

CAPABILITY POLICY AND PROCEDURE

Approving Body	Trust
Date of Last Review	September 2022
Statutory (Y/N)	Yes (employment law)
Responsible Officer	BMAT CEO for and on behalf of the Trust

I. INTRODUCTION – PURPOSE AND SCOPE

1. BMAT is responsible for setting realistic standards of performance, explaining them clearly to employees, and supporting employees to achieve them. Equally, all employees are responsible for performing their roles to at least an acceptable standard.
2. This policy has been drafted in line with relevant legislation and with guidance from ACAS.
3. **This Policy aims to provide a framework for:**
 - a. Dealing with concerns about an employee’s ability to perform the work required or expected of them to the required standard. ‘Ability’ may include an employee’s skill, aptitude, health or any other physical or mental quality in relation to their role; and
 - b. Managing underperformance fairly and consistently, by ensuring that the primary focus of capability proceeding is to improve employee performance to the required standard(s).
4. **Scope:**
 - a. This policy applies to all BMAT employees, except employees in their probationary period, who should refer to their BMAT contract of employment and the [BMAT Probationary Policy and Procedure](#).
 - b. This policy may apply to ECTs in their statutory induction period (Education (Induction Arrangements for School Teachers) Regulations 2012, as amended) if there are serious capability concerns, which call for dismissal prior to the end of that period.
 - c. This policy does not apply to issues of misconduct; in these circumstances the [BMAT Disciplinary Policy and Procedure](#) will be enforced.
 - d. Where there are issues relating to ill health, the [BMAT Sickness Absence Management Procedure](#) should be consulted.

II. GUIDING PRINCIPLES

5. **Non-contractual.** This Policy does not form part of employee’s contracts of employment and may be amended through normal BMAT procedure.
6. **Responsibility:**
 - a. All employees are responsible for fulfilling the requirements of their role to at least a satisfactory standard.
 - b. It is the responsibility of managers to communicate required standards and address performance issues at an early stage and on an informal basis, where appropriate.
 - c. The BMAT Trust Executive is responsible for the overseeing the fair and consistent implementation of this Policy, and is accountable to the Board of Trustees.
7. **Timescales.** Reasonable efforts will be made to deal with capability matters promptly and in line with the timescales set out in this Policy. Those timescales may be varied in exceptional cases

(e.g., due to an unforeseen lack of resource or a particularly complex case). All parties will be informed of any variance to timescales and their consent will be sought.

8. **Stage of implementation:** Informal resolution is preferred, where appropriate, but this Policy may be implemented at any stage if the circumstances warrant (e.g., if the issues are so serious that informal action would be inappropriate).
9. **Formal action** will be confirmed in writing and will not be decided until a full and impartial investigation has been completed.
10. **Equal treatment:** In line with the Equality Act 2010, the capability process will not be used to discriminate unlawfully against any individual or group. Employees will be allowed to put their case at all stages of the capability process.

11. Statutory Right of Accompaniment:

- a. Employees have a statutory right to be accompanied at formal capability hearings (i.e., those that may result in formal capability action recorded on an employee's personnel record) by a colleague, trade union representative or an official employed by a trade union ['companion']. They should be advised of this in writing.
 - b. External lawyers, other than those who are employees of a recognised trade union, may not act as companions.
 - c. The right of accompaniment does not extend to the informal stage of this Policy, because it cannot result in a formal sanction. Employees may make a reasonable request to be accompanied during the informal stages of this Policy, but granting such requests is at BMAT's discretion.
 - d. To exercise their right of accompaniment, employees must make a reasonable request (e.g., by giving BMAT sufficient time to prepare for a companion's attendance).
 - e. If a companion cannot attend a meeting which is subject to the statutory right of accompaniment, then the employee should request to postpone to a convenient time, no more than **five working days** after the original date, (see guidance on timescales). BMAT will agree to such a request.
 - f. A trade union representative who is not an employed official must have been certified by their union as being a competent companion.
 - g. Companions may address the hearing, put the employee's case and confer with him/her in private,
 - h. Companions may not answer questions on the employee's behalf, make submissions against the employee's wishes or obstruct either side from putting its case.
12. **Right of Appeal:** Employees may appeal against any formal capability action, in line with this Policy (Section VII).

