

Introduction

Difficult conversations with Lay Employees are part and parcel of your role as a Line Manager. Taking on the role of Line Manager means that, from time to time, you should be prepared to address difficult issues with Lay Employees.

Often, the issues that you need to address are important to the performance of the employing body, for example delivering feedback to a Lay Employee that will improve their productivity, so you should accept responsibility for having these conversations.

You must consider whether or not you are the appropriate person to have the conversation with the Lay Employee. If you are involved in the issue, for example where the issue relates to misconduct towards yourself, your personal opinion might cause bias, or the fact that you are conducting the conversation might result in the appearance of bias.

Where a Lay Employee's conduct has put the employing body at risk of legal liability, for example where the Lay Employee is accused of theft, harassment, deliberately misleading or fraud, it might be more appropriate to contact HR for further support.

This guidance does not form part of any contract and it may be amended at any time. We may also vary the information and guidance at any point without prior notice.

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1. Difficult topics of conversation

Any conversation that you would *rather not have* can result in you perceiving the conversation to be a difficult one. Line Managers often question whether an issue should be raised due to its sensitive nature or for fear that the Lay Employee will react negatively, with denial, anger, or verbal abuse.

Issues that you may find difficult to raise with Lay Employees can include:

- Delivering bad news, for example informing a Lay Employee that they are in the pool of candidates or that the role they occupy is being considered for redundancy.
- Confirmation that a Lay Employee is to be dismissed for any reason.
- Providing critical feedback on a Lay Employee's performance.

- Raising an issue of misconduct.
- Raising the issue of a Lay Employee's personal hygiene.
- Addressing a conflict between colleagues; and,
- Acknowledging that you were wrong, and that the Lay Employee was right.

However, in many instances, the act of addressing the issue with the individual can help to turn the situation into a positive one. For example:

- Giving critical feedback may give a Lay Employee the opportunity to improve performance, which may prevent them from facing formal action.
- Where you address difficulties between colleagues, this may be an opportunity for a Lay Employee to talk about an issue that they have bottled up for some time; and
- Addressing issues of misconduct can elicit information about the reason for the misconduct, which may help to find a solution to the issue.

2. The importance of addressing difficult issues promptly

You should address difficult issues at the earliest opportunity, for the following reasons:

- Delaying a difficult conversation until a suitable opportunity presents itself inevitably results in the issue not being dealt with.
- A problem will not usually resolve itself.
- Even if you consider that the issue that needs to be addressed is a temporary one, the problem may reoccur in the future if it is not dealt with.
- Not dealing with the issue can lead to further complications, making the issue more difficult to deal with in the future.

3. The consequences of failing to address the issue

Failing to have a conversation which is designed to address the issue could have a number of potentially serious consequences:

- The issue may interfere with your own responsibilities or work if you worry about having to deal with it. This may lead to problems with productivity and stress.
- If an issue of poor performance or misconduct is left unchecked, the Lay Employee may think that the situation is acceptable. As a result, the Lay Employee's performance or behaviour could become worse or more entrenched, making it more difficult to correct.
- Failing to address issues of poor performance or misconduct will make it more difficult for you to impose a disciplinary sanction on the Lay Employee at a later date. The Lay Employee may argue that they should have been given an opportunity to correct the performance or misconduct. This could leave the employing body open to a grievance or claim for unfair dismissal.
- If left unresolved the issue may cause productivity problems for the individual, the team, and the organisation as a whole.
- If the issue that needs to be addressed is the Lay Employee's failure to pull their weight, failing to address it may cause problems with morale and stress for the Lay Employee's colleagues who may have to pick up the individual's slack. It could also encourage poor conduct by others and lead to ill-feeling against the individual concerned.
- If, for example, the structure of the employing body is changing, rumours could develop and cause unease among staff, who may assume that their jobs are at risk. If authorised by the employing body to impart this information, you should inform the team of what is happening.
- In some situations, it may be obvious to other members of staff that you are not dealing with an issue. This could result in a loss of respect for yourself and the employing body as a whole. Conversely, it will make a good impression with other staff members if you deal with the issue promptly and effectively.

