



The care exchange – Series 5 Episode 11: Evidence is king

Hosts

Pia Rathje-Burton and Wendy Adams

Guest

Sonia Rai, Director, Nectar HR

Pia Rathje-Burton 00:07

Welcome to the care exchange, the Skills for Care podcast for managers and social care. I'm Pia Rathje-Burton and I'm Wendy Adams. Today on the podcast, we have Sonia Rai. Sonia is the founder director of Nectar HR, then that is a national consultancy supporting business across the UK with clear, practical HR solutions.

Wendy Adams 00:29

Sonia has 25 years of experience in HR and business, and she specialises in helping organizations handle HR challenges. And she started this business 14 years ago, she regularly runs webinars and events that make complex HR topics into straightforward real world strategies for business owners and managers

Pia Rathje-Burton 00:52

Sonia works with lots of social care providers, and so we're really excited to have her on the on the show, on with the show. So

Sonia Rai 01:07

So welcome to the care exchange, Sonia, thank you.

Pia Rathje-Burton 01:10

Thank you so much. Yeah, it's great to have you here, so I'm really excited to talk to you so you work with lots of social care organisations. What makes HR in this sector sort of kind of unique compared to other industry.

Sonia Rai 01:26

I mean, I think the first kind of thing that stands out is the regulator in the sector is very different, demanding, not always consistent with every client that we work with in terms of some of the feedback that we get. So I think that makes it stand out. But in all honesty, and I say this quite a lot, it's the people that the people in the sector are just genuinely in it because they care. You know, I've been working with clients, you know, networking with people in this sector for quite a long time now, and all the people that I've met, they just genuinely want to make a difference. Want to make, you know, in

what they're doing, whatever role that is, whatever they're doing in their organization, it's just, it's just a different vibe.

Wendy Adams 02:18

Yeah, and do you think that makes a difference from a HR perspective, because we are, you know, people, as you said, people come into this work because they're caring. Do you think that gives a more caring vibe to the HR support that we provide to people?

Speaker 1 02:33

I think it doesn't, it doesn't. And I see a disconnect, if I'm being completely honest with you. So some of the the business owners, all the managers and the people that we're working with are genuinely, you know, open hearted that they want to, you know, they want to feel like they're really doing the right thing. But then I think we have a disconnect with the way a lot of people see the sector, in terms of a lot of, you know, general, overall staff, and actually, where we see the disconnect in this sector, especially, especially is HR and like the policies and the process side of things can be seen as a bit of a tick box exercise. And then what happens is the disconnect comes because people are so passionate and they really want to make a difference, but then their employer, or the organization previously has signed up to something that doesn't fit their culture or the way that they actually want to be, and so we see a disconnect with that. And actually, we really like working with clients that want to change that they want. They want to do things differently. They're thinking about their culture, they're thinking about their values, and all of that impacts their recruitment and their retention. And then they start going, Ah, you know, we've been doing things a little bit differently. We've invested in this a little bit more. We've not just gone with some kind of call center thing, we've made sure our managers are supported in a different way. And then you start seeing an overall change of better retention, better recruitment, less sickness. But it takes time, so I think we do see a disconnect, definitely and sometimes, and I understand this people, you know, they're working in a service that's 24 hours a day, seven days a week. It doesn't matter if it's Christmas Day or anything else, things are going to happen. It's that kind of a service. And so it can be very reactive. I suppose what we are trying to do with some of the clients that we're working with is like, okay, let's just take a step back, you know, okay, let's deal with the situation that has come to us right now. But how can we take a step back and make sure that this doesn't happen again, or if it does happen again, we've got the right tools and the right process. processes, and we're better equipped to deal with it.

Pia Rathje-Burton 05:04

Yeah, and it's interesting you're saying about that those managers, and particularly, obviously this podcast is particularly for registered managers, and I think sometimes they they've been employed because they are caring, they are passionate about what they do, but they perhaps haven't had this sort of kind of training in the leadership bits, you know. And therefore they might, you know, not think about, you know, if they did something on Christmas Day, this was going to have an impact, yeah.

