Policy Name Point 36 Bold
Policy Point 12
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This policy has been approved and adopted by the Christus Catholic Trust across all their academies, and it will apply to all staff within the Trust.

Approved by Trust Board	October 2026
Review Date	October 2027

The schools of Christus Catholic Trust are unique and united
in partnership and service to our communities and global home.

We are:

- Uncompromising in our **ambition** to use the power of **collaboration** to ensure our pupils receive an **excellent** Catholic education.
- Have a strong culture of safeguarding in an environment where good mental health and wellbeing are nurtured.
- Have an **inclusive** approach to a high quality, **innovative**, contextualised education.
- Have high **aspirations** for all our pupils to achieve the best possible outcomes.

Informal support and capability policy

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 are also committed to the formation and flourishing of all employees.

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. We recognise the importance of:

- respecting the rights and dignity of employees
- supporting the flourishing and formation of all members of the community
- providing opportunities for all to participate and contribute
- recognising talents and valuing contributions.

A flourishing school is one that recognises the gifts of its members and provides opportunities to allow them to flourish for the common good of all[1].

Principles of informal support and formal capability

Catholic schools are called to be *"places of human flourishing in which we will realise the fullness of our potential in all its dimensions[2]"*. We are committed to creating an environment which encourages human flourishing for both pupils and employees and this policy forms part of that commitment. Our aim is for employees to work with us to create an environment in which all staff feel supported, where professional dialogue can take place and where accountability is welcomed.

There may be times when an employee will require support to enable them to carry out their work to the expected standard. In those circumstances, we are committed to providing informal support and guidance to assist employees to take appropriate action to address any identified performance concerns and meet the required standards where possible. Feedback, support and guidance will be provided in a way which is constructive, developmental and encouraging and our use of this policy will be rooted in trust and a shared commitment to our collective mission in Catholic education.

The use of this policy is rooted in the following commitments to all employees:

- It is our aim, where there are concerns about an employee's performance, to provide support and guidance through informal support in such a way as the employee's performance improves and the concern is, therefore, resolved
- In accordance with our appraisal and employee development policy, any concerns about performance will be addressed using this informal support and capability policy and this policy will only be invoked if there is clear evidence of sustained underperformance that has not been addressed through the appraisal and employee development process
- We will not invoke the formal capability process unless the support and guidance offered under informal support has been exhausted and there is clear evidence of continued underperformance
- We will always investigate with an employee, at an early stage, whether their personal circumstances are leading to performance concerns and we will aim to establish informally whether the reason for any concerns is due to ill-health, lack of competence, misconduct or whether there are other mitigating personal circumstances
- We will make reasonable adjustments to the process set out in this policy where required

[1] *Called to Flourish in Faith and Hope (Catholic Education Service 2024)*

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[2] *Called to Flourish in Faith and Hope (Catholic Education Service 2024)*

- We will provide appropriate periods of induction, job descriptions and information about the professional standards and codes of practice applicable to a role (if any)
- We will provide training to our leaders and line managers to enable them to understand their line management responsibilities, and we will encourage them to provide effective and constructive feedback to their staff, raising any performance concerns at the earliest possible opportunity
- We will encourage all of our leaders and line managers to provide regular, constructive feedback to support employees' growth and development. This includes timely, in-the- moment feedback where appropriate as this is often the most effective way to support improvement
- We will make our expectations clear on the understanding that employees will let us know if they do not understand our expectations or the requirements for their role
- We will provide detailed information to all employees about what concerns need to be addressed and what improvements in performance will look like
- When we make decisions, we will always reflect on the most up-to-date evidence of performance
- We are committed to ensuring respect, objectivity, belief in the dignity of the individual, consistency of treatment and fairness
- We are committed to promoting equality of opportunity and eliminating unlawful discrimination
- We will apply this policy in a consistent and fair way whilst monitoring the impact on workload
- We are committed to the enhancement of professional practice for all in our *"educational constellation"*[3]
- We will provide a supportive environment in which employees are secure in the knowledge that their progress and commitment are acknowledged
- Whenever this policy is used, we will consider employee wellbeing and whether the employee requires additional support, reasonable adjustments or a referral to Occupational Health
- The Christian qualities of 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 will be valued
- The use of this policy will offer opportunities to ensure justice for employees and pupils alike
- All monitoring periods set out in this policy represent minimum expectations and we will apply such periods flexibly and proportionately, as required, taking into account individual circumstances
- We will remind employees in meeting invitations that they may be accompanied to meetings by a companion (where applicable)
- A decision to dismiss will always be the last resort.