- If the issue that needs to be addressed relates, for example, to the Lay Employee's poor performance, they may be unprepared for a future situation where the employing body decides to address the issue. This could lead to potentially negative consequences for the Lay Employee, for example stress. Failing to address the issue could therefore mean that the employing body is failing in its responsibilities to protect its staff from harmful consequences. Conversely, if the Lay Employee is informed about the need for improvement, they are no longer in the dark and can take steps to ameliorate the situation. You should accept that staff welfare should not be compartmentalised into purely positive scenarios.

In some situations, it will be appropriate for you to acknowledge to a Lay Employee that your assessment of a situation was wrong or to apologise for your mistakes. Line Managers are often seen as role models and failing to acknowledge mistakes sets the tone for others to do the same. You should be transparent about what could or should have been done in a given situation.

4. The conversation: five key tips

Once you have decided to address the issue by having a conversation with the individual, you should conduct it in an appropriate manner so that both parties use the situation to maximum benefit. There are five key areas that you should consider.

4a. Prepare

Effective preparation for the meeting will help you get across what they want to say without losing sight of the objective. There are several strands to effective preparation:

- **Investigate:** You should research the issue before the meeting to be able to provide evidence of the message that you are imparting. For example, if you are giving feedback on poor performance, you should be ready to tell the Lay Employee about the effect that the performance has had in relation to the employing bodies customers.
- **Outcomes:** You should decide what the ideal outcome of the conversation would be, for example an improvement in performance, correction of misconduct or simply that you have imparted news in a respectful and productive way. If you know the ideal outcome, you can prepare to help achieve it.
- **Style:** You should think carefully about the differences between your character and that of the Lay Employee. You could adapt your style of doing things to assist with the understanding and acceptance of the message by the Lay Employee. For example, if you need to speak to a naturally reticent individual, you could use open questions, such as "tell me about" and "how do you think" to help the individual feel more comfortable and more able to open up. If the conversation is about a Lay Employee's conduct having a negative effect on other team members, you should consider what the Lay Employee's likely reaction to this will be, because the Lay Employee may genuinely be unaware of the effect that they are having.
- **Frame of mind:** You should think about your frame of mind before having the conversation. For example, if you feel angry because the Lay Employee has continued to do something that they have been asked to cease, you should take a moment to calm down. You should concentrate on the issue rather than the individual. If you feel negative about the outcome of the conversation, you may make less effort to find a successful resolution to the matter.
- **Materials:** You should prepare any materials that may be needed for the meeting, including extra copies of documents for the Lay Employee. If the issue is the Lay Employee's sickness absence, this could include a copy of their sickness absence record; if the issue is their appearance, this could include a copy of any dress code policy; and if the issue is the standard of the Lay Employee's work, this could include examples of their work where there are concerns.
- **Practice:** You could practise what you are going to say, particularly any opening statement or questions. This is preferably done out loud. You could talk through the situation with the District HR Officer which will give you the necessary confidence to address the issue.
- **Location and environment:** A difficult conversation should always be conducted in private so that neither you nor the Lay Employee is embarrassed and so that you both feel that you can speak

freely. This will also ensure that you do not breach the employing bodies duty of confidentiality towards the Lay Employee.

The Lay Employee may not get the hint if you try to tackle a problem by raising it as a general issue in a team meeting or a training session. This tactic may also have a negative impact on the Lay Employee's colleagues if they know that the issue is not theirs to deal with. It is essential for you to have a one-to-one meeting with the individual so that the individual understands that the issue relates to them.

An open-plan office or communal area will not be suitable. Neither will an office with a window that others can see through. Where there is a personal conflict between yourself and a team member, it may be more appropriate to use neutral ground, such as a meeting room, rather than an office.

And please consider that it is more effective to have a face-to-face conversation rather than a telephone conversation as you can judge whether or not the Lay Employee is taking serious note. The Lay Employee can also see that you are taking the issue seriously.