Speaker 1 05:32

And you, you know, you see that cross sector, and, you know, we work across sector, but about 40% of our client base is in health and social care. But across sectors, you see people that are managers because they are really good technically, whatever that technical skill is, whether that's caring, compassionate, you know, whatever it is, they're good at that bit. But what organisations this is across industries, what organizations fail to always look at is the other skills that these people are going to need in order to do the full part of that job, the whole part of that role. And often, you know, we're dealing with frustrated managers, because they know from a CQC perspective, or from a safeguarding perspective, or all of those things, but they've just not been supported enough with, you know, they might, they kind of just go, Well, we were just given this like call center that we ring, you know, for HR

specifically, and they're just never very helpful. And every time I ring them, I'm just more confused than when I when I first had the issue, and I've just ended up going on to the registered managers this Facebook group or this or that or something, because I just need someone to kind of help me through it, and I suppose that's why they really like working with us, because we are we are here to hold your hand, to partner with you, to write up a script for what that conversation is going to look like, to plan out the steps to help you manage that process, because you really need somebody expert alongside you, guiding you. That's not to say you can't do it, but you just need that level of support and training again, so important.

Wendy Adams 07:10

So just thinking about those skills that I might need if I was coming to you, Sonia, and I'm a newly appointed manager, and I'm going to be the manager who's going to have to undertake a lot of these HR tasks, because we have no we're a small organization. We've got no HR function. I'm great at my job. Really understand the care business, but I'm new to this manager and HR aspect. What are the what are the skills you would say to me that I need to really develop to be able to to handle some of this.

Speaker 1 07:46

So I think the first skill is knowing when to ask for help and knowing when to kind of think, I think there might be a bit of a situation here that I might just need to get a bit of advice on, or if I make a decision about this, am I setting a precedent with how we should be dealing with other staff, even if we're just a team of five or a team of 10? So it's that moment of understanding, think there might be a bit of a risk here, and you don't know what you don't know, right? So just being able to kind of think, actually, do I need to go and get a little bit of advice here, understanding that you don't need to kind of shoulder it all. And then I think the second thing that I would say is honing in on the skills of how to have a conversation with somebody. So, like, let's be honest, none of us really want to have a difficult conversation with anybody, do we? It's kind of, it's not a very natural thing. I never, nobody ever really puts their hand up when we ask that question. In training, who likes having a difficult conversation? Nobody does. And sometimes you have to have those difficult conversations. Of kind of, you know, you've been late three times in the last two weeks. Your sickness is increasing. I've noticed X, Y and Z, it's how you approach those conversations. So I suppose there is a bit about, it's about those soft skills, about understanding when to ask for help, how to ask for help, and then going to the right place to kind of get to get that as well. And you know, for me, the worst thing would be if a client speaks to us, whoever it is, if it's the business owner or the manager or whoever, and they're more confused than when they first rang us, that would just be, you know, we're here to make it very simple, step by step, easy to understand. This is what we're going to do, like a partnership. And then what you find is, as you start working with somebody like that, you take them on a bit of a journey, and soon enough, they've spotted it early, and they kind of say, Oh, this, this thing came up today, and I remembered what we did, and this is what I'm thinking of doing, what you think. And it's like, yeah, that's perfect. Next time. You probably don't even need to run that past us. You know what you're doing. Yeah, you learned. You learn. You know you're going through that kind of, that cycle. I. So what I would say is asking for help, understanding you don't know everything, it's okay to ask for help, and then honing in on those skills of how to have those conversations. I understand like we deal with a lot of managers who are sometimes very nervous. You know, this person's off sick. Am I allowed to ring them? Because once somebody shouted at me on the phone because I rang them, they said that I was harassing them. You know, we hear all sorts of things, so it's helping them build their confidence, really.

