



A POLICY FOR SETTING THE STANDARDS OF ACCEPTABLE BEHAVIOUR

This Policy applies to elected members and all employees, including those within schools where this Policy has been adopted. It also applies to all governors, volunteers and contractors undertaking work on behalf of the organisation.

**Approved at the FGB Meeting on 11th May 2021
Next review Summer term 2024-2025**

Iain Stewart

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For further advice and guidance in relation to this policy, please contact HR Direct at hrdirect@devon.gov.uk or on 01392 385555.

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Acceptable Behaviour Policy. Version date: May 2017

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1. INTRODUCTION

The Local Authority is committed to working towards creating a working environment in which all staff are treated fairly, with dignity and respect and unacceptable behaviour will not be tolerated.

Unacceptable behaviour has a detrimental and negative effect on individuals and ultimately an organisation's efficiency.

This policy applies to elected members and all employees, including those within schools where this Policy has been adopted, which is recommended. It also applies to all governors, volunteers and contractors undertaking work on behalf of the organisation. These groups will be collectively referred to as 'individuals' within this policy.

All individuals' have a clear role to play in helping to create a positive working environment. In particular, individuals' should be aware of their own conduct and behave in a manner which ensures and promotes acceptable behaviour. Headteachers, Governors, managers and supervisors have a responsibility to raise awareness of this issue and challenge and stop unacceptable behaviour in the workplace.

All individuals' should be prepared to take appropriate action if they observe or have evidence that a colleague is being subjected to unacceptable behaviour and/or observe a colleague demonstrating unacceptable behaviour.

To preserve and protect a positive working environment the organisation has existing policies that set clear standards of conduct which must be observed and enable employees to raise concerns. These include the Employee Code of Conduct; Equality in Employment Policy and the Grievance Policy & Procedure. In addition, certain professions such as teachers and social workers have standards of conduct set by their registered body.

Where formal action is necessary because of an employee's unacceptable behaviour action may be taken through the Disciplinary Policy and Procedure. Managers, and Headteachers within schools who purchase HR support, should seek advice from HR Direct.

2. POLICY STATEMENT

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The organisation is committed to tackling behaviour deemed inappropriate in working relationships. In most instances issues can be resolved informally, however where issues are very serious or occur repeatedly, formal disciplinary procedures may be invoked.

This policy defines a number of principles and sets out procedures that ensure that behaving in a professional manner is the accepted standard for all people working within the organisation.

Any unacceptable behaviour directed towards another, including harassment based on age, disability, gender re-assignment, marriage & civil partnership, pregnancy & maternity, race (colour, nationality & ethnic or national origins), religion or belief, sex and sexual orientation is unlawful and will not be tolerated in any form by this organisation. Action may be taken under the Disciplinary Policy and Procedure.

3. AIMS & OBJECTIVES

This policy aims to help individuals and their managers resolve problems informally and in a positive manner where appropriate. If necessary, support and assistance can be sourced from HR Direct.

The objectives of this Policy are to:

- Ensure that all individuals are aware of the types of unacceptable behaviour and their responsibilities for preventing such behaviour;
- Ensure that all individuals understand what action may be taken to prevent unacceptable behaviour, including formal conduct action where appropriate;
- Promote a climate where individuals feel confident to bring forward issues of unacceptable behaviour without fear of victimisation;
- Ensure that all issues of unacceptable behaviour are responded to quickly, positively and in confidence where appropriate.

4. DEFINITIONS

People behave acceptably when they:

- Afford dignity, trust and respect for everyone and themselves;
- Have awareness of the effects of their behaviour on others and only make reasonable and manageable demands;
- Communicate honestly and openly, clearly stating what they need and expect of others;
- Provide and are receptive to honest feedback based on evidence;
- Challenge discriminatory language and behaviour in an appropriate way;

In relation to unacceptable behaviour, the definitions and principles adopted in this policy are in line with the Equality Act 2010 and are as follows:

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Protected characteristics

The Act offers protection to people with 'protected characteristics'. These are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

It is unlawful to discriminate, harass or victimise someone because they have or are perceived to have a "protected characteristic" or are associated with someone who has a protected characteristic.

Discrimination is to treat someone less favourably than another person because of a protected characteristic they have or are thought to have or because they associate with someone who has a protected characteristic or where it is perceived that an individual possesses a protected characteristic. Indirect discrimination can occur where a provision, criteria or practice is applied which unfairly disadvantages someone on these grounds.