13. Records:

- a. BMAT keeps a written record of all capability cases.
 - b. Copies of meeting records should be given to employees. BMAT may redact information to preserve confidentiality and/or protect witnesses.
 - c. Informal action under this Policy will not be stored on personnel files but a record should be kept by managers and those involved.
 - d. First warnings resulting from this Policy shall be spent and disregarded after one year of satisfactory conduct and performance.
 - e. Final warnings resulting from this Policy shall be spent and disregarded after two years of satisfactory conduct and performance.
 - f. Formal action will not be based on spent misdemeanours, but the fact that one exists may explain why BMAT does not substitute a lesser sanction.
 - g. Decisions to dismiss will be securely destroyed after six years.
 - h. records are processed in line with the Data Protection Act 2018 and the [BMAT Data Protection Policy](#).
 - i. Electronic recordings of formal or informal meetings under this Policy are not permitted.
14. **HR and legal involvement:** HR and legal advice will be obtained as appropriate. Legal and/or HR advisors may attend meetings at the formal stage of this Policy, as appropriate and on notice to all parties. A member of HR or a suitable delegate should attend meetings at the formal stage of this Policy to take a note and provide advice.
15. **Confidentiality:** Capability matters are confidential and will not be disclosed unless permitted by law or this Policy.
16. **Capability Action against Trade Union Officials:** If capability action is being considered against a trade union representative or official, then it should be discussed with the Regional Union Office and a full-time trade union official.
17. **Monitoring:** HR will monitor the implementation of this Policy across BMAT.

III. STAGE ONE - INFORMAL PROCEDURE

18. It is appropriate to deal with most concerns about performance or capability informally, as part of day-to-day management.
19. In such cases, the employee's line manager¹ (or the next most senior manager, or a member of SLT, where appropriate) should meet with them to:

¹ Capability concerns about a member of SLT should be raised with the appropriate School Principal or the BMAT CEO. Capability concerns about the BMAT CEO should be raised with the Chair of the Trust.

- a. Remind them of the expected standards;
 - b. Discuss possible shortcomings in performance;
 - c. Allow them to explain their performance;
 - d. Establish the likely cause(s) of underperformance;
 - e. Encourage improvement;
 - f. Consider providing informal coaching.
20. The manager or member of SLT should complete an informal Interview / Coaching Statement (Appendix A), sign it, and ensure that the employee countersigns it. Both parties should retain a copy.
21. The employee will be advised when the matter(s) will be reviewed.
22. Brief notes should be kept and stored in line with the [‘Data Protection Policy’](#).
23. If further problems arise before the review date, then appropriate action will be taken.

IV. STAGE TWO - FORMAL CAPABILITY INTERVIEW

24. If performance does not meet acceptable standards and informal action is not considered appropriate or has not succeeded, Principals/Headteachers should take formal action under this Policy.
25. At least **five working days’** notice will be given of the Interview and a written notification will be given to the employee, including:
- a. Sufficient information about the concerns and their possible consequences, to enable the employee to prepare his/her case;
 - b. Copies of any evidence;
 - c. Details of the time and venue of the interview; and
 - d. Details of the procedure to be followed, including the statutory right of accompaniment.
26. The interview will be led by a member of the Trust Executive or a member of SLT.² The interview may be delegated to line managers who are not members of the Trust Executive or SLT, as appropriate. HR should attend to take notes and, where appropriate, give advice. The investigating officer will present the school’s case as appropriate.
27. The employee will be able to respond to the concerns and make representations about them.

² If a member of SLT who is not also a member of the Trust Executive is the subject of the capability process, then the appropriate BMAT School Principal should lead the interview. If a member of the Trust Executive is the subject of the capability process, then the BMAT CEO should lead the interview. If the CEO is the subject of the capability process, then a trustee should lead the interview.