Wendy Adams 10:28

And I think what you said earlier about, you know, just taking that moment to pause and not set a precedent is really interesting, because I think sometimes in social care, we probably are victims of our

own caring nature. So I would imagine, as a manager, we get lots of situations where somebody comes to us and because they're having a difficult time, we agree. Because we're caring people, we agree that, yes, you can work in this particular way, and we don't think about the fact that then the other four members of the team, or the other nine members of the team are going to come along and say, Well, you know, you've created that precedent now. So we want that same opportunity. And I think that's probably a fairly common mistake that managers make, because we want to do right by individual staff members. We want to, you know, we do care. You want to employ them and make everybody, you know, make everybody's lives the best that can be, but then, you know, end up getting ourselves into some difficult, further difficulties, further down the road, there

Sonia Rai 11:29

is, I cannot tell you how important precedent is. So sometimes clients come to us and, you know, our job is to get the history. So it's not just okay. This one person has gone off sick, it's okay. What happens previously? What's happened before? In a situation like this, setting precedent, clients don't realize what they're doing when they make those decisions. So we work backwards. We work as in. This is in an employment tribunal situation. This is the environment that we're in right now, what is the judge going to look at? What what tests are they going to apply? What does case law tell us? Because we have to go by what case law is directing us in. And actually, if you were to read some really interesting cases around precedent and organizations essentially deciding where their limit is on something, what's reasonable, what's unreasonable in their organization, and why that works. And then a year later, they've got a new team come in, and something else is happening, and then they've got these inconsistencies, and then we start seeing grievances, or we start seeing discrimination claims. And you know, that's why we have to work with the client to understand historically, what kind of decisions have been made. So, you know, we'll get people come to us and say, you know, this person took some time off sick last year, but we just paid them full pay because we just wanted to kind of help them out at that time. But now it's become really regular, and it's been 18 months, and we need to stop it. And actually the contract says we only pay SSP and so we've we're in a different situation because we've set a precedent. So then we have to kind of work with the client, because they can't financially afford to keep doing that. Number one, but number two, they can't do it for the other 25 staff. Yeah, yeah, so, but it's not just in a sickness case. It's in a disciplinary case. Yeah, it's, it's what's acceptable in your organization. So you might think that you're making a quick decision on allowing this or not allowing this, but you just need to. It's taking that step back. It's knowing who to speak to, getting a bit of advice, talking it through with them, understanding the implications of that, and that's why I said you don't know what you don't know. And so someone listening to this might think I never thought of that. I never realized that. But that's why it's so important to just try and get that that tailored advice for you, for your organization,

Pia Rathje-Burton 13:59

makes makes sense. And I think there's so many, there's so many decisions, you know, I was just sort of thinking back when I was a manager, like, there's so many decisions that you're taking around individuals, you know. And I have, you know, not a massive team, but, you know, still 40 odd, and they all have their own, you know personality stuff going on, and, you know, personal lives, and they come to you and you're going, as you say, Well, I know you you work really hard for me. Yeah, that's fine. And then, you know, you come to me and you been a bit difficult, or, you know, you're have a absence, you know, I pray that's higher than I would like, I'm not gonna that's, that's not okay then. And actually, that's even inconsistent. So kind of taking those feelings away are quite difficult, and kind of making decisions that are based on, this is, this is, you know, it, you know, if you keep being late, this is what we're going to do, you're. Yeah, you know, if you do this, this is what we're gonna do. So it's the same for everybody. It is it.

Sonia Rai 13:59

And that consistency, I think there's two, there's two elements to this. So first of all, we have had changes in the law around flexible working and what we can and can't do when we're rejecting an application for flexible working. And again, a lot of the clients that we work with don't always know that, so we have to make sure that if they are rejecting some kind of a request, even if they think it's just a verbal request from Joe, who was running 10 minutes late and said, Actually, I just need to, I need you to let me start at 10 instead of this time. You know, there needs to be a bit more of thought and a conversation around that and how long it's going to go on for, and a bit of paperwork, a bit of trail around, around all of that first or evidence. But the second thing is, is, let's say it was sickness, and let's say you've got that team of 10, and you are DOM care, and you've always got one or two people going off sick, and you're not really doing anything about anything about it. You don't feel confident, you feel a bit nervous. You're just too busy. It's not it's not your priority. It always causes you an issue, but you just never have enough time to step back and think, How am actually going to stop this from kind of continuing? What message are you sending to the other eight people in your team that this is okay. You know, it's all right to always do this on a Friday or on a Monday or just after annual leave, and you're actually, you know, demoralizing. The rest of your team, and your engagement goes down, your productivity goes down. And this isn't something that might happen overnight, but it's like that drip, drip, drip effect. So as well as the legal implications from a a, you know, dealing with something properly and lawfully, with a flexible working request, or even with a sickness absence that might be related to a disability, let's say there's the other impact that you can't quite measure, and you can't quite put a financial figure on, but it's, you know, it's dripping, and it's, it's eroding away at your, you know, your retention, your employee engagement, how they're feeling when they're out, and they're, you know, they're doing their job. And so it just has so much impact. And it's not until you really step back and think about it that you think, Oh, God, this is actually really important, and we need to get this right.

