

Capability Policy

Our approach

We want everyone to succeed. If your performance is not where it needs to be, we will tell you clearly, support you properly, and give you a genuine opportunity to improve.

This policy sets out how we handle performance capability concerns. It applies to all colleagues who have passed their probationary period. It does not cover conduct – that is handled through the Disciplinary Policy.

Informal action first

Most performance concerns can be resolved through an honest conversation and the right support. Before any formal step, we will make sure:

- You know clearly what is expected and the standard is realistic
- You have had the training, tools and time to meet it
- There are no underlying health conditions or personal circumstances we should be taking into account
- We have considered whether any reasonable adjustments under the Equality Act 2010 would help

We will always try to resolve things informally first.

The improvement plan

If informal support has not worked, we will put a Performance Improvement Plan (PIP) in place. This sets out what needs to improve, the support we will provide, and the timescale for review. You will have the opportunity to discuss and contribute to the plan.

During the plan, we will check in regularly, provide the agreed support, and review your progress. You can have up to two review meetings before a final decision is made.

If you complete the plan successfully

When you reach the required standard, a performance warning is placed on your file for three months. This is a positive record – it confirms the process is complete. If your performance stays at the required standard, the warning expires after three months and the matter is fully closed.

A performance warning is completely separate from any disciplinary warning.

If the required standard is not reached

If your performance does not reach the required standard after a fair process with genuine support, we may need to consider ending your employment on grounds of capability. This is

a last resort. We will always explore whether there is a suitable alternative role before reaching that decision.

If the outcome is dismissal, you will receive your full notice entitlement and payment for any accrued untaken holiday. You will have the right to appeal.

Questions

If you are subject to a disciplinary process and want to understand your rights, contact peopleteam@milbank.co.uk. If you are a manager dealing with a disciplinary issue, please speak to the People Team before taking any formal steps.

milbankgroup.co.uk

Version	Date	Author	Changes
V1		Milbank Group	Creation
V2	30/04/2026	Milbank Group	Approved