
Title of Policy/Procedure: Acceptable Behaviour in the Workplace

Reviewer(s): Head of HR

To be read in conjunction with the following policies: Grievance Resolution Policy
Disciplinary Procedure (includes Appeals Procedure)

Consultation Process: Policy agreed with TU's at BKAT JCC

Policy Date: 1 January 2021

Review Date: 1 January 2023

This policy has been ratified by: Finance, Personnel and Resources Committee

1. Policy statement

1.1 The Trust expects a high standard of behaviour of its Trustees, Governors, Headteachers, staff and volunteers in carrying out their duties and responsibilities. To achieve this standard, it is essential that all concerned work in a supportive environment, characterised by Acceptable Behaviour.

1.2 Whilst acknowledging that there are other forms of behaviour that might be regarded as unacceptable within the workplace (fraud, theft, violence, etc) and leave the perpetrator open to action under agreed disciplinary procedures, this Acceptable Behaviour Policy is concerned with the way in which people interact with each other in the workplace.

1.3 Acceptable behaviour promotes a working environment in which discrimination, harassment and bullying are regarded as unacceptable behaviour. It is expected that all adults within the workplace will conduct themselves in a manner which is characterised by:

- affording dignity, trust and respect to all within the workplace;
- having awareness of the effects of our behaviour on others and avoiding making unreasonable and unmanageable demands of them;
- communicating honestly and openly, clearly stating what we mean and what we expect of others;
- providing honest feedback based on evidence;
- being open to constructive criticism;
- starting from the assumption that everyone is working to the best of their ability, taking account of their current stage of personal and professional development.

1.4 Unacceptable behaviour, for the purposes of this policy is defined as behaviour towards another individual in the workplace that constitutes discrimination, harassment, or bullying. Such behaviors are described in more detail within this document. Examples are given in the attached Appendix 1. Unacceptable behaviour can be perpetrated by anyone and can be directed at or adversely affect all colleagues within the workplace. It should not be assumed that unacceptable behaviour is limited to the behaviour of managers towards subordinates, since unacceptable behaviour by a member of staff can also adversely affect supervisory or management staff.

1.5 The Trust seeks to promote equal opportunities, fully supports the rights and opportunities of all people to seek, obtain and hold employment without discrimination and recognises the fundamental right of all school staff to work in an environment free from unacceptable behaviour.

1.6 Discrimination can constitute a form of unacceptable behaviour and an employer that permits it to occur may be in breach of its duties under Equalities Act 2010.

1.7 Under Health and Safety legislation an employer is required to take all reasonable steps to provide a safe and healthy work environment, which would include taking steps to prevent staff from being subjected to unacceptable

behaviour. The legal duty of care towards employees and the implied contractual term of trust and confidence could be breached if unacceptable behaviour is allowed to occur within the workplace.

1.8 The Trust believes it is an infringement of the rights of all staff not to be treated with dignity and respect and the Trust's policy is, therefore, that unacceptable behaviour will not be tolerated or condoned. All school staff are expected to comply with this policy. Governing bodies and headteachers should take appropriate measures by; for example, ensuring that all staff members are aware of the content of this policy and by ensuring it is enforced. Appropriate measures might include:

- ensuring the policy is drawn to the attention of all new and existing staff;
- discussion in staff meetings of what constitutes acceptable and unacceptable behaviour;
- requiring the headteacher to report to the governing body on steps taken to ensure compliance with this policy, including reporting action taken in all cases of non-compliance;
- ensuring staff have the opportunity to raise concerns in ways that avoid them feeling vulnerable to victimisation.

1.9 The Trust expects headteachers and senior staff to challenge an employee's unsatisfactory performance, attendance or conduct. Legitimate management action to deal with such issues will not be regarded as unacceptable behaviour, so long as the manager behaves appropriately and reasonably, using the relevant agreed employment procedures in a professional and constructive manner aimed at bringing about an improvement.