28. If the employee intends to be accompanied at the interview, s/he should make a reasonable request at least two days before the hearing. If a companion is unavailable, then the employee should request to postpone the meeting to a convenient time, no more than **five working days** after the original date.
29. The person leading the interview may conclude that there are insufficient grounds for pursuing the capability issue and that it would be more appropriate to continue to address concerns through the performance management process or other informal means. In such cases, the capability procedure will come to an end and this will be confirmed in writing.
30. If the person leading the interview decides that the formal action is appropriate, the interview will continue, and the interviewer will:
- a. Identify the shortcomings in the employee's performance and, where appropriate, refer to any relevant frameworks or documented expectations (e.g., job description, performance management reviews, Teachers' Standards, informal coaching forms).
 - b. Give clear guidance on the standards of performance required, to ensure that the employee can be removed from formal capability procedures if they are capable (this may include the setting of new objectives focused on the specific weaknesses that need to be addressed, any success criteria that might be appropriate and the evidence that will be used to assess whether or not the necessary improvement has been made).
 - c. Explain and discuss any support that will be available to help the employee to improve their performance (e.g., coaching, mentoring, training, structured observations).
 - d. Set out the timetable for improvement and explain how performance will be monitored and reviewed. It is for BMAT to determine the timetable. It should be proportionate (usually no less than one half term and no more than a full term); and provide sufficient opportunity for improvement. Relevant factors include the impact of the unsatisfactory performance, the support being put in place and the seriousness of the shortcomings.
 - e. Obtain the employee's signed agreement to the plan for support, monitoring and review. Where agreement is not possible, the person leading the interview will determine the plan to be implemented. Sufficient time should be allowed to enable the employee to implement feedback (e.g., for teaching staff, sufficient time between lesson observations should be granted).
 - f. Inform the employee that they are being issued with a formal written warning and that failure to improve within the set period could lead to a final written warning or dismissal.
 - g. Inform the employee that first warnings will remain on their personnel file for one year, that final warnings will remain for two years and that they have the right to appeal.

- h. The interview may be adjourned in exceptional circumstances. The reasons for and length of adjournment, which should be no more than **five working days**, will be confirmed in writing.
31. A performance monitoring and review period will follow the Stage Two Capability Interview (Appendix B – Formal Monitoring and Review Plan). During the monitoring and review period:
- a. Monitoring meetings will take place between the employee, their manager and/or the person led the capability interview. These will be at agreed intervals, to review progress against the identified objectives or improvements required and monitor the implementation of support plan.
 - b. Written feedback should be given to the employee so that they are aware of how well they are progressing and what (if any) concerns remain.
 - c. The employee should be reminded that first warnings will be spent after one year of satisfactory performance and that, if their performance lapses below the required standard before the end of this period, then the capability process may be re-entered at the stage previously applied or the stage above, depending on the circumstances.

V. STAGE THREE - FURTHER CAPABILITY INTERVIEW

32. A further capability interview should be held if:
- a. The employee has failed to meet the performance targets as set out in the Formal Monitoring and Review Plan (Appendix B);
 - b. There is further evidence of underperformance during the monitoring and review period;
 - c. The performance issues are sufficiently serious.
33. At least **five working days'** notice will be given of the Stage Three Capability Interview and a written notification will be given to the employee, including:
- a. Sufficient information about the concerns and their possible consequences, to enable the employee to prepare his/her case;
 - b. Copies of any evidence;
 - c. Details of the time and venue of the interview; and
 - d. Details of the procedure to be followed, including the statutory right of accompaniment.
34. The interview will be led by a member of the Trust Executive or a member of SLT.³ Where possible, further capability interviews will be conducted by the same person that conducted the

³ If a member of SLT who is not also a member of the Trust Executive is the subject of the capability process, then the appropriate BMAT School Principal should lead the interview. If a member of the Trust Executive is the subject of the capability process, then the BMAT CEO should lead the interview. If the CEO is the subject of the capability process, then a trustee should lead the interview.

initial capability interview. HR should attend to take notes and, where appropriate, give advice. The investigating officer will present the school's case as appropriate.