Pia Rathje-Burton 13:59

Yeah, it affects that culture, doesn't it as well? Really, you know, because it's, as you say, it's that drip, drip effect.

Wendy Adams 13:59

You've talked a bit about consistency, but I suppose the other thing I'm thinking about is the timeliness of when managers address smaller problems. Because what I see quite a lot, is managers only start to address the problem when it becomes quite serious or further down the road. And we can see that small things can then become very big things. What what do you feel about that. What do you see?

Pia Rathje-Burton 13:59

I mean, so often we have clients come to us. There's a few different stages that they'll come to us, either it's snowballing and it's going somewhere and they're like, this is yeah, and then they're coming to us. And sometimes it's right in the midst of it, like the hearings tomorrow, the disciplinary hearing, or this is tomorrow, or it's after the event, and it's a bit like, can you help us? And actually, we'll look at a case, and in all of those instances, there will at least be two or three missed opportunities right at the start. Conversations, tip this. There's so much verbal conversations that are happening, but there's nothing written down. There's no kind of like trail for us to follow. But my manager said, but he said, she said, they said, I could do this. They said it was okay. No, we didn't. We sat this individual down and we told them X, Y and Z, and we explained where they weren't meeting this or the fact that they triggered, but there's no there's no paperwork, there's no record of it, and evidence is king. Like, I cannot tell you how important it is. And we really train our clients and all the managers that we're working with to just pack that up in an email, pop that into the form, record that conversation somewhere, because again, we're always looking at it. If we were in an employment tribunal, what would the judge be expecting to see? We need to show evidence. We did have this conversation. The employee was aware that their

performance wasn't meeting the required standard over a period of time. We did give them that extra training. We did do this. We did make the reasonable adjustments. But if we're always in a chatty, chatty, I've just said this, you've just agreed this, there's nothing to back it up. So for me, there is those missed opportunities. One of them is the evidence Trail and the paperwork. And this is what you know. This is your life from an employee perspective. To in terms of what's happened, what changes have been made, what's been agreed, but also the conversations aren't happening, probably when they need to be, you know, just having a chat with somebody informally, and just saying, I've noticed, you know, you've been late. Can we just talk about that? You know, is everything okay? But again, when we train managers to go through that, and we do go through that in detail, you know, we're not just kind of saying, You've been late. You're always late. What's going on? It's kind of, you know, I've noticed in the last three weeks, since the second of December, you've been late on four occasions. On the third of December, you came in at 1036 when you were due to start at 930 you know, when you've got evidence, it's much harder, whereas if somebody came at me and said, You're always late, I'd say, but When? When? Yeah, and that that's why we it's that preparation, it's that understanding. So for us, those missed opportunities are usually around not having the conversation in a timely manner, in the right way, and no evidence trail of what's going on, whatever the issue is

Wendy Adams 14:18

not having those conversations goes back to what you were saying earlier about nobody likes doing it. So I think there's a real temptation that as a manager, you think, well, I'll just not say anything, and hopefully it'll just sort itself out, because nobody really wants to have those difficult conversations.

Speaker 1 14:18

Yeah, absolutely, and that's why we train our managers to do that. And that doesn't necessarily mean we're going to come, you know, down to your site and we're going to do our face to face training. Sometimes that means that we help them with a script. We just help them prepare. It just takes 15-20 minutes. We run through everything. They feel confident. I know that before I'm doing something, if I've got a little bit of some notes in front of me, a bit of a bit of a right? This is my structure. This is what I'm going to do. I'm not just kind of going to go in and say you're always late, but I've got the examples here. I've had a little think about what the individual might challenge me with, and I've got some examples of what I need to go back with. I've got an idea of what my expected outcome is. It builds my confidence. So yes, none of us like having a difficult conversation, including me, but we still need to have them, but we just need to feel confident and we need to feel prepared when we're having them.

