

GUIDELINES FOR AN INFORMAL CAPABILITY DISCUSSION

The key thing to remember is that this is NOT a disciplinary meeting, it is an informal chat.

The process must be EITHER formal or informal; it can't be a mixture of the two. So, if you feel that the informal approach is not working, bring the meeting to a close and say that you will invite the employee to a formal meeting, i.e. with notice and the right to be accompanied, and take things from the investigatory stage of the formal process as soon as possible.

Another key element is that you should not expect to reach a conclusion in the initial meeting. The employee MUST be given time to consider their response, otherwise they will be able to back track later. As a result, these meetings are often held towards the end of the day/week.

INITIAL MEETING.

Clearly state that this is an informal meeting which the employee can also adjourn at any point.

Outline the reasons for the meeting, i.e. decreasing productivity and ASK for explanations. DO NOT supply explanations of your own, particularly around age or medical conditions.

Try to have specific examples, relevant dates or timelines, details of complaints or negative feedback but try not to get bogged down in individual incidents. A meeting like this should be to seek broad agreement that the status quo is no longer tenable.

Do not

- Get into arguments or disputes over what's being said, simply make notes and keep an open mind
- Reveal the sources of the allegations
- Allow your opinion to influence proceedings

If that agreement is reached, again ASK for suggestions as to how the situation can be improved. It is important to be open-minded at this stage as very often workable proposals come out here. Remind the employee that they will have time to think about it but you're just looking for any quick wins or anything that the Company could do differently, as well as anything that the employee can change.

You may feel that it is appropriate to close the meeting here, give the employee time to think about it and arrange a time for them to meet with you again. The employee may wish that meeting to be more formal, i.e. witnessed, etc, which you will need to agree to, if so.

However, you may wish to add that you and your managers have given it some thought – hence the need for the conversation in the first place – and you do not see any obvious way of achieving the required uplift in performance/attendance/attitude. At this point the employee will most likely ask what their options are.

It is important to rule out redundancy, as it is the position, not the person, that gets made redundant and you will continue to need someone in the position, delivering to the appropriate standard. Again, that is why the conversation is happening and has become relatively urgent.

However, other than that NO DECISIONS have yet been made and you will not make any until after the next meeting.

MEETING 2.

If the next meeting is a formal investigatory meeting, repeat the above but with more emphasis on the reasons that change is required. Deal with any counter arguments in a rational and reasonable way and see if agreement can be reached that change is actually required.

IF NOT, and you are happy to continue as is, conclude the process in writing.

IF NOT, but you still believe change IS required move to the next stage of the formal process, i.e. **another meeting**, (with notice, and the right to be accompanied), where you outline why you need to make changes and what your proposed changes are.

The employee should be given time to consider their response ahead of **another formal meeting** where, unless they can convince you otherwise, you will proceed as stated.

However, if THE second meeting is informal, or you do reach an agreement in the formal meeting that change is required and the employee has no workable alternatives, you can explain your proposal in full and ask them to consider it.

They ought to have time to consider it, and you may give them a day or two off to do so, but they will need to make a decision fairly quickly, as otherwise you will simply go down the formal route, which is likely to result (usually) in a less generous settlement, i.e. statutory minimums. That would also be the case if no agreement is reached.

Even if they agree in the meeting, you should still give them 24 hours to think about it.

Once agreement has been reached, confirm in writing, with the Right to Appeal the decision IF they feel that they have been badly treated.

Remember

- Confirm the outcome in writing
- If there is a review period make sure that you record the date for follow up
- If allegations made are entirely false, conduct an investigation into the people that made them

FURTHER GUIDANCE.

Active Listening

1. **Be quiet.** Let the other person talk. Actively listen to what **they** have to say. Allow time for the discussion to continue without interruption and try to separate the conversation from any other messages you may wish to communicate.
2. **Look at the person**, and suspend other things you are doing. Listen patiently to what the other person has to say, even though you may believe it is wrong or irrelevant. Indicate

simple acceptance, not necessarily agreement, by nodding or perhaps injecting an occasional "mm-hmm" or "I see"

3. Listen not merely to the words, but the feeling content. **Try to understand the feeling the person is expressing**, as well as the intellectual content. Most of us have difficulty talking clearly about our feelings, so it is important to pay careful attention.
4. Be sincerely interested in what the other person is talking about. **Avoid direct questions and arguments about facts**; refrain from saying, "That is just not so", "Hold on a minute, let's look at the facts", or "Prove it." You may want to review evidence later, but a review is irrelevant to how a person feels now.
5. Restate what the person said or restate the person's feeling briefly, but accurately. At this stage you simply serve as a mirror. **Encourage the other person to continue talking**. Occasionally make summary responses such as, "You think you are in a dead-end job", or "You feel the manager is playing favourites." In doing so, keep your tone neutral and try not to lead the person to your pet conclusions.
6. **Ask clarification questions once in a while**. When the other person touches on a point you want to know more about, simply repeat his statement as a question. For instance, if he remarks, "Everybody's working really late", you can probe by replying, "You say no one's going home on time?" With this encouragement he will probably expand on his previous statement.
7. **Listen for what is NOT said**, evasions of pertinent points or perhaps too-ready agreement with common cliches. Such an omission may be a clue to a bothersome fact the person wishes were not true.
8. Be aware of your own feelings and strong opinions. **Do not get emotionally involved** yourself. Try simply to understand first and defer evaluation until later
9. If you have to state your views, say them only after you have listened. If the other person appears to genuinely want your viewpoint, **be honest in your reply**. In the listening stage, try to limit the expression of your views since these may influence or inhibit what the other person says.

Verbal Signals

- 'I'm listening' cues
- Disclosures
- Validating Statements
- Statements of Support
- Reflection/mirroring Statements

Non Verbal Signals

- Good eye contact
- Facial expressions
- Body language
- Silence
- Touching*

* = appropriate, non-invasive or threatening

Effective Questioning

There are two main types of question:

CLOSED.

Questions that start 'Do, could, would, should, is, are', etc, or are statements said with a rising inflection towards the end. These should be used for confirming information only.

OPEN.

Questions that start with 'Who, what, why, when, where, how'. These should be used for gathering information, as it is virtually impossible to answer them with a simple 'yes' or 'no'. They can also be used to deal with objections (*"What else do I need to know about that?" "How do you think we should deal with that?" etc*)

Always think about the response you are trying to get and use questions to steer the conversation in the right direction.