Harassment is unwanted conduct relating to a protected characteristic (except pregnancy & maternity and marriage & civil partnership), which may also be based upon association or perception, that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. E.g. harassment based on a person's association with their disabled child or harassment based on a perception that a person holds a religious belief. It includes unwanted conduct of a sexual nature, verbal, non-verbal and physical conduct.

An individual may complain of harassment even if they don't possess the protected characteristic or the harassment is not directed at them (See Para. 8.7 – Witnesses to Unacceptable Behaviour). It is essential to keep a record of any incidents that could be deemed as harassment of staff, to take appropriate action and to record the measures put in place to stop the harassment.

When defining behaviour in cases of harassment, it is appropriate to place emphasis on the recipient's experience rather than the motivation of the person complained about.

Bullying consists of persistent actions, criticism, or personal abuse in public or private, which humiliate, intimidate, frighten, undermine or demean the individual. People affected by bullying often feel the matter appears trivial or that they have difficulty in describing it. Bullying can be defined in many ways but is generally behaviour that is identified as a misuse of power.

Behaviour that is acceptable to some individuals may cause embarrassment, distress or anxiety to others.

Examples of what this organisation regards as unacceptable behaviour include:

- Using aggressive language, threatening, ridiculing, ignoring people or repeatedly shouting;

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- Telephoning people at home unnecessarily (for example, demanding work when the person is absent due to sickness or ill health);
- Focusing only on weaknesses;
- Bringing up details of someone's private life inappropriately;
- Leaving impossibly long lists of tasks and making unreasonable demands;
- Criticising people or maliciously gossiping about them in their absence;
- Ridiculing or demeaning someone – picking on them or setting them up to fail;
- Comments or jokes, about distinctive peoples and nationalities;
- Frequent comments about aspects of physical appearance or using forms of address that are demeaning;
- Threatening or implying, without reason, that, as a colleague, you will cause the person to lose his/her job or fail to get a promotion or suffer some other form of career difficulty or financial disadvantage;
- Coercing someone to join the harassment/bullying of another person;
- Excluding or marginalising someone or refusing to engage with them appropriately.

This list is not exhaustive. It is simply a guide to help individuals consider their own and others behaviour and gain understanding of what behaviours are unacceptable in the workplace.

It is also recognised that an occasional raised voice or heated debate regarding workrelated issues in itself may not be unacceptable behaviour but is communication between colleagues, usually over issues that individuals feel passionate about, and can be a driver in the workplace for developing new ideas and better practices. However, it should be noted that at any time, an individual may believe that the boundary between 'heated debate' and unacceptable behaviour has been crossed and may wish to address the issue.

5.0 MANAGING EMPLOYEES PERFORMANCE

Legitimate, constructive, fair and evidenced criticism of an individual's performance or behaviour at work is not bullying or harassment.

It is important to acknowledge that views and opinions held by others and decisions made by managers and supervisors, may not always coincide with the individual's. It must be recognised that those in positions of management have both a contractual right and responsibility to discharge managerial duties.

Managers may have to deal with capability, conduct or performance issues as part of their management duties or responsibilities. If the concerns are not clearly evidenced to the individual, the individual may perceive criticism as bullying, harassment or discrimination. In such an instance Mediation could provide a way of both parties gaining understanding of each other's responsibilities and concerns.

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It is unacceptable to condone bullying behaviour under the guise of a particular management style. Whilst recognising that effective management may call for a firm and assertive style to achieve desired outcomes, it should be ensured that individuals are treated with dignity and respect at all times.

6.0 WHO CAN EXPERIENCE UNACCEPTABLE BEHAVIOUR AT WORK?

Any person regardless of age or disability, gender re-assignment, marriage & civil partnership status, pregnancy, maternity status, race (colour, nationality & ethnic or national origins) religion or belief, sex and sexual orientation may experience unacceptable behaviour towards them from work colleagues.

Unacceptable behaviour can occur at any level within the organisation and some people may suffer a multiple burden of bullying, harassment and discrimination.

In cases of harassment, it is very often behaviour perceived by others as being innocuous which is most difficult to deal with and most distressing for the recipient. The recipient may feel this behaviour is intended to harass or bully them, but will be aware that it could be described and interpreted otherwise.

The key question is:

- Is the individual experiencing discomfort, distress, or unhappiness at work as a result of the actions of another person?

