



DEVON COUNTY COUNCIL

Acceptable Behaviour

Introduction and Policy Aims

Devon County Council expects of its Elected Members, Managers, and Staff and Volunteers, the highest standards of behaviour in carrying out their duties and responsibilities. To achieve this standard it is essential that Employees and Elected Members work in a supportive environment, which does not tolerate unacceptable behaviour of any kind.

This Policy builds on existing legislation and County Council policies that address sexual harassment, equal opportunities and racial discrimination. It will also contribute to policies currently under development, for instance Valuing Diversity and Managing Stress. The Policy makes a positive and overarching contribution to meeting the County Council's Strategic Plan, The Modernisation Programme and provision of Best Value.

The 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.

This report defines unacceptable behaviour and identifies strategies that everyone can use to overcome the debilitating effects of such behaviour. The key strategy however and essence of the Policy is to expect Acceptable Behaviour as the best way to prevent unacceptable behaviour.

Definitions of Acceptable Behaviour

Displaying Acceptable Behaviour we:

- afford dignity, trust and respect of everyone and ourselves;
- have awareness of the effect of our behaviour on others and only make reasonable and manageable demands;
- communicate honestly and openly, clearly stating what we mean and expect of others;
- provide honest feedback based on evidence and are open to constructive criticism;
- start from the assumption that everyone is working to the best of his/her ability, considering his/her current stage of personal and professional development.

Acceptable Behaviour in the workplace is behaviour that demonstrates the values of the organisation. For Devon County Council, this is an essential feature of fulfilling our individual role in meeting the Strategic Plan.

Definition of Unacceptable Behaviour

Unacceptable Behaviour is any action from any individual that can be described as discrimination, harassment or bullying. It is costly, counterproductive and has a devastating effect on those involved. It drains the organisation of productive, 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.

Capability and Conduct

Legitimate management procedures to deal with staff whose capability or conduct is in question will not be regarded as harassment or bullying provided the Manager or Elected Member employs Acceptable Behaviour in his/her dealings.

Who can experience Unacceptable Behaviour at work?

Unacceptable Behaviour may be experienced by any person regardless of age, gender, physical appearance, marital status, disability, race nationality, sexual orientation or rank within the organisation.

It can occur at any level within the organisation.

Some people can suffer a double burden or harassment/bullying and discrimination, for example, black women who may be subjected to both racial and sexual harassment.

In cases of harassment it is very often the seemingly innocuous behaviour 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 interpreted otherwise.

The key questions are:

- Is the person experiencing discomfort, distress or unhappiness at work?
- Is this the result of another person's Unacceptable Behaviour at work or at home yet emanating from work?

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

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, be it his/her peers, colleagues, Managers, Elected Members, Supervisors, and/or Members of the Public. In many cases perpetrators are unaware that their behaviour is the cause of another person's distress or discomfort.

Unacceptable Behaviour from Members of the Public

Anyone working for Devon County Council may experience Unacceptable Behaviour from Members of the Public. 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.

Procedures

Self Help

The ideal solution is for the recipient of Unacceptable Behaviour to bring the unwanted nature of this to the attention of the perpetrator. The intention here is to stop the continuation of the behaviour that is causing the problem.

The recipient should make use of the Notes of Guidance. In many instances no further action will be required other than the perpetrator of the Unacceptable Behaviour recognising the effect of his/her behaviour and varying it accordingly.

Self Help is an informal procedure, which may include access to external advice lines, leaflets, posters, the intranet and the internet, 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.

Acceptable Behaviour Advisers

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 and Notes for Guidance;
- to leave a message to arrange for an Acceptable Behaviour Adviser to contact the caller at a number and at a time designated by the caller;
- to be put in touch with someone who can outline these and other options.

This helpline will be managed by the Devon County Council Counselling Service.

Acceptable Behaviour Advisers will provide a sympathetic and understanding ear and provide 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:

1. 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 informal procedures. It might also include suggestions such as logging incidents of harassment or helping the recipient to put his/her case in writing if appropriate.

The Adviser is bound by the strongest rules of confidentiality. However, should the Adviser consider that the law or County standards of conduct have been breached, eg financial regulations, they are bound to tell the informant of this and it must be reported accordingly. This action is for the purpose of protecting the recipient, the Adviser and the County Council.

