Royal Cross Primary School for Deaf Children
LANCASHIRE COUNTY COUNCIL

CAPABILITY POLICY FOR TEACHERS IN DELEGATED SCHOOLS (AUGUST 2026)

The Governing Board of Royal Cross Primary School for Deaf Children adopted this policy on 07 September 2026. It will be reviewed on an annual basis.

This Policy has been developed in consultation with the teacher trade unions.

1. PURPOSE

1.1 This policy sets out the arrangements that will apply when teachers, including headteachers, fall below the level of performance that is expected of them.

2. APPLICATION

2.1 This policy applies to all teachers employed by the school, including the headteacher, where there are serious performance concerns that the appraisal process has been unable to address.

2.2 The School has a separate policy in place for teacher appraisal.

2.3 Sections 8-16 of this policy outline the procedure that should be followed to manage matters of capability for teacher/headteachers in Schools. A flowchart outlining this procedure is at Appendix 1 of this policy.

2.4 A separate Capability Policy exists for school support staff.

2.5 Separate procedures exist for handling matters of misconduct or complaints made by parents or other persons outside the School.

2.6 The Headteacher*/Chair of Governors may wish to contact the appropriate representative of the Schools' HR Team for advice on the implementation and application of this policy.

2.7 Section 14 provides information about who in this school has the power to dismiss staff or decide that a member of staff should no longer work at the School. To preserve the integrity of the Capability Policy, in schools where the power to dismiss staff has been delegated to the headteacher, it would be appropriate for another member of the School Senior Leadership Team to take responsibility for the earlier stages of this procedure. This will then leave the headteacher available to consider the case for possible dismissal, without prior involvement in the case.

2.8 This procedure should be applied consistently and fairly so as not to discriminate against any particular group on the grounds of a protected characteristic under the Equality Act e.g. age, disability, gender reassignment,

marriage/civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

2.9 The right to representation by a representative of a recognised trade union or work colleague applies at the formal stages of this policy (section 9 to 16).

3. GLOSSARY OF TERMS

Teacher	Any reference to teacher within this policy refers to the person being monitored under this policy, which may also include the headteacher
Companion	The person who accompanies the teacher to any meeting under the formal stage of this policy, who could be a work colleague or representative of a recognised trade union. The Companion has the right to make statements, provide advice and ask questions on behalf of the teacher, but not to answer questions on the teacher's behalf
Headteacher*	Where there is an asterisk next to any reference to the Headteacher, it relates to cases where initial dismissal decisions have been delegated to the headteacher by the Governing Board (see Section 11). In such cases, the usual role of the Headteacher should be delegated to another member of the School Senior Leadership Team
School day	One of the 195 days of the published school year when a teacher is required to be available for work under the School Teachers' Pay and Conditions Document.

4. KEY PRINCIPLES

4.1 In most cases, issues relating to professional capability can be dealt with informally through the appraisal process without recourse to the formal Capability Policy.

4.2 Teachers, as professionals, are constantly striving to improve their skills and expertise in order to develop their effectiveness. In this regard, they may draw upon support available within the school and from the network of professional services provided by the Authority, Diocesan authorities and from their own professional associations.

4.3 At school level, teachers may look to the advice, support and encouragement available from colleagues, particularly those with professional leadership roles such as senior members of staff, Deputy Headteachers and the Headteacher.

4.4 All teachers should have clear job descriptions and be aware of the appropriate Teacher Standards, to ensure they fully understand their role as a teacher.

4.5 New teachers and experienced teachers taking up new posts may require induction support, particularly where there are changes to the role or additional responsibilities. Developments in the curriculum may require appropriate INSET and support programmes for the staff involved.

4.6 Early Career Teachers should also benefit from the structured statutory induction programme.

4.7 These everyday processes of support, training and advice are fundamental to professional effectiveness and wherever possible any difficulties should be resolved informally in a spirit of partnership. Only where these processes do not succeed in overcoming the difficulties should consideration be given to entering the formal stage of the Capability Policy.

5. DEFINITIONS

5.1 'Incompetence/lack of capability' refers to situations where a teacher fails to perform their duties to a professionally acceptable standard. This could be due to a lack of ability or application. Such situations should be dealt with through the appraisal process initially, and this policy if there is insufficient improvement under the appraisal process.