1.10 Action in accordance with the agreed Disciplinary Procedure will be taken against any member of staff who, following investigation, has been found to have behaved unacceptably towards another member of staff, a pupil or member of the public. In the most serious cases those behaving unacceptably towards another person in the workplace may be considered to have committed an act of gross misconduct that, if substantiated by an investigation carried out in accordance with the agreed Disciplinary procedure, may result in summary dismissal.

2. Unacceptable Behaviour: Harassment

2.1 The standard definition for harassment is unwanted conduct on the grounds of race, gender, sexual orientation etc. which has the purpose or effect of either violating the claimant's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. The following are some examples of specific types of harassment, but it should be noted that this policy applies to all forms of harassment

2.1 Sexual Harassment

2.1.1 Sexual harassment means unwanted conduct of a sexual nature or conduct based on sex detrimentally affecting the dignity of staff. Sexual harassment normally refers to behaviour that is unsolicited, unreciprocated, and which can cause humiliation, offend, cause distress, interfere with job performance, create an unpleasant working environment, emphasises a member of staff's sexuality over their roles as an employee and fails to respect the rights of others.

2.1.2 The following are examples of sexual harassment that would constitute Unacceptable behaviour within this policy

- Inappropriate comments about dress or appearance
- Unwanted physical contact
- Sexual assault
- Unwelcome sexual advances, propositions or pressure for sexual activity
- Continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome
- Sexually suggestive remarks or gestures
- The display of sexually suggestive pictures, objects or written materials
- Conduct that denigrates or ridicules or is intimidatory or physically abusive to a member of staff because of his or her sex
- Suggestions that a member of staff's rejection of sexual advances will adversely affect their employment prospects or conditions of service

2.1.3 Sexual harassment may be experienced by both men and women but evidence suggests that women are most likely to be affected. Harassment may be a major barrier to women fulfilling their full potential at work.

2.2 Racial Harassment

2.2.1 Racial harassment is an act that by relating to the subject's race, colour, ethnic origin or religion causes a person to feel intimidated, humiliated, ridiculed, undermined or otherwise detrimentally effected.

2.2.2 The following are examples of racial harassment that would constitute unacceptable behaviour within this policy

- Ridiculing an individual because of cultural differences
- Written abuse and the display of offensive material
- Embarrassing or derogatory remarks, racist jokes and name-calling
- Deliberate physical and/or verbal abuse
- Differential treatment, eg unfair allocation of work

2.3 Disability harassment

2.3.1 Disability harassment is any act relating to the subject's disability that is intended to cause a disabled person a detriment. Disability may not be seen or

obvious and it is essential that everyone is aware of the fact that they will not know or need to know an individual's specific disabilities.

2.3.2 The following are examples of behaviour towards disabled people that would constitute Unacceptable behaviour within this policy:

- staring and/or uninvited touching
- speaking to others rather than to the disabled person directly
- asking intimate questions about a person's impairment
- making assumptions about disabled people
- physical abuse, intimidation or name calling
- questioning a disabled person's work capacity and/or ability
- making assumptions or speculating about someone's impairment
- unwarranted differential treatment
- ridiculing an individual because of a disability

2.4 Other forms of Unacceptable behaviour

2.4.1 Bullying in the workplace may be defined as persistent, offensive, abusive, intimidating, malicious or insulting behaviour, abuse of power or unfair penal sanctions, which makes the recipient feel upset, threatened humiliated or vulnerable, which undermines their self-confidence and which may cause them to suffer stress. Such behaviour is not limited to behaviour by managers towards subordinates; it can also be perpetrated by members of staff towards colleagues and managers.

2.4.2 Examples of bullying may include:

- Open bullying such as displays of rage at staff in front of colleagues, pupils or other people, name-calling, persistent unjustified criticism and public humiliation.
- Unseen bullying such as setting objectives with unreasonable deadlines, unreasonably removing areas of responsibility and inflicting menial tasks instead, constantly changing working patterns without justification, deliberately ignoring or excluding an individual or talking only to a third party to isolate another, unreasonably or unpleasantly challenging or refusing to comply with reasonable management direction or requests.

