

Probation

1. Introduction

The Forestry Commission (FC) wants all new employees to reach and maintain required standards of performance for their job, and have satisfactory attendance. This procedure sets out the steps that will be taken during probation, including setting clear expectations, providing feedback and agreeing how your learning and development needs may be met.

2. Planning probation

At the start of your probation, your reporting officer will explain the probation process to you and set dates for your interim and final probation review meetings (see [Section 5](#)).

Your reporting officer will provide you with a [Probation Forward Job Plan \(PFJP\)](#), which sets out your expected outcomes and targets (the 'What') and effective behaviours (the 'How'). For more information on Forward Job Plans (FJPs), including PFJPs, please refer to Section 2 of [HR Procedure – Performance Management](#).

Your [PFJP](#) will cover your probation only and performance expectations will take account of the learning curve for your job and the progress you could reasonably be expected to make as a probationer.

As well as the requirements of your [PFJP](#), you will be expected to demonstrate the essential professional/technical expertise required for your job. These expertise are set out in the person specification used in your recruitment.

Probation will run alongside your induction. For more information on induction, please refer to [HR Policy – Induction](#).

2.1 Amending the probation period

If you are absent from work for a short period of time, for example annual leave or a short term sickness absence, this period will not affect the length of your probation. If you are absent from work for a longer period of time, for example a long term sickness absence, maternity leave or special unpaid leave, your reporting officer has discretion to extend the length of your probation by the same period or restart your probation from the date you return to work.

Most employees will complete their probation after eight months. However, in exceptional circumstances, where your reporting officer has examples of a decline in your performance and/or attendance, they may decide to extend your probation. For more information on this, please refer to [Section 6.2.2](#).

Where you have relevant previous employment, for example having undertaken the same job in the FC on a six month short-term temporary contract, and there is clear documented evidence that you meet the performance requirements of the job, your unit manager has discretion to shorten your probation. Probation will not be shortened to less than five months.

Probationers are not normally expected to apply for internal vacancies. However, if you wish to be considered, you should discuss this with your reporting officer. You must be a good performer or top performer in your current job and your probation will continue, or be restarted, in the new job.

3. Required standards during probation

3.1 Standards of performance

You will be considered a good performer if you meet the required standards of performance, as set out in your [PFJP](#), and demonstrate the essential professional/technical expertise required for your role, without any significant areas of weakness. Your reporting officer will be looking for examples that show you are achieving your outcomes and targets, and demonstrating your effective behaviours and professional/technical expertise, or that you are on course to do so by the end of your probation.

You will be considered a top performer if your reporting officer has examples that show you are also exceeding in some or all of your outcomes, targets, effective behaviours and professional/technical expertise.

You will be considered not fully effective if, despite being given appropriate guidance and support, your reporting officer has examples that show you are failing to achieve your outcomes and targets, or demonstrate your effective behaviours and professional/technical expertise, and that you are not on course to do so by the end of your probation.

3.2 Standards of attendance

Your reporting officer will monitor your attendance, including sickness absence, time keeping and unexplained or unauthorised absence.

Your reporting officer will consider taking action if:

- you have had two or more occasions of absence within three months;
- you have been absent for more than 28 days and there is no sign of you returning to work;
- a pattern of absence has developed that gives your reporting officer cause for concern;
- your time keeping is unsatisfactory; or
- you have any absence which is unexplained or unauthorised.

4. Monitoring during probation

4.1 Regular probation discussions

Regular probation discussions are vital to ensure you are aware of your progress against the delivery of outcomes and targets (the 'What') and the demonstration of effective behaviours (the 'How') and essential professional/technical expertise.

Your reporting officer will use these discussions to: recognise good performance and achievements; provide you with guidance and support, as required; and identify and address areas where further development or corrective action is required. These discussions will be open, unbiased and factual, supported by examples gathered by you and your reporting officer.

You will be given the opportunity to raise any issues or concerns you may have about your progress. If you believe there may be serious concerns about your performance and/or attendance which have not been explained to you, you must discuss this with your reporting officer as soon as possible.

4.2 Addressing issues

4.2.1 Performance and/or attendance issues

If your reporting officer identifies any issues with your performance and/or attendance, they will discuss this with you at the earliest opportunity. Where appropriate, they will give you guidance and support in order to achieve and maintain the standards required.