Pia Rathje-Burton 22:23

Yeah, and in terms of, sort of, kind of given, because I think there's some really good tips around difficult conversations. Because, you know, it really isn't easy. You know, I remember every single one of those I had to, you know, real knock on my stomach and thought, Oh, my God, this is going to be awful. And most of the time it wasn't, you didn't mean, but, you know, you still think, Oh, gosh. But I think the probably the most difficult conversations, because I think when it's very factual. So you know, you're always late, and these are the times that's very factual. What I think more than anything is difficult is if you are when you are given constructive criticism or feedback on somebody's performance, that's really, yeah, that's really difficult. Are there things that you've kind of some tips around that? Yeah.

Sonia Rai 23:13

So I think if you are, if there's an issue with performance, depends where you're at, depends if this is probation, is this week three, is this year three? You know, there's a difference. Isn't there? But I think having a very clear expectation of what is expected performance and sharing that with somebody so, you know, it's if you're going to come to me and you're going to say you're not doing a great job, I need

to understand where and how should I be. What should I be doing? What does good look like? You know, like, let's take it like a CQC thing. Like, what does that look like? You know, can you give me some examples? Can you make it relatable so that actually I understand what that looks like? Because a lot of the time we're talking to clients, and they're kind of like, you know, telling us everything that this employee is doing wrong, but they haven't had a conversation with them. This person doesn't know a lot of this, and actually they've got some conversations, but when we're looking at it, they haven't been very direct and very clear about what the expected outcomes are, or what the expected behavior is. So let's say we're having let's just strip it back down to the lateness, right? You know, it's a very easy one. It's you've been late four times. These are the dates and times. Can you tell me what's going on? Well, actually, I don't have a car this month. Or actually, my mum's been really unwell, and I now have to go to hers for the next six weeks before I get into work. Okay, well, that's right, but these are the expectations. We're going to let you do a 1030 start for six weeks. I'm going to confirm that in an email to you, and you're going to finish an hour later, but the expectation is you must be here. Are ready to work for 1030 so I understand what the expectation is from me, and it's very much the same in performance. So, you know, if you're finding that somebody, let's say we've got a care worker, and they're, you know, they're, perhaps the way that they're engaging with your your resident isn't quite exactly how you want it. Let's look at that in a bit more detail. When was that? Who who witnessed that? How did that come across? What would we expect next time? So next time, if that kind of a challenging situation was to arrive, arise with a resident, this is what I would be expecting you to do. Yeah. So it's actually clear. I write, okay, I understand, yeah. I just think sometimes it's quite, you feel quite petty, because it's often it's, it's, you know, maybe 10 tiny things, and actually, individually, that seems like a, oh well, you didn't say thank you, or whatever, you know, whatever, whatever it is, you know, it seems quite petty. But actually, when you're putting it together, you're putting in this it together, you're putting in this picture of you may not be respecting the person, yeah, yeah, you know. But, and I think that's really difficult. Sometimes you think, oh, gosh, I seem really petty, but it is about that picture that it is up. It is and I'll be honest with you, if you don't have those conversations, then that individual doesn't realize. So it might feel petty, but if there's 10 small things, and this is where things like values come in, values are so important. So we as a team, we get together and we build our values every so often, kind of every year and a half we're checking in. We did it a couple of months ago, and we've updated our values ever so slightly, but they run through what we do. They run through our recruitment, they run through our probation, they run through our appraisals, they run through us checking in every day like you know, am I being and actually, if we're seeing behavior that doesn't meet those values or match those values, then that's a way to have a conversation with somebody to kind of say, I noticed on quite a few occasions, you haven't said thank you. And you might not think that that's, you know, that's a big thing. But actually, if we look at it from the resident's perspective, or we look at it from this, and actually, if we look at our values, it becomes just an easier conversation to have, yeah, and then we've got everybody all going in one direction versus somebody that's slightly going this way. And you know what you can kind of find happening if we're not having those conversations?