2.4.3 Employees may also be vulnerable to Unacceptable behaviour at work relating to their actual or perceived **sexual orientation or sexuality**. Such behaviour would be likely to constitute unlawful discrimination or harassment under the Equalities Act 2010.

2.4.4 Employees may also be vulnerable to Unacceptable behaviour at work relating to their **religious beliefs or age**. Such behaviour would be likely to constitute unlawful discrimination or harassment under the Equalities Act 2010.

Employees have legal protection from discriminatory treatment on basis of their membership, or not, of a trade union and associated activities. Such treatment would constitute unacceptable behaviour.

2.4.5 Unacceptable behaviour can arise simply from employees being unwilling to behave in an acceptable way towards another or others at work for reasons of personal dislike. Whatever the motivation, unacceptable behaviour as broadly defined within this policy should not be condoned or tolerated.

The examples given above are not exhaustive. The Council may from time to time specify further examples of conduct that will be regarded as Unacceptable behaviour and leave the perpetrator open to possible action under the agreed Disciplinary procedure.

2.4.6 Victimization is a distinct form of unacceptable behaviour covered by this policy. Victimization is behaviour in breach of specific provisions of employment legislation that make it unlawful to treat a person less favourably because they have initiated, or given evidence or information in connection with, a complaint of unlawful treatment. Victimization of an employee because they have made a complaint, initiated a grievance under the agreed Grievance procedure, or given evidence or information in relation to a complaint or grievance may be considered an act of gross misconduct that, if substantiated by an investigation carried out in accordance with the agreed Disciplinary procedure, may result in summary dismissal.

3. Duty of governing bodies, headteachers and managers

3.1 Staff are sometimes reluctant to complain of unacceptable behaviour because of:

- retaliation or public humiliation
- not being believed or taken seriously
- what other people may think
- a complaint not being handled in a sensitive and confidential manner or that no action will be taken regarding the complaint
- being discriminated against in employment
- the person involved in the harassment is their line manager.

3.2 Trustees, Governing bodies, headteachers and managers must take steps to stop unacceptable behaviour that they suspect to exist in their areas of responsibility. Failing to do so could be a breach of the duty of care towards employees.

4. Duty of all members of staff

4.1 All members of staff should take all reasonable steps, by behaving courteously and professionally towards others at all times, to ensure their conduct does not cause offence or make others feel bullied, harassed or intimidated. They must discourage all forms of unacceptable behaviour and support colleagues who may be victims of such treatment.

School staff should report any suspected incidents of Unacceptable behaviour by or towards others in the workplace to their line manager or to the headteacher. Where the complaint is against the Headteacher the employee will write to the

CEO. Where the complaint is against the CEO the employee will write to the Chair of Trustees. The CEO or the Chair of Trustees will then follow the guidance as set out for the Headteacher.

5. Complaint of unacceptable behaviour

5.1 Complaints of unacceptable behaviour should be investigated expeditiously and with sensitivity in a confidential manner and with due regard to the rights of all parties concerned. Every effort will be taken to ensure that staff will be protected against victimisation or retaliation for bringing a complaint of Unacceptable behaviour or for assisting an investigation. Any evidence of victimisation will result in a thorough investigation and, possibly, serious disciplinary action. In cases involving alleged unacceptable behaviour both the complainant and the respondent may seek support from a trade union representative or colleague and have a right to representation if the formal disciplinary or grievance procedures have been invoked.

5.2 Initially and where practicable the complainant should tell the alleged harasser or bully to stop and make it clear that their behaviour is unwelcome. The alleged harasser or bully may be genuinely unaware of the effect of their behaviour. A member of staff may wish to discuss their concerns with:

- a) their trade union representative, or
- b) The Trust HR team, or
- c) Care First/Employee Support Partnership.

All of these people will, in the first instance, provide help and advice in complete confidence without obligation to take a complaint further. In circumstances where it is inappropriate or staff feel unable themselves to approach the alleged harasser, they may seek assistance and advice from their trade union representative.