5.2 'Misconduct' is an act or omission by a teacher which is considered to be unacceptable professional behaviour. It can range in seriousness from minor to gross misconduct. Such matters should be dealt with under the School Disciplinary Procedure.

5.3 Where complaints are made against teachers from parents or other persons outside the school, the procedure for handling complaints in schools should be used to investigate such complaints. At the conclusion of the investigation, the Headteacher*/Chair of Governors should inform the teacher in writing of the outcome and of any subsequent action that may be taken, including action under this procedure, where relevant.

6. CONFIDENTIALITY STATEMENT

6.1 All documentation and discussions at meetings within this procedure are confidential. The School processes personal data collected during the informal and formal stages of the Capability Procedure in accordance with its data protection policy. Data collected under this procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of conducting the Capability Procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the school's data protection policy. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

6.2 Any correspondence or record of action taken will be retained in the teacher’s personal file and will not be recorded in any place where there is a risk of information being disclosed to any person who does not have a genuine reason for access to the information.

6.3 Documentation arising from the procedures involved in this policy will only be shared with individuals who have genuine reason for accessing this information, including those involved in monitoring performance in School, or those involved in any capability proceedings that may follow. The teacher should be informed if documentation relating to their appraisal is shared.

6.4 To preserve the integrity of members of the Governing Board, specific information about any teacher being dealt with under these procedures should not be shared at meetings of the school's Governing Board. This will ensure that governors are not tainted in the event that a dismissal and/or appeal committee needed to be convened. Any attempt by a member of the Governing Board to elicit information about a specific case would be inappropriate and could be prejudicial to the case. Any governor that is provided with detailed information on a specific case would be disqualified from being a member of any committee convened to consider that case, with the exception of the information that is circulated to committee members in advance of such a committee hearing taking place.

7. HEALTH & ATTENDANCE ISSUES

7.1 In the event that a teacher commences a period of sickness absence during the application of this policy, action under the policy should temporarily be postponed. Monitoring and assessment under this policy should be based on evidence of performance at work, which normally requires the teacher to be present in School.

7.2 Where a teacher commences a period of sickness absence whilst being monitored under this policy, the Headteacher*/Chair of Governors should consider a referral to the Occupational Health Unit (OHU). The teacher/ headteacher should also be reminded of the support that may be available to them from the Employee Assistance Programme and their trade union.

7.3 Cases of sickness absence during the operation of the Capability Policy should be dealt with under the School's policy on the management of sickness absence.

7.4 In cases where the employee attributes the concerns about their performance to a disability or other ill health, the Headteacher*/Chair of Governors should consider making a referral to the OHU. The Headteacher*/Chair of Governors should then consider any advice provided by OHU, including any provided about making reasonable adjustments for the employee.

8. INFORMAL PROCEDURE

8.1 Where concerns arise about any aspects of the teacher's performance, which cannot be resolved through the appraisal process, the Headteacher* or other member of the Senior Leadership Team/Governing Board (for Headteachers) will meet with the teacher/headteacher to:

- give clear feedback to the teacher about the nature of the concerns;
- give the teacher the opportunity to comment and discuss the concerns, including any extenuating circumstances that have led to the concerns being raised;
- agree any support (eg coaching, mentoring, structured observations), that will be provided to help address those specific concerns;
- make clear how, and by when, the appraiser and/or member of the Senior Leadership Team/senior manager will review progress. It may be appropriate to revise any objectives/targets, and it will be necessary to allow sufficient time for improvement. Objectives should be SMART (Specific, Measurable, Achievable, Realistic, Timebound);
- explain the implications and process if no or insufficient improvement is made. This may include reference to the formal stages of the Capability Policy, and if so, a copy of this policy should be provided;
- indicate a meaningful timeframe during which the improvement should be demonstrated.

8.2 A model letter, which may be used to invite the teacher to this meeting is provided at Appendix 2. A record of such a meeting should be taken and shared with the teacher.

8.3 In cases involving a teacher other than the Headteacher, the appraiser (if not the Headteacher), should advise the Headteacher* that this meeting is taking place and then discuss the content and outcomes of the meeting with the Headteacher*.

8.4 Whilst there is no right to representation by a work colleague/trade union representative at this meeting, the Headteacher*/Chair of Governors may decide to offer that right. At the very least, the teacher should be advised to consult their trade union representative.

