

**HEALTH SAFETY AND WELLBEING**

**ACCEPTABLE BEHAVIOUR POLICY**

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Associated Policy:	Staff Accord Stress Management Policy Justice Through Equality Policy

## **1. INTRODUCTION**

This Policy builds on existing legislation and County Council policies that address all forms of discrimination and harassment to ensure that all behaviour within the Council is acceptable. It reinforces the organisational values of Devon County Council, set out in the Strategic Plan, in particular the supporting strategies of “Delivering Through People” and “Providing Excellent Customer Service”; furthermore it strengthens the Council’s policies for Justice Through Equality and Managing Stress as well as the Employee Code of Conduct and Staff Accord. This policy applies to elected members, employees, volunteers and contractors undertaking work on behalf of the Council, who must behave in a manner which ensures and promotes acceptable behaviour.

## **2. POLICY STATEMENT**

Devon County Council expects a high standard of behaviour of its elected members, employees, volunteers and contractors, in carrying out their duties and responsibilities. To achieve this standard it is essential that all these people who work for Devon County Council, work in a supportive environment, which does not tolerate unacceptable behaviour of any kind.

This policy defines a number of principles and sets out procedures that ensure that behaving in an acceptable manner remains or becomes the norm for all people working within Devon County Council. The key strategy and essence of this policy is to expect acceptable behaviour as the norm.

People behave acceptably when they:

- Afford dignity, trust and respect for everyone and ourselves;
- Have awareness of the effects of our behaviour on others and only make reasonable and manageable demands;
- Communicate honestly and openly, clearly stating what we need and expect of others;
- Provide and are receptive to honest feedback based on evidence;
- Challenge discriminatory language and behaviour;
- Start from the assumption that everyone is working to the best of his/her abilities, considering his/her current stage of personal and professional development and awareness.

## **3. BACKGROUND**

Acceptable behaviour in the workplace is behaviour that demonstrates these definitions. It reflects the values of Devon County Council and is an essential feature of fulfilling our individual roles in a modernising organisation.

### **3.1 Definition of Unacceptable Behaviour**

Unacceptable behaviour is any action which is perceived to be discrimination, harassment or bullying by the recipient or any other person irrespective of the intention or motivation of the perpetrator. It is costly, counter-productive, and has a devastating effect on those involved. It drains the organisation's productive and committed people. These statements are supported by substantial national evidence, which indicates that it is happening in many workplaces. Further definitions and a list of indicators are included later in this Policy document. (Appendix 1)

## **4. ELIGIBILITY / SCOPE OF POLICY**

### **4.1 Who can Experience Unacceptable Behaviour at Work?**

Any person regardless of gender, national and ethnic origin, disability, sexual orientation, religion or belief, age or rank within the organisation may experience unacceptable behaviour.

Unacceptable Behaviour can occur at any level within the organisation and:

Some people may suffer a multiple burden of harassment/bullying and discrimination, for example. .

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 questions are:

- Is the person experiencing discomfort, distress, or unhappiness at work or at home as a result of work related events?
- Is this the result of another person's unacceptable behaviour at work?

If the answers to these questions are yes, then it is likely they are being bullied, discriminated against and/or harassed.

The perpetrators (defined as those people alleged or accused of behaving in unacceptable ways) can be any people with whom an individual can come into contact with at work. In many cases perpetrators 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.

## **4.2 Unacceptable Behaviour from Service Users**

Anyone working for Devon County Council may experience unacceptable behaviour from members of the public, service users or customers. This is outside the scope of this policy, which focuses on acceptable behaviour within the County Council. However, anyone experiencing unacceptable behaviour from members of the public can expect and demand the active support of his/her manager or appropriate senior to address the situation. Failure to provide such support could constitute a failure in the County Council's duty of care and could be described as unacceptable behaviour in itself.

## **4.3 Managers Responsibility and Duty**

It will not be regarded as harassment or bullying for managers and elected members to use legitimate management procedures to manage poor performance, capability or conduct, provided they demonstrate acceptable behaviour in their dealings. Failure to take appropriate action may also indicate there is a wider pattern of bullying or intimidation taking place.

## **5.0 ACTIONS & PROCEDURES**

The policy puts in place a number of procedures and these are identified below.

### **5.1 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. Employees can access further help through the Trade Unions, their friends and other Managers as appropriate. Elected Members may get advice through the Group Leader or the Party Machine.

