

Performance Improvement

1. Introduction

The Forestry Commission wants all employees to reach and maintain the required standards of performance for their role. This procedure sets out the steps to ensure that individuals whose performance has fallen below the acceptable standards for their role are given the necessary support and time to improve and are managed fairly and consistently.

2. Performance Management System

Line managers will monitor performance on an ongoing basis and provide regular, constructive feedback throughout the year. Where a performance problem is identified, this will be discussed with you at the earliest opportunity so that you can be given guidance and support to reach the standards expected of you.

2.1 Informal Performance Monitoring

If your manager determines that your performance is not as it should be, your manager will meet with you informally to:

- remind you of the required standards of performance;
- specify the areas of your performance that are currently causing concern;
- establish any factors that are contributing to the performance problem, such as health, personal or work issues;
- identify any support required, including training or coaching;
- discuss and set clear and achievable targets; and
- set a timescale for improvement (normally a maximum of three months).

Your manager will explain clearly to you where you are achieving and where you are underperforming, what the expectations are and what needs to be done to get your performance up to the required standard. Underperformance may relate to the level of work being achieved and/or the behaviours displayed in doing so. Your manager, in partnership with you, will set clear, achievable targets and objectives and identify any support required, including training, coaching or job shadowing.

It may be necessary for your manager to meet with you on a more regular basis to discuss your performance, give feedback on your work and provide support to help you improve.

Your manager will send you a short email or note after each meeting, summarising the discussions and any agreed actions and timescales for improvement.

As these meetings do not form part of a formal process, there is no right to be accompanied by a Trade Union representative or workplace colleague. However, this may be allowed in exceptional circumstances.

This informal process is intended to support you and is not punitive. Working in partnership with your manager, the primary objective is for you to understand what measures you need to take and/or behaviours you need to demonstrate in order to get your performance back to a sustained acceptable standard and for you to have confidence in the support your manager will provide to help you achieve this. During this time, you can seek advice and support from your Trade Union representative, your HR Team, and the Employee Assistance Programme (EAP).

During the informal process, your Confirming Officer will ensure that you are being appropriately supported and that both you and your line manager are doing everything you can to raise your performance to an acceptable standard.

If performance returns to an acceptable standard within the agreed timescale, then no further action will be taken and your performance will continue to be monitored in line with the normal PMS process. Your line manager will continue to provide regular feedback and support.

If attempts to resolve performance informally have been unsuccessful, it will normally be appropriate to progress to the formal stages of the Performance Improvement procedure.

2.2 Not Fully Effective Rating

The FC's Performance Management System defines performance as Not Fully Effective (NFE) when it has fallen below the acceptable standards for the role.

If attempts to resolve performance problems using the informal process have been unsuccessful, it will normally be appropriate to progress to the formal stages of the procedure. Your manager will confirm in writing that your performance is considered Not Fully Effective and will ask you to attend a Formal Performance Review (see [Section 5](#)). This can take place at any time during the PMS reporting year.

2.3 Serious Performance Problems

Where a performance problem is sufficiently serious and immediate, for example if it is having, or is likely to have, a serious harmful effect on the business or its customers, it may be appropriate to proceed directly to the formal stages of the procedure.

3. Factors Impacting on Performance

You should make your manager aware of any health, personal or work-related issues which may be impacting on your performance, so that the issues can be investigated and addressed.

3.1 Disability and Health Concerns

If you have a disability or other health condition that you feel may be impacting on your performance, your manager will ask for your consent to seek advice from your HR Operations Manager, who will in turn liaise with the FC's Occupational Health Provider. The role of the Occupational Health Provider is to give you and your manager expert medical advice on how your condition is expected to impact on your work and what reasonable adjustments can be put in place to help you carry out your role effectively. You are encouraged to give consent but if you choose not to do so then management decisions will be based on the information that is available. For more information on referral to the FC's Occupational Health Provider, please refer to Section 4 of [HR Procedure – Sickness Absence Management](#).

3.1.1 Reasonable Adjustments

The Occupational Health Provider may recommend changes to your workplace, duties or work pattern, or the equipment or software that you use. If a reasonable adjustment is necessary then the Performance Improvement process will be suspended until the adjustments have been implemented and sufficient time has been allowed for you to benefit, based on the Occupational Health Provider's advice. During this time your performance will continue to be monitored as normal.

4. Formal procedure

The formal Performance Improvement procedure will normally begin when your manager confirms that your performance is Not Fully Effective. The procedure consists of three stages plus an appeals process. A flowchart is provided in [Section 9](#).

At each stage you will be required to attend a Formal Performance Review (see [Section 5](#)) and at Stages 1 and 2 you will be issued with formal warnings and given time to improve. If your performance does not improve then you will progress through each of the stages until finally dismissal or downgrading will be considered.