Subject to normal performance management practice (see Para.5.0), if the answer to this question is yes, then it is likely they are feeling bullied, harassed and/or discriminated against by someone at work.

7.0 UNACCEPTABLE BEHAVIOUR FROM SERVICE USERS.

Individuals may experience unacceptable behaviour from members of the public, service users, parents or customers. This is outside the scope of this policy, which focuses on acceptable behaviour within the organisation. However, anyone experiencing unacceptable behaviour in the course of their work from members of the public can expect and demand the active support of his/her Headteacher / Manager. For issues outside of schools, refer to the Corporate Unacceptable Customer Behaviour Policy.

Where Headteachers experience difficulties with parents, consideration may be given to the use of mediation to resolve the issue(s).

Additional guidance is available through the Corporate Violence and Aggression Policy in circumstances where individuals experience violence from clients.

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8.0 ACTIONS & PROCEDURES

Unacceptable behaviour should not be tolerated and employees are recommended to seek advice and support at the earliest opportunity. This policy suggests a number of options to deal with unacceptable behaviour in the workplace and these are identified below:

8.1 Self Help

Self help is an informal procedure, which may include access to external advice lines, leaflets, posters, the Internet and Intranet, where further information is available. Self Help is not done in isolation; recipients of unacceptable behaviour must have other avenues. Individuals can access further help through the Trade Unions, their friends, HR Direct and Management as appropriate. Elected Members may get advice through the Group Leader or the Party Groups. Teachers can also contact the Teachers' Support Network.

Self help is individual action to resolve unacceptable behaviour through dialogue with the other party. In many ways this is the ideal solution for the recipient(s). It involves bringing the unwanted nature of the unacceptable behaviour to the attention of the other party with the intention of stopping the behaviour that is causing the problem and agreeing more acceptable ways of behaving. This would ideally be in person or perhaps by writing to the individual or through a third party.

Individuals can make use of the policy and the definitions of acceptable/unacceptable behaviour. In many instances no further action will be required when the unacceptable behaviour and its effect is recognised by the other party who can then vary their behaviour accordingly.

8.2 Reporting Behaviour to the Manager

Individuals may talk over their concerns with their Headteacher/manager/supervisor in the first instance. Individuals should make it clear that they wish to deal with the matter under this policy and not lodge a formal grievance at this stage. The Headteacher manager/supervisor will act or advise according to the situation, which might involve some initial investigation and/or contact with HR Direct. The Headteacher/manager/supervisor might talk through how the individual could manage it informally face to face or perhaps through mediation, before any recourse to the formal grievance procedure. Where the issues are serious the Headteacher/manager/supervisor may have to invoke the disciplinary policy if the actions/behaviour of the other party is so unacceptable as to be deemed misconduct.

If the concerns relate to the Headteacher's/manager's behaviour, individuals are advised to contact their trade union or HR Direct.

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8.3 HR Direct

The role of HR Direct is to provide an HR Adviser to listen to the individual's concerns to enable the individual to explore the options to resolve the matter. This support will remain confidential, unless any disclosure is deemed by the HR Adviser to breach policy, regulations or the law or where there is the risk of harm to either the individual or others. The use of the Whistleblowing Policy or Disciplinary Policy to deal with illegal or grossly unprofessional behaviour could apply in such a situation.

HR Direct can be contacted at hrdirect@devon.gov.uk or by telephoning 01392 385555.

The HR Adviser's role will be to:

- Provide a confidential, unbiased, non-judgemental, contact and signposting service via the telephone to callers who feel they have been subjected to unacceptable behaviour;
- To assist the caller to explore the options available, which may include self-help, , sign-posting to the Employee Assistance Programme, mediation or more formal procedures in accord with DCC policies;

8.4 Mediation

For mediation to be successful both/all parties must agree to participate. See Mediation for further information.

Mediation is essentially a voluntary and informal solution focussed process whereby qualified and trained mediators facilitate individuals to reach their own solutions. It may be used prior to the formal Grievance Procedure and in some circumstances, the Disciplinary Procedure, which may completely prevent recourse to formal processes, e.g. mediation may be available to help resolve some cases of harassment, such as those not considered to be acts of potential gross misconduct. It is available to anyone working for Devon County Council, including those employed within schools.

There are numerous benefits of using mediation, particularly at an early stage where it can help improve working relationships and resolve issues that, although may not reach any formal stages, can be detrimental to productivity and harmony.