8.5 When progress is reviewed following this meeting, if the appraiser is satisfied that the teacher has made, or is making, sufficient improvement, the appraisal process will continue as normal, with any remaining issues continuing to be addressed though that process.

8.6 When progress is reviewed following this meeting, if the appraiser is not satisfied that the teacher has made, or is making, sufficient improvement, the teacher should be advised to seek the support of their trade union, and the Headteacher*/Chair of Governors should consider whether to convene a Formal Capability Meeting.

9. FORMAL PROCEDURE - FORMAL CAPABILITY MEETING

9.1 Where the informal capability process has failed to resolve concerns about a teacher's performance, the Headteacher*/Chair of Governors will invite the teacher/headteacher to a Formal Capability Meeting. At least 7 school days' written notice will be provided of such a meeting.

9.2 During the meeting, the Headteacher*/Chair of Governors may be accompanied by the School Advisor and a representative of the Schools' HR Team. A note-taker may also attend to clerk the meeting.

9.3 The notification of the meeting will outline the concerns about performance and the possible consequences, along with any written evidence, in order to give the teacher the ability to adequately prepare to answer the case at the formal capability meeting. The notification will also provide the date, time and location of the meeting and will advise the teacher of their right to be accompanied by a companion who may be a work colleague or a trade union representative. The teacher should also be provided with a copy of this policy.

9.4 If the teacher's trade union representative is not available at the time allocated for the meeting, the meeting should be postponed and reconvened within 5 school days of the original date. The Headteacher*/Chair of Governors may liaise with the trade union representative to identify a mutually convenient date for the meeting.

9.5 The meeting is intended to establish the facts. It will be conducted by the Chair of Governors (for Headteacher capability meetings) or Headteacher* (for other teachers). The meeting allows the teacher 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.

9.6 During the meeting, or any other meeting which could lead to a formal warning being issued, the person conducting the meeting will:

- identify the areas of concern. For example, which of the Standards expected of the teacher are not being met;
- give clear guidance on the improved standard of performance expected, identifying any success criteria that might be appropriate and that may assess whether or not the necessary improvement has been made;
- invite the teacher to provide an explanation/response to the concerns raised

9.7 At the end of the meeting, the person conducting the Formal Capability Meeting may conclude one of the following outcomes:

i. that there are insufficient grounds for pursuing the capability issue and that it would be more appropriate to continue to address the remaining concerns through the appraisal process;

ii. that there are insufficient grounds for pursuing the capability issue and that the concerns should be addressed through the appraisal process, but that the teacher should be provided with informal counselling/advice and/or written guidance or instruction;

iii. that the concerns are not those of capability, but misconduct and as such, the person conducting the meeting may consider referring the matters through the school disciplinary procedure;

In i.-iii. above, action under the Capability Policy would cease;

iv. In cases where the person conducting the meeting believes that the formal capability procedure should continue, the person conducting the meeting will:

(a) remind the teacher of the improved standard of performance expected, identifying any success criteria that might be appropriate and that may assess whether or not the necessary improvement will be made;

(b) explain any support that will be available to help the teacher improve their performance and consider any requests from the teacher for such support;

(c) set out the timetable for improvement and explain how performance will be monitored and reviewed. The timetable will depend on the nature and seriousness of the concerns within the individual case, and should be between four and ten weeks. It is for the school to determine the set period in each case. It should be reasonable and proportionate, but not excessively long, and should provide sufficient opportunity for an improvement to take place; and

(d) warn the teacher formally that failure to improve within the set period could lead to dismissal. In very serious cases, this warning could be a final written warning.

9.8 A suggested template for an action plan covering iv. (a)-(c) above, is contained at Appendix 3.

9.9 The person conducting the meeting may adjourn the meeting at any time in order to seek advice, arrange for further investigations, or because more time is needed in which to consider any additional information.

9.10 A request for an adjournment by any party should not be unreasonably refused.

9.11 Notes will be taken of the Formal Capability Meeting and a copy provided to the teacher.

9.12 A written outcome of the Formal Capability Meeting will be provided to the teacher within 5 school days. The written outcome will include the matters covered in (a)-(d) above and give information about the timing of the review stage. The outcome will contain the procedure and time limits for appealing against the warning. If a final written warning has been issued, the teacher will also be informed that failure to achieve an acceptable standard of performance within the set timescale may result in referral to the Dismissals Committee of the Governing Board, with dismissal a possible outcome.