1. Application

This policy applies to all employees or workers (for the purposes of this policy, the term employee will be used).
Performance and developmental concerns relating to Early Career Teachers will generally be addressed in accordance with the Early Career Framework and the relevant statutory guidance, but in cases of serious and sustained capability concerns this policy may be used following a discussion with the appropriate body[4].

- This policy shall be invoked when there is an identified need to address, with a view to remedying, capability due to lack of competence[5].
- There may be some occasions where an employee's lack of capability could also be described as misconduct[6]. This policy and the disciplinary policy may be used concurrently whilst we endeavour to ascertain if an employee's lack of capability is due to misconduct or lack of competence.
- There may be occasions where an employee's lack of capability could relate to ill-health. This policy may therefore be used concurrently with the sickness absence policy. Where an employee has a disability or underlying health condition, we will consider whether reasonable adjustments are required to support them in their role and throughout the

[3] *Drawing New Maps of Hope, Apostolic Letter, Pope Leo XIV (27 October 2025)*
[4] Appropriate bodies are those organisations that have a quality assurance role in the oversight of statutory teacher induction.
[5] Lack of competence means a lack of skill or aptitude leading to unsatisfactory performance. It could also be described as "can't do" (because, for example, of lack of skills, knowledge or health related performance issues).
[6] Misconduct means any action or inaction which contravenes the provisions of an employee's contract of employment, any rules laid down by the employer and/or any professional code of conduct. It could also be described as "won't do" (where the issue relates to behaviour or attitude).

capability process if it is invoked. This may include adjustments to duties, working arrangements, or the process itself. Where there are concerns that an employee's performance may be affected by an underlying health condition, we may seek advice from Occupational Health in order to ensure that appropriate support and any reasonable adjustments are considered.

- The process of managing performance concerns due to capability may be paused where an employee is absent on the grounds of sickness following this policy being invoked but we will assess the individual circumstances before any decision is made. Periods of sickness absence will be excluded from the timelines designated in this policy for support, monitoring and review, where appropriate, and all employees returning from sickness absence will be supported in accordance with the sickness absence policy.
- This policy does not form part of any other procedure but relevant information on capability, may be taken into account in relation to the operation of other policies. This policy may run concurrently with other policies where appropriate.
- An employee is entitled to have access, by arrangement, to their personnel file and to request the deletion of time-expired records.
- The management of employee capability is delegated by the board of directors in the manner set out in this policy and any relevant provision in the scheme of delegation.
- The management of performance concerns and related investigations will be treated in confidence by all parties involved at all stages of this policy.

2. Informal support

If, in the view of an employee's appraiser, an employee is experiencing performance concerns that, if not rectified, could lead to formal capability, a member of senior staff or the employee's line manager, as appropriate, will meet with the employee to hold a supportive conversation in which they will:

Give clear written feedback about the nature of the concerns.

- This policy shall be invoked when there is an identified need to address, with a view to remedying, capability due to lack of competence[7].
- There may be some occasions where an employee's lack of capability could also be described as misconduct[8]. This policy and the disciplinary policy may be used concurrently whilst we endeavour to ascertain if an employee's lack of capability is due to misconduct or lack of competence.
- There may be occasions where an employee's lack of capability could relate to ill-health. This policy may therefore be used concurrently with the sickness absence policy. Where an employee has a disability or underlying health condition, we will consider whether reasonable adjustments are required to support them in their role and throughout the capability process if it is invoked. This may include adjustments to duties, working arrangements, or the process itself. Where there are concerns that an employee's performance may be affected by an underlying health condition, we may seek advice from Occupational Health in order to ensure that appropriate support and any reasonable adjustments are considered.
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[7] Lack of competence means a lack of skill or aptitude leading to unsatisfactory performance. It could also be described as "can't do" (because, for example, of lack of skills, knowledge or health related performance issues).