Self help is individual action to resolve unacceptable behaviour through dialogue with the perpetrator. In many ways this is the ideal solution for the recipients. It involves bringing the unwanted nature of the unacceptable behaviour to the attention of the perpetrator. The intention here is to stop the behaviour that is causing the problem and agree more acceptable ways of behaving.

The recipient should make use of the policy and the definitions of acceptable behaviour. In many instances no further action will be required except the perpetrator of the unacceptable behaviour recognises the effect of his/her behaviour and varies it accordingly.

## **5.2 Acceptable Behaviour Contacts**

This procedure involves a dedicated Helpline (01392-382828), available to all people working for Devon County Council. In strictest confidence and using voice-mail, it will offer callers the following options:

- To request a copy of the Acceptable Behaviour Policy
- To leave a message to arrange for an Acceptable Behaviour Contact to contact the caller at a number and a time designated by the caller;
- To be put in touch with someone who can outline these and other options.

The Devon County Council Wellbeing@work Service will manage this Helpline.

The Contact is bound by the strongest rules of confidentiality. However, should the Contact consider that the law or County Standards of conduct have been breached, for example involving Health and Safety or serious harassment, they are bound to tell the informant of this and that it must be reported accordingly. This action is for the purpose of protecting the Recipient, the Contact and the County Council. The need to use the Whistle-blowing policy to report illegal or grossly unprofessional behaviour could apply in such a situation.

Acceptable Behaviour Contacts are trained to provide a sympathetic and understanding ear, providing impartial information so that the individual can decide the course of action best suited to him/her at that time. Examples of these options may be:

- Guidance to enable the recipient to deal with the matter himself/herself. This guidance may include exploring ways of addressing the issue with the perpetrator through dialogue. It might also include suggestions such as logging incidents of harassment or helping the recipient to put his/her case in writing if appropriate.
- Training – See 5.4
- The Adviser may recommend that the recipient contact the Devon County Council Counselling Service through Wellbeing@work.
- Mediation – See 5.3

## **5.3 Mediation**

Mediation is essentially an informal process and, under certain circumstances, may be used prior to the Formal Grievance Procedure. It is available for anyone working for Devon County Council. Trained

volunteers from both within and outside of the County Council provide mediation.

The conditions for mediation to take place are as follows:

- One disputants involved must have met with an Acceptable Behaviour Contact
- Both disputants agree to take part fully in the process.

Requests for the Mediation Service should be made to an Acceptable Behaviour Contact following a full discussion and exploration of other options. Devon County Council's Mediation Procedure is included as appendix 2 to this Policy and would be available from Acceptable Behaviour Contacts.

#### **5.4 Training**

As already stated, training is available from the Council in promoting the principles and skills associated with Acceptable Behaviour. "Acceptable Behaviour for Effective Team and Individual Performance" is a course that is regularly provided by the Corporate Learning and Development Team. Presentations of this Policy to groups and teams are also available on request through the Help-line 01392 382828

#### **5.5 Reporting Behaviour to a More Senior Manager**

Any recipient has the option to make his/her concerns to a more senior person in the organisation. This is still in an effort to remain outside the Formal Procedures of Grievance and Discipline. Again, the desired result is that the perpetrator changes his/her behaviour. The senior person involved will act or advise according to the situation. This may involve further investigation and informal mediation if appropriate if appropriate and with feedback to the recipient.

#### **5.6 Invoking the Grievance Procedure**

If the unacceptable behaviour cannot be resolved by an informal procedure the Grievance Procedure may be invoked. This should follow appropriate advice from a Trade Union Representative or Employee Relations Officer. Details of the process are available see the following link for details of this:

<http://www4.devon.gov.uk/private/corporate/policy/hr/grievance/homepage.shtml>

#### **5.7 Advice to People Accused of Bullying, Harassment and Discrimination**

Acceptable Behaviour Contacts may also provide advice to people who are accused of bullying, harassment and discrimination. They will be accorded sympathy and understanding, as well as impartial information so

that the individual can decide the course of action best suited to him/her at that time. This may take the form of coaching sessions exploring behaviour, focusing on how to enhance positive modes to transform negative modes of behaviour.

Managers may have to deal with capability, conduct or performance issues. The recipient may perceive this as bullying, harassment or discrimination. Dealing with capability, conduct and performance issues can never be an excuse for bullying, harassment or discrimination. In such an instance mediation could provide a way of both parties gaining understanding of each other's needs and concerns.

