



3. Formal Capability Meeting

- 3.1 At least five working days' notice will be given of the formal capability meeting. The notification will contain sufficient information about the concerns about performance and their possible consequences to enable the employee to prepare to answer the case at the formal capability meeting. It will also contain copies of any written evidence including the outcome of the feedback received as per paragraph 7.2 of the Trust's Appraisal Policy; the details of the time and place of the meeting; and will advise the employee of their right to be accompanied by a companion.
- 3.2 This meeting is intended to establish the facts. It will be conducted by the Capability Review Officer. The meeting allows the employee, accompanied by a companion if they wish, to respond to concerns about their performance and to make any relevant representations. This may provide new information or a different context to the information/evidence already collected.
- 3.3 The Capability Review Officer may conclude that there are insufficient grounds for

- 6.5.2 Appeals against a formal/final written warning shall be restricted to considering the reasonableness of the decision made by the Capability Review Officer, any relevant new evidence not previously available to the Capability Review Officer or any procedural irregularities. A statement giving the reasons for the appeal should be submitted within 5 working days of the formal/final written warning having been received.
- 6.5.3 The appeal will be heard by the Appeal Manager. The hearing will be held as soon as practicably possible after receipt of the appeal at an agreed time and place.
- 6.5.4 The outcome of the appeal hearing will be confirmed in writing as soon as possible and usually within 5 working days of the hearing.
- 6.5.5 Pending the appeal the employee will be expected to continue to work in accordance with targets set for the next stage of the procedure and their progress towards the achievement of these targets may be monitored during this period.

7. Decision Meeting

- 7.1 At least five working days' notice will be given and the notification will give details of the time and place of the meeting and will advise the employee of their right to be accompanied by a companion.
- 7.2 The Determining Officer may be accompanied by a HR representative.
- 7.3 If an acceptable standard of performance has been achieved during the further monitoring and review period, the formal capability procedure will end and the appraisal process will re-start. If performance remains unsatisfactory, a decision may be made that the employee should be dismissed and required to cease working at the academy.
- 7.4 The employee will be informed as soon as possible of the reasons for the dismissal, the date on which the employment contract will end, the appropriate period of notice and whether the notice is to be served or there will be pay in lieu of notice, and their right of appeal.

7.5 Right of Appeal against Dismissal

- 7.5.1 The employee has a right of appeal against a decision to dismiss.
- 7.5.2 Appeals against dismissal should be made in writing within 5 working days of the receipt of the written decision, setting out at the same time the grounds for the appeal.
- 7.5.3 The appeal hearing will be held as soon as practicably possible after receipt of the appeal at an agreed time and place.
- 7.5.4 The outcome of the appeal will be confirmed in writing as soon as possible and usually within 5 working days of the appeal hearing. There is no right of further appeal against such a decision of the Appeal Panel.
- 7.5.5 In the event that the Appeal Panel decides not to uphold the decision to dismiss, the notice of dismissal shall be immediately withdrawn and the employee reinstated without loss of pay.

8. Grievances

- 8.1 Where an employee has a grievance against the way the Capability Review Officer or Determining Officer has conducted the procedure, this will normally be dealt with under the appeals process set out above. However, in very exceptional circumstances, where the behaviour of the Capability Review Officer is the cause of the grievance, it may be appropriate to suspend this procedure for a short period until the grievance has been considered.

9. Employment References to Prospective Employers