If your performance and/or attendance does not improve, your reporting officer may invite you to a formal meeting to discuss the matter. This can take place at any time during probation and may lead to a formal warning. For more information on these formal meetings, please refer to [Section 9](#).

However, where the issue with your performance and/or attendance is sufficiently serious that it is having, or is likely to have, a negative effect on the FC or its customers,

your reporting officer may proceed directly to a formal meeting or consider non-confirmation of appointment at this stage. For more information on non-confirmation of appointment, please refer to [Section 6.2](#).

4.2.2 Conduct issues

If your conduct is below an acceptable standard, this will be managed under [HR Policy and HR Procedure – Discipline](#). Any disciplinary warning you receive during your probation may be taken into account when your reporting officer makes their recommendation on whether to confirm your appointment.

5. Probation review meetings

5.1 Preparing for your probation review meeting

Prior to the meeting, your reporting officer will prepare a draft of your [Probation Report](#). This will set out their assessment of your progress against your [PFJP](#), including your delivery of outcomes and targets (the 'What') and demonstration of effective behaviours (the 'How'), as well as your professional/technical expertise, development and attendance.

Within the [Probation Report](#), your performance will also be assessed against three possible ratings:

- Top Performer (TP);
- Good Performer (GP); and
- Not Fully Effective (NFE).

You will receive a performance rating for each key work area in your [PFJP](#) and an overall performance rating. If you receive an 'NFE' for any key work area, you will normally receive an overall performance rating of 'NFE'. For more information on standards of performance, please refer to [Section 3.1](#).

You should assess your own performance against your [PFJP](#) and think about examples that demonstrate you are meeting the requirements of your job.

5.2 During your probation review meeting

Your probation review meeting will cover the following areas:

- Your delivery of outcomes and targets (the 'What') and demonstration of effective behaviours (the 'How') and professional/technical expertise.
- Your assessment of your performance and giving feedback to your reporting officer.

- Identifying and addressing performance and/or attendance issues which require improvement.
- Reviewing your development and receiving support or coaching, as required.
- Next steps – a review of your [PFJP](#) and agreement of any amendments, as required.

At your interim probation review meetings, your reporting officer will be looking for clear examples that you are meeting the required standards of performance for your job and responding to feedback given, or that you are on course to do so by the end of your probation, and that you have satisfactory attendance.

5.3 Following your probation review meeting

Your reporting officer will review your [Probation Report](#) and make any amendments, as appropriate, to take account of your discussion.

Your reporting officer will give you the revised [Probation Report](#) for signature, which confirms you have received it. You will have the opportunity to add any comments to the [Probation Report](#).

If, in your interim [Probation Report](#), you receive any 'NFE' ratings, or your attendance is regarded as unsatisfactory, your reporting officer may invite you to a formal meeting (see [Section 9](#)) or consider non-confirmation of appointment at this stage (see [Section 6.2](#)).

5.3.1 Disagreements

You should try to resolve any disagreements over the content of your [Probation Report](#) with your reporting officer in the first instance. Where this does not resolve the issue, your confirming officer should facilitate a discussion, speaking with you and your reporting officer individually and/or together, as early as possible. Disagreements that cannot be resolved in this way may be raised under [HR Policy and HR Procedure – Grievance](#).

6. Completing probation

Following your final probation review meeting, your reporting officer will make a recommendation on your [Probation Report](#) as to whether your appointment should be confirmed.

Your confirming officer will sign your final [Probation Report](#) to confirm:

- they are satisfied that this procedure, and the required standards of performance and attendance, have been correctly applied; and

- their agreement with the reporting officer's recommendation on confirming your appointment.

6.1 Confirmation of appointment

Your reporting officer will normally recommend your appointment is confirmed if, in your final [Probation Report](#), your overall performance rating is either 'GP' or 'TP', and your attendance is regarded as satisfactory.

Your appointment will be confirmed in writing by your dedicated HR Team.

Following probation, your performance will be managed under [HR Policy and HR Procedure – Performance Management](#). The FC's performance year runs from 1 April to 31 March and you will agree a new [FJP](#) with your reporting officer to cover the remainder of the performance year. If your probation ends between 1 January and 31 March, your performance will not be formally assessed until the mid-year review of the next performance year.