4.1 Stage 1 – Monitoring Period

If your performance has not improved during the PMS stage, your line manager will hold a Formal Performance Review (see [Section 5](#)) and will usually issue a First Improvement Warning (see [Section 6](#)). You will be placed on a Monitoring Period, typically lasting between one and three months, during which time you will be expected to achieve an acceptable standard of performance. The length of the Monitoring Period will depend on the nature of your role and the time required for you to improve.

If your performance has returned to an acceptable standard by the end of the Monitoring Period then the formal procedure will end and normal PMS monitoring will resume. Your line manager will meet with you and confirm in writing that no further action will be taken unless your performance deteriorates while the First Improvement Warning remains live (see [Section 6.1](#)).

4.1.1 Performance Improvement Plan

During the Monitoring Period your performance will be assessed against objectives set out in a Performance Improvement Plan. You will be able to discuss the content of your Performance Improvement Plan with your manager at the start of the Monitoring Period.

Your line manager will meet with you regularly to provide guidance and feedback on your progress towards your objectives. Your line manager will send you a short email or note after each meeting, summarising the discussions and any agreed actions and timescales for improvement.

The frequency of feedback meetings will be appropriate to your role and the length of the Monitoring Period. As these feedback meetings are not Formal Performance Reviews there is no right to be accompanied. However you can seek advice from your Trade Union representative or the [Employee Assistance Programme](#) before and after the meeting.

4.2 Stage 2 – Trial Period

If your performance does not improve during the Monitoring Period, or if you fail to maintain an acceptable standard of performance while a First Improvement Warning is live, you will be invited to a Formal Performance Review (see [Section 5](#)). This Review will be conducted by a Trial Period Manager - a manager at a higher pay band than your line manager, within your line management chain and of at least unit manager level. You will be placed on a Trial Period, giving you a further opportunity to improve your performance, and will usually be issued with a Final Improvement Warning (see [Section 6](#)).

The Trial Period will typically last between one and three months, depending on your role, with your performance being assessed against an updated Performance Improvement Plan. Your manager will meet with you regularly to provide guidance and feedback on your progress towards your objectives.

If your performance has returned to an acceptable standard by the end of the Trial Period then the Trial Period Manager will confirm in writing that no further action will be taken, provided that you maintain this standard of performance while the Final Improvement Warning remains live.

4.3 Stage 3 – Dismissal or Downgrading

If your performance does not improve during the Trial Period, or where you fail to maintain an acceptable standard of performance while a Final Improvement Warning is live, the Trial Period Manager will hold a final Performance Review and consider whether dismissal or downgrading is appropriate (see [Section 7](#)).

Where your performance is negatively impacted by a disability or other health condition, it **may** be necessary to obtain an updated Occupational Health report at this stage to determine whether an application for Ill Health Retirement is appropriate. For more information on this, please refer to Section 7.4 of [HR Procedure – Sickness Absence Management](#).

4.4 Unforeseen Circumstances

Where circumstances outside your control prevent you from achieving the targets in your Performance Improvement Plan, your manager may decide to extend the Monitoring Period or Trial Period. Any extension should be for no more than three months, taking into account the particular circumstances.

4.5 Absence during the Formal Stages

If you are absent from work for a lengthy period, it may be necessary to suspend the formal Performance Improvement process. The process will restart when you return to work, at the point you had reached before your absence. Advice from the FC's Occupational Health Provider will be followed if appropriate. Your manager will confirm any changes to the dates of your Monitoring Period or Trial Period in writing.

5. Formal Performance Reviews

You will be given **five working days'** written notice of a formal meeting to review your performance. The letter asking you to attend the meeting will confirm:

- your performance remains Not Fully Effective;
- the stage you have reached in the formal procedure; and
- your right to be accompanied by a Trade Union representative or workplace colleague if you wish.

If you or your representative are unable to attend on the proposed date then you may request an alternative, provided it is within **five working days** of the original date set. Your representative can put forward your case and confer with you, but cannot answer questions on your behalf.

At all Formal Performance Reviews, notes will be taken by someone who has not previously been involved in the case. You will be given a copy of the notes for comment.

6. Warning Letters

A formal warning will only be issued after a Formal Performance Review has been held and any factors contributing to the performance problem have been investigated and addressed (see [Section 3](#)).

You will be sent a warning letter within **five working days** of the Formal Performance Review, which will specify:

- areas where improvement is required;
- length of the Monitoring or Trial Period (depending on the stage you have reached in the formal procedure);
- the consequences of a failure to improve performance;
- length of time that the warning will remain 'live'; and
- your right to appeal (see [Section 8](#)).

6.1 Length of Time the Warning will Remain "Live"

A First Improvement Warning will normally remain live for 9 months after a Monitoring Period has ended. A Final Improvement Warning will usually remain live for 12 months from the end of a Trial Period. In certain circumstances it may be appropriate to extend the length of the warning.

After the warning has expired, it will normally be disregarded for future performance management purposes but will be retained on your personal file.

