided in a **constructive and supportive manner**, with the aim of helping the member of staff succeed
- Feedback will be given as soon as possible after an observation or after other evidence has come to light.
- The member of staff will be given opportunities to discuss concerns, ask questions, and contribute to solutions.
- Clear objectives and timescales for improvement, as well as support, will be set, and it will be made clear how, and by when, progress will be reviewed.
- Confidentiality will be maintained throughout the process.

Pre - informal support table (4-6 weeks)

Week / day	Action	Objectives/review of targets	Support Provided	Notes
Week 1 – Day 1: Initial Meeting	• Discuss concerns clearly and specifically. • Give the staff member an opportunity to respond. • Agree 3–4 SMART targets together.	Target 1: Target 2: Target 3: Target 4 (if needed):	1: 2: 3:	

	• Review any support that might be needed.			
Week 1 – Line management/review meeting	Review progress towards targets.	Target 1: Target 2: Target 3: Target 4 (if needed):	1: 2: 3:	
Week 2 – Line management/review meeting	• Consider all evidence from previous weeks. • Assess overall progress. • Make a preliminary assessment of likely outcome. • Clarify expectations for the next 4 weeks	Target 1: Target 2: Target 3: Target 4 (if needed):	1: 2: 3:	
Week 3 – Line management/review meeting	Review progress towards targets.	Target 1: Target 2: Target 3: Target 4 (if needed):	1: 2: 3:	
Week 4 – Line management/review meeting	• Consider all evidence from previous weeks. • Assess overall progress. • Make a preliminary assessment of likely outcome. • Clarify expectations for the final two weeks	Target 1: Target 2: Target 3: Target 4 (if needed):	1: 2: 3:	

Week 5 – Line management/review meeting	Review progress towards targets.	Target 1: Target 2: Target 3: Target 4 (if needed):	1: 2: 3:	
Week 6 – Line management/review meeting	Review progress towards targets.	Target 1: Target 2: Target 3: Target 4 (if needed):	1: 2: 3:	
Week 6 – next steps	• If targets have passed, return to appraisal cycle - If targets have not been met, move to a formal process		1: 2: 3:	

Informal support table (4-6 weeks)

Week / day	Action	Objectives/review of targets	Support Provided	Notes
Week 1 – Day 1: Initial Meeting	• Discuss concerns clearly and specifically. • Give the staff member an opportunity to respond. • Agree 3–4 SMART targets together. • Review any support that might be needed.	Target 1: Target 2: Target 3: Target 4 (if needed):	1: 2: 3:	

Week 1 – Line management/review meeting	Review progress towards targets.	Target 1: Target 2: Target 3: Target 4 (if needed):	1: 2: 3:	
Week 2 – Line management/review meeting	• Consider all evidence from previous weeks. • Assess overall progress. • Make a preliminary assessment of likely outcome. • Clarify expectations for the next 4 weeks	Target 1: Target 2: Target 3: Target 4 (if needed):	1: 2: 3:	
Week 3 – Line management/review meeting	Review progress towards targets.	Target 1: Target 2: Target 3: Target 4 (if needed):	1: 2: 3:	
Week 4 – Line management/review meeting	• Consider all evidence from previous weeks. • Assess overall progress. • Make a preliminary assessment of likely outcome. • Clarify expectations for the final two weeks	Target 1: Target 2: Target 3: Target 4 (if needed):	1: 2: 3:	
Week 5 – Line management/review meeting	Review progress towards targets.	Target 1: Target 2:	1: 2:	

		Target 3:	3:	
		Target 4 (if needed):		
Week 6 – Line management/review meeting	Review progress towards targets.	Target 1:	1:	
		Target 2:	2:	
		Target 3:	3:	
		Target 4 (if needed):		
Week 6 – next steps	- If targets have passed, return to appraisal cycle - If targets have not been met, move to a formal process		1:	
			2:	
			3:	

Appendix B: Guide for Chairing Panel Meetings

Opening Prayer

[holding prayer – have asked Father Michael Holeman to provide prayers for our crib sheets].

Purpose

This guide supports anyone chairing capability or appeal panel meetings under the Capability Policy. Panels shall be chaired in accordance with the chairing arrangements set out in the table at section 2, which highlights that panels will be chaired by a Regional Trust Lead, Executive Headteacher, or other appropriate member of Trust staff where possible.