35. The employee will be able to respond to the concerns and make representations about them.

36. If the employee intends to be accompanied at the interview, s/he should make a reasonable request at least two days before the hearing. If a companion is unavailable, then the employee should request to postpone the meeting to a convenient time, no more than **five working days** after the original date.

37. The person leading the further capability interview will:

- a. Review the action taken to date;
- b. Review the outcome of any support and monitoring period; and
- c. Outline the continuing concerns about performance against the required or expected standards, their impact and potential consequences.
- d. Details of the procedure to be followed, including the statutory right of accompaniment.

38. If the person conducting the Stage Three Capability Interview is satisfied that the employee has made sufficient improvement, then:

- a. The capability process will cease, and normal performance management arrangements will re-commence. This will be confirmed in writing, with details of the standards of performance to be maintained and the implications if further concerns about performance arise.
- b. The employee should be reminded when the formal first warning will be spent and that, if their performance lapses below the required standard before the end of this period, the capability process may be re-entered at the stage previously applied or the stage above, depending on the circumstances.

39. If some progress has been made and there is confidence that more is likely, then:

- a. It may be appropriate to extend the monitoring and review period without issuing a final written warning. The Formal Monitoring and Review Plan should be updated and co-signed by the employee.
- b. A further Stage Three Capability Interview will be arranged.

40. If no, or insufficient improvement has been made during the monitoring and review period, then:

- a. A final written warning will be issued;
- b. The employee will be informed that the warning will remain on their personnel file for two years and that they have the right to appeal;

- c. The employee will be informed in writing that failure to achieve an acceptable standard of performance, within the set timescale, may result in dismissal; and
 - d. A revised formal monitoring and review plan will be implemented and co-signed.
41. A capability interview may be adjourned in exceptional circumstances. The reasons for and length of adjournment, which should be no more than **five working days**, will be confirmed in writing.

42. During the revised monitoring and review plan:

- a. Monitoring meetings will take place between the employee, their manager and/or the person led the formal initial capability interview. These will be at agreed intervals, to review progress against the identified objectives or improvements required and monitor the implementation of support plan.
- a. Written feedback should be given to the employee, so they are aware of how they are progressing and what concerns remain;
- b. The employee should be reminded that their final warning will be spent after two years, unless their performance lapses below the required standard before the end of this period. In these instances, the procedure may be re-entered at the stage previously applied or the stage above, depending on the circumstances.

43. At the end of the monitoring and review period, a review meeting will be held to consider whether sufficient progress has been made and what further action may be appropriate:

- a. If some progress has been made and there is confidence that more is likely, it may be appropriate to extend the monitoring and review period. This is generally not appropriate at Stage Three of this Policy.
- b. If no, or insufficient improvement has been made during the monitoring and review period, employee will be advised in writing that a capability hearing will be convened to consider dismissal on the grounds of capability; and that the statutory right of accompaniment applies.

VI. STAGE FOUR - FORMAL CAPABILITY HEARING

44. At least **five working days'** notice will be given of the hearing Interview and a written notification will be given to the employee, including:
- a. Sufficient information about the concerns and their possible consequences, to enable the employee to prepare his/her case;
 - b. Copies of any evidence;
 - c. Details of the time and venue of the interview; and
 - d. Details of the procedure to be followed, including the statutory right of accompaniment.

45. The options available at a capability hearing are:

- a. To determine that the employee should cease to work in his/her present post;
- b. To determine that the employee should cease to work in his/her present post but offer employment in another post;
- c. To determine that the monitoring and support programme should be continued for a defined timescale;
- d. To determine that the employee should continue to work for BMAT and that no further formal action under this Policy is required;

46. If the employee intends to be accompanied at the interview, s/he should make a reasonable request at least two days before the hearing. If a companion is unavailable, then the employee should request to postpone the meeting to a convenient time, no more than **five working days** after the original date.

