

“Haven’t We Been Here Before”

A guide to handling staff issues

When it comes to employing people there are fewer areas which would count as potentially vaster than staff issues. After all, the range that an “issue” can fall into could be very wide to say the least as every staff member is different and their ability to handle issues varies widely too. One person’s “issue” is another person’s “get on with it, that’s life”. However a member of staff with an issue which they cannot or will not resolve can be a problem. Issues lead to:

- Potential de-motivation
- Poor discipline
- Poor performance
- Failure to meet customer needs
- Poor team-working
- Potential for conflict
- Poor staff attendance
- Potential for poor staff retention.

Essentially staff issues need to be addressed and managed effectively. This guide looks at the main areas within your business that can help you address staff issues. In particular it looks at how you recognise them; the methods by which you can deal with them and the consequences if you do not deal with them.

Recognising staff issues

It is impossible to categorise what a staff issue may be as they are as wide and varied as the individual staff member’s you employ.

If you work with your team (rather than against them), recognition is easier. It may seem that some are very obvious:

He/She just seems different

Clearly, a person’s mood is going to change. Some are certainly more moody than others but recognising patterns of change in behaviour can be a sign that something is not right. Recognition of this seems obvious but those owners and managers who are not close to their team will often miss it. Sometimes missing this is a subconscious decision borne out the desire “to not get involved”. This situation needs to be managed like any other

Performance is down

You may have very good systems, which measure performance (organisational, team and individual). If you have a sales person whose sales have suddenly taken a dip, these may be related to issues other than people not wanting your service/product. If you get an individual whose output per day is clearly down on previous times, the same. Your systems may not give you this data but it is clear from observation and feedback that performance is not like it used to be

There are patterns of lateness and/or absence

This is often one of the key indicators that there are staff issues. These issues could relate to matters outside of work (late because of a change in family circumstances) or it could be a work related issue (absent due to some harassment at work). There are organisations (some bigger than you might imagine) who have few controls here and thus do not react to this obvious bit of information

There are some obvious physical issues

Staff issues could be big and drug or alcohol related problems with staff can often be the biggest. Recognition of problems like this is not always easy but the signs are there. Companies do have bigger responsibility of educating themselves as to what to look for and to adopt policies in addressing this. Again, recognition will vary with their potential addiction and substance but looking out for change in behaviour connected with physical differences in appearance and even bodily smells can make it easier.

The staff member tells you they have an issue

It should be said that this should be the most obvious way of recognising that a staff issue exists. After all, someone saying to you “look, I have an issue” is as clear as it gets. Now that “issue” may turn out to be a small matter but it is clear you have been told. They may make the situation even clearer by taking out a *grievance* by using the formal grievance procedure (which all organisations should have in place). There is nothing more obvious that a staff issue exists than a letter stating that very fact landing on your desk.

Therefore, assuming you have recognised a staff issue does exist (though you may not be fully aware of the problem); how do you deal with them

Dealing with staff issues – how?

To keep it simple, there are two ways of dealing with most issues (and that includes issues with your staff) - formally and informally. To deal with them effectively you should consider some proactive approaches within your business, which help in recognition and deal with the issue as and when it appears. Some are advisable in that you do not need them but they will help and one in particular is a requirement of the law – you do not have it, get it!

- *Review the way you communicate*

Check how you communicate with your staff. If you are small enough to have discussions on a regular basis then fine. If you have grown and a distance has formed, review whether you need to adopt different approaches

- *If you have managers, make sure they know what they are doing!*

Staff issues can often not be recognised or molehills do become mountains if they are not dealt with correctly. Whoever has the responsibility of the management of staff issues, they should be trained in how to handle it.

- *Have effective measurement systems in place.*

Again, this is horses for courses. If you were a bigger employer, it would be necessary to have more sophisticated systems for measuring information, which, if studied, may give you a clue to a staff issue. If you are a smaller business, you may simply not have the time or resources to invest in this. There are simple things that do guide you though. Records, for instance, should always be kept of attendance and timekeeping – a very good indicator. You should review what you can measure and how it could be done and again, if you have managers, get them to help you with this.