10. MONITORING AND REVIEW PERIOD

10.1 A performance monitoring and review period will be set during the formal capability meeting. Formal monitoring, evaluation, guidance and support will continue during this period.

10.2 If the teacher was issued with a warning other than a final written warning, they will be invited to a Formal Review Meeting at the conclusion of the monitoring and review period.

10.3 If the teacher/headteacher was issued with a final written warning, they will be invited to a Decision Meeting at the conclusion of the monitoring and review period.

11. FORMAL REVIEW MEETING

11.1 The Formal Review Meeting will be conducted by the Chair of Governors (for headteacher capability meetings) or Headteacher* (for other teachers).

11.2 At least 5 school days' written notice of a Formal Review Meeting will be provided and the notification will contain details of the time, date and place of the meeting and will advise the teacher of their right to be accompanied by a companion who may be a work colleague or trade union representative.

11.3 During the meeting, the Headteacher*/Chair of Governors may be accompanied by the School Advisor and a representative of the Schools' HR Team. A note-taker may also attend to clerk the meeting.

11.4 If the person conducting the meeting is satisfied that the teacher has made sufficient improvement, action under the Capability Policy will cease and the appraisal process will re-start.

11.5 In cases where the person conducting the meeting believes that there has been some progress/improvement and there is confidence that more is likely, it may be appropriate to extend the monitoring and review period for a further 4-10 weeks. In such cases, a further Formal Review Meeting will take place at the conclusion of the monitoring and review period.

11.6 If the person conducting the meeting believes that there has been no or insufficient progress/improvement during the monitoring and review period, the teacher will be issued with a final written warning and the monitoring and review period extended for a further 4-10 weeks.

11.7 Notes will be taken of formal review meetings and a copy will be provided to the teacher. The final written warning will mirror any previous warnings that have been issued.

11.8 The teacher should be provided with a written outcome of the meeting within 5 school days, which should provide details of any further monitoring and review

period and the procedure and time limits for appealing against the final written warning. The outcome should also inform the teacher that they will be invited to a Decision Meeting at the conclusion of the further monitoring period, or earlier if additional performance concerns arise during the further monitoring period. Where a final written warning has been issued, the teacher will be informed in writing that failure to achieve an acceptable standard of performance within the set timescale may result in a referral to the Dismissals Committee of the Governing Board/Headteacher Hearing*, with dismissal a possible outcome.

12. FINAL REVIEW & DECISION MEETING

12.1 The Decision Meeting will be conducted by the Chair of Governors (for Headteacher capability meetings) or Headteacher* (for other teachers).

12.2 At least 5 school days' written notice of a Decision Meeting will be provided and the notification will contain details of the time, date and place of the meeting and will advise the teacher of their right to be accompanied by a companion who may be a work colleague or trade union representative.

12.3 During the meeting, the Headteacher*/Chair of Governors may be accompanied by the School Advisor and a representative of the Schools' HR Team. A note-taker may also attend to clerk the meeting.

12.4 If an acceptable standard of progress/improvement has been achieved during the further monitoring and review period, action under the Capability Policy will end and the appraisal process will re-start.

12.5 If the teacher's performance continues to be a cause for concern, a decision will be made to refer the matter to the Dismissals Committee of the Governing Board or a Headteacher Hearing, with a recommendation to the Committee/ Headteacher* that the teacher should be dismissed from their role in the school.

13. DISMISSALS COMMITTEE/HEADTEACHER HEARING*

13.1 At least 7 school days' written notice of the Hearing will be provided. The notification will contain details of the time, date and place of the meeting and will advise the teacher of their right to be accompanied by a companion who may be a work colleague or trade union representative. The teacher will also be provided with a copy of the report that is to be presented by the Headteacher*/Chair of Governors (or other member of the Senior Leadership Team in cases of Headteacher Hearings) at the same time as the notification.

13.2 The teacher has the right to present documentation to the Committee and this should normally be provided in advance of the meeting. Requests to present additional documentation during the hearing will be considered by the Committee or headteacher (in the case of a Headteacher Hearing).