Wendy Adams 27:34

Yeah, I can see that. And then I guess that culture, yeah, I was gonna say it links to culture, doesn't it? And that creation of a culture where you can, you can give people feedback, you know, positive or, you know, constructive feedback, and that that is still done in that culture of values, I guess, because one of the conversations I think we have a lot is that the values of an organization aren't just about how you treat the people who are receiving services from you, but actually those values should be how managers treat staff, how staff treat each other, because that's what forms the culture, doesn't it of that organization.

Sonia Rai 28:22

And again, you know, I think I might have said it at the start about what we see in care. We seek. We see a lot of clients that they just want tick box. So they're just happy to download a policy. They're

happy to just have generic, this, that and the other. But they don't know what's in those policies, and they don't know what those processes are. They don't know what the handbook really says, and so they are trying to live this culture. But the underpinning processes of their HR, whatever their HR looks like, if it's one part time person, a registered manager that's doing it, or a huge department, whatever, it's a complete mismatch. So it's very important what you just said there, Wendy about it's not just about the person that we're looking after. It's absolutely not. It's got to be how we treat each other, how we treat that parties and and that now is more important than ever. We had an update to the Equality Act around sexual harassment and the prevention of sexual harassment and third parties being and suppliers and contractors, all kind of coming into that currently, employers have to take reasonable steps, and employers are liable for their third party suppliers that are coming into their premises, or, you know, like how we are now virtually and how they are interacting with their staff, and how their staff are interacting with them the moment, you have to take reasonable steps. You have to have great risk assessments. You have to be giving training. People need to understand how they report that. Those conversations need to be ongoing, but we have got to see it as a whole. Role, like how our culture, or the way that what is appropriate, what is expected, level of behavior, how that is widening in terms of our responsibility as an employer, because we are going we are liable for it. Yeah, financially,

Pia Rathje-Burton 30:17

really interesting. I wanted, I'm aware of times. I just want to talk to you about the kind of big topic at the moment, the employment right bill. So tell me what are sort of top two or three things that managers should be aware of in terms of that, I know it's still kind of been negotiated and looked at, but what right now? What are the things that people managers might should be aware of?

Speaker 1 30:39

So I would definitely in this sector. You know, SSP day one right is has got to be pretty high on your list. We are working with our clients to look at contractually, what they're doing around sickness absence, notification, sick pay, all of those kind of things. So what do your contracts say? How must staff notify? Are they silent? Do they go into too much detail? Are they too vague? So we're looking at that, and then we're looking at all the things, the ways that, the kind of tools that we use to manage sickness absence. So sickness absence notification, you know, are we accepting emails, WhatsApps, phone telephone calls, text messages. You know, what are we accepting? We would only recommend that you accept a telephone call from the individual unless it's an extreme emergency, because if it is a and like, it's not genuine, it's much harder to kind of do that if you know you've got to ring somebody. So again, we do that quite we're quite clear about how we do our sickness absence notification. But what we see when we work with clients is, again, there's quite a few things that they need or they could be doing to improve that. So return to work forms, return to work interviews are just really important. They can take 10-15 minutes. But again, they build this evidence trail of somebody being off sick, but they show that as an employer, we're having the right conversations at the right time. But what we find is, and again, people are kind of downloading forms. They're using kind of poor documentation, and they're not really asking all the questions that they could be and using that platform in the best way. So, you know, look at your return to work forms and get some advice about what you're asking. Some of them that we've seen are questionable, and we shouldn't be asking some of those questions, but some of them, again, there's a lot of opportunity around patterns, triggers, correct notification, disability, all this kind of stuff that's just missed off these, these, these interviews. So make sure that they happen, and make sure get some advice around what you're asking, because there's always something that can be done there. And then just managing that sickness in the right way as well, and really kind of reviewing what your what your triggers are, what your processes are, and again, setting the right precedent. So when somebody is close to a trigger, making sure that you're keeping on top of it. And the next big thing for me is a fair work agency. I kind of feel like people definitely in this sector aren't as aware as they need to be of what's coming with the Fair Work agency, essentially, you know, we don't fully know, but you know, there could be a well, they're going to be working very closely with HMRC,