5.3 Alternatively staff may raise their concerns directly with their manager or the headteacher who will arrange to discuss the concerns fully with the employee and may respond by proposing informal action to address the employee's concerns. In more serious cases the manager or headteacher* may propose responding to the concerns by initiating a formal investigation. The decision to progress the matter as a formal complaint should normally lie with the employee who considers he or she has been subjected to unacceptable behaviour. However, management has the right to initiate a formal investigation where it appears that the behaviour complained of is so serious that it cannot be left unaddressed, even if the victim is unwilling to make a formal complaint.

6. Formal Complaint

If the employee believes that their complaint has not been resolved through informal means then they should follow the formal procedure set out in the Trust's grievance resolution procedure. This is set out below:

6.1 Rights to representation

6.1.1 At all stages of this procedure employees will have the right to be accompanied by a trade union representative or a fellow employee. Before any meetings take place the employee should notify the Headteacher whom they have chosen as a companion

6.1.2 If the employee's chosen companion will not be available at the time proposed for the hearing by the employer then the meeting will be re-arranged to an alternative date, no more than 5 days after the date was originally proposed. A meeting would not be postponed for a second time unless there are exceptional circumstances.

6.1.3 The companion should be allowed to address the hearing to present and sum up the employee's case and confer during the hearing. They do not have the right to answer questions on the employee's behalf

6.2 Setting out the grounds of the complaint

6.2.1 Only after such attempts and where an employee feels that it has not been possible to resolve the complaint informally should the formal procedure be invoked by the employee. They should set out in writing

- The full nature of their complaint of unacceptable behaviour and how this is affecting them
- Any attempts of how they have dealt with the matter informally and why they do not believe this has worked
- Details of any witnesses to the matters complained about
- What reasonable resolution/outcome the employee is seeking

6.2.2 The Headteacher will acknowledge receipt of the complaint and arrange a meeting within 10 working days. If this is not possible then the employee should be notified. Where the complaint is against the Headteacher the employee will write to the CEO. Where the complaint is against the CEO the employee will write to the Chair of Trustees. The CEO or the Chair of Trustees will then follow the guidance as set out for the Headteacher.

6.3 Hold a meeting with the employee to discuss their complaint

6.3.1 At the meeting the employee should be allowed to explain their complaint and how they think it should be resolved.

6.3.2 The employee should have set out the required information to ensure that the subject matter of the complaint is fully understood at the start of the procedure to enable it to be dealt with effectively.

6.3.3 The aim of the meeting is to establish a detailed understanding of the issues and if possible decide how to resolve the problem. If necessary allow any other relevant parties involved in the complaint to attend the meeting and make representations.

6.3.4 If possible discuss a possible resolution at the meeting or if the headteacher needs time to consider a response let the employee know the likely timescale of this.

6.3.5 On occasion where there is a need to carry out further investigation the meeting will be adjourned. The Headteacher may investigate themselves or nominate another senior manager to investigate. Investigations will be conducted fairly and without unreasonable delay. The employee must be informed of any unavoidable lengthy delays. The meeting will be reconvened following this to take account of any further facts

6.4 Decide on appropriate action

6.4.1 Following the meeting the Headteacher will confirm in writing what actions they intend to take to resolve the complaint.

6.4.2 The Headteacher will confirm whether:

- the complaint is not upheld.
- the complaint is upheld in part and an appropriate resolution is provided.
- the complaint is upheld in full and an appropriate resolution is provided.

6.4.3 The employee must give their right to appeal against the outcome of their complaint.

7. The Appeal process

7.1 Where an employee feels that their complaint has not been satisfactorily resolved they have the right to appeal. They should let their employers know the grounds for their appeal without unreasonable delay by putting this in writing within 10 working days of receipt of the response from the headteacher hearing the original complaint.

7.2 The employee needs to state why they disagree with the outcome.

7.3 If the original decision was made by the Headteacher then the CEO will hear any appeal with representatives of the LGB. If the CEO made the original decision then the appeal will be heard by the Chair/panel of Trustees.