6.2 Non-confirmation of appointment

Your reporting officer will normally recommend your appointment is not confirmed if:

- your performance is not fully effective; or
- your attendance is unsatisfactory.

Non-confirmation of appointment may be considered before the end of probation, where the performance and/or attendance issues are sufficiently serious.

6.2.1 Dismissal

If your reporting officer decides not to confirm your appointment, this may lead to your dismissal. For more information on consideration of dismissal, please refer to [Section 10](#).

6.2.2 Extension of probation

Probation will only be extended at the end of your probation in exceptional cases to reflect specific circumstances.

Your reporting officer may consider extending your probation if:

- they have examples of a recent decline in your performance and/or attendance towards the end of your probation; or
- you are within the period of time allowed for improvement following a formal warning.

Probation will not be extended beyond two months.

Where probation is extended as a result of a recent decline in your performance and/or attendance, your reporting officer may invite you to a formal meeting to discuss the matter. For more information on these formal meetings, please refer to [Section 9](#).

7. Reasonable adjustments

Managers will consider any reasonable adjustments, where applicable, to allow you to achieve and maintain required standards of performance and attendance and engage fully with the probation process. If appropriate, you should discuss this with your reporting officer.

8. Documentation

All [Probation Reports](#) and documentation that contain your personal data, or personal sensitive data, are confidential. They will be kept secure and handled in line with the FC's data protection and information security requirements.

You and your reporting officer should keep a copy of your [Probation Reports](#) during probation in order to document your performance and attendance. Originals will be sent to your HR Team.

Following probation, you are responsible for retaining copies of your [Probation Reports](#).

9. Formal meetings and warnings

9.1 Formal meeting

Your reporting officer may invite you to a formal meeting if:

- attempts to address performance and/or attendance issues informally have been unsuccessful;
- performance and/or attendance issues are sufficiently serious and/or immediate;
- you receive any 'NFE' ratings, or your attendance is regarded as unsatisfactory, in an interim Probation Report; or
- your probation has been extended due to a recent decline in your performance and/or attendance towards the end of your probation.

Your reporting officer will write to you, giving you five working days notice of this meeting, and will confirm:

- the purpose of the meeting being to review your performance, which is currently regarded as not fully effective, and/or your attendance, which is currently regarded as unsatisfactory;
- the date, time and location of the meeting; and
- your right to be accompanied at the meeting 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 suggest an alternative, provided it is within five working days of the original date set.

If you do not attend the meeting and do not offer an acceptable explanation for your absence, your reporting officer will make a decision based on the evidence available.

During the meeting, you will be giving the opportunity to:

- discuss the issues raised;
- highlight any contributing factors; and
- feed into any improvement plan required.

Your representative or colleague can address the meeting, put forward and sum up your case, ask questions and confer with you, but cannot answer questions on your behalf.

Notes will be taken at the meeting by someone who has not previously been involved in your probation. After the hearing, you will be given a copy of the notes for comment.

9.2 Decisions on formal warnings

Your reporting officer will write to you within five working days of the meeting to inform you of their decision.

If your reporting officer decides not to issue you with a formal warning, all paperwork associated with this formal meeting will be destroyed. Your probation will continue in line with this procedure or, if you have reached the end of your probation, your appointment will be confirmed. The decision letter may include details of additional support or development your reporting officer considers appropriate.

If your reporting officer decides to issue you with a formal warning, they will be satisfied that:

- you have been provided with appropriate guidance and support; and
- your performance and/or attendance is below the required standard.

If you are given a formal warning, the letter will confirm:

- the areas of performance and/or attendance which require improvement;
- how improvement will be measured and the period of time allowed for improvement (a minimum of four weeks);
- the support available to you and any development needs identified;
- the consequences of failure to improve; and
- your right of appeal.

For more information on your right of appeal, please refer to [Section 11](#).

9.3 Following a formal warning

Your reporting officer will continue to monitor your performance and attendance and may choose to meet with you more frequently to provide you with feedback.

If your performance and/or attendance have not improved sufficiently by the end of the time given for improvement, your reporting officer may consider non-confirmation of appointment. For more information on this, please refer to [Section 6.2](#).

