



## Acceptable behaviour in the workplace

### Policy statement

Nailsworth Playgroup expects a high standard of behaviour of its 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. 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 procedure. This Acceptable Behaviour Policy is concerned with the way in which people interact with each other in the workplace.

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.

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 behaviours are described in more detail below. 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.

As the employer of staff, Nailsworth Playgroup 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 staff to work in an environment free from Unacceptable Behaviour.

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.

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.

Finally, 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.

Nailsworth Playgroup believes that it is an infringement of the rights of all staff not to be treated with dignity and respect and the policy is, therefore, that unacceptable behaviour will not be tolerated or condoned. All staff are expected to comply with this policy. The Management team 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 that the policy is drawn to the attention of all new and existing staff;
- Discussion in staff meetings of what constitutes acceptable and unacceptable behaviour;
- Managers reporting action taken in all cases of non-compliance to the Committee;
- Ensuring that staff have the opportunity to raise concerns in ways that avoid them feeling vulnerable to victimization.

Nailsworth Playgroup expects management 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.

Action in accordance with Nailsworth Playgroup's 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, child in their care 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.

## **1. Unacceptable Behaviour: Harassment**

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:

- Sexual Harassment
- Racial Harassment
- Disability harassment

## **2. Other forms of Unacceptable behaviour**

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.

Examples of bullying may include:

- Open bullying such as displays of rage at staff in front of colleagues, children in their care 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.

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.

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.

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.

Victimisation is a distinct form of unacceptable behaviour covered by this policy. Victimisation 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. Victimisation 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.

### **Duty of the Management team/Committee**

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.

The Management team/Committee 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.

### **Duty of all members of staff**

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.

Staff should report any suspected incidents of unacceptable behaviour by or towards others in the workplace to their line manager or to the Chair.

### **Children in our care**

This policy is not intended to cover unacceptable behaviour by children towards employees. Management should, however, recognize that this can arise and take steps within the behaviour policies to limit its extent and impact.

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 issue

### **Mediation**

Nailsworth Playgroup can provide workplace mediation to help restore and maintain the employment relationship between work colleagues. Mediation can complement the Playgroup's formal arrangements for dealing with workplace issues such as harassment, discrimination, victimisation and bullying. It can offer early assistance before problems escalate and help staff consider the available options to resolve the situation.

Mediation is a confidential and voluntary process in which a neutral person helps employees in dispute explore and understand their differences so that they can find their own solution.

### **Appeals against disciplinary action for Unacceptable Behaviour**

When a written warning or more serious disciplinary action is taken against an employee for Unacceptable behaviour he/she will be notified of the right of appeal. Appeals will be managed under the agreed Appeals Procedure. The outcome of an appeal conducted under the agreed Appeals procedure is final within the Playgroup procedures.

#### *Disciplinary action following a complaint of Unacceptable Behaviour:*

Please refer to the Disciplinary Policy.

### **Related forms and documents**

Disciplinary Policy

### **Legal framework**

Equalities Act 2010

This policy was adopted by	<b>Nailsworth Playgroup</b>	<i>(name of provider)</i>
On	_____	<i>(date)</i>
Date to be reviewed	_____	<i>(date)</i>
Signed on behalf of the provider	_____	
Name of signatory	_____	
Role of signatory (e.g. chair, director or owner)	_____	