A POLICY FOR SETTING THE STANDARDS OF ACCEPTABLE BEHAVIOUR

Honiton Community College

Academy Trust

HCC
'Success for All'

This policy was adopted by the Governing Body of

Honiton Community College Academy Trust

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and will be reviewed annually.

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1. INTRODUCTION

Honiton Community College 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 all employees, 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. The Principal, 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 college has existing policies that set clear standards of conduct which must be observed and enable employees to raise concerns. These include the; Equality Policy; and the Grievance Policy. 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 College's Conduct Policy. Managers should seek advice from the college's HR supplier.

Further advice and support on the application of this Policy may be sought from the college's HR supplier.

2. POLICY STATEMENT

The college 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 conduct 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 college.

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 Conduct Policy.

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 the college's HR supplier and Mediation Service.

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:

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.

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. Discrimination is unlawful.

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). In addition, an individual is protected from third party harassment. Such harassment occurs where a third party harasses an individual in the course of their employment. This is outside the scope of this policy, which focuses on acceptable behaviour within the organisation. For managing harassment by a third party, i.e. parent/guardian, see your line manager or a member of the Executive Leadership Team (ELT). Within schools, 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 is a type of harassment, which 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
- 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 work-related 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.

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 college. 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 Principal /Manager. For issues outside of schools, refer the incident in question to your line manager or a member of the Executive Leadership Team (ELT).

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

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, the college's HR Policy and Management as appropriate.

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 Principal/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 Principal/manager/supervisor will act or advise according to the situation, which might involve some initial investigation and/or contact with the college's HR supplier. The Principal/ 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 Principal/manager/supervisor may have to invoke the conduct policy if the actions/behaviour of the other party is so unacceptable as to be deemed misconduct.

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

8.3 Mediation

Section removed as it relates to Devon County Council and not the college's current HR supplier.

8.4 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 the College's Grievance Policy for more details.

8.5 Advice to People Accused of Bullying, Harassment and Discrimination

Subject to any informal or formal action taken initially to resolve unacceptable behaviour the line manager, Executive Leadership Team (ELT) or college's HR supplier may also provide information to people who are accused of bullying, harassment and 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.

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.

8.6 Witnesses to Unacceptable Behaviour

Your line manager and the Executive Leadership Team (ELT) are available to colleagues who have witnessed instances of unacceptable behaviour and are unsure how best to proceed. An individual can make a complaint of harassment 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

The college, as the first line of contact, will ensure that employees are able to access a copy of the policy.

Honiton Community College, seeks to eliminate discrimination, advance equality and foster good relations.

Honiton Community College 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

The Trades Union Congress information on bullying at work - http://www.tuc.org.uk/tuc/rights_bullyatwork.cfm

ACAS - www.acas.org.uk

Equality & Human Rights Commission - http://www.equalityhumanrights.com/

NEU - https://neu.org.uk/listings/district-contacts - 0345 811 8111

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

Voice - www.voicetheunion.org.uk

NAHT – www.naht.org.uk

ASCL – www.ascl.org.uk

Unison – www.devoncountyunison.org.uk

GMB – www.gmb-southern.org.uk/

Unite – www.unitetheunion.org