### **5.8 Witnesses to Unacceptable Behaviour**

The Help-line is also available to people who have witnessed instances of unacceptable behaviour and are unsure how best to proceed.

## **6.0 MONITOR AND REVIEW**

The Responsible Person for the Policy (ER Manager Health Safety & Wellbeing) will be responsible for ensuring a system is in place to maintain confidential contact records and ensuring continual evaluation of the service. Health Safety & Wellbeing reports are made on a regular basis to the Corporate Management Board, the Central Joint Safety Committee, and the Policy and Resources Overview and Scrutiny Committee.

These reports will include numbers of people working for Devon County Council that:

- Request and receive advice from the Helpline and Contacts;
- Receive a Mediation Service;
- Attend internal and external training courses;
- Invoke the Grievance procedure following discussion with a contact;
- Are subject to Formal Disciplinary procedures as a consequence of issues raised through the Helpline
- General indications of the nature of cases reported through the Helpline.

Confidentiality will be maintained throughout all monitoring processes, individuals / specific cases will not be divulged.

Measures of the success of this Policy will be determined by the satisfactory resolution of the presenting problem. Further evaluation of the success of this policy is achieved through forms completed by users of the service and identified from the Staff Attitude Survey. Over time, variations in the reporting measures described above will provide evidence of trends for instance the types of unacceptable behaviour reported and the Directorate/Section where they occur.

## **7.0 EQUALITY STATEMENT**

This policy must be accessible to all the people working in Devon County Council. In pursuit of this aim posters are regularly made for display in work establishments and a leaflet is produced and made readily available. In acknowledgement that for some of the people working for DCC English is not their first language future leaflets will be translated into other languages as appropriate. An audio tape version is also made available.

The help-line operator, as the first line of contact, will always ensure callers have access to a copy of the policy.

It is vital that the Acceptable Behaviour Contacts are fully aware of the legal context for discrimination and harassment. They are provided with training and encouraged to maintain a resource folder. Advice from the responsible person or her delegate can always be sought.

## **8.0 REFERENCES AND LINKS**

The Andrea Adams Trust Bullying at Work Helpline (01273-704900) and website <http://www.andreaadamstrust.org/>

Look up the subject on the Internet, for example:

Bully On Line <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](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  
<http://www.devoncountyunison.org.uk/equalities/applang/index.html>  
<http://www.tuc.org.uk/learning/tuc-9890-f0.cfm>

The important thing is to do something about it. Research and experience suggest that the sooner Unacceptable Behaviour is addressed, the more positive the outcomes are likely to be.

First published: 2 October 2000; reviewed and revised August 2005

The Policy has been developed through the active support of employees from all Directorates, Trade Unions, the Elected Members of the County Council and the Acceptable Behaviour Contacts and Mediators.

## Appendix 1

### ***DEFINITIONS OF UNACCEPTABLE BEHAVIOUR***

The definitions and principles adopted in this Policy are as follows:

**Discrimination** is a failure to afford equal opportunities in the workplace, irrespective of gender, national & ethnic origin, disability, sexual orientation, religion and belief or age.

**Harassment** is unwanted conduct including verbal, non-verbal or physical conduct that violates a workers dignity, or creates an intimidating, hostile, degrading, humiliating or offensive environment for a worker.

**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.

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.

The following examples show the variety of ways in which unacceptable behaviour can occur, and are taken from actual cases from a variety of sources. This list is neither comprehensive nor exhaustive; it serves to illustrate a range of potential indicators of unacceptable behaviour:

- Using aggressive language, threatening, ridiculing, ignoring people or shouting;
- Shifting blame to others;
- Telephoning people at home unnecessarily (especially 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;
- Comments or jokes, including those about distinctive peoples and nationalities;
- Asking questions about or commenting upon an individual about his/her sexual relationship/preferences;
- Frequent comments about aspects of physical appearance or using forms of address that are demeaning;
- Repeated staring or leering or suggestive looks at parts of the body;
- Physical contact ranging from unwanted touching of any kind through to physical assault or rape;
- Making unwanted sexual advances;
- The use of offensive pin-ups, posters or electronic display,

- Comments about or the excluding of a colleague from work based social activities because of their sex, race, disability, sexual orientation, religion and belief or age.
- Threatening or implying that 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;
- Using language and/or gestures in such a way that someone fears for his/her personal safety;
- Coercing someone to join the harassment/bullying of another person.
- Putting crucial equipment on a high shelf which can only be reached by tall people ( mainly men )
- Derogatory comments relating to a person's gender, such as ' don't worry your pretty little head about it '.
- The sole woman in a team always being asked to take notes and make the tea because it is considered women's work.
- Excluding or marginalising someone or refusing to engage with them appropriately.