2. Training - The County Council will provide training for all Elected Members, Managers, Employees and Volunteers that make Acceptable Behaviour training requests through Advisers. In addition Advisers will have access to a budget to purchase appropriate training through local Community Colleges and accredited training providers.

Training deemed useful in promoting Acceptable Behaviour would incorporate the principles of asserting mutual rights and responsibilities, Valuing Diversity and interpersonal skills.

3. The Adviser may recommend that the recipient contact the Devon County Council Counselling Service.

Mediation

Mediation is essentially an informal procedure, and under certain circumstances, may be used instead of, or prior to, the formal Grievance Procedure. It is available to all people working for Devon County Council. People from both within and outside of the organisation staff the Mediation Service.

Mediation may be available to help resolve less serious cases of harassment, ie those not considered to be acts of potential gross misconduct. It involves a trained and approved Mediator facilitating discussions between the recipient and the alleged perpetrator to bring about a resolution.

Such Mediation can only take place with the agreement of both parties and the Director of Resources. Any party has the right to withdraw during the process. Requests for the Mediation Service should be made to the Director of Resources.

If during Mediation allegations of more serious harassment, ie potential gross misconduct or criminal offences emerge, the Mediator may terminate the process and other procedures will be followed as appropriate. Clear procedural notes on the Mediation Process are available through the Advisers, Trade Unions and HR Services.

Training

As already stated, the County Council will provide training for all in promoting the principles and skills associated with Acceptable Behaviour.

Reporting Behaviour to a more Senior Manager

Any recipient has the option to take his/her concerns to a more senior person in the organisation, for instance the perpetrator's Manager. 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 using the Disciplinary Procedure if appropriate.

Invoking the Formal Grievance Procedure

If the Unacceptable Behaviour cannot be resolved by an informal procedure, then depending upon the circumstances (and whether the recipient makes a formal complaint), the Grievance Procedure may be invoked. This should follow appropriate advice, either from an Acceptable Behaviour Adviser or from Trade Union Representatives.

Monitor and Review

This Policy will be monitored at regular intervals and reviewed annually with reports 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 the Advisers;
- receive a Mediation Service;
- attend internal and external training courses;
- invoke the Grievance Procedure for Unacceptable Behaviour;
- are subject to formal disciplinary hearings that relate to Unacceptable Behaviour.

Measures of the success of this Policy will be determined by the satisfactory (to all concerned) resolution of the presenting problem. Further evaluation of the success of the Policy will be deduced from the Staff Attitude Survey. Over time, variations in the reporting measures described above will provide evidence of trends.

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 work place irrespective of disability, gender, race, religion, age, sexuality and marital status.
- Harassment is conduct that is unwanted and offensive and affects the dignity of the individual or group of individuals.
- 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 perpetrator's motivation.

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 or exclusive; 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 in their absence;
- racist comments or jokes, including those about distinctive peoples and nationalities;
- questioning 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 assault or rape;
- making unwanted sexual advances;
- the use of pin-ups, posters or electronic display, eg pornographic pictures, objectionable cartoons;
- comments about or the excluding of a colleague from workplace talk or activities because of their age, gender, sexuality, disability, colour; race, nationality, ethnic or national origins, religion or belief.
- 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.

Notes of Guidance

Bullying Happens

Bullying is a term that goes beyond the school playground. Recent media attention and employer liability claims have drawn the national gaze to the issue of Bullying at Work. Whether Bullying at Work is on the increase or just being noticed for the first time is not yet apparent. What is agreed is that Unacceptable Behaviour (the term used to incorporate discrimination, harassment and bullying) is costly, counterproductive and has a devastating effect on those involved.

Promoting Acceptable Behaviour

Devon County Council is determined to deliver effective services to the People of Devon. To do this it needs enthusiastic and well motivated employees. With this aspiration in mind, Devon County Council has introduced a Policy to combat Unacceptable Behaviour in the workplace. It takes the positive approach that the best way that this can be achieved is by expecting Acceptable Behaviour of everyone working in Devon County Council.

The aim of the Policy is to ensure that being treated and treating others in an acceptable manner either becomes or remains the norm for the majority of all the people working for Devon County Council. This means all Elected Members, Managers, Employees, Volunteers and Contractors.