and they may well be working closely with regulators, and they are going to have the power To, you know, turn up and inspect your kind of employment records and everything when, whenever they would like to. And it's not going to be good enough to kind of just say, yeah, we've got this. We've got this. There's going to be a bit more detail about what's actually in there, what you're actually doing, what you what your processes are, and the way that you actually run things, and even if your staff have no concern about an issue, they are going to have the power to bring claims on behalf of employees. I don't think it's going to be really big if that, if that one definitely goes ahead, that's going to be very, very interesting, because, you know, we might see them coming in, running a little inspection and bringing claims against employers on behalf of employees, which is essentially what, you know, we're also expecting fines, and your name going on some kind of public register if You're being fined and you're kind of, you know, breaching X, Y and Z. So I think people really need to get ready for the Fair Work agency, because it is that it is coming, and it is something you need to get ready for. And then finally, you know, unfair dismissal. Rights, constructive dismissal, rights and wherever they're going to land. Probation just has to be it has to be great. We always make sure that our probation policy and our processes with our clients are gold star, and sometimes clients are like, we've never done it like this, yeah, but if we need to move to a certain position during probation, it's much easier to do that, rather than you coming to us at six months time saying, I haven't done any probation reviews. Haven't got anything in writing, but this person's just quite not. You know, you won't be able to do that. We're going to have to be very, very structured, very, very clear. Like I said, evidence is king, and we're going to need processes and policies in place, you know, we like to tie it in with everything that we're expecting a staff member to do in their induction and probation. Have they completed all their training? You know, if not, what's why? Has this been outstanding, all of those things, we like to kind of tie it all into regular probation reviews, regularly having those conversations, offering additional training where we need it. But that is going to have to be a very, very tight process, and in this sector, we don't see it generally as a very good process. So it's, it's going to be in your top three?

Pia Rathje-Burton 36:21

Yeah, absolutely. And is there a place? Because obviously, with the employment right bill is, you know, still being worked out as we speak. You know, lots of things are kind of still, we uncertain where's the best place for managers to sort of, kind of keep on top of of the changes.

Sonia Rai 36:38

In all honesty, I would say that there's a lot of noise around the Employment Rights bill, and it can actually be very overwhelming. Yeah. So you can look at something and you just it's just too much. So what I would say is pick one or two places where you feel like you understand the cons. That could be an employment law firm. You know, we're talking about it in our monthly newsletters, but we're not doing overkill. You know, all of our clients that we're currently working with, we're making sure in the background that we're getting ready with everything that we do know is happening and it's it's just going to be plain English, is what I would say. So if you want to sign up to one of our newsletters, great, if not. If there's a law firm that you work with regularly, you know, like, kind of like, your gov updates, they can be a little bit too vague. If I'm being honest, the one place that I would absolutely tell you not to go is AI. Don't go to AI for these kind of updates. That it is so behind. We've seen it. We've seen clients say I got chat GPT to do my flexible working policy, and it's it's 18 months out of date. And spoke to somebody earlier this week, and their what kind of their chat GPT threw up was not up to date with the Employment Rights bill and the changes that have come in just in the last couple of weeks, it wasn't up to date. So I would tell you where not to go, and it is definitely those places, because it goes on, where it gets the most number of hits, and that is historical.

Pia Rathje-Burton 38:10

So someone like ACAS, would that be another place

Speaker 1 38:13

ACAS would be good again, it can be quite open to interpretation, right? Okay, so I think what we try and do is like, you know, I've talked about the SSP, and then it's like, well, what do you need to think about doing? Yeah, okay, think about your sickness absence notification. Have you got this in your policy? It's, it's more, I think that because we can all go away and kind of like, read while this might be coming. But it's, it's that next step of actually, what five or six things can I go away and look at or know that I've got some questions that I need to answer on,

Pia Rathje-Burton 38:49

yeah, okay, thanks so much.