- **Layout of the room:** You should not assume that there is a 'one size fits all' layout. The appropriate room layout will often depend on the issue that you will be discussing with the Lay Employee. Sometimes sitting opposite the Lay Employee will be appropriate, but depending on the issue to be discussed, sitting next to someone can be less threatening. However, you should always consider the Lay Employee's comfort zone and personal space requirements.
- **Time:** You should allow sufficient time to enable proper discussion. A time when one of you has a deadline should be avoided. Where possible, you should allow extra time in case the meeting takes longer than expected. This also allows you some breathing space after the meeting. A meeting to discuss a difficult issue can be emotionally draining, and you should consider your own emotional wellbeing. If the conversation cannot be finished in the allocated time, you should agree another time and not rush the meeting to finish it in one day.

4b. Communicate

It is important to communicate the issue clearly, so that there are no misunderstandings. You must also put the message across in a way that is constructive, even though the information may seem negative.

- **Set the right tone:** You should begin the conversation in a professional manner as this will encourage a professional attitude throughout the meeting and help to achieve a successful outcome. Beginning the conversation in a non-threatening manner will also make the Lay Employee feel at ease and encourage them to speak openly. To set the stage, you could start by thanking them for attending the meeting.
- **State the issues clearly:** To avoid misunderstanding, you should state clearly what the issue is. Praise or positive comments can be useful, but you should not let this cloud the message that they need to impart. Praise can sometimes be perceived as disingenuous if it is followed by criticism or a difficult message.
- **Put the issue in context:** You should demonstrate why the issue is important. For example, if the issue is redundancy, you should explain the business context, or, if the issue is the Lay Employee's misconduct, give examples of the impact that their behaviour has had on other members of the team. This should help the Lay Employee focus on why the misconduct is unacceptable.
- **Give specific examples and evidence:** If the message that needs to be imparted is that the Lay Employee has been refused a request for flexible working, it helps if you can give specific examples of why the request cannot be accommodated. This can be done by referring to dates, situations, and documentary evidence. However, if the issue is the Lay Employee's conduct, you should avoid referring to general or specific complaints by the Lay Employee's colleagues, as this could make them feel ostracised.
- **Focus on the issue, not the person:** You should avoid expressing your opinion about the Lay Employee. This can be done by sticking to the facts and avoiding generalisations and comments on the individual's personality, such as 'you're always late' or 'you can't be trusted'.

- **Avoid an attitude of blame:** The issue needs to be addressed in a collaborative way. You should not approach a conversation with an attitude of 'Line Manager versus the Lay Employee', but with an attitude of 'both versus the problem'.
- **Avoid belittling the issue:** Your own fear of a difficult conversation could lead you to belittle the issue, which could result in the Lay Employee not taking the issue seriously. You should avoid phrases such as 'this won't take long', 'it's really not a big deal' and 'I'm sure you're aware of what I'll be saying'.
- **Be positive:** You should be bold and state that you want a successful outcome to the meeting. This will give a constructive tone and feel to the conversation even if the news seems bad. It also helps if you use positive words, such as 'improvement' and 'achievement', rather than negative words, such as 'failure' and 'weakness'.
- **Body language:** You should be aware of your own body language so that it does not alienate the Lay Employee. You should adopt neutral body language by not crossing arms and speak in a calm tone of voice at a moderate volume. Your attitude will usually be replicated by the Lay Employee.

4c. Listen

Being listened to is empowering. You should think of a situation when someone genuinely listened to you and recall how you felt and reacted to this. Being listened to can help Lay Employees feel that they are being taken seriously.

Taking the time to listen will also help you gather useful information about the issue. You should prepare questions but let the Lay Employee explain or react in their own time.

4d. Explore

During the conversation, you and the Lay Employee should explore the issue together. If you explore the issue as a whole, including the reasons why it arose, this will increase the chances that the conversation will be successful. Exploring the issue could also help you to find out more about the individual.