47. Both sides should give notice of their intention to call witnesses and a summary of the evidence that they intend to present at the hearing (in the case of BMAT, this should form part of the notification of the hearing; in the case of the employee, this should be at least two working days before the hearing).

48. The hearing will be chaired by a member of the Trust Executive or a member of SLT. This should not be the same person who led the capability interviews at Stage Two or Stage Three of this Policy⁴. A member of HR should attend to take notes and advise the Chair, as appropriate. A legal adviser may attend to advise the Chair, as appropriate.

49. The hearing:

- a. The chair will explain the purpose of the hearing, summarise the capability concerns, outline the steps taken so far and remind the employee that dismissal is a possible outcome.
- b. The presenting manager will present the case. This should be the person responsible for conducting the Stage Two and Stage Three Capability Interviews, or a suitable delegate.
- c. The employee and their companion will be asked to put their case, ask questions and present evidence.
- d. Someone who is not involved in the case will take minutes (usually a member of HR);
- e. The main points of the hearing will be summed up and the presenting manager and employee will be asked if they have anything further to say.

⁴ If a school principal led the capability interviews, then the BMAT CEO or an alternative school principal should chair the hearing and the school principal who led the capability interviews should be the presenting manager. If the BMAT CEO led the capability interviews, then a trustee or governor should chair the hearing and the BMAT CEO should be the presenting manager. If a trustee led the capability interviews, then the Chair of the Trust or an appointed external expert should chair the hearing and the trustee should be the presenting manager.

- f. The hearing should be adjourned before a final decision is taken.
 - g. The hearing will be reconvened within a reasonable time and usually on the same day.
 - h. The chair will consider the hearing with legal and HR advice, as appropriate.
 - i. The parties will be called back into the hearing and notified of the decision. The decision will be confirmed to the employee in writing within **ten working days** of the hearing.
 - j. The employee will be informed of the right to appeal.
 - k. Where it is not possible to reconvene on the same day, all parties will be contacted to arrange a suitable time. If a mutually agreeable time cannot be arranged, the decision may be communicated in writing. Hearings are reconvened to communicate the decision, not to introduce new submissions or evidence.
50. Where an employee is persistently unable or unwilling to attend a hearing without good cause, BMAT will make a decision based on the evidence available.

VII. STAGE FIVE - APPEAL

51. The appeal process may be suspended at any stage for voluntary and confidential mediation⁵, on agreement between BMAT and the appellant employee. If mediation fails, the appeal process may be restarted.
52. At any stage of the formal procedure, as an alternative to appealing against a formal warning, an employee may request to have a statement placed on their personnel file, indicating their views and comments regarding the formal action taken.
53. Where an employee feels that capability action taken against them (is wrong or unjust, then they can appeal the decision. Grounds for appeal may include:
- a. Disproportionality/undue severity;
 - b. Inconsistency in capability action or decision making;
 - c. The decision or decision making process was biased;
 - d. A material mistake was made on the facts;
 - e. The decision making was irrational (i.e., no reasonable person could have come to the decision that was made);
 - f. There was a failure to act or investigate the allegation properly;
 - g. New and material evidence has come to light.
54. The onus is on the appellant to clearly establish the ground(s) of appeal, materiality to the decision taken and the detriment they have suffered as a result.
55. Within **five working days** of the decision to take capability action, the appellant must submit the Capability Appeal Form (Appendix C) to HR, in person or at hr@beaconacademytrust.co.uk.

⁵ BMAT will make arrangements for the mediation process, following HR and/or legal advice, as appropriate.