13.3 Prior to a dismissal decision being taken, the Governing Board or Headteacher (in the case of a Headteacher Hearing) will consult with an appropriate member

of the local authority (e.g. School Adviser and Schools' HR Team). In cases involving voluntary aided schools, the person conducting the meeting may also consult with the relevant Diocesan/Church Authority advisor.

13.4 The procedure to follow at the Hearing is contained at Appendix 4.

14. DECISION TO DISMISS

14.1 The School Staffing (England) Regulations 2003 and 2009 allow the Governing Board of any school to delegate the authority to make initial dismissal decisions to the Headteacher. As a result, the Headteacher becomes responsible for all action under the Capability Policy up to and including dismissal.

14.2 The Governing Board will need to take a decision as to whether they wish to delegate this responsibility to the Headteacher.

NB - To preserve the integrity of the Capability Policy, in schools where the power to dismiss staff has been delegated to the Headteacher, it would be appropriate for another member of the School Senior Leadership Team to take responsibility for the earlier stages of this procedure. This will then leave the Headteacher available to consider the case for possible dismissal, without prior involvement in the case.

14.3 Community Voluntary Controlled, Community Special, and Maintained Nursery schools only
In this school, the power to decide that a member of staff should no longer work at this school rests with the Governing Board˚/has been delegated to the Headteacher˚/ the Dismissals Committee˚ (˚delete as appropriate).

14.4 Foundation, Voluntary Aided and Foundation Special Schools only
In this school, the power to dismiss staff rests with the Governing Board˚/has been delegated to the Headteacher˚/ the Dismissals Committee˚ (˚delete as appropriate).

15. DISMISSAL

15.1 In the event that a decision to dismiss or decide that a member of staff should no longer work at this school is taken, the teacher will receive due notice.

15.2 For the dismissal of a teacher in a Community, Voluntary Controlled, Community Special or Maintained Nursery School, once the Governing Board has decided that the teacher should no longer work at the school, it will notify the Local Authority of its decision and the reasons for it. Where the teacher works solely at this school, the Local Authority will dismiss them within 14 days of the date of the notification. Where they work in more than one school, the Local Authority must require them to cease to work at this school. This notification does not apply for the dismissal of a teacher in a Voluntary Aided School. However, such schools will need to carry out the necessary administration in relation to the dismissal of any teacher under this policy, which may involve the Local Authority's Payroll Service.

15.3 The notice period will commence from the date that the decision to dismiss or determination that the teacher should no longer work at the school is taken.

16. RIGHT OF APPEAL

16.1 If a teacher/headteacher wishes to appeal against any action taken by the Headteacher*/Chair of Governors under this policy (e.g. a warning, final written warning) or against a dismissal decision taken by a Dismissal Committee/ Headteacher hearing, they should submit a written appeal within 5 school days of receipt of the written outcome, outlining the grounds for appeal.

