



King Associates

Human Resources - Excellence and Beyond

Christmas Update - December 2004



To old business friends and clients, it is that time of year again to keep in touch and update you on what I have been doing. To new recipients - welcome. I would like to take this opportunity of wishing you all good health and every success for the coming year.

Gill King

EMPLOYMENT LEGISLATION

Although not a lawyer, a lot of my work is quasi legal being involved with employment law. The amount of legislation coming through is relentless and it is so difficult for small businesses to know what they are now required to do by law.

It has been another busy year with much of my work revolving around advising clients on employment law related matters. There have been the usual contracts and conditions of employment to do; advising on redundancy and disciplinary/dismissal situations and most recently, dealing with a gross misconduct disciplinary situation using the new Statutory Dispute Resolution Procedure.

The incident which led to a male employee being suspended took place after work in a pub. Because of the knock on effect on everyone at work and the possibility of the employer being held liable for the actions of her employee, it was necessary to take action. I took witness statements from the staff concerned which were sent to the suspended employee in order for him to prepare his case. Everything was set up for the disciplinary hearing when on the day before he submitted his resignation. Whilst prepared to go through with the hearing, everyone sighed with relief when relieved of this ordeal. It is very difficult in a small organisation when employees have worked closely with someone and have tried their best to deal with their mood swings without getting management involved, to eventually have to make a formal complaint and go through a process which is essentially alien to them. The good side of it was that the employees who gave me their statements told me afterwards that they felt so much better for having been able to talk it through with someone.

The new laws have caused Disciplinary & Grievance Procedures to be reviewed. I thought this would be a simple process having already set up ACAS approved procedures for my clients - not so, it has proved very difficult to integrate the new rules into existing procedures. In talking with employment lawyers, however, I am heartened to hear they have had the same problems.

On the positive side, I have recently been selected to be on a Panel of independent HR Advisors who can undertake Appeal Hearings which might arise from the new regulations where companies have no-one in-house to call upon.

Other work has related to providing much of the documentation required by solicitors in respect of a Transfer of Undertakings (TUPE) process for a public sector organisation. In particular, I was involved in ensuring pensions records were up to date and liaising with the London Pensions Fund Authority. One employee who had requested a transfer-in some time ago had been ignored when her previous employer said she did not exist - they had the wrong NI number! I also got them to get records out of archive to prove that another employee had had a refund of contributions (he had forgotten) and for another person - established an earlier pensionable service date which could make a difference of £2,000+ in eventual redundancy pay as the residual organisation is a Limited Life Body under the auspices of the ODPM.

INDEPENDENT INVESTIGATIONS

This year saw me undertaking another time consuming investigation into bullying and harassment, this time between two male Nigerians as manager and subordinate employee. The employee also raised a separate grievance against his employer (a Housing Association) who coincidentally happened to be his landlord. I was also asked to investigate the grievance and made my recommendations. On this occasion (I have been known to cause heads to roll) I found in favour of the manager. Whilst the employee obviously 'felt' unfairly treated, he could not give me any evidence to prove his case whereas the manager, supported by statements from other staff and a raft of documentation could prove that he had not bullied the complainant. If you are ever likely to be in dispute with an employee, save your emails or print them off.

Another interesting assignment was when I was asked to hear the appeal for the dismissal of a 40% shareholder director by the other 60% shareholder. I ended up mediating between them as they both had court cases pending against each other and it would have just meant more and more solicitors' bills, without knowing where it would end for either party.

CROWN ON LINE

My monthly subscription service which enables clients to telephone or email at any time to obtain practical and pragmatic advice on employment issues as they arise, continues to be well used. Many of the queries dealt with involve performance issues leading to disciplinary or dismissal situations. The goal is to

keep clients out of Employment Tribunals which are costly in terms of management time and disruptive to business generally. Our aim is 'prevention rather than cure' and seeking early advice can save a lot of time and money at a later date.

The never ending flood of new employment legislation keeps me on my toes as in order to properly advise clients, I have to keep abreast of changes. I have spent at least 20 days (4 working weeks) in attending training courses and other forms of Continuing Professional Development this year and I would estimate at least half of this time has been spent on employment law updates.

OTHER HIGHLIGHTS

As a board member for a local Housing Association I have been on a few visits to see their properties. The nicest visit was to some senior citizens in a warden supported environment. They have obtained a grant to get a computer and some training and have called themselves 'The Silver Surfers' (probably down to hair colour) and are looking forward to getting on line and communicating worldwide with friends and families.

I belong to the Federation of Small Businesses and through them, was invited to be on the Dimpleby programme one Sunday lunchtime in September. Patricia Hewitt, Secretary of State for the DTI was the guest and one of the topics was the intended extension of 'family friendly' policies. She made an inaccurate statement about current maternity law which I was able to pick her up on and made the case on behalf of small businesses. I remember saying to a colleague 'What does she have for breakfast? - the answers all come out so pat and even if she is wrong, because she says it with authority, people believe her.' As always, you think afterwards about what you could have said but it all happens so quickly, you don't have time to think. After the recording, she did ask me for my contact details but I have heard nothing more.

This year I was elected to the Housing Federation Board Members' Forum and will be working with the Institute of Management Consultancy on a voluntary basis on their Code of Ethics.

THE FUTURE?

In February 2005, my business will have been established for 15 years. During this time, I have been fortunate to work within many different companies and sectors. As long as I can continue working with interesting people covering a variety of subjects and making a positive difference to the organisations and individuals I work with, I will be happy.

RETIREMENT COACHING

I have done a lot of other training this year, primarily to develop new skills. The service I want to develop in 2005 is Retirement Coaching. I have recently qualified as a Retirement Coach through a US company which provides a

questionnaire which identifies 15 factors for a successful retirement. It produces an individualised report which shows where people are in respect of their expectations/wishes for retirement and how far they have already progressed towards achieving their goals. When you think about it, a lot of people in my generation (Baby Boomers) and younger people, will be living for long periods of time in retirement.

Sometimes people plan for their finances but not always for what they will do with their time. The Retirement Success Profile (RSP), book and related exercises allow individuals to concentrate on gaining the most from their retirement. Nowadays, retirement is a new beginning not an ending, just another stage of life-long development.

Interpretation of the RSP questionnaire can be used as the basis for helping individuals or couples (some spouses/partners suddenly find they are living all day with someone they hardly know, feel their space has been invaded or find they have very different views about how to spend their time). I am hoping to provide this service for companies which either have early retirement programmes or may want to offer coaching as a motivation to older staff who perhaps feel a bit neglected with all the emphasis on young people at work. One suggestion made to me was that it could be provided as part of the menu offering where organisations offer flexible benefits to staff, such as gym membership.

To train for Retirement Coaching, I did teleclasses. This is a new method of training via the telephone, which has become common in coaching training circles but not so well known elsewhere. You phone into a designated bridge number and then have access to the person running the class and the other students on the call who may be anywhere in the world. You can ask and answer questions and be heard by others and the tutor.

Since taking that course, I have done another teleclass course to enable me to qualify to run my own teleclasses in the future. I have not finished this one yet as you have to gain practical experience and be scored on your performance - I have put this on hold for the new year. It is amazing what you can do with technology nowadays a bit different from the 'chalk and talk' of the old days. If you can't beat them, you have to join them!!