

Behaviour in the Workplace



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School Vision

At Chesswood Junior School we inspire our whole school community to enjoy their learning adventure and have fun along the way. We ignite a passion for learning throughout the school community, securing excellence, empathy and equality in all that we do.

School Mission

We will strive to achieve the highest standards of academic achievement and behaviour within a vibrant, exciting learning environment so that all children leave this school with confidence and the ability to take advantage of future opportunities.

Agreement Links

Policy & Guidance	System Link	Web Link
Capability Policy	Y:\School Level\Policies\Capability Procedures	
Staff Disciplinary Policy	Y:\School Level\Policies\Staff Discipline - Statutory	
Staff Grievance	Y:\School Level\Policies\Staff Grievance - Statutory	
Teacher Standards	Y:\School Level\Policies\Performance Management-Statutory\A3 Poster - Teacher Standards.docx	https://www.gov.uk/government/publications/teachers-standards
Confidential Reporting – “Whistle Blowing”	Y:\School Level\Policies\Confidential Reporting\Confidential Reporting (Whistle Blowing).pdf	



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1. Staff Code of Conduct

- All staff and governors must proactively support the school vision throughout their appointment:

At Chesswood Junior School we will inspire our whole school community to enjoy their learning adventure and have fun along the way. We will ignite a passion for learning throughout the school community; securing excellence, empathy and equality in all that we do.

In order to achieve our vision and maintain a positive inclusive culture all members of our community must agree and proactively seek to promote the following values with children and adults alike – consistently and throughout their employment or voluntary service at Chesswood Junior School – they are of fundamental importance:

- Safeguarding** – *The welfare of children and young people is paramount – know, understand and apply core policy and practice consistently.*
- Acceptance and freedom** – *allowing others to express thoughts, actions and feelings positively.*
- Honest, open and frequent communication** – *listening, understanding, discussing and confronting.*
- Inclusion and equity** – *Empowerment and involvement of members of the school community.*
- A compassionate community** – *caring, empathy, collaboration and co-operation.*
- A positive reality** – *solution focussed, expect success, ‘looking on the bright side’*
- Personal responsibilities** – *personal professionalism, assertiveness, commitment, confidentiality, responsibility and accountability.*
- Drive and determination** – *Be pro-active; Maintain high expectations for yourself and others: Be an important part of ensuring Chesswood Junior School is exceptional.*
- A shared purpose** – *vision, mission, aims and objectives; know and tangibly support them*
- Acknowledgement of others** – *achievements, ideas and efforts of others*
- Team work** – *shared trust, collaboration, respecting the agreed decision making process & finite professional time of others.*

This list is not exhaustive, staff and volunteers should use it to guide wider actions in the ‘spirit’ of the code.



2. Introduction

The School is committed to resolving issues relating to behaviour promptly, effectively and as near the point of conflict as possible. We recognise that the existence of complaints about behaviour can signify wider frictions within teams, result in increased stress levels for individuals and organisational inefficiencies.

The staff (including all volunteers) and governor code of conduct sets out the key principles and standards that are expected of both staff and governors throughout the appointment.

We expect to address perceived unacceptable behaviour, whether intended or not, and to help rebuild relationships to enable employees to continue working together. It is the expectation that, in the majority of cases, issues will be resolved informally.

We expect our employees to respect one another within the workplace and other work settings. Bullying, harassment and discrimination will not be tolerated in any circumstances. Any report of bullying, harassment or discrimination will be treated seriously and dealt with promptly.

'The workplace' is any location where the employee is at work including a travel to and attendance at work related events and social functions that have a strong connection with the workplace such as training sessions or celebratory events.

3. Aims

The aims of this policy are to provide employees with a clear statement about the behaviour we expect our employees to demonstrate and to provide a process to enable employees to:

- raise concerns about working relationships with colleagues and Headteacher/line managers, and
- have a clear process to resolve those concerns promptly.

4. Scope of Policy

This policy applies to all employees regardless of how long they have been employed, their contractual hours and contract type.

