



For all schools within the Bosco Catholic Education Trust

This Capability Policy has been approved and adopted by the Bosco Catholic Education Trust.

December 2023	December 2026

- 3.1 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").
- 3.2 The purpose of this procedure is to establish a structure to improve performance to the standards expected and to take appropriate action to address this where there has not been sufficient improvement.
- 3.3

4.1 This Capability Policy and Procedure should, except in exceptional circumstances, only be invoked:

4.1.1 where the measures set out in Paragraphs 9.8 and 10 of the Academy's Apprai

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8.5 Where the Final Capability Manager concludes that your performance remains unsatisfactory and is not capable of sustainable improvement the Final Capability Manager will recommend to the Academy Trust Company that your employment be terminated in accordance with your contract of employment and the Academy Trust Company will take the appropriate steps to terminate your employment.

8.6 You may appeal against a dismissal with notice by writing to the Clerk within 10 working days of being sent the notice of termination.

8.7 The fact of the appeal does not delay the commencement of the notice period.

8.8 In the event that your employment is terminated in accordance with Paragraph 8.5 above:

8.8.1 ~~If your contract of employment contains a clause which allows the Academy Trust Company to terminate your contract with immediate effect, the Governing Committee in conjunction with the Academy Trust Board 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~~

8.8.2 If your contract of employment contains a payment in lieu of notice clause, the Local Governing Committee in conjunction with the Academy Trust Board may exercise that clause to end your contract with immediate effect.

9.1 An appeal against a decision of the Capability Manager or Final Capability Manager can be made at any time during the notice period. The appeal must be made in writing to the Clerk within 10 working days of the date of the decision made in accordance with Paragraphs 4, 5 and 6 above.

9.2 In all cases, your appeal letter must set out the grounds of your appeal in detail.

9.3 Any appeal should normally be heard by the relevant Appeal Manager appointed in accordance with Paragraph 3 within 20 working days of the Clerk receiving your appeal letter.

9.4 The Appeal Manager is not required to hear oral evidence and may rely on written evidence.

9.5 If the Appeal Manager does decide to hear oral evidence, you will be given an opportunity to comment on it by attending the meeting or by reviewing the notes of that oral evidence after the meeting (if you were not present at the meeting where such oral evidence was given).

9.6 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 will be final.

- 12.1 Meetings under this procedure may:
 - 12.1.1 need to be held when you were timetabled to teach.
 - 12.1.2 exceptionally be held during planning, preparation and administration time if this does not affect lesson preparation.
 - 12.1.3 be held after the end of the Academy Day.
 - 12.1.4 not be held on days on which you would not ordinarily work.
 - 12.1.5 be extended by agreement between the parties if the time limits cannot be met for any justifiable reason.

- 13.1 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.