[8] Misconduct means any action or inaction which contravenes the provisions of an employee's contract of employment, any rules laid down by the employer and/or any professional code of conduct. It could also be described as "won't do" (where the issue relates to behaviour or attitude).

- The management of performance concerns and related investigations will be treated in confidence by all parties involved at all stages of this policy.

3. Informal support

If, in the view of an employee's appraiser, an employee is experiencing performance concerns that, if not rectified, could lead to formal capability, a member of senior staff or the employee's line manager, as appropriate, will meet with the employee to hold a supportive conversation in which they will:

Give clear written feedback about the nature of the concerns.

- If, in the view of an employee's appraiser, an employee is experiencing performance concerns that, if not rectified, could lead to formal capability, a member of senior staff or the employee's line manager, as appropriate, will meet with the employee to hold a supportive conversation in which they will:
- Give clear written feedback about the nature of the concernsd focused periods of informal support may be deemed to be appropriate. Where improvement is not secured and sustained during any further period of informal support, a decision may be made to move to formal capability.
- There is no right of appeal against a decision to extend any period of informal support monitoring, but there is a right of appeal if a decision is made to move to formal capability.
- Where an employee who is subject to informal support is also responsible for appraising other employees, they will usually continue to do this unless the CEO, (or where the CEO is in receipt of informal support, the chair of the board), determines that this would not be appropriate.
- In exceptional cases, it may not be appropriate in cases of serious capability to provide informal support. In such circumstances, the formal capability process will be invoked immediately. There is a right of appeal if a decision is made to move immediately to formal capability.
- The receipt of informal support by an employee will not generally be referred to in any employment reference provided.
- The appraisal and employee development process will continue during any periods of informal support.

4. **Formal capability**

Please see Appendix 1 which lists who will be responsible for each stage of the process where formal capability is invoked.

5. First formal capability meeting

a. When an employee enters formal capability, a capability manager will be appointed in accordance with Paragraph 3 above. The capability manager will write to the employee to invite them to a first formal capability meeting. The appraisal and employee development process will be paused at this point.

b. Employees will be given at least 5 school days' notice of the meeting, and they may be accompanied by a companion.

c. A performance report which will set out what aspects of the employee's performance are causing concern, what performance standards are expected (with reference to the employee's role, job description, any applicable professional standards and any relevant code of practice) and what support has been provided to achieve the required performance levels so far, will be provided with the meeting invitation.

d. Employees may bring any documentation that they wish to rely on to the first formal capability meeting, but they must provide copies of any documents that they wish to bring to the capability manager at least 2 school days prior to the first formal capability meeting.

e. At the first formal capability meeting there will be a discussion about the concerns identified and employees will have an opportunity to comment on, offer an explanation for and/or challenge the contents of the performance report. There will be an opportunity to discuss the support and guidance provided so far and what support and guidance may be required going forward. There will also be a discussion about how the employee's performance will be monitored and supported going forward.

f. At the end of the first formal capability meeting, having considered all of the points discussed, the capability manager may conclude that the employee's performance is satisfactory. That will be the end of the formal

capability process, this outcome will be confirmed in writing and the appraisal and employee development process will recommence.

g. Alternatively, at the end of the first formal capability meeting, having considered all of the points discussed, the capability manager may conclude that the employee's performance is unsatisfactory.

h. If the capability manager concludes that the employee's performance is unsatisfactory the employee will be issued with a first capability notice and an improvement and support plan will be drawn up in discussion with the employee as soon as is reasonably practicable, but no later than 5 school days following the first formal capability meeting.

i. The improvement and support plan will:

- Detail the issues identified and set out why the employee's performance is unsatisfactory
- Give clear guidance on the improved sustainable standard of performance needed to exit formal capability
- Explain the support that will be provided
- Detail how performance will be monitored and supported
- State what period of time performance will be monitored for
- Identify a reasonable timetable for improvement
- Provide an anticipated date for the second formal capability meeting based on the length of the monitoring period
- State that failure to improve may lead to dismissal.