16.2 The formal Capability Procedure will continue during the course of any appeal.

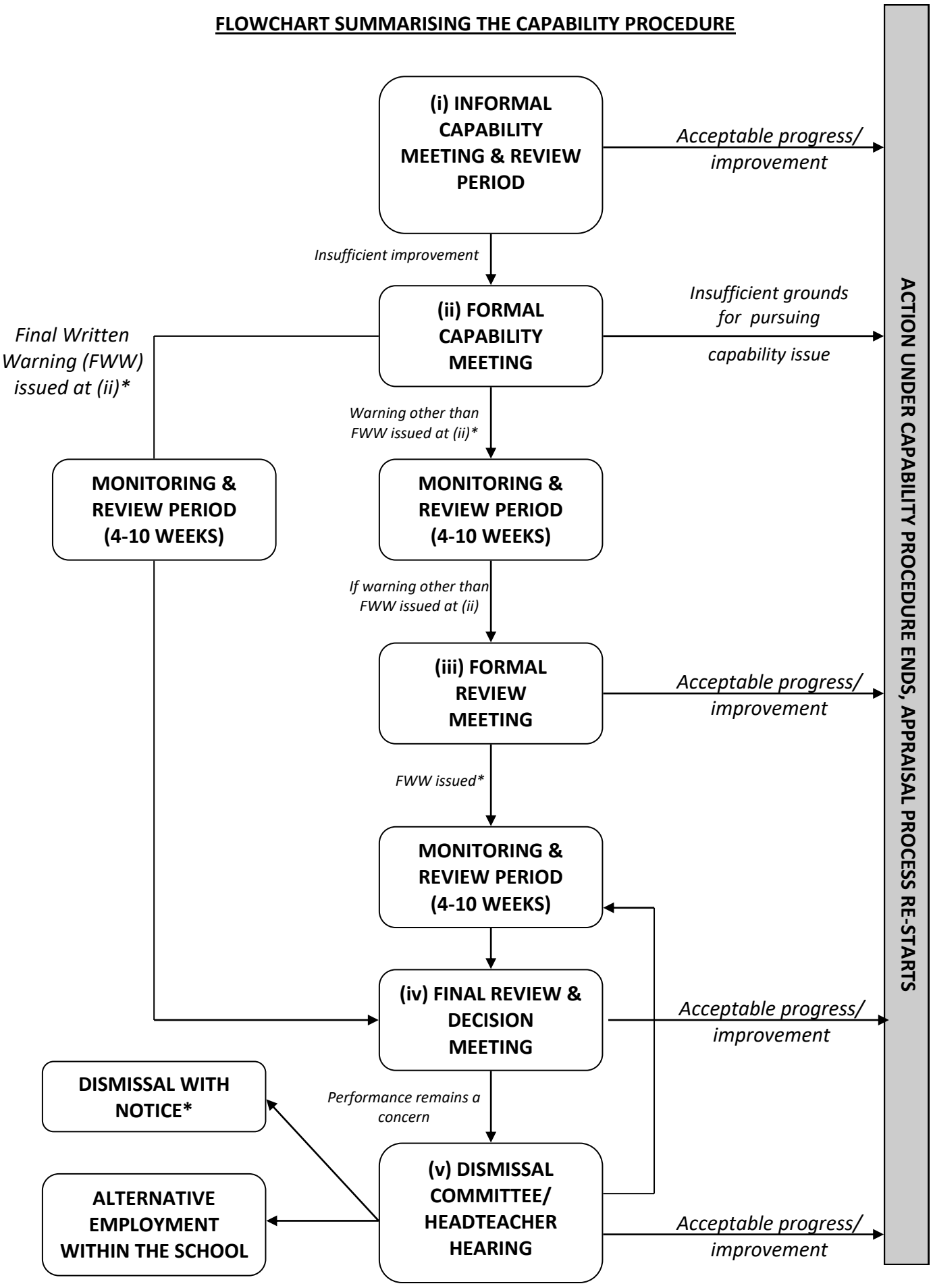
16.3 All appeals will be heard by the Appeals Committee of the Governing Board and will be heard without unreasonable delay. The same arrangements for notification (i.e. with 7 school days) and right to be accompanied by a companion will apply as with other meetings held under this policy.

16.4 Notes of the appeal hearing will be taken and a copy provided to the teacher.

16.5 The teacher will be informed in writing of the outcome of the appeal hearing as soon as possible, and no later than within 5 school days of the hearing.

APPENDIX 1

FLOWCHART SUMMARISING THE CAPABILITY PROCEDURE



* = right of appeal applies

APPENDIX 2

Dear

INFORMAL CAPABILITY MEETING

You will be aware that we have discussed concerns that I have about your performance that I have attempted to resolve through the Appraisal process. Unfortunately my attempts to resolve these concerns have so far not resulted in the level of improvement that I expected and so regrettably, I now need to refer these through the informal stage of the Capability Policy.

I am therefore writing to invite you to an informal capability meeting. The meeting will take place on ***(give at least 5 working days' notice)*** in my office. The meeting will be held under the School's Capability Policy. A copy of this policy is enclosed.

The purpose of the meeting is to:

- clearly outline the nature of the concerns;
- provide you with the opportunity to comment and discuss the concerns, including any extenuating circumstances that have led to the concerns being raised;
- agree what support will be provided to help address those specific concerns (e.g. coaching, mentoring, structured observations);
- clarify how, and by when your progress will be monitored and reviewed;
- explain the implications and process if no or insufficient improvement is made, this may include reference to the formal stages of the Capability Policy;
- indicate a meaningful timeframe during which the improvement should be demonstrated.

Whilst there is no right to representation at this stage, you may wish to consult your trade union/professional association representative.