The Policy Statement on Behaviour at Work sets out how we expect employees to behave toward one another. This Policy is linked with the Grievance Policy which provides the mechanism for dealing with complaints employees may have about the behaviour they experience, observe or



perceive to be inappropriate. This includes bullying, harassment and discrimination.

Further information is given in the Grievance Policy and the Guidance, which accompanies the Grievance Policy.

5. Links to other Policies

Where there is evidence of behaviour that breaches the expected standards of behaviour or conduct (as set out by the School) – including making false or vexatious complaints about another employee's behaviour – these will be handled in accordance with the Disciplinary Policy.

The Capability Policy will be used where there is evidence that an employee is not meeting the required standards of behaviour.

Serious breaches of the standards of behaviour, for example bullying and/or harassment, will be dealt with in accordance with the Disciplinary and/or Capability Policies, as appropriate, and may lead to dismissal.

Where a Headteacher/Line Manager is aware that a parent or a pupil is harassing an employee (third party harassment), he/she is obliged to take reasonable steps to prevent this from happening again.

If an employee has concerns relating to Health and safety, possible fraud and corruption, unethical conduct or miscarriages of justice, this should be dealt with via the Confidential Reporting Policy, sometimes known as the Confidential Reporting "Whistle Blowing" policy.

6. Guiding Principles

Grievances about inappropriate behaviour are best resolved promptly and as near to the point of origin as possible. This is particularly important where the grievance relates to behaviour and there is a need to rebuild relationships. This policy actively encourages employees to raise issues and try to resolve them with their Headteacher/Line Manager and/or Grievance Officer in the belief that the sooner these workplace concerns can be resolved, the quicker all parties will be able to resume normal working.

Employees will be given the opportunity to explain their concern, and be listened to, by a person with sufficient authority to resolve the issue.



Headteachers and managers are responsible for applying this policy in a fair and equitable way. In addition, they are responsible for working with all parties to find a resolution that enables everyone to return to normal working as soon as possible.

Where the Headteacher is concerned about an employee's behaviour in relation to other employees or third parties, they should use the Disciplinary or Capability Policy, as appropriate, to address the issue.

Employees will not be victimised for raising a behaviour related grievance or for supporting a colleague to raise a concern.

All parties involved in a Grievance have a responsibility to attend meetings, provide honest and factual information, act with integrity, treat each other with respect and maintain confidentiality.

7. Statement on expected behaviours

The School is committed to resolving issues relating to behaviour promptly, effectively and as near the point of conflict as possible. We recognise that the existence of complaints about behaviour can signify wider frictions within teams, result in increased stress levels for individuals and organisational inefficiencies.

The aim is to address perceived unacceptable behaviour, whether intended or not, and to help rebuild relationships to enable employees to continue working together. It is the expectation that, in the majority of cases, issues will be resolved informally.

We expect our employees to respect one another within the workplace and other work settings. Bullying, harassment and discrimination will not be tolerated in any circumstances. Any report of bullying, harassment or discrimination will be treated seriously and dealt with promptly.

Evidence of behaviour that breaches the expected standards of behaviour or conduct (as set out in WSCC Standards of Conduct) - including making false complaints about another employee's behaviour - will be handled in accordance with the Disciplinary Policy. Evidence that an employee is not meeting the required standards of behaviour will be addressed within the Capability Policy.

'The workplace' is any location where the employee is at work including a travel to and attendance at work related events and social functions that have a strong connection with the workplace such as training sessions or celebratory events.

The School will set the standards of behaviour that they expect all employees to demonstrate.



In particular, we expect all employees to demonstrate integrity, consideration and respect for others- the employee code of conduct underpins fundamental expectations of all staff, governors and volunteers. This is not an exhaustive list and staff, governors and volunteers are responsible for understanding the 'spirit' of expectations and using this as a wider guide for behaviour and conduct within the work place.

8. Inappropriate Behaviour

Inappropriate behaviour (such as bullying and harassment) can take a range of forms. It can be anything that is said, as well as body movements such as gestures and facial expressions. It can be face to face or via written communication in all formats including e-mail, the Internet and the telephone and can include elements of non-communication such as silence or exclusion.