j. Performance will be monitored for at least 4 school weeks after the date of the improvement and support plan. During this time, regular reviews will be scheduled and the support provided will be adjusted if necessary, based on feedback. Any adjustments will be discussed with the employee and confirmed in writing.

k. The monitoring period can be extended at any time at the discretion of the capability manager for a further period of up to 12 school weeks by written notice to the employee.

l. Employees may appeal against a first capability notice within 5 school days of the date of the first capability notice. Appeals will not delay the monitoring of performance as set out in the improvement and support plan.

m. First capability notices will remain live for 12 months. If within that 12 month period the required standard of performance is not sustained by the employee, the capability manager will recommence formal capability at the stage it was previously concluded. Employees will be notified of this in writing. For the avoidance of doubt, at the end of the 12 month period, the first capability notice will be retained on an employee's records in accordance with our data retention policy although it will no longer be live and cannot be used as part of this process.

n. Notes will be taken of all formal meetings and copies provided to the employee as soon as possible after the meeting has taken place.

6. Second formal capability meeting

a. If in accordance with Paragraph 4g above, the capability manager concludes that the employee's performance is unsatisfactory, a second formal capability meeting will take place on the date set out in the improvement and support plan or such other date as is determined based on the length of any period of monitoring. The capability manager will update the performance report referred to in Paragraph 4c above and send it to the employee along with an invitation to the second formal capability meeting at least 5 school days prior to the meeting. The updated performance report will provide a detailed assessment of the employee's performance during the time that it has been monitored, information about the support that has been provided and an evaluation of the employee's performance at the end of the period of monitoring.

b. Employees may bring any documentation that they wish to rely on to the second formal capability meeting, but they must provide copies of any documents that they wish to bring to the capability manager at least 2 school days prior to the meeting. Employees may be accompanied by a companion.

c. At the second formal capability meeting there will be a discussion about the issues identified and employees will have an opportunity to comment on, offer an explanation for and/or challenge the contents of the updated performance report. There will be an opportunity to discuss the support and guidance provided so far and what support and guidance may be required going forward. There will also be a discussion about how the employee's performance will be monitored and supported going forward.

d. At the end of the second formal capability meeting, having considered all of the points discussed, the capability manager may conclude that the employee's performance is satisfactory. That will be the end of the formal capability process, this outcome will be confirmed in writing and the appraisal and employee development process will recommence. If the required standard of performance is not sustained during the period of the first capability notice, the capability manager will recommence formal capability at the stage it was previously concluded, and the employee will be notified of this in writing.

e. Alternatively, at the end of the second formal capability meeting, having considered all of the points discussed, the capability manager may conclude that the employee's performance is unsatisfactory.

f. If the capability manager determines that the employee's performance is unsatisfactory at the end of the second formal capability meeting the employee will be issued with a final capability notice setting a further monitoring period of 4 school weeks.

g. At the end of the further monitoring period there will be a final formal capability meeting one of the outcomes of which may be dismissal.

h. Employees may appeal against a final capability notice within 5 school days of the date of the final capability notice. Appeals will not delay the monitoring of performance as set out in Paragraph f above.

i. Final capability notices will remain live for 12 months. If within that 12 month period the required standard of performance is not sustained by the employee, the capability manager will recommence formal capability at the stage it was previously concluded. Employees will be notified of this in writing. For the avoidance of doubt, at the end of the 12 month period, the final capability notice will be retained on an employee's records in accordance with our data retention policy although it will no longer be live and cannot be used as part of this process.

j. Notes will be taken of all formal meetings and copies provided to the employee as soon as possible after the meeting has taken place.

