

Labour relations and discipline

What makes a good manager is difficult to define, but her interaction with her staff is all important. ANTHONY CARR shows how to balance the power and responsibility of the job and he explains why it is necessary to discipline staff.



ANY NURSE who is in a position to ask other nurses to do work for her could be termed a nurse manager. However, until a manager can define her own role she cannot hope to establish good labour relations with her staff. There are many definitions of the term manager, some sophisticated, others more simple, but whatever statement is made to try to describe the function of management and the manager it is bound to be challenged by another person who has a different concept.

At its simplest, a manager is a person having more work to perform than she can do unaided. In other words, a manager has people working with and for her.

The manager is given a certain amount of formal authority and responsibility. It is important to recognise that not only is a ward sister a manager, but the staff nurse who takes charge when the sister is off duty is also a manager and, as such, all managers need to know what authority they have when various matters arise.

Senior management needs to define what authority different levels of staff have. By authority I mean what power or right they have; power coming from the office held. What power can I legally use in the organisation because I am a nursing officer, not because I get along with people and have an attractive personality. One who has authority has the power of sanction, requiring staff to do or not do certain things.

Before managers take this definition and use it with renewed vigour, there is always a balancing pressure — responsibility. That means being liable to be called to account as I am the person in charge or control. The manager has trust or charge given to her which she cannot pass on to others. In the end she receives the blame or credit for the performance of her staff.

Being manager is not just using the authority of the office and saying "because I am the ward sister you will do this" but rather "I require this work to be done and carried out in this particular way because I am being held responsible by my manager for the quality of that work".

Once a manager understands her authority and responsibility she can start to enjoy what is called labour relations. Why? Because for the first time the manager knows in definable terms what authority she has and where her responsibility ends.

Labour relations

In the National Health Service it is recognised that consultation between management and unions is essential to the smooth working of the service. All health authorities have set up arrangements for joint consultation between management and the staff organisations represented on the Whitley Councils, based on general principles set out in DHSS advance letter 2/80. These are the main points.

- The mere passage of information is not consultation. Consultation involves an opportunity to influence decisions and their application.

- Management should consult about any significant decision that is likely to affect the well-being of employees, for example, strategic planning decisions which have manpower implications, operational decisions likely to affect the job prospects or job security of particular groups, and all aspects of the immediate job environment.

However, I must stress one very important principle in labour relations: management must never give up its right to consult and talk with its own staff. If staff are affected, they have a right to be told by the one suggesting the change.

As an illustration, take the changes affecting reorganisation. I held meetings and working groups with staff to discuss how the nursing services

could be arranged. Up to 800 staff were involved. I tried to emphasise to staff that should they have reservations about any proposals, then they should contact their staff organisation as soon as possible.

The manager should always be seen to be in charge. This is important when personnel departments are involved. In any organisation there seems to be one of two different ways that a personnel department is used. It is either a specialised support department for managers or it has an important management function. If the latter occurs, then there is no doubt that the manager's function is eroded. Once staff see that a manager is not free to make a decision, some of her authority is lost. This is also true if a junior nurse manager has a boss who will meddle with the junior's decisions.

Never rely solely on help from personnel or the boss. Listen to them by all means, weigh their advice most carefully and, if the advice is to be rejected, then there must be sound reasons for it, but the ultimate decision must be with the person carrying the authority. Labour relations are not just between the manager and union officials, they are between the manager and those working with her, the manager and her superior, and between the manager and unions and/or staff associations.

Labour relations can be helped if the manager will first listen to what people are saying. Many senior managers boast having a grapevine which tells them what is happening. How dangerous. Ever played the party game of whispering a comment to the next person to you and it is passed on until it reaches you again completely altered? All a grapevine system tells you is that someone is saying something, no more than that. Never take action on second or third hand evidence. Do go the source and ask.

Make communications simple and aim them to the person concerned. A

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considerable amount of labour relation problems relate to misunderstanding and misinformation. Is the one communicating sure what is being said is clear? It is often better to write down important communications so that a second reading can check any doubtful or second meanings.