Before the Meeting

The Chair will confirm they are the appropriate person to chair using the Table of Persons (Section 2). They will review all documentation thoroughly, including the Performance Report, any previous warnings, and submissions from all parties. The Chair will confirm at least 5 Working Days' notice has been given and that all parties were told any documentation they wish to rely on must be submitted at least 2 Working Days prior to the meeting. The meeting may be held off-site to minimise distress. A note-taker will be arranged and the room will be private. In any case concerning the religious character of the Academy Trust Company and / or

the Academy, the Diocesan Schools Commission must be notified and may be represented at the meeting to advise. Any reasonable adjustments needed will be considered.

Opening the Meeting

The Chair will:

- Welcome everyone and facilitate introductions
- Explain the meeting type, purpose and potential outcomes
- Outline how the meeting will run and who will speak when
- Confirm that a Companion can address the meeting to put the employee's case, sum up their case, respond on their behalf to any view expressed at the meeting, and ask questions on their behalf. The Companion can also confer with the employee during the meeting
- Check everyone has received the documentation and understands the process

Main Discussion

For Capability Meetings:

- The Capability Manager will present the Performance Report and evidence
- The employee will have opportunity to comment upon, offer an explanation and/or refute the contents of the Performance Report and to discuss the professional shortcomings identified, support and guidance required and how performance will be monitored and supported going forward
- Both parties will be able to ask questions
- Discussion will explore what support might help
- The Chair will remain neutral and ensure both parties are heard fairly

For Appeal Meetings:

- The employee will present their grounds of appeal
- The following grounds may be considered: That the action taken was unfair; that this Capability Policy and Procedure was applied defectively or unfairly; That new evidence has come to light which was not available when the relevant decision was made; That the sanction was overly harsh in all the circumstances
- The original decision-maker will respond
- The Chair will consider the evidence provided by both parties in order to determine whether the relevant decision was fair and reasonable

Closing the Meeting

The Chair will:

- Summarise the key points discussed
- Explain that the outcome will be confirmed in writing within 5 Working Days
- Explain the possible outcomes and right to appeal (where applicable)
- Ask if there's anything else to add
- Thank everyone for their participation

Decision Outcomes

First Capability Meeting outcomes:

- If performance is satisfactory: the employee will no longer be subject to the Capability Policy and the Appraisal Policy shall resume
- If performance is unsatisfactory: a First Written Warning will be given and an Improvement and Support Plan will be drawn up within 5 Working Days. The Assessment Period will be at least 4 Working Weeks and no more than 12 Working Weeks

Second Capability Meeting outcomes:

- Performance satisfactory: return to appraisal
- Some progress made: an Additional Assessment Period of up to 4 Working Weeks will be set
- No or insufficient improvement: a Final Written Warning will be given setting a Further Assessment Period of 4 Working Weeks and notifying of the Final Capability Meeting date. The employee will be informed that failure to improve may result in dismissal

Final Capability Meeting outcomes:

- Performance satisfactory: return to appraisal
- Performance remains unsatisfactory: a recommendation may be made to the Academy Trust Company that employment is terminated. Alternative sanctions may be considered (redeployment, demotion by mutual agreement). A decision to dismiss will always be the last resort

Appeal Meeting outcomes:

- The original decision may be upheld; or the employee's appeal may be upheld, the decision overturned and the matter referred back for reconsideration

Outcome Letter

The outcome will be confirmed in writing within 5 Working Days of the meeting. The letter will clearly state the decision and reasons, reference the evidence considered, explain next steps, and include appeal rights and deadlines. Appeals against warnings must be made within 5 Working Days; appeals against dismissal within 10 Working Days.

Key Principles

The Chair will ensure that:

- The employee has a full opportunity to respond
- All evidence is considered objectively
- The policy is followed exactly and all timescales are met
- The management of unsatisfactory performance is treated in confidence, as far as possible
- The Academy Trust Company's commitment to ensuring respect, objectivity, belief in the dignity of the individual, and consistency of treatment and fairness is upheld
- The focus is on improvement, not punishment
- A decision to dismiss will always be the last resort

Quick Reference: Key Timescales

- Notice of meeting: at least 5 Working Days
- Documents to be submitted: at least 2 Working Days before meeting
- Outcome letter: within 5 Working Days of meeting
- Appeal against warnings: within 5 Working Days
- Appeal against dismissal: within 10 Working Days

For advice contact: Head of HR and Culture



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