7. Final formal capability meeting

a. If in accordance with Paragraph 5e above, the capability manager determines that the employee's performance is unsatisfactory at the end of the second formal capability meeting, a final period of monitoring will take place and then a final capability manager will be appointed in accordance with Paragraph 3. The final capability manager will send the employee a final performance report along with an invitation to a final formal capability meeting at least 10 school days prior to the meeting. The final performance report will provide a detailed assessment of the employee's performance during the time that it has been monitored, information about the support that has been provided and an evaluation of the employee's performance at the end of the final period of monitoring set out in Paragraph 5f above.

b. Employees may bring any documentation that they wish to rely on to the final formal capability meeting, but they must provide copies of any documents that they wish to bring to the final capability manager at least 2 school days prior to the meeting. Employees may be accompanied by a companion.

c. At the final capability meeting there will be a discussion about the concerns identified and employees will have an opportunity to comment on, offer an explanation for and/or challenge the contents of the final performance report.

d. At the end of the final formal capability meeting, having considered all of the points discussed, the final capability manager may conclude that the employee's performance is satisfactory. That will be the end of the formal capability process, this outcome will be confirmed in writing and the appraisal and employee development process will recommence. If the required standard of performance is not sustained during the period of the final capability notice, the final capability manager will recommence formal capability at the stage it was previously concluded, and the employee will be notified of this in writing.

e. Alternatively, at the end of the final formal capability meeting, having considered all of the points discussed, the final capability manager may conclude that the employee's performance is unsatisfactory, and a recommendation will be made that the employee is dismissed. Steps will then be taken to terminate the employee's employment with notice.

f. Where a decision to dismiss is made, alternative sanctions may 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 on equivalent terms and conditions to the current post and protection of salary will not apply.

g. The board of directors will not review the final capability manager's decision in order to ensure that an appeal panel can be convened if necessary.

h. Employees may appeal against a decision to dismiss within 10 school days of the date of the notice of termination.

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

j. In the event that an employee's employment is terminated, if the contract contains a garden leave clause that clause may be exercised so that the employee is not required to attend work during the notice period but remains employed and so bound by the terms of their contract of employment until the expiry of the notice period. If the contract contains a payment in lieu of notice clause that clause may be exercised to bring the contract to an end with immediate effect.

l. Notes will be taken of all formal meetings and copies provided to the employee as soon as possible after the meeting has taken place.

8. Appeals

a. Employees have a right of appeal at the points in the process detailed above.

b. Appeals should be made in writing to EPM, HR Provider.

c. Appeal letters must set out the grounds of appeal in detail. Grounds may be that the action taken was unfair, that this policy was applied defectively or unfairly, that new evidence has come to light, or that the relevant sanction was overly harsh in all the circumstances.

d. An appeal meeting will normally be held within 20 school days of an appeal letter being received and employees will be given at least 10 school days' notice of the date of the meeting. Employees may be accompanied by a companion at appeal meetings.

e. At the same time as providing notice of the meeting, the appeal manager will provide information about what evidence will be relied upon at the appeal meeting. If written evidence is going to be relied upon a copy will be provided to the employee and if oral evidence is going to be relied upon the employee will be told who will be giving that oral evidence.

f. Employees may bring any documentation that they wish to rely on to an appeal meeting, but they must provide copies of any documents that they wish to bring to the appeal manager at least 2 school days prior to the appeal meeting. If employees wish to rely on oral evidence, they must provide details of the individuals who will be providing that oral evidence at least 2 school days prior to the appeal meeting.

g. Employees will be given an opportunity to comment on the evidence provided during the appeal meeting. The appeal manager will consider the evidence provided by the employee and by the capability manager or final capability manager (as appropriate) in order to determine whether the relevant decision was fair and reasonable.

h. The outcome of the appeal meeting will be provided to the employee within 5 school days of the appeal meeting.

i. The decision of the appeal manager is final and there is no further right of appeal.

j. The potential outcomes of an appeal are that:

- The decision of the capability manager or final capability manager is upheld
- The appeal is upheld, the decision of the capability manager or final capability manager is overturned and the matter is referred back to them with instructions as to the action that should be taken.

k. If an appeal against dismissal is successful, the employee will be reinstated with no break in continuous service.

l. Information relating to employees who have been subject to the formal capability process will be disclosed to potential new employers if there is a statutory basis for disclosing such information.

m. Notes will be taken of all appeal meetings and copies provided to the employee as soon as possible after the meeting has taken place.