Inappropriate behaviour may include elements of sexist, racist, homophobic behaviour or unfair treatment (discrimination) on the basis of age, religion or belief, sexual orientation, race, gender, disability or gender reassignment.

Victimisation of an employee, colleague or Trade Union member is inappropriate behaviour.

For Definitions of bullying, harassment and victimisation and examples please see the guides attached.

For full definitions and examples of types of discrimination please see the guides attached.

9. Raising a complaint

In all but the most serious of incidents, it is strongly encouraged that employees raise their complaint informally. Raising the complaint informally does not mean that it is not important. It may be that the individual is unaware that their behaviour has caused offence or upset and an open, honest dialogue as soon as possible after the event provides the opportunity for the issue to be resolved before working relationships deteriorate.

Concerns about behaviour can often be resolved by talking through the impact an individuals' behaviour has had on another. Employees should feel encouraged to bring their complaints to the individual whose behaviour has caused offence or upset or, alternatively, their own Headteacher/Line Manager, without fear of reprisal or censure. When raising a behaviour related grievance employees should think about the outcome they want to achieve, e.g. an apology, a change of behaviour, raising awareness of the impact of the behaviour on your particular circumstances, and so on.



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Employees who observe or experience behaviour that causes offence or upset should use the Model Grievance Policy for all School Staff to raise their complaint. See “How to Raise a Behaviour Related Grievance” for advice on how to do this.



Appendices



Definitions of bullying, harassment & victimisation

What is bullying?

Bullying is insulting, humiliating or malicious behaviour targeted at a group or an individual. It sometimes involves the abuse of power or position. Power is not necessarily due to seniority of position, it may be across levels within the organisation. A Line Manager implementing the disciplinary or capability procedure is not in itself bullying behaviour. Examples of bullying include:

- Spreading malicious rumours or insulting someone
- Overbearing supervision
- Deliberately undermining a fellow worker by overloading and constant criticism
- 'Picking on' someone or setting them up to fail
- Preventing individuals progressing by intentionally blocking promotion or training opportunities
- Setting impossible deadlines.
- Making threats or comments about job security without foundation.

What is harassment?

Harassment is unwanted behaviour from one employee that focuses on the personal characteristics of others, such as their sexual orientation, age, disability, gender reassignment, race, religion or belief and sex, and has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the individual. Complaints of offensive behaviour may be made by any member of staff, even if they do not have the relevant characteristic themselves. (For more information and an example please see "Types of discrimination – definitions"). Examples of harassment include:

- Ridiculing, demeaning someone or making offensive jokes
- Crude or offensive language
- Copying emails that are critical about someone to others who do not need to know
- Unwelcome sexual advances e.g. touching, standing too close
- Displaying or circulating discriminatory or offensive pictures, images or materials



What is victimisation?

In relation to the Equality Act 2010, victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance, or because they are suspected of doing so. Employees are not protected from victimisation if they have maliciously made or supported an untrue complaint. (For more information and an example please see “Types of discrimination – definitions”). Employment Law provides protection from other forms of victimisation related to “whistle blowing” and trade union membership.



Types of discrimination: definitions and examples

Introduction

When raising a behaviour related grievance, either informally or formally, employees may use terms such as “discrimination” or “harassment”. It is important that line managers, investigating officers and employees are clear about the meaning of these terms. This guidance note gives definitions of each of these terms together with an example to help illustrate what they mean in practice.

As employees of a local authority we each have a legal duty to eliminate unlawful discrimination.

The Equality Act 2010

The Equality Act 2010 provides protection against discrimination for the following groups – age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity. These are called ‘protected characteristics’. Discrimination can take many forms and can include actions/comments that may have been unintentional.

The following definitions and examples have been taken from the ACAS Equality Act Employers Guide (July 2010).

Direct discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perceptive discrimination below), or because they associate with someone who has a protected characteristic (see associative discrimination below). Direct discrimination can never be justified and is unlawful.

Example:

Alan, a senior manager, turns down Melinda’s application for promotion to a supervisor position. Melinda, who is a lesbian, learns that Alan did this because he believes the team that she applied to manage are homophobic. Alan thought that Melinda’s sexual orientation would prevent her from gaining the team’s respect and managing them effectively. This is direct sexual orientation discrimination against Melinda.