Definitions of Acceptable Behaviour

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- have awareness of the effect of our behaviour on others and only make reasonable and manageable demands;

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- provide honest feedback based on evidence and are open to constructive criticism;
- start from the assumption that everyone is working to the best of his/her ability, considering his/her current stage of personal and professional development.

Acceptable Behaviour in the workplace is behaviour that demonstrates the values of the organisation. For Devon County Council, this is an essential feature of fulfilling our role in meeting the County Council's Strategic Plan.

Everyone within the County Council has a contract with the organisation. This is legal and binding and has mutual obligations on both sides. With the mutuality of these contracts, everyone has a part to ensure that they maintain the highest standards of Acceptable Behaviour.

Is it happening near you?

If you are experiencing any form of Unacceptable Behaviour or you think you might be accused, or if you have witnessed Unacceptable Behaviour then you need to take action. The aim of any action is to vary the behaviour of those involved so as to get the best from all concerned.

Recourse to Action

Listed here are a range of different ways to stop Unacceptable Behaviour and to promote Acceptable Behaviour.

Self Help

If you have experienced Unacceptable Behaviour then you need to take control. This may mean having to change aspects of your behaviour if anything is to change. All too often recipients of Unacceptable Behaviour leave, go sick or suffer in silence. However, if anything is to change you must at least make clear to the perpetrator (the person who is said to behave in an unacceptable manner) that their behaviour is unacceptable.

The perpetrator in his/her turn needs to accept that the recipient's feelings are real and important to them. This is a vital condition, as it is common for the perpetrator to be unaware of the effect he/she has had on others.

Ideally a combination of the recipient and perpetrator sharing their perceptions leads to understanding on both sides as to what the other person needs. From this they will actively agree different ways of behaving, with review dates set to monitor the effectiveness of these changes. Managers need to know that the skills involved in doing this are considered, by Management Charter Initiative, to be a hallmark of competent management.

Sometimes it may be necessary to have outside help, for instance you might:

- speak to colleagues and friends;
- use the Andrea Adams Trust Bullying at Work helpline (01273-704900);
- find about more on the internet at Bully Online;
- do something about it.

Acceptable Behaviour Advisers

You can get confidential advice on whichever situation you find yourself in, perpetrator, recipient or witness, by contacting an Acceptable Behaviour Adviser. These can be contacted on (01392-382828). In strictest confidence and using voice mail, this helpline will offer callers the following options:

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

The job of an Acceptable Behaviour Adviser is to listen and understand your situation. He/She can provide you with information that will lead you to decide a course of action that best suits you and the situation.

Mediation

If the situation cannot be resolved through self help, the next course of action may be Mediation. Mediation is essentially an informal procedure; however, under certain circumstances it can be used instead of the formal Grievance Procedure. In Mediation, an approved Mediator facilitates discussions between the recipient and the alleged perpetrator to bring about a resolution to their issue. Mediation takes place with the agreement of both parties and the Director of Resources. Requests for the Mediation Service are passed through the Director of Resources. This step, however, should be taken only after discussion with an Adviser or a Trade Union Representative.

Formal Grievance and Disciplinary Procedures

Finally, employees have recourse to the formal Grievance Procedure. Many forms and degrees of Unacceptable Behaviour are illegal, in contravention of Devon County Council's policies, or they mitigate against the organisation's duty of care. In such cases legal and/or disciplinary procedures will be invoked.

Everyone working for Devon County Council has an obligation to behave in an acceptable manner and everyone has a right to a formal grievance process if he/she is treated in an unacceptable way.

Who can experience Unacceptable Behaviour at work?

Unacceptable Behaviour may be experienced by any person regardless of age, gender, physical appearance, marital status, disability, race, nationality, sexual orientation or rank within the organisation.

It can occur at any level within the organisation.

Some people can suffer a double burden of harassment/bullying and discrimination, for example, black women who may be subjected to both racial and sexual harassment.

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

Perpetrators can be anyone an individual can come into contact with at work, be it his/her peers, colleagues, Managers, Elected Members, Supervisors, and/or Members of the Public. In most cases the potential perpetrators are not aware that they are the cause of Unacceptable Behaviour.

Some Indications of Unacceptable Behaviour

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

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 exclusive; it serves to illustrate a range of potential indicators of Unacceptable Behaviour:

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The key questions are:

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