9. Companions

a. If an employee wishes to be accompanied by a companion they must let the person convening the meeting know the identity of the companion at least 1 school day before the meeting.

b. Where a companion attends a meeting, they can address the meeting in order to:

- put the case
- sum up the case
- respond on behalf of the employee to any view expressed
- ask questions on behalf of the employee.

c. Companions can also confer with the employee.

d. A companion has no right to:

- answer questions on the employee's behalf
- address the meeting if the employee does not wish it

- prevent the employee from explaining their case.

e. A companion can be a willing work colleague not involved in the capability process relating to the employee, a trade union official, an accredited representative of a trade union, or a representative of any professional association of which the employee is a member. Employees may also bring a companion or helper to any meeting where this is necessary because the employee requires a reasonable adjustment.

f. Where the employee has identified their companion and the companion has confirmed in writing that they cannot attend the date or time set for a meeting, the meeting will be postponed for a period not in excess of 5 school days from the date set to a date and time agreed with the companion. Should the 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 will be held at mutually convenient times but depending on the circumstances, meetings may:

- need to be held when an employee is timetabled to teach or timetabled to work (in which case cover will be arranged)
- exceptionally be held after the end of the school day, including in directed time
- in exceptional circumstances need to be held on days on which the employee would not ordinarily work (and only with the agreement of the employee)
- be extended by agreement between the parties if the time limits cannot be met for any justifiable reason.

11. Failure to attend meetings

If the employee fails to attend meetings they can be held in their absence.

12. Venue for meetings

Any meeting held under this policy may be held off school premises to minimise any distress for the employee.

13. Assistance

In all cases involving any sanction in relation to any senior leader (including, for the avoidance of doubt, the CEO, any headteacher / principal / head of school / executive headteacher or equivalent or their deputies) or to the 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.

Where timescales are set out in this policy the terms "school day" and "school week" have been used. For staff who work all year round, it may be necessary to use working days and working weeks rather than school days and school weeks in order to ensure that the process is completed as soon as possible. If working days and working weeks are to be used the employee will be informed that this is the case.

This policy will be reviewed as required and employees will be consulted before any revised policy is adopted.

"Be servants of the world of education, choreographers of hope, tireless seekers of wisdom, credible creators of expressions of beauty"[9]

[9] *Drawing New Maps of Hope, Apostolic Letter, Pope Leo XIV (27 October 2025)*

APPENDIX 1

Role	Capability Manager	Final Capability Manager	Appeal Manager - Written Warnings	Appeal Manager - Dismissal
CSEL	Chair of the board of trustees	A panel of trustees appointed by the chair of the board of trustees	A panel of trustees appointed by the chair of the board of trustees	A panel of trustees appointed by the chair of the board of trustees
Other executives including members of the central team	The CSEL or a person appointed by the CSEL	A panel appointed by the chair of the board of trustees	A trustee or the CSEL if the CSEL is not the capability manager	A panel appointed by the chair of the board of trustees
Headteacher/ principal/head of school / executive headteacher or equivalent	The CSEL or a person appointed by the CSEL	A panel appointed by the relevant local or governance committee as determined by the chair of the board of trustees in consultation with the CSEL	A trustee or the CSEL if the CSEL is not the capability manager	A panel appointed by the chair of the board of trustees
Teachers (including senior school leaders, for example deputy and assistant heads)	A headteacher	A panel appointed by the relevant local governance committee as determined by the board of directors in consultation with the CSEL	The CSEL	A panel appointed by the chair of the board of trustees
Support staff and other employees (excluding members of the central team)	A headteacher or a sufficiently senior member of staff appointed by a headteacher	A panel appointed by the relevant local or regional governance body or committee as determined by the board of directors in consultation with the CSEL	The CSEL	A panel appointed by the chair of the board of trustees

