

MANAGERS GUIDE TO COUNSELLING

Counselling is a formal process, initiated when an employee has not responded to the advice and/or assistance a manager/supervisor has provided on a less formal basis. However, while it is a formal process the aim this type of action should be a positive one — that is to improve performance or prevent a recurrence of unsatisfactory conduct, rather than to administer 'punishment'.

A counselling meeting will usually involve you taking the following steps:

- advising the employee in advance that a discussion about his or her work performance or behaviour is to be held at a given time and place, with sufficient notice to enable both you and the employee to come to the discussion prepared;
- arrange for the meeting to be held in private, although a support person for the employee being counselled may be present, and
- keep a brief record of the meeting - this could be a diary note, or for more significant matters a Counselling Record.

Counselling and misconduct

Counselling is not usually appropriate where the actual or potential consequences are serious, such as a threat to safety or health, major cost or damage, or a threat to the employer's viability or reputation.

If you believe that an employee may be breaching or may have breached a policy or procedure in some minor way, it may be appropriate to raise the issue informally in the first instance. Drawing the employee's attention to the problem may be all that is required, including reference to the relevant policy, procedure, etc. If, however, the behaviour in question is more serious or does not subsequently improve it is necessary to arrange a more formal discussion to ensure that the employee clearly understands what the expected standards are and how he or she may have fallen short of those standards.

You should also make the employee aware of the possible consequences if there is still no improvement, i.e. the range of possible disciplinary action or sanctions.

Definitions

Acceptable performance or behaviour is defined as effectively executing tasks to achieve an outcome to a satisfactory standard using accepted standards of behaviour.

Unacceptable or poor performance or behaviour occurs when an employee is not completing their work or part of their work to a satisfactory standard.

Satisfactory standard includes the behavioural competencies required for the role as well as the physical achievement of goals.

When to counsel

Determining at what point a decline in work performance or a failure to observe the appropriate standard of behaviour warrants formal counselling is a matter for you as the manager to judge. It is not always easy to decide when to move from providing informal comments on an employee's work to a more formal approach. However, when a decision is made to take that step, you should start documenting the steps that are being taken to address the situation (see Recording the discussion below).

Intervention at an early stage can often prevent a problem escalating and requiring more serious and possibly disruptive action further down the track. If a free flow of information is encouraged in the workplace and open, two-way communication is the norm, it will be easier to identify performance or behaviour problems when and if they do arise, and for them to be dealt with promptly.

A good management style will not eliminate performance or behaviour problems, but good workplace communication should help to identify some problems early, so that something can be done about them.

Who should give the counselling?

In most cases it is the responsibility of a manager to provide counselling to his or her staff in relation to work performance and behaviour. However, in circumstances where performance is affected by factors outside the workplace, for example if an employee has difficulties in their private life, it may be appropriate, after an initial discussion, to refer the employee to an appropriate external support service. A referral should only be arranged with the employee's consent.

This does not mean that you should back away from the problem, but focus should be on ways to improve the employee's performance or behaviour at work and not attempt to solve problems that may be occurring in the employee's private life. In most cases, managers are not qualified to take on such a role.

Where should you counsel and who should be present?

Where formal counselling is to be done, the discussion should ideally be held in a place which is private and free from distractions. If you have an office, it may be appropriate but, in some situations a more neutral meeting place away from the immediate work area may be preferable. Where possible, a suitable time for the discussion should be agreed in advance and sufficient notice given to allow both you and the employee to prepare adequately.

While it is desirable for an employee to be given sufficient notice to prepare for a counselling session, there may be occasions when you decide that an employee's behaviour warrants immediate action, particularly when the behaviour is causing disruption to other employees.

A counselling discussion usually involve just you and the employee but, in some situations, the employee may request the presence of a support person or independent observer. It is important to note that you cannot unreasonably refuse a request for a support person to attend. In such situations, you should also have another manager/supervisor (or other senior person) present. A support person provides moral and emotional support and is not there to "speak" for the employee or otherwise formally take part in the discussion, and their presence and role should be clarified before the session commences.

The importance of identifying outcomes

To achieve the best results, counselling, like feedback, should be based on open, two-way communication. It is important you keep control over the direction of the discussion. Remember, the purpose of the meeting is to provide the employee with the opportunity to respond to your concerns. You should work with the employee to generate a plan of action, establishing and articulating the needs of both you and the employee. Focus on future outcomes rather than dwelling too much on what has happened in the past. Your aim is to produce an improvement in the employee's performance or behaviour and for this to happen, first, what improvement is required and, secondly, the steps which should be taken to achieve it. It is also important that a time frame is established to achieve the identified goals and to review the success of the strategy.

Recording the discussion

It is particularly important to make sure that the only personal information recorded about the employee is relevant to the purpose for which the information is being collected, and that the employee clearly understands why a record is being made and who else will see it.

If a counselling session initiated in relation to underperformance or behaviour a formal record should be kept as evidence for both parties of what has occurred and as a basis for future action (e.g. training and development). The record would also show that counselling has taken place, in case a formal disciplinary process needs to be commenced later.

The record should be made as soon as possible after the meeting, while the recollection of the events is still fresh. It will depend on the seriousness of the situation under discussion how much detail is recorded, but the record should include relevant facts, such as the names of the people present, the date and location, the reason for the discussion and the main points covered, including the positives, and any agreed actions or outcomes, including time frames.

Information which is not relevant to the purpose should not be recorded.

For more significant matters where you're using a Counselling Record, both you and the employee being counselled should sign the record, unless the employee believes that the record is not an accurate reflection of the discussion, offer them the option of attaching their own signed version of the meeting. If the employee simply refuses to sign the form, do not force them to but make a note on the form of the refusal.

Disclosure

The manager should inform the employee that a record has been made, for what purpose, and who will have access to it. The manager/supervisor is then responsible for storing the record securely and preventing any unauthorised access. Matters raised in a counselling discussion should be treated confidentially and disclosed to third parties only where required.

What are the options if counselling doesn't achieve the expected outcome?

The expected outcome of counselling is in most circumstances an improvement in work performance or conduct. If an employee's conduct or work performance does not improve in response to counselling there are several options available. These include:

- re-arranging the employee's duties;

- movement to an area where an employee's skills may be better utilised;
- voluntary reduction in classification; or
- proceeding with sanctions under your Discipline Procedure.

It is essential to address problems with performance or conduct when they arise. If the formal processes are used appropriately they can be effective in dealing with underperformance and misconduct and produce an outcome which is efficient both in terms of maintaining productivity in the workplace and in reducing the negative effects of a protracted, unsatisfactory work situation.

Counselling for poor performance or behaviour

Good practice suggests (and some companies' policies and enterprise agreements require) that, before any written warning is issued to an employee about underperformance or behaviour, counselling takes place, observing the following points:

- the work standards expected of the employee should be discussed and appropriate assistance to enable the employee to meet those standards provided;
- make clear to the employee where their work is below standard and set goals for improvement over an agreed period;
- records of counselling sessions should be made and be signed by both parties; and
- the employee should be given the opportunity to explain any reasons for the underperformance or behaviour.

The manager must use his or her own judgement to determine the length of time allowed for improvement once a performance or behaviour problem has been identified, but it is best to deal with the issue in a proactive way. There needs to be a balance between the need to treat people fairly and equitably and the responsibility for maintaining the effectiveness of the workplace, bearing in mind the impact one employee's underperformance or behaviour may have on other employees.

For more information or assistance with counselling employees about their performance and behaviour contact NatRoad on (02) 6295 3000 and talk to one of the experienced, practical, and friendly advisers.