After the warning has expired, it will normally be disregarded but will be retained on your personal file for the duration of your probation.

10. Dismissal

10.1 Meeting to consider dismissal

If your appointment is not confirmed, you will be invited to a meeting to consider your dismissal. This meeting will be conducted by a manager at a higher pay band than your reporting officer and of at least unit manager level.

The manager will write to you, giving you five working days notice of the meeting, and will confirm:

- that your performance and/or attendance is below the required standard and dismissal is now being considered;
- the date, time and location of the meeting; and
- your right to be accompanied at the meeting 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 suggest an alternative, provided it is within five working days of the original date set.

If you do not attend the meeting and do not offer an acceptable explanation for your absence, the manager will make a decision based on the evidence available.

During the meeting, you will be asked questions, as well as being given the opportunity to make your case and ask questions.

Your representative or colleague can address the meeting, put forward and sum up your case, ask questions and confer with you, but cannot answer questions on your behalf.

Notes will be taken at the meeting by someone who has not previously been involved in your probation. After the meeting, you will be given a copy of the notes for comment.

10.2 Role of Director, HR

[Director, HR](#) must be consulted on any case where dismissal is being considered. The role of Director, HR is to ensure that a fair and reasonable approach has been taken and to ensure consistency across the FC.

10.3 Dismissal decisions

The manager who conducted the meeting will write to you within five working days of the meeting to inform you of their decision.

If the manager decides not to dismiss you, all paperwork associated with the meeting to consider dismissal will be destroyed. Your probation will continue in line with this procedure or, if you have reached the end of your probation, your appointment will be confirmed. The decision letter may include details of additional support or development considered appropriate.

If the manager decides to dismiss you, this will normally be on grounds of capability if:

- you have been given a formal warning and, despite receiving appropriate guidance, support and a reasonable amount of time to improve, your performance and/or attendance remains below the required standard; or
- there is no prospect of sufficient improvement before the final probation review.

If you are dismissed, the letter will confirm:

- the reason for your dismissal and the effective date;
- your notice period; and
- your right of appeal.

You may not be expected to work during your contractual notice period but you will be paid during this time.

For more information on your right of appeal, please refer to [Section 11](#).

11. Appeals

You have the right to appeal against a formal warning or the decision to dismiss you. You must appeal within ten working days of the date of your formal warning letter or dismissal letter, clearly setting out your grounds for appeal.

11.1 Appeal manager

An appeal manager will be appointed and their role is to review whether the procedure has been followed correctly and the decision was reasonable. The appeal manager will consider any new information that you present, however the appeal hearing will not normally be a re-hearing of information already put forward.

The appeal manager will be at least one pay band above the manager who made the original decision or a manager outside of your management chain who has not previously been involved in your probation.

Appeals against dismissal will be heard by an appeal manager nominated by your Country Head, Chief Executive or Director, Central Services, as appropriate.

11.2 Appeal hearing

The appeal manager may invite you to attend an appeal hearing where you will be given the opportunity to explain your grounds for appeal.

You will be given at least five working days notice of the hearing and the letter asking you to attend will confirm:

- your current stage in this procedure and the decision you are appealing against;
- the date, time and location of the meeting; and
- your right to be accompanied at the hearing 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 suggest an alternative, provided it is within five working days of the original date set.

If you do not attend the hearing, the appeal manager will make a decision based on the evidence available.

Your representative or colleague can address the meeting, put forward and sum up your case, ask questions and confer with you, but cannot answer questions on your behalf.

Notes will be taken at the hearing by someone who has not previously been involved in your probation. After the hearing, you will be given a copy of the notes for comment.

11.3 Appeal outcome

The appeal manager will write to you within five working days of the appeal hearing to inform you of their decision. If there is likely to be a delay, you will be informed of the delay and likely timescale.

The appeal manager may decide to:

- **Fully uphold the appeal** – disregard the warning or decision to dismiss, as relevant. All paperwork associated with this will be destroyed and your probation will continue as before or, if you have reached the end of your probation, your appointment will be confirmed.
- **Partially uphold the appeal** – the content of the warning is changed or probation is extended, as relevant.
- **Reject the appeal** – the warning remains live or dismissal is progressed, as relevant.

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.

Appendix 1

Probation Flowchart