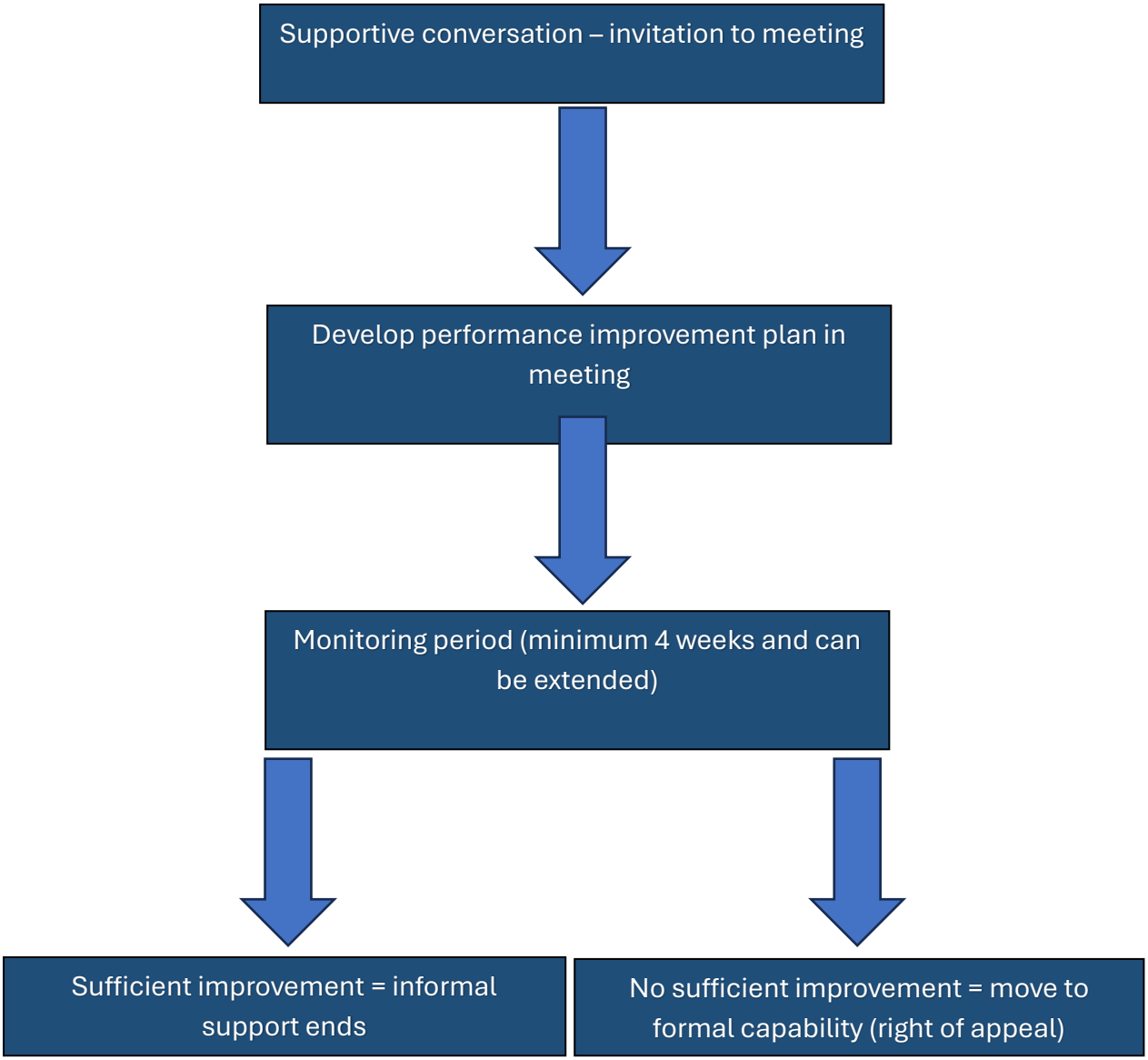
Panels

a. Panels shall comprise three non-staff directors/governors not previously involved in the matter and shall not comprise the chair.