Associative discrimination

Protection from associative discrimination applies to race, religion or belief, sexual orientation, age, disability, gender reassignment and sex. This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

Example:

Nadia works as a project manager and is looking forward to a promised promotion. However, after she tells her boss that her mother, who lives at home, has had a stroke, the promotion is withdrawn because the boss thinks that Nadia will not have time to concentrate on her new job due to caring responsibilities for her mother. This may be discrimination against Nadia because of her association with a disabled person.

Perceptive discrimination

Protection against perceptive discrimination applies to race, religion or belief, sexual orientation, age, disability, gender reassignment and sex. This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

Example

Jim is 45 but looks much younger. Many people assume that he is in his mid 20s. He is not allowed to represent his company at an international meeting because the Managing Director thinks that he is too young. Jim has been discriminated against on the perception of a protected characteristic.

Indirect discrimination

Protection against indirect discrimination applies to race, religion or belief, sexual orientation, marriage and civil partnership, disability, gender reassignment, sex and age. Indirect discrimination can occur when the organisation has a condition, rule, policy or even a practice that applies to everyone but particularly disadvantages people who share a protected characteristic.

Indirect discrimination can be justified if the employer can show that they acted reasonably in managing the business, i.e. that it is 'a proportionate means of achieving a legitimate aim'. A *legitimate aim* might be any lawful decision made to run the business or organisation, but if there is a



discriminatory effect, the sole aim of reducing costs is likely to be unlawful. Being proportionate really means being fair and reasonable, including showing that 'less discriminatory' alternatives to any decision have been made.

Example

Biggs Bookstore experiences a sudden increase in business and asks all staff to work on Saturdays. John, who is Jewish, says that he cannot break the Sabbath and requests to be excused Saturday shifts. Biggs try unsuccessfully to accommodate John's request and finally dismiss him.

Unless Biggs Bookstore can show that it acted legitimately and proportionately, they will be judged to have discriminated against John.

Harassment

Harassment is "unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual". Protection from harassment applies to race, religion or belief, sexual orientation, age, disability, gender reassignment and sex.

Employees are able to complain of behaviour that they find offensive even if it is not directed at them. The employee making the complaint does not need to possess the relevant characteristic them self. Employees are also protected from harassment because of perception and association (see above).

Example 1

Paul is disabled and is claiming harassment against his line manager after she frequently teased and humiliated him about his disability. Richard shares an office with Paul and he too is claiming harassment, even though he is not disabled, as the manager's behaviour has also created an offensive environment for him.

Example 2

Steve is continually being called gay and other related names by a group of employees at his work. People from this group have posted homophobic comments on the staff noticeboard about him. Steve was recently physically pushed to the floor by one member of the group but is too scared to take action. Steve is not gay but heterosexual; furthermore the group know he isn't gay. This is harassment because of sexual orientation.



Bullying

Bullying does not have a legal definition but is often defined as a form of harassment. Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority such as a manager or supervisor) or involve groups of people. It may be obvious or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual.

Example

Jessica has been asked to present a report that she has written to the Management Team (her Line Manager is a member of this team). The Management Team do not like the report or the proposals and give Jessica a hard time. At the meeting, despite having previously agreed the content of the report and the proposals, her Line Manager is critical of Jessica. This leaves Jessica feeling unsupported and humiliated. Jessica could claim that she has been bullied.

Third party harassment

Protection against third party harassment applies to race, religion or belief, sexual orientation, age, disability, gender reassignment and sex. The Equality Act makes employers potentially liable for harassment of their employees by people (third parties) who are not employees of the organisation, such as customers or clients. Employers are only liable when harassment has occurred on at least two previous occasions, the employee has informed the employer that it has taken place, and the employer has not taken reasonable steps to prevent it from happening again. These complaints are dealt with under the WSCC Complaints Procedure.