## **Appendix 2**

### **THE DEVON COUNTY COUNCIL MEDIATION PROCEDURE**

#### **A DEFINITION OF MEDIATION**

Mediation is a process by which a neutral third party helps disputing parties work out an agreement. The disputants, not the Mediator, decide the terms of this agreement. Mediation usually focuses on future rather than past behaviour.

(Mediation UK)

#### **MEDIATION IS SUITABLE WHEN:**

- The relationship between disputants is important.
- All parties are willing to work towards a solution.
- The law does not cover the situation, or the law has failed to provide a solution.
- The power difference does not impede the process.
- The disputants wish an informal outcome to be achieved but need some support and assistance with the process

#### **MEDIATION IS NOT SUITABLE WHEN:**

- There is violence or fear of violence.
- A procedural ruling is needed for instance as in the case of a disciplinary or grievance hearing.
- One or both parties are unwilling.

#### **PRINCIPLES OF MEDIATION**

- 1 Any agreements have to be to the satisfaction of the parties concerned.
- 2 The parties agree a resolution is needed.
- 3 The content of the Mediation is confidential unless there is a legal reason why it might be disclosed.
  
- 4 The Mediator(s) is both neutral and impartial and has to be seen as such throughout the proceedings.
- 5 The process is voluntary.
- 6 Mediation is without prejudice.
- 7 The parties must have authority to settle.
- 8 The parties have agreed to the choice of Mediators.

(Findlay & Reynolds 1997)

## **MEDIATION MODEL USED IS AS FOLLOWS:**

### **1. FIRST PARTY VISIT**

Mediator(s) meet with the first disputant who has requested Mediation.

The purpose of this meeting is to clarify the disputant's understanding concerning the Mediation process and conditions of its use. An initial exploration into the issue may be made at this stage.

### **2. SECOND PARTY VISIT**

This meeting takes place with the other disputant(s). The purpose of this meeting is to explain the request for Mediation, describing the process and conditions of Mediation.

If both parties agree that Mediation is an appropriate way of resolving the dispute, the process moves to a Mediation meeting.

### **3. MEDIATION MEETING**

The Mediation meeting will take the following process.

#### **a) MEDIATOR'S OPENING STATEMENT**

The Mediator will welcome both disputants.

The Mediator(s) will explain that the purpose of Mediation is to enable disputants to make agreements about how they will work together in the future.

The Mediator outlines their own role which is to ensure the ground rules are adhered to, and to facilitate the process that enables disputants to talk together and make their own mutual agreements.

At this point the Mediator ensures there is a willingness to participate.

They explain the ground rules. These include the following: -

- Treating all parties according to the Acceptable Behaviour definitions.
- During the session all parties remain seated.
- the content of the session remains confidential,
- Notes taken during the session are destroyed (although an agreed statement may be written).
- A mediation session is without prejudice and may not be used in any formal proceedings.
- The parties will be treated on an equal basis

#### **b) UNINTERRUPTED TIME**

The purpose of this session is to hear each person's perspective on the situation.

The disputants explain in turn what has been going on and how it is affecting them.

Each person is given the opportunity to express their side of the problem fully without intimidation or challenge.

It is a condition of a Mediation contract that during this time, all present listen to each other without interrupting.

#### **c) EXCHANGE**

In this session each person may respond to issues, accusations and questions. Mediators will be focusing on issues that have potential for mutual resolution between the parties. They will strive to facilitate the development of mutual trust and confidence between the parties.

Mediators will be searching for mediationable issues.

#### **d) BUILDING THE AGREEMENT**

During this stage the Mediators facilitate discussion that builds specific proposals for resolving the main issues. These will focus on future ways of behaving differently.

#### **e) WRITING THE AGREEMENT**

The result of a Mediation session might be a written agreement. It is the only document that leaves the Mediation session.

Any such written agreement is an agreement in honour only and does not form any part of a legally binding contract.

There may be a review date included in this agreement.