- *Make sure you comply with the law for “dispute resolution”*

Dispute resolution sounds very grand but it is just another way of saying that if you have a staff issue, you need to have formal procedures in place by which staff can submit their *grievance*. This process must be set out in writing and staff must be fully aware of it

Informal or formal?

Whether it is good practice or whether you follow the law, you should look to deal with staff issues both informally and formally. Of course, it may depend largely upon how formal the staff member makes it. If he or she follows the grievance procedure (see below) you are duty bound to follow this through in a formal manner. However, most staff issues will be dealt with informally whether they are dealt with as a reaction of something the employee says or you choose to deal with something more proactively.

Dealing with things informally can mean, “Having a word” but there are things you should be aware of here.

1. *Make sure you have the facts!*

Even informal “chats” need to be constructed around the basis of what has happened rather than around what may have happened.

2. *It may be informal but you should be organised*

There will be those occasions when a “shot across the bow” is required but if this is to be delivered, you should be aware of *how* you do it. If the staff issue is one caused (or potentially caused) by the staff member themselves, do not look to rebuke them in front of others... *Feedback* is one of the most powerful tools that any staff manager can have and it should be used to try to address staff issues. Constructive feedback can correct staff issues very quickly. Sometime the staff member has an issue, which

requires general guidance, and again, feedback can help here. It is no good dragging the situation out if it can be dealt with effectively and quickly.

If general feedback does not work or the issue is just too much to deal with by this method then you should arrange to sit down with the staff member

This informal meeting should be called to look at the issues involved. There is no requirement to put anything in writing (invitation to meeting etc) though if you choose to do so, then that is your prerogative. If an informal meeting is called, it is likely to have been called because the issue is affecting the performance of the individual. It could be lateness, poor output, poor attitude etc. Have the facts to hand but before you call the meeting you need to ask yourself one very important question:

- *Could the issue be one, which if not improved upon, led to a formal disciplinary hearing?*

Now, this is difficult, as a crystal ball is never supplied when you employ staff, but it is important. If the staff issue is of the nature, which, if not improved upon, could lead to formal disciplinary action, then the staff member should be given the right to be accompanied by a fellow staff member or a trade union representative. This does make the completely informal process sound, well, very formal, but you should ask the question and make the offer.

When you hold the meeting you need to address the staff issue (whether raised by you or the staff member) and:

1. Agree on action points, what needs to be done and by whom
2. Agree on timescales
3. Ensure that notes are taken of what has been said
4. Make a note to ensure that a check is made to see if things have improved.

What happens if it needs to become formal?

For most of the day-to-day staff issues, an informal chat or *counselling* is the best way to deal with the issues and to make the improvements and changes necessary. However, there will always be those occasions when things do not get better and/or those occasions when the staff issues are too problematic and greater intervention is required.

When required, *formal disciplinary procedures* may be required. Before we look at this let us, consider what discipline is about. The word discipline comes from the Greek word for disciple and as such, to use discipline is *to follow* (to get your staff member to follow what you want to do). This is important in that you should never enter disciplinary matters thinking it is about punishment only.

Discipline is a way of working not just a way of solving staff issues. You should always expect people to work in a disciplined way and this should be applied to all aspects of working life including:

- Your policies and procedures (if you don't have them, get them)
- Setting standards for things like timekeeping, attendance and work performance
- Measuring performance
- Dealing with under-performance (don't let it drift)

Failure to adopt disciplined approaches in your day-to-day running of the business will probably lead to many more staff issues and thus many more problems for you to deal with.

Following the statutory procedure for handling discipline and grievance.

Since October 2004, the law has had a direct say in how you handle formal discipline and grievance procedures. Prior to this, it was always good practice to follow some basic principles including:

- The need to enter dialogue
- The need to behave in a fair manner
- The need to respect the contractual agreement

Reviews were completed which brought forward many things (including the recognition that the number of employment tribunals were increasing).Essentially it was decided that employers needed to be forced into following laid down procedures when handling formal discipline and grievance procedures. These are rather grandly called; *the statutory dispute resolution procedures*. This procedure applies to companies of **all sizes** – there are no exceptions and if you employ one employee or more you must follow these procedures.