6.2 Deterioration in Performance While a Warning is Live

If performance returns to a standard that is considered Not Fully Effective in the 9 months following a Monitoring Period or 12 months following a Trial Period the formal procedure will restart. You will normally re-enter the process at the next formal stage, unless there is clear justification for the previous stage being repeated.

6.3 Deterioration in Performance After Expiry of warnings

There may be occasions where you maintain an acceptable standard of performance throughout the live warning period, only to lapse soon after it expires. Where a pattern is identified by your manager, this will be taken into consideration when deciding how long any future warning should remain live.

7. Dismissal or Downgrading

If you have failed to improve your performance during the Trial Period you will proceed to the final stage of the Performance Improvement procedure. The Trial Period Manager will ask you to attend a Final Performance Review and must decide whether you should be dismissed or downgraded (see [Section 7.3 Downgrading](#)).

7.1 Role of Director HR

Director HR must be consulted on every case where dismissal is being considered. The role of Director HR is to monitor for fairness and consistency of penalty across the FC.

7.1.1 Compensation for Dismissal

Before you are advised of the decision to dismiss you, Director HR will also decide whether you are eligible for any compensation under the Civil Service Compensation Scheme. If you are eligible, the level of compensation will be determined using Cabinet Office guidance ([Efficiency Compensation 2016](#)). If Director HR decides that you are not eligible for any compensation, or the maximum amount available, then the reasons for this decision will be explained to you in writing.

7.2 Final Performance Review

You will be given **five working days'** written notice of the Final Performance Review. You have the right to be accompanied by a Trade Union representative or workplace colleague if you wish.

Where the Trial Period Manager is satisfied that you have been provided with the necessary guidance and support but have been unable to improve your performance, you will normally be dismissed on capability grounds.

The decision to dismiss you will be confirmed in writing within **five working days** of the meeting. The letter will confirm the reason for your dismissal, your notice period and your right to appeal.

It will also set out the decision on your eligibility for compensation and your right to appeal against non-payment of compensation, or the amount of compensation, as set out in [Section 8](#).

7.3 Downgrading

In exceptional circumstances downgrading may be considered as an alternative to dismissal. Downgrading will only take place where there is a suitable vacancy at the lower grade, which a manager in the line management chain of both the existing and vacant post is confident you could carry out effectively.

If your Unit Manager decides that downgrading is appropriate, you will be informed in writing within **five working days** of the final Performance Review. The letter will confirm your new job title, salary and other details of the role, as well as your right to appeal against the decision.

8. Appeals

You have the right to appeal against a formal warning, the decision to dismiss you or downgrade you, or the non-payment/amount of compensation for dismissal. You must appeal within **ten working days** of the date of the warning letter or dismissal or downgrading letter, clearly setting out your grounds for appeal.

If you intend to appeal against the non-payment/amount of compensation, you must also notify the Civil Service Appeal Board (CSAB) of your intention to appeal within 21 days of the date of your dismissal. Do not wait for the outcome of your internal appeal as this could be too late. For more information, please refer to:

<https://www.gov.uk/government/publications/how-to-appeal-to-the-civil-service-appeal-board>

The purpose of the appeal is to review whether the procedure has been followed correctly and the decision made was reasonable. The appeal will consider any new information that you present, however it will not normally be a re-hearing of information already put forward at your Formal Performance Reviews.

Your Monitoring Period or Trial Period will continue while the appeals process is ongoing.

8.1 Appeal Manager

The Appeal Manager will be at least one grade above the manager who made the decision. Where this is not possible, the appeal will be heard by a manager outside of your management chain who has not previously been involved in the case.

The Appeal Manager for appeals against dismissal, compensation for dismissal or downgrading will be the Chief Executive/Country Head/Director Central Services or their nominated deputy. Appeals against a decision to dismiss or downgrade, taken by the Chief Executive/Country Head/Director Central Services, will be heard by the FC Chair.

8.2 Appeal Hearing

The Appeal Manager will invite you to attend a meeting where you will be given the opportunity to explain your grounds for appeal.

You will be given **five working days'** notice of the meeting and the letter asking you to attend will confirm:

- your current stage in the formal procedure;
- the decision that you are appealing against; and
- your right to be accompanied by a Trade Union representative or workplace colleague if you wish.

If you or your representative are unable to attend on the proposed date you may suggest an alternative, provided it is within **five working days** of the original date.

8.3 Appeal Outcome

The Appeal Manager will notify you of their decision in writing within **five working days** of the Appeal Hearing. If there is likely to be a delay, an interim response will be given.

The Appeal Manager may decide to:

- fully uphold the appeal – stop the formal process and disregard the warning, dismissal or downgrading;
- partially uphold the appeal – repeat or extend the Monitoring Period or Trial Period;
- not uphold the appeal – the warning remains live and the process continues, or dismissal or downgrading is progressed.

The outcome of the Appeal Hearing is final. Any grievances relating to issues that have already been addressed at Appeal Hearings will not be accepted.

9. Flowchart