56. Within **five working days** of receipt of an appeal, a written acknowledgement will be sent to the appellant outlining the next steps.
57. In exceptional cases, appeals may be dismissed on the papers (i.e. without a hearing) if BMAT has reasonable grounds to believe that the appeal is vexatious, baseless and/or inarguable (e.g. because the evidence in favour of formal action was very strong and/or because the appellant has made no arguable case in response and/or because the appellant has used the appeal form to attack BMAT and/or the person(s) responsible for enforcing the capability procedure.
58. Malicious appeals may result in disciplinary action.
59. A governors' appeal panel will be held no later than **20 working days** from the submission of the appeal. The panel will consist of three members of the governing body, with advice from HR and/or a legal professional, who should attend the panel hearing.
60. Appeals by employees who provide services directly to BMAT and/or members of the Trust Executive, will be dealt with by an appeal panel of Trustees. The Panel will be held no later than **20 working days** from the submission of the appeal, and consist of three trustees, with advice from HR and/or a legal professional, who should attend the panel hearing.
61. The details of the hearing and copies of any relevant documentation will be sent to the complainant and panel not less than **five working days** prior to the date of the hearing.
62. Appeals will be impartial and cannot result in an increase to any sanction.
63. Appeals will **not** take the form of a rehearing; the purpose is to review the decision and the decision making process. Following legal and/or HR advice, exceptions may be made if the appellant submits evidence to suggest that there was bias or discrimination in the decision or decision making process.
- 64. At the appeal hearing, the panel will:**
 - a. Follow the procedure for the capability hearing set out in Section VI of this Policy, except that the appellant shall put the case for appeal first.
 - b. Deal with individuals fairly, impartially and in line with equality and diversity requirements;
 - c. Aim to reach a consensus;
 - d. Maintain confidentiality, as appropriate;
 - e. Consider all relevant materials and give all parties the opportunity to make submissions in person;
 - f. Consider the grounds of appeal and any responses to them;
 - g. Review the record of the capability process;
 - h. Seek clarification from the individuals involved;
 - i. Consider whether or not to admit any new evidence, where applicable;

- j. See paragraph 11 of this Policy on the statutory right of accompaniment, which applies to appeal hearings.

65. Following an appeal hearing, the appeal may be:

- a. Upheld in full or in part, with an appropriate remedy (e.g., a reduction to the severity of any action); or
- b. Dismissed, with no change to any decision or capability action.

66. Before reaching a decision, the panel may need to obtain legal or other professional advice. They will normally communicate their decision and its rationale in writing, within **ten working days**. If they are unable to do so, they will give reasons why not and the date by which a decision is expected.

67. Attendance at each meeting of the panel, issues discussed, and recommendations will be recorded in writing. The Clerk to BMAT keeps a record of appeal hearings, in line with data protection legislation and the [BMAT Data Protection Policy](#).

68. The outcome of the appeal hearing will be final in respect of internal procedures.

69. See '[Appendix E – The Appeal Panel](#)'.

APPENDIX A – COACHING STATEMENT

Employee Name:		Date:	
Coach Name:			

Concern	Area of Concern	For teaching staff indicate the Teachers’ Standard relevant to the concern and/or whether the concern relates to leadership or is linked to Performance Management targets	For support staff indicate the relevance of the concern to:
Indicate if: Performance <input type="checkbox"/> Conduct <input type="checkbox"/>		TS1 <input type="checkbox"/> TS2 <input type="checkbox"/> TS3 <input type="checkbox"/> TS4 <input type="checkbox"/> TS5 <input type="checkbox"/> TS6 <input type="checkbox"/> TS7 <input type="checkbox"/> TS8 <input type="checkbox"/> Part Two <input type="checkbox"/> Leadership <input type="checkbox"/> Performance Management target <input type="checkbox"/>	Role and responsibility <input type="checkbox"/> Performance Management target <input type="checkbox"/> BMAT policies (please indicate specific policy below) <input type="checkbox"/> e.g. Employee Code of Conduct <hr/> Relevant policy:

APPENDIX A – COACHING STATEMENT - continued

Area of concern	Teachers' Standard if applicable	Actions to address this concern (including support provided)	Completion Date	Target/Success Criteria	Evaluation and impact of support Review date 00/00/00	Has the expected progress been achieved? (Yes/No)