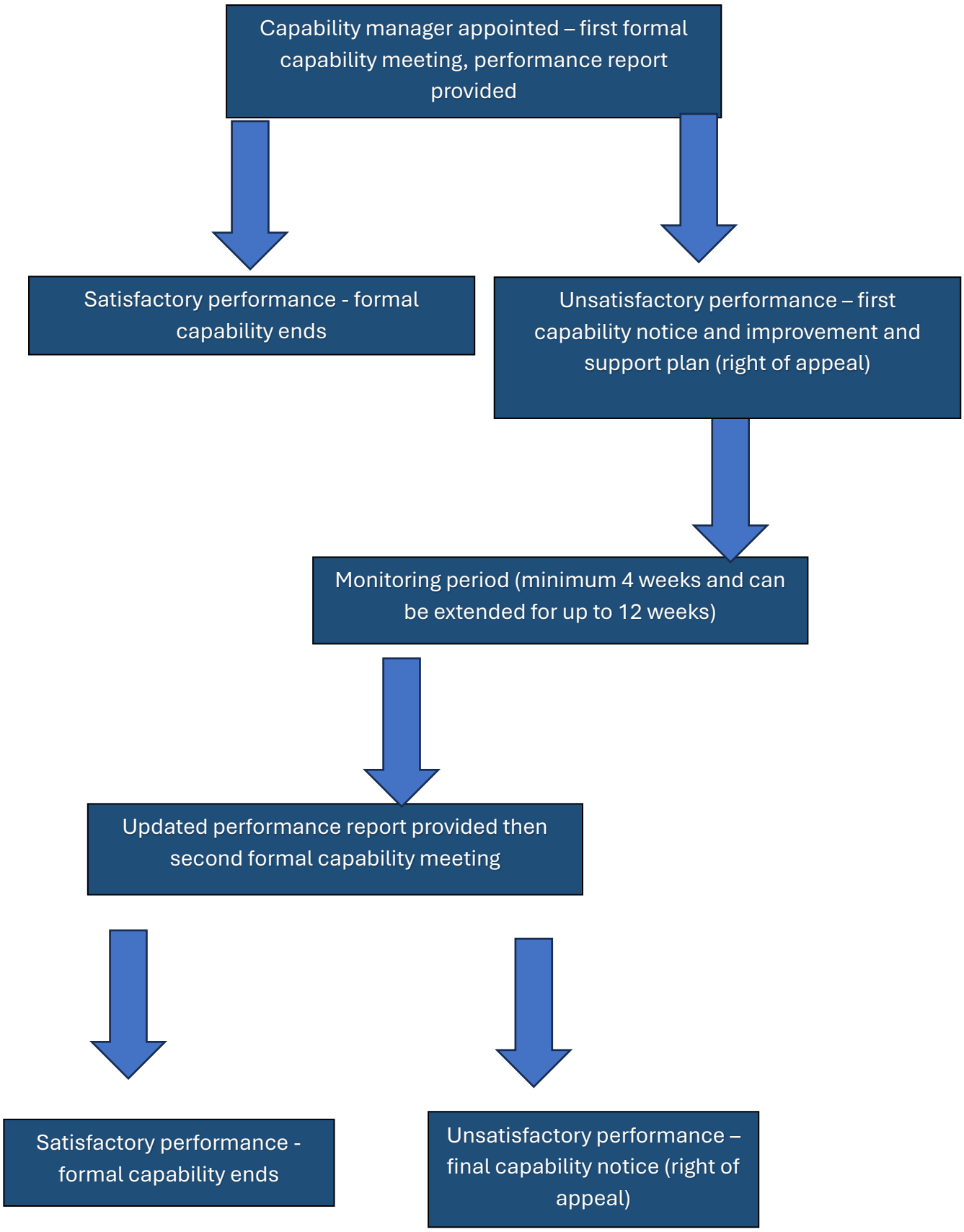
b. Panels shall comprise of a majority of foundation directors/governors.

c. In the event that there are insufficient numbers of directors/governors available to participate in a panel, associate members may be appointed solely to participate in the appropriate panel on the recommendation of the Diocesan Schools Commission.

Appendix 2 – Flowcharts
Informal support



Formal Capability



Formal Capability (continued)