Example

Ahmed manages a Council Benefits Office. One of his staff, Frank, is gay. Frank mentions to Ahmed that he is feeling unhappy after a claimant made homophobic remarks in his hearing. Ahmed is concerned and monitors the situation. Within a few days the claimant makes further offensive remarks. Ahmed reacts by having a word with the claimant, pointing out that this behaviour is unacceptable. He considers following it up with a letter to him pointing out that he will ban him if this happens again. Ahmed keeps Frank in the picture with the actions he is taking and believes he is taking reasonable steps to protect Frank from third party harassment.



Victimisation

In relation to the Equality Act 2010 victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance about discrimination under the Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

Example

Anne makes a formal complaint against her manager because she feels that she has been discriminated against because of marriage. Although the complaint is resolved through the organisation's grievance procedures, Anne is subsequently ostracised by her colleagues, including her manager. She could claim victimisation.



How to raise a behaviour related grievance

General Principles

If you have experienced or observed unacceptable behaviour that has caused you upset or offence you may feel worried about sharing this with anyone. It is important that you let someone know so that the issue is dealt with to enable any stress that's caused to be removed and for everyone to work effectively together. Below are some hints and tips to help you to get the issue resolved.

Bullying and/or harassment are unacceptable in any circumstances and it is important that you get support as soon as possible.

You will not be victimised for raising a grievance about a colleague's or your Headteacher's behaviour.

Keeping a record

Keeping a record of what has happened, when, who was involved, witnesses, how the incident made you feel, and so on will help you to explain to others what has happened to you. You can use the Raising a Concern Form to do this or you can make your own notes. Sometimes it is a build up of the effects of a series of incidents that cause upset. Making a record in this way will also help to identify any patterns of behaviour that are causing the problem and will help with finding a resolution.

Not sure if the behaviour is unacceptable?

You can do a number of things to check this out, including:

- Has there been a change of management or organisational style to which you just need time to adjust – perhaps because you have a new manager or work requirements?
- Is what your manager/Headteacher asking you to do reasonable?
- Check the Model Policy Statement on Behaviour in the Workplace to see if what you have experienced is included in the examples of acceptable and unacceptable behaviours.
- Talk over your worries with a colleague, you may find they share your concerns.
- Speak to your union representative.

Taking Action

Except in serious cases, it is best to try to address behaviour related issues informally. Raising a



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concern informally does not mean that it is unimportant, but it does help to resolve issues promptly and enables people to continue to work together. You will need to think about the outcome you want to achieve, e.g. an apology, a change of behaviour, raising awareness of the impact of the behaviour on your particular circumstances, and so on.

The most informal way to get behaviour changed is for you to tell the person to stop whatever it is they are doing that is causing you distress. They may be unaware of the effect of their actions. Be prepared to describe what happened even if you find it embarrassing. Be firm, not aggressive. Be positive and calm. Stick to the facts.

If you find it difficult to tell the person yourself, you should share your concerns with your Headteacher, making it clear that you wish to raise an informal grievance as outlined in the Grievance Policy.



Reporting a concern or grievance

When should this form be used?

This form should be used if you wish to report a problem or concern at work, including complaints of bullying and/or harassment, or other behaviour related issue. If you do not want to raise your concern/grievance formally you can use this form for your own notes, e.g. to help you prepare to have a conversation with the person whose behaviour has caused you concern.

It is not compulsory to use this form, although it may be helpful to guide you through the important information that needs to be included. Please use a continuation form if necessary.

If you have problems completing this form, please contact your Trade Union representative (if applicable).

When completed, the form should be photocopied. You should keep a copy yourself, and submit the original form to the person you are lodging your concern with. In the case of a Grievance, this should be your Grievance Officer or the Headteacher. If the problem outlined on the form involves the Headteacher, you should submit this form to the Chair of the Board of Governors.

You may also like to pass a copy to your companion, if you have chosen to have one.

Name:		
Job title:		
Date completing form:		
I am using this form to raise a behaviour related grievance:	Yes	No
Please provide a brief description of the events that took place, including the people involved and the dates, as far as possible.		



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How did the events described above make you feel?

What actions have you taken to resolve the problem so far and what was the outcome?

What outcome are you seeking?

Are there any other people who are involved in this problem? Please provide their names, job titles and the way in which they are involved.