

DIFFICULT CONVERSATIONS



HR expert **Vicky Stanton** looks at how to talk through issues of poor performance and discipline with your staff members...

Often managers and supervisors shy away from having difficult conversations with employees as they sit in 'the too stressful box'. But this approach can have detrimental effects on a business and staff morale, and may result in the loss of effective team members. There are issues that require immediate disciplinary action to be taken, but often undertaking an informal discussion can solve a problem before it escalates to the point when formal discipline or capability procedures are necessary.

First, let me share some simple tips about how to undertake such a conversation in a positive manner. Before you meet with a member of staff think about the following:

- What is the issue or concern? How will you phrase this to them to open the dialogue?
- What do you want from this conversation? Think about your ideal outcome and your fall-back outcome (the minimum).
- What do you need to find out?
- How can you best prepare? What are the likely outcomes and what will your responses be?

It's important to remember that you need to be flexible. You will not know what the staff member is going to say until he or she says it, and this will affect your responses. If you are too rigid in what you want to say then the meeting will not flow and be successful.

When you meet with the individual you should think about the following:

- How you are coming across. This is a two-way discussion; you need to have empathy and create a rapport.
- Nerves and/or adrenaline. Employ WAIT (Why Am I Talking?). Pose your question and let the staff member answer (count to six before you jump in again).
- Using open questions and ensuring you listen.
- Summarising as you go through the conversation to check understanding and what has been agreed.
- Your style - 'If you only have a hammer, everything looks like a nail'. You need to adapt your style to who you're talking to.

- Trying to encourage discussion throughout rather than argument or monologue.
- Ensuring you get out of the conversation what you need to: acceptance of the issue, how it can be resolved, what the staff member will do, what you will do, etc.
- Agreeing a commitment and outcome/action plan, and when you will meet again.

After your meeting, stick to the agreed outcomes and review progress. Document each meeting with an agreed set of notes.

DISCIPLINARY PROCEDURES

But what should you do if the matter is more serious? The first rule is, if you have a discipline policy, stick to it. Don't miss bits out or decide to do something completely different. You run the risk of any outcome being seen as unfair. If you don't have a formal policy then follow the ACAS guidance as this is deemed to be a fair process in the eyes of the Employment Tribunal.

In principle the steps you will need to take are:

- Inform the member of staff that an allegation has been made against them (and give them an outline of what that allegation is).
- Investigate the facts as thoroughly as possible.
- Give the employee opportunity to meet with you (or the appointed investigator) to discuss and give his/her side of the story. Use the list of things to think about described above to help you prepare. The staff member should be given the opportunity to bring a work colleague or trade union representative with her/him to the meeting. The employee should be given this opportunity before any decision is made, as they may have some facts you are not aware of.
- Once you have all the facts of the case, a decision should be made and communicated to the employee. You should also offer the employee the right of appeal against the decision.



- Keep a record of the outcome on the employee's personal file.

As an employer you are required to act fairly and reasonably, and in a consistent manner. But don't be afraid of managing your staff; it's what you're paid to do and responsible for. If you're unsure of the processes to follow, then seek help to ensure you act appropriately and lawfully.

The final bit of advice is to keep notes of those times you have to have difficult conversations, particularly around timekeeping, attendance and behaviour. If things escalate and you wish to move to formal processes, you will need evidence to support the decision.

findout more

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