As your performance is now a cause for concern, I must inform you that, in accordance with Section 14 of the Appraisal Policy, the appraisal process will no longer apply and your performance will now be managed under the Capability Policy. In addition, as you will be subject to capability proceedings, the Governing Board may decide to withhold pay progression in accordance with the Pay Policy.

Please confirm your attendance at this meeting.

Yours sincerely

APPENDIX 3

MODEL CAPABILITY POLICY FOR TEACHERS - ACTION PLAN

PROBLEM AREA	CURRENT PERFORMANCE	EXPECTATIONS	HOW TO ACHIEVE	HOW/WHO MONITORS
Define the problem area.	*Define the problem in greater detail - how does the problem present itself?*	*Set out what you would like to see in place. This should be in clear, measurable and achievable terms.*	*Indicate how you see the teacher/headteacher reaching your expectations. Make arrangements for support clear.*	*Who will monitor progress and give feedback. Headteacher/Deputy are key figures in process as is the School's Adviser*

APPENDIX 4

MODEL CAPABILITY POLICY

DISMISSALS COMMITTEE HEARING/HEADTEACHER HEARING - PROCEDURE FOR THE CONSIDERATION OF A CAPABILITY CASE

The Executive Director Education and Children's Services or their nominee will be entitled to attend for the purpose of giving advice. In the case of Aided schools where advisory rights have been accorded, this will apply to the Executive Director Education and Children's Services and the Diocesan/Church Authority Officer or their nominees.

During Headteacher hearings (where the power to make initial dismissal decisions has been delegated by the Governing Board to the Headteacher), the role of Headteacher throughout this procedure will be adopted by an alternative member of the School Senior Leadership Team, and the Headteacher will adopt the role of the Committee.

1. The Headteacher/Chair of Governors or other appropriate person (the presenter of the report) will present a report to the Dismissals Committee and will be entitled to call witnesses as necessary.

2. The teacher and/or their representative will be entitled to question the presenter of the report and any witnesses called.

3. The teacher and/or their representative will present their response to the presenter's report, presenting any relevant documents to the Dismissals Committee and calling witnesses as necessary.

4. The presenter of the report will be entitled to question the teacher and any witnesses who have been called.

5. The presenter of the report and thereafter the teacher or their representative will be entitled to make a closing statement to the Dismissals Committee.

6. At any stage during the hearing the members of the Dismissals Committee will be entitled to question any person who has made a statement or given evidence at the hearing.

7. At the conclusion of the meeting, both parties will withdraw and the Dismissals Committee/Headteacher will reach a decision in private. Advice given by the Executive Director Education and Children's Services and the Diocesan/Church Authority Officer or their representatives must be considered by the Dismissals Committee/Headteacher.

8. The options available to the Dismissals Committee/Headteacher* are as follows:

    a) to discontinue the formal Capability Policy;

b) to extend the final written warning and to set a further period of monitoring and review;
c) to consider any options for alternative employment within the school;
d) to dismiss the teacher/headteacher (VA, Foundation & Foundation Special Schools only)
e) to decide that the teacher/headteacher should cease working at the school (Community, Controlled, Community Special and Maintained Nursery Schools only)

9. The teacher will be offered the opportunity to receive the outcome of the meeting verbally if sufficient time is available on the day of the Hearing. If the teacher wishes to receive the outcome verbally, both parties will return to the meeting to hear the outcome.

10. The teacher will be provided with the outcome of the meeting in writing within 5 school days of the hearing. The written notification will include the reasons for the dismissal, the date on which the employment contract will end, the appropriate period of notice and the right of appeal.

APPEALS COMMITTEE HEARING PROCEDURE

Appeals will be dealt with by way of a re-hearing and therefore the procedure to be followed at an Appeals Committee Hearing will be the same as that outlined above, regardless of whether the appeal is against a warning issued or a decision to dismiss.

Following appeals against warnings issued under the Capability Policy, the Appeals Committee may decide to:

i). discontinue the formal Capability Policy
ii). reject the appeal and confirm the warning issued
iii). partially uphold the appeal and substitute the warning for a lesser warning
iv). fully uphold the appeal and rescind the warning

Following appeals against decisions to dismiss under the Capability Policy, the Appeals Committee may decide to:

i). fully uphold the appeal and discontinue the formal Capability Policy
ii). reject the appeal and confirm the dismissal decision
iii). partially uphold the appeal and substitute the dismissal for a lesser warning.