The issue can be explored in a number of ways:

- You can use probing questions to understand or clarify what the Lay Employee has said, for example 'tell me more about that'.
- You might ask rather than tell. For example, you could ask the Lay Employee why they think that their application for promotion has been unsuccessful. This helps the individual understand the message that you are imparting.
- You could also ask the Lay Employee what they see as the ideal outcome of the conversation and how this might be achieved, as well as how others might respond to this.
- The Lay Employee might be surprised to hear what you have to say. To explore the issue, you should allow them time to respond and listen to their response. Saying to them 'have a think about what I've just said and tell me about your thoughts on hearing that' and then giving them sufficient time to respond could elicit a useful response.

4e. Agree action

Having ascertained the ideal outcome of the conversation, you and the Lay Employee need to agree how it can be achieved:

- You and the Lay Employee need to agree the way forward together. This encourages joint ownership of the issue, which helps the Lay Employee to treat it seriously and take responsibility for resolving it.
- Brainstorming will help the Lay Employee feel involved and is an easy way of comparing the positives and negatives of different solutions.

- It is preferable to start with small steps. For example, if the Lay Employee is having difficulties getting along with a colleague, agreeing a small action first, such as an informal social event, could encourage further positive action.
- If the issue requires action, you and the Lay Employee should agree a deadline. Scheduling a date by which the action must be completed helps to focus minds. This could perhaps be coupled with the date for the next meeting to review the situation.
- If the Lay Employee needs to improve, you and the Lay Employee should agree how development or progress will be measured.
- The Lay Employee may need support from you to resolve the issue and you need to take this into account.
- Once it has been agreed what the Lay Employee is going to do, you should ask them to summarise this, which ensures that they have fully understood what is required and by when.
- You should end the meeting by explaining that you want the individual to succeed.

5. Dealing with a Lay Employee's difficult attitude

The topic under discussion may be a sensitive issue. Some Lay Employees may react negatively, by becoming upset, angry, or verbally abusive. There are several things that you can do to ensure that the meeting remains productive:

- **Remain calm.** It is your responsibility to achieve a successful outcome to the meeting and this can be done only if you remain calm and refrain from bringing your own feelings into play. You should remain objective and refrain from making any personal accusations or becoming angry.
- **Let the employee "vent".** It is important that the Lay Employee calms down. However, allowing them some time to vent their anger or frustration gives them space and a feeling of being listened to. They may also reveal information that may help in finding a resolution to the problem.
- **Remember the reason for the meeting.** It is easy for the Lay Employee to veer into other topics if they feel uncomfortable or are looking for excuses for their behaviour. To get back on track, you should remind yourself of the reason for the meeting and the ideal outcome.
- **Remember that the issue needs to be dealt with.** When faced with a difficult attitude, a Line Manager will often be tempted to postpone the meeting in the hope that the Lay Employee will calm down. However, this can make both parties lose sight of the issue. You should not postpone the meeting simply because the Lay Employee is not being receptive.
- **Inform the Lay Employee that their attitude does not assist the organisation as a whole.** If the issue being discussed is the Lay Employee's misconduct, you could explain to them that their difficult attitude in the meeting mirrors their behaviour in the workplace. This may help the Lay Employee to reflect on their behaviour and calm down.

6. Following the meeting

After the conversation, you should keep the momentum going because achieving a successful outcome is an ongoing, building process. Failing to keep on top of the issue may undo all the good work and may leave you having to deal with the issue from the beginning again.

To ensure momentum is not lost, there are several things that you can do:

- Ensure that the Lay Employee feels supported. If they know that you are there to support and help them, this will be invaluable in achieving a successful outcome to the conversation.
- Ensure that what was said and agreed in the meeting is well documented. Both parties should agree that the contents of the document reflect what was agreed and thereafter refer to it if there is confusion or disagreement.
- You should monitor how the agreed actions are being implemented by the Lay Employee.
- You should have regular informal chats with the individual and less regular formal discussions, including a further meeting to review the outcomes or first step.