Now for the good news! Following the procedure is straightforward in that you complete it in steps. If you have a staff issue which means you have to deal with it formally, follow the following at all times:

The Disciplinary Procedure

Step 1:

- Write to the staff member outlining the issues (the nature of the conduct or capability). These issues may be outlined in the letter and/or provided separately should the information be available in this format (for example clock records showing persistent lateness or sickness records).
- This letter should invite the staff member to a meeting to discuss this meeting
- The staff member has the right to be accompanied by a work colleague or a trade union representative. NB IT IS IMPEARATIVE YOU GIVE THEM THIS RIGHT!

Step 2

- Hold the meeting
- At the meeting, you must give the staff member the opportunity to “have his or her say”- to explain what has been going on. Maybe to offer some form of justification for the behaviour and/or under-performance.
- You must then make a judgement and decide what action is needed. The action will depend upon the findings and the seriousness of offence. The result could be anywhere between no action and dismissal. NB Don't dismiss without taking advice!
- Write to the staff member advising of the result *and* giving them the right of appeal

Step 3

- If the staff member appeals then a further meeting must be called.
- If possible this appeal should be heard by a more senior manager or at least someone other than the individual who held the original meeting
- Again, you **must** give them the right to be accompanied
- Consider the appeal then write to them giving them the decision.

The Grievance Procedure

If the staff issue relates to a problem that the staff member has with the company e.g., they are unhappy about their job or the way they feel they are being treated, then you will follow a similar approach. Firstly, you may choose to deal with it informally but if it needs to become formal then you need to instigate the steps of the formal grievance procedure:

Step 1

- The *staff member* must set out the grievance in writing and give this to you
- You must respond to the grievance by organising a meeting to hear the grievance
- The staff member has the right to be accompanied at this meeting a work colleague or a trade union representative and this should be included in the letter

Step 2

- You hold the meeting where you listen to the grievance
- You respond to the grievance (you should try to do this within 5 days) putting this in writing.
- Make sure the response gives the staff member the right of appeal.

Step 3

- If the appeal is made, you call a meeting to hear the appeal
- Make sure the staff member is given the right to be accompanied

- Write to the staff member giving them the result of the appeal.

What happens if you get it wrong?

If you fail to deal with staff issues, you may find a number of things will happen

1. You will get de-motivated staff.

Failure to handle staff issues can send ripples throughout the company. People talk - that is a fact! People see what is going on and failure to handle staff issues properly and fairly means staff other than those whom you have the issues with, can become de-motivated and potentially leave.

2. You can get poorer performance

Clearly, you want to get the best out of people. Failure to deal with things can lead to a downward spiral of poor performance leading to poorer business performance.

3. It will cost you!

Failure to deal with things properly will certainly cost you. Costs are not just associated with the lack of effectiveness from staff or extra costs covering for staff off sick or even just the extra recruitment costs added because staff are leaving. The law has introduced specific punishments should you fail to follow correct procedures:

- If you fail to follow the statutory procedures then any action resulting (including eventually dismissal) will be deemed unfair! If a staff member pursues it to tribunal (and this is very easy these days), it will be judged to be *automatically unfair*.
- The average award for unfair dismissal in 2007/2007 was nearly £8000 with the highest being over £250,000! If you add into this legal fees and management costs, you need to ask yourself, ***can you afford to get it wrong?***

Action Points

In summary, ask yourself the following:

- Are your procedures for handling discipline and grievance up to date and in writing?
- Have they been issued to all staff?
- Are you happy that the people handling staff issues know what they are doing?

If you cannot answer yes to **all the points above**, you need to take action!

In summary

Staff issues are a fact of business life – there's "nowt as funny as folk" as they say in the North. However, there are ways and means of dealing with them. Get it right and you can turn the inevitable into a positive, get it wrong and *it will cost you!*