7.4 The purpose of the appeal meeting will be to:

- Allow the employee to present their original complaint and the reason/s why they are unhappy with the outcome
- Allow the Headteacher/CEO to make representations and to explain their reasoning behind their recommendations
- Based on the information shared reach a decision about the appeal and whether any further actions are necessary
- If further enquiries are required then formally adjourn the meeting to carry these out setting a reasonable timescale to re-convene.

7.5 The employee will be notified of the final decision within 5 working days unless agreed otherwise.

7.6 The written response must advise the employee of:

- The Panel's findings and the reasoning behind the final decision
- Any proposed action/recommendations to resolve the position or that there will be no action
- That this is the final stage of the school's Acceptable Behaviour procedure and there is no further right of appeal

8 Disciplinary action following a complaint of Unacceptable Behaviour

8.1 Any disciplinary hearing arising from an investigation into a complaint of unacceptable behaviour will be conducted in line with the agreed Disciplinary Procedure.

8.2 At a disciplinary hearing the complainant and the Headteacher will be called as witnesses in the case against the alleged harasser or bully.

8.3 At the end of a disciplinary hearing, having heard all evidence and representations, a decision will be made as to whether there is evidence of unacceptable behaviour amounting to misconduct and, if so, what disciplinary action is to be taken. Once a decision has been reached the parties to the complaint will be recalled and the decision will be made known. The outcome will be communicated in writing to the person against whom the allegations were made within five working days of the disciplinary hearing.

9. Governors and members of the public

9.1 In the case of a complaint of unacceptable behaviour by a member of the Governing Body/Trustees the headteacher/CEO will investigate and submit a report to the Chair of Governors/Trustees with a recommendation concerning action. The headteacher/CEO can obtain guidance on possible sanctions against governors from the Head of Governance

9.2 Allegations of unacceptable behaviour towards school staff by members of the public should be reported to the headteacher (Chair of Governors when the complaint is made against the headteacher) who will consult with the Trusts HR team before deciding an appropriate course of action, which may involve initiating criminal proceedings.

9.3 This policy is not intended to cover unacceptable behaviour by pupils towards employees. School management should, however, recognise that this can arise and take steps within the school's behaviour policies to limit its extent and impact.

9.4 Appropriate action will be taken against any member of staff who is found to have behaved unacceptably towards a member of the public. Complaints received by members of the public will be dealt with as potential disciplinary issues.



Appendix 1

Acceptable Behaviour	Unacceptable Behaviour
Explain the basis for an instruction	Asking someone to carry out an instruction in a belittling way
Explaining the reason for a deadline or target and discussing it; trying to agree a reasonable basis for proceeding	Continually setting unreasonable deadlines without discussing the difficulties of meeting them or setting unattainable targets
Discussing privately what went wrong and how to prevent it from happening again	Shouting or swearing at someone when something goes wrong or humiliating someone in front of others
Assuming people can do the work required, unless there are legitimate reasons for doubting this, requiring greater monitoring	Excessively supervising/ monitoring someone when the circumstances don't justify it. Eroding someone's job by removing responsibilities or autonomy
Inviting comments and participation from all those you think may have an interest, even if you cannot act upon everything	Cold-shouldering someone to exclude them from an activity, meeting or communications or withholding information or resources required to do the job
Using email sensibly and communicating email requests reasonably	Unnecessarily bombarding someone with emails, copying e-mails about personal matters to unnecessary recipients or being brusque or offensive in emails
Discussing and publicising contributions with all those involved	Not giving individuals appropriate credit for their contribution to e.g. papers, reports or other literature
Praising people for their positive contributions or talking to them privately about any issues of concern	Publicly casting aspersions on a person's personal or professional standing, through jokes, innuendo or malicious gossip
Communicating with people privately, in a professional manner, as soon as a problem occurs. Being openly committed to fair appraisal and career development philosophies	Making physical or verbal threats, which may include the use of intimidating body language or swearing, to block a person's career development or to threaten a person with redundancy/dismissal if performance levels are not improved