Requests for the Mediation Service should be made by contacting the Mediation Coordinator. See Mediation for further information.

8.5 Invoking the formal Grievance Procedure

The formal grievance procedure is available for use by employees who wish to bring a complaint against another employee where the informal procedure, including mediation, has been ineffective. See Grievance Procedure for more details.

8.6 Advice to People Accused of Bullying, Harassment and Discrimination

Subject to any informal or formal action taken initially to resolve unacceptable behaviour, HR Direct may also provide information to people who are accused of bullying, harassment and/or discrimination. They will be given impartial information so that the individual can decide the course of action best suited to him/her at that time. This may include directing the individual to contact the Leadership & Management Development

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Team within Workforce Development who may be able to offer appropriate coaching or training.

Being accused of behaving in unacceptable ways can be equally concerning to the individual. In many cases the individuals are unaware that their behaviour is the cause of another person's distress or discomfort or that it may be unacceptable to others in the workplace.

8.7 Witnesses to Unacceptable Behaviour

HR Direct is also available to people who have witnessed instances of unacceptable behaviour and are unsure how best to proceed. An individual can make a complaint of harassment or bullying where he or she is offended by behaviour even if it is not directed at him or her. The individual does not need to possess the relevant protected characteristic.

9.0 EQUALITY STATEMENT

HR Direct, as the first line of contact, will ensure that employees are able to access a copy of the policy. Employees based in a school should obtain a copy from their school.

Devon County Council (DCC) and the school, seeks to eliminate discrimination, advance equality and foster good relations.

DCC and the school, is committed to the principle of equal opportunities in employment regardless of a person's age, disability, gender re-assignment, marital or civil partnership status, pregnancy, maternity status, race (including colour, nationality and ethnic or national origins), religion or belief, sex and sexual orientation.

10.0 HELPFUL LINKS

Bully Online

<http://www.bullyonline.org/>

Workplace Bullying.Net

<http://www.workplace-bullying.net/>

The Trades Union Congress information on bullying at work

http://www.tuc.org.uk/tuc/rights_bullyatwork.cfm

The workplace Bullying and Trauma Institute USA and Canada

<http://www.bullyinginstitute.org/>

Guide to language

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<http://www.devoncountyunion.org.uk/equalities/applang/index.html>

Equality & Human Rights Commission

<http://www.equalityhumanrights.com/>

NUT – south-west@nut.org.uk - 01392 258028

NASUWT – rc-southwest@mail.nasuwt.org.uk - 01392 822500

ATL – www.atl.org.uk and use the “contact your branch” link - 020 7930 6441

Voice - www.voicetheunion.org.uk –

NAHT – www.naht.org.uk

ASCL – www.ascl.org.uk

Unison – www.devoncountyunion.org.uk

GMB – www.gmb-southern.org.uk/dcc

Unite – www.unitetheunion.com

POLICY HISTORY

Policy Date	Summary of change	Contact	Version/ Implementation Date	Review Date
1.05.2010	<p>This Policy was originally drafted in Oct 2000 and was managed within Workforce Development. Following HRMT 10.11.09 it was decided that the Corporate Mediation Service would be extended by integrating the acceptable behaviour service into the role of the HR Helpdesk and the potential use of mediation to resolve issues. As a result the Acceptable Behaviour Policy was re-written.</p> <p>This revised Policy was sent out for comments to all Trade Unions on the 24th March 2010. No comments were received.</p>	P&S	1.5.2010	
	Policy revised in line with the implementation of the Equality Act 2010: Protected Characteristics at para.4 added; Definition of Discrimination and Harassment revised; Equality Statement revised.	P&S	1.11.2010	
	Definition of third party harassment revised to take account of provisions within schools.	P&S	10.11.2010	
	Removal of link to Andrea Adams Trust (Version date on cover page corrected on 11 November 2011.)	P&S	19.08.2011	
	Update reference from HR Helpdesk to HR ONE Helpline and removal of reference to third party harassment	HR ONE	25.04.2013	
1.10.13	Update to section 4 to clarify discrimination on the grounds of a protected characteristic and update to section 7 to include reference to bullying	HR ONE	1.10.2013	
25.04.14	Remove reference to Counselling and replace with Employee Assistance Programme . Replace 'Conduct' with 'Disciplinary'	HR ONE		

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16.05.17	Update reference from HR One Helpline to HR Direct.	HR Direct	16.05.2017	