Wendy Adams 38:51

Yeah, you've covered so much stuff there. And you know, for a lot of managers, they're doing this sort of HR function in addition to their, you know, registered manager role, we always have our time for care slot in every episode, which is asking our guests about what's your most time saving tip. So I was wondering if you had any thoughts on that.

Speaker 1 39:15

I think this is really difficult, because I don't know if it's a is it a time saving tip in general, or is it for HR, or is you could use it anyway? I think, I think for HR specifically, what I would say is don't settle when it comes to getting some advice. So don't be afraid to put your hand up and say, I need to get some advice on this, please. I'm not I've gone to ACAS, or I've gone to this, and I still don't understand because it is a complex area. If you don't understand it, we're in it every day, and it's still changing. So I would say, have the confidence to put your hand up and say, I need to get some more. More detailed advice on this. And the reason why that's time saving is because it saves you kind of going round and round and round in circles, getting confused, getting frustrated, and just kind of feeling like more confused than when you first started.

Wendy Adams 40:15

Definitely time saving. I think, yeah, absolutely. And our final question is, we want you to imagine that you're in a lift on the 10th floor, going down with a group of registered managers. And before everyone gets out, you want to tell them what you think is the most important so your key message that you'd want to leave them with, which would be short and snappy, because you've only got 10 floors,

Sonia Rai 40:40

don't do generic HR that, that's it. Don't download templates. Don't download contracts. Get some advice. You know, we work with clients and some previous manager from five years ago cobbled together a contract from their three last employers and all sorts of stuff. Don't do that. It just when there's a problem, it causes so many more issues and so much more complexity. You know, when we're looking after people in the sector, we go for a person centered approach. We're looking after one individual, and we cater to their individual needs. Your HR needs to be the same.

Pia Rathje-Burton 41:15

Great advice, yeah. Thank you very much. God, that was so interesting. I could talk to you for hours, but we won't. Thank you so much for your time today, and thank you for doing the care exchange. Thank you. Thank you. Bye, thank you. Bye, that

Pia Rathje-Burton 41:37

was a really interesting conversation with Sonia. There. Wendy,

Wendy Adams 41:41

yeah, it was, wasn't it just so many things that managers might want to think about. And, you know, I was really thinking about the importance of good induction, and how important it is that you get this right from the from the start as part of a new workers induction process. And that made me really think about the Skills for Care induction Toolkit, which I absolutely love, because I think it's a really usable toolkit that covers everything from before the person actually starts with you right through what you want to do on day one up to , you know, months three to six. And I think it really makes people think about, you know, how they can ensure that they meet the quality and diversity needs of any any workers that they've got. Just so important to think about that and setting it, setting your stall out as a manager, really early, I guess, with showing what sort of organization you are,

Pia Rathje-Burton 42:44

yeah, and it's interesting, wasn't it that Sonia talked a lot about dealing with those small, small little niggles, small, small concerns before they become big. And actually doing that from well, even before you start, you know being really clear, this is what this is what we all about. This is how we will be treating you. And this is, you know, what we expect from you. I think, you know, really interesting, and an interesting just having that really clear in your mind, which is what she was talking about, that you know, that's kind of in your forefront, your mind all the time, to say, I know what my expectation are, and therefore it is normal working life is that we we talk about those things. Yeah, for me, the other thing that I thought was went quite well with what she was saying is about this value based recruitment and retention, you know, so really using she talked a lot about her, the organization's values, and what, what the values are, and how that kind of goes into everything you're doing, and if that that needs to be starting at the point of the even thinking about recruitment. So what are your values? How do you you know? How do you make sure you clearly say that, you know, how can you make sure that that's part of the attraction of people? When people applying, you know, when you're interviewing, when you are then people are starting and with that induction, you know, value being really part of, part of all that and that then helping you when you are having those conversations and you have those expectations of your staff. We also got quite a lot of resources around value based recruiting on the website, which we would link to, lots of kind of checklists and videos that you can use as well. And we do have a program as well called recruit to retain, which is a three day program, which you can purchase as well. So that's it for this episode. Thank you very much for joining us. Remember that all the resources that Wendy have spoken about will be in the show notes and on the skills for care website. Bye, for now. Bye. You. You.