Employee Signature:		Date:	
Coach Signature		Date:	

CAPABILITY POLICY

APPENDIX B – FORMAL MONITORING AND REVIEW FORM (STAGES TWO AND THREE)

FORMAL MONITORING AND REVIEW FORM	
Date	
Name and role of employee	
Name and role of manager	
What stage of the formal capability procedure is in force?	Stage Two (formal warning) <input type="checkbox"/> Stage Three (final warning) <input type="checkbox"/>
What are the identified shortcomings in performance?	<i>Wherever possible, refer to objective standards (e.g., role specification; Teachers' Standards) and give dates of specific incidents.</i>
What are the employee's objectives?	
What is the deadline for improved performance?	

CAPABILITY POLICY

APPENDIX B – FORMAL MONITORING AND REVIEW FORM (STAGES TWO AND THREE) –Page 2

<p>Please explain the proposed schedule for monitoring and reviewing the employee’s performance, prior to the above deadline (e.g., informal meetings at the same time once every fortnight to discuss concerns/improvements).</p>	
<p><u>Declaration:</u> By signing this form, both parties agree that they understand its contents and that if the employee fails to achieve his/her objectives within the agreed timescale, then more serious action may be taken; depending on the circumstances.</p>	
<p>Employee’s signature:</p> <p>Manager’s signature:</p>	