Discipline

This seems a harsh word to use with staff. It really means instruction; to train or educate. So often staff relate it to a telling-off or the boss shouting. It is important to understand why discipline and disciplinary procedures are used. Essentially, discipline in the industrial relations sense is used to alter an employee's behaviour.

A nurse's performance is poor, so attempts have to be made to improve the situation. But how? The only way not to win friends and influence people is by shouting at the individual concerned. It may make the manager feel better but it destroys the confidence of the employee and damages the manager/employee relationship. A manager has several choices to consider when a nurse's performance has been proven to have fallen below acceptable levels. Depending on the status and authority of the nurse manager and the alleged failure, she can counsel the person concerned, or issue a reprimand, a first warning, or a final warning; for more serious offences there is dismissal with

notice, or finally dismissal without notice.

Each case must be considered on its own merits and by the circumstances surrounding the alleged offence. If other staff are involved, then statements should be taken and the nurse concerned told of the problem immediately. For some offences it is helpful to the nurse and the nurse manager if the nurse is suspended for a short time. This should not be seen as a punishment but rather a device that saves the nurse further difficulties in a potentially serious situation. Suspension should be with pay. On all occasions, the nurse should be told of the reasons for suspension and the individual given the chance to state his case accompanied by a staff representative, unless he does not wish it. A letter should be sent to the nurse confirming the suspension and that it will continue until the investigation – being carried out by staff not involved in the problem – is completed.

It is difficult to lay down precise levels of discipline for offences because each case should be treated on its own merits.

The important principles are:

- (a) establish the fact that there is a case to answer (that the offence is not just gossip);
- (b) assemble the facts, including signed statements;
- (c) inform the nurse that the matter is being investigated and preferably invite



- a written statement from him or her;
- (d) encourage the nurse to be represented by a trades union, staff association or friend;
- (e) hold a disciplinary meeting with the nurse and her representative in the presence of another management representative;
- (f) consider all the facts again, including mitigating circumstances, and decide the level of discipline, if any;
- (g) if the level of discipline is outside the competence of the officer to give, refer the case to a higher authority. For example, the officer holding the disciplinary hearing may have authority to issue a final warning. If, after assessing all the facts, the offence seems to justify dismissal, then the case must be referred to the person having that authority.

Perhaps one of the most important factors to take into account is the background of the nurse. Has it been disclosed that the nurse has severe domestic problems, such as difficulties with her relationship with her husband, children in trouble, or a financial problem? All these pressures can make an employee respond differently to normal behaviour. Help in these personal areas might be more important than discipline, or it may warrant help and a lower level of discipline being imposed.

Perhaps a safe approach is to ask yourself if you were being disciplined and the full facts and background were known, would you feel that justice had been done?

An employee who feels aggrieved by disciplinary action resulting in a reprimand and formal warning in writing, or in dismissal, has the right to appeal to the employing authority's appeals committee and then to a higher authority (RHA or secretary of state). The appeals procedure is detailed in the General Whitley Council's circular No 118.

The employee may also have recourse to an industrial tribunal in the case of unfair dismissal ☐

Next week: Implementing research.

Level	Offence	Period of time discipline is in force
Reprimand	Poor time keeping, inefficiency, performance below standard, failure to carry out lawful instructions in reasonable time, depending on the circumstances	6 months
First warning	If a nurse does not improve after issue of reprimand, or prolonged and/or unexplained absence from work, deliberate misuse of equipment, depending on the circumstances	12 months
Final warning	If a nurse does not improve after issue of first warning, or abusive behaviour, failure to undertake one's lawful duties, refusal to carry out a reasonable instruction, depending on the circumstances	24 months
Dismissal with notice	If a nurse's conduct and/or performance does not improve after the issue of final warning, or grave inefficiency, knowingly clocking another employee's card, wilfully making false entries on a time sheet, unauthorised disclosure of information relating to patients, negligence, malicious damage or on conviction of a criminal charge which the health authority considers makes continued employment undesirable, depending on the circumstances	
Dismissal without notice	In cases of grave misconduct, for example, drunkenness, assault, theft, grave insubordination, fraud or corruption, depending on the circumstances	

An example of discipline for certain offences.