CAPABILITY POLICY

APPENDIX C – CAPABILITY APPEAL FORM – Page 1

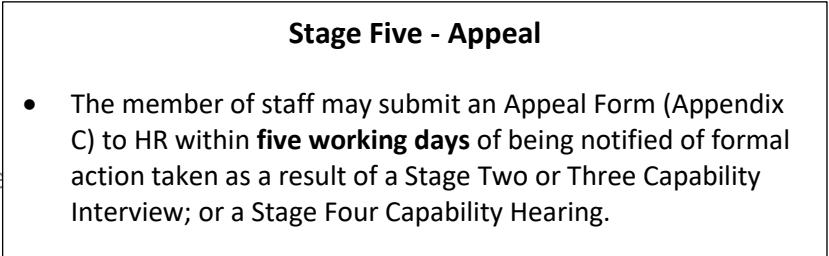
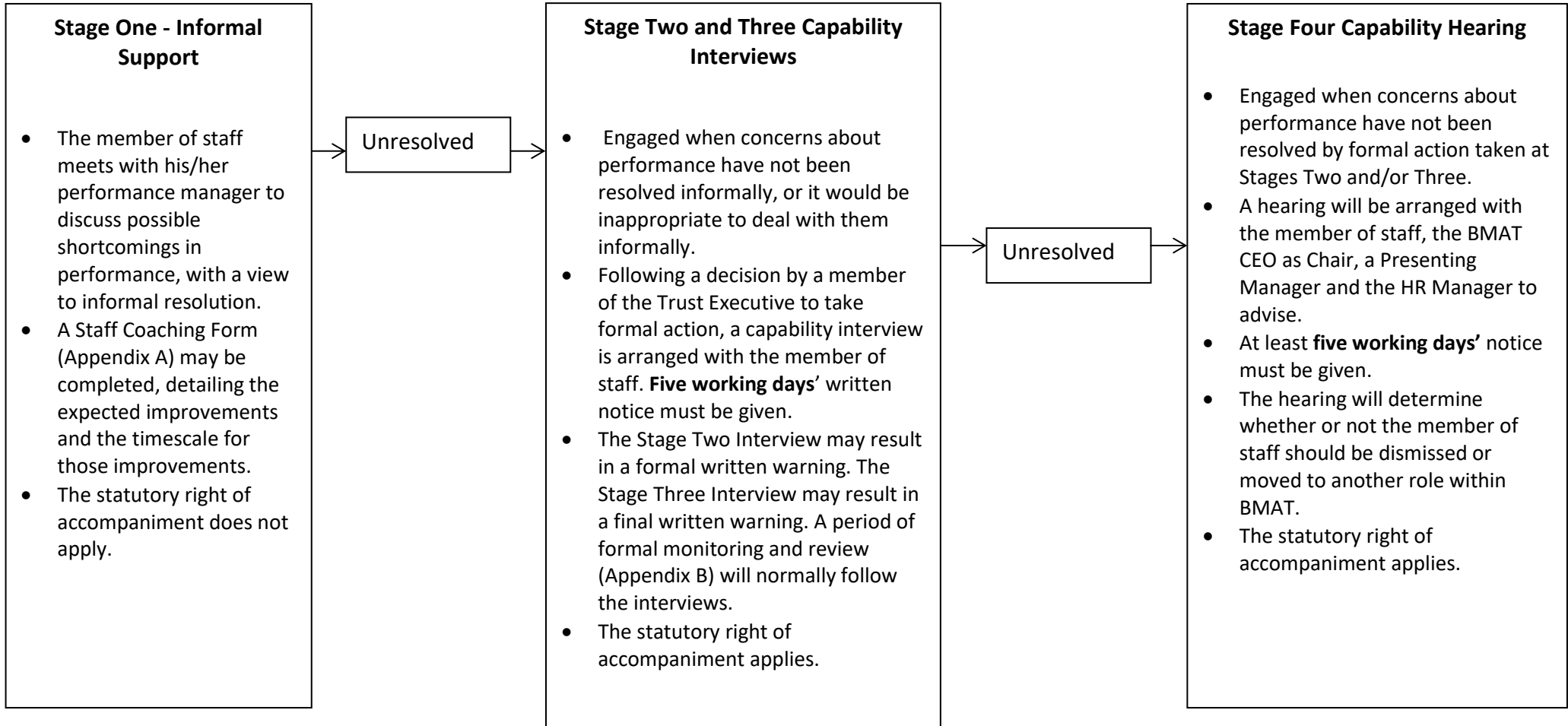
CONTACT DETAILS	
Name	
Job Title & Department	
APPEAL INFORMATION	
Date	
What capability action/decision are you appealing?	First Warning <input type="checkbox"/> Final warning <input type="checkbox"/> Dismissal <input type="checkbox"/>
Name & job title of the person who made the decision you are appealing.	
Date of decision you are appealing.	
Summary of Appeal – <u>Please explain:</u> <ul style="list-style-type: none"> • The ground(s) of your appeal; • Their materiality to the decision to take capability action and/or the disciplinary action taken; and • The detriment you have suffered as a result. <p>Provide as much detail as possible.</p> <p>Attach additional sheets if required.</p>	

CAPABILITY POLICY

APPENDIX C – CAPABILITY APPEAL FORM – Page 2

<p>Outcome Requested – if your appeal is successful, what steps would you like to be taken and why would it be appropriate to take them?</p>	
<p>Declaration</p> <p><u>Signature:</u></p> <p><u>Date:</u></p>	<p>I confirm that the above statements are true to the best of my knowledge, information and belief.</p>

CAPABILITY POLICY - APPENDIX D FLOWCHART OF BMAT CAPABILITY PROCEDURE



CAPABILITY POLICY

APPENDIX E – THE APPEAL PANEL

1. Governors/trustees will be selected based on their eligibility and availability.
2. There should be three and no fewer than two governors/trustees who have no prior involvement in the case and no concern for the case other than in their capacity as governors or, if a parent of a student of BMAT, than in the capacity of such parents generally.
3. Governors/trustees must not be employees of BMAT (e.g., a staff governor or a school principal within BMAT) and any decision(s) to which they are a party must not be under appeal;
4. The committee will be reconstituted for each appeal hearing;
5. The hearing must take place in a suitable room which must be free from interruptions and suitable for any disabled attendees;
6. HR and/or legal professionals will advise the committee if needed and should attend appeal hearings, where appropriate.