

<b>Name of Policy:</b> Behaviour in the Workplace for all School Based Staff	<b>Version/Last Review Date:</b> September 2021 (V4)
<b>Statutory documents linked to policy:</b>	<b>Previous review date:</b> Nov 2015 (V1) Nov 2017 (V2) Sep 2018 (V3)
<b>Other Policies linked to this policy:</b>	<b>Next Review Date:</b> September 2024 (V4)
<b>Governor Committee Responsible</b>	FGB

*WNA Vision: All children will achieve their full potential, with holistic support, whilst they enjoying and driving their own learning, gaining self-respect, self-esteem and self- belief. Our classroom extends to rich, exiting environments within the forest, the beach, the city and the community as a whole.*

### **Aim of the Policy**

The aim of this policy is to promote dignity and respect in the workplace and provide:

- A range of ways for the headteacher to act fairly and promptly to resolve problems with working relationships and behaviour at work.
- A fair way of dealing effectively with bullying, harassment and discrimination in the workplace.

### **Scope of the Policy**

This policy applies to all school employees. There are separate arrangements for addressing unacceptable behaviour relating to visitors and service users within the Complaints Procedure Policy. This policy does not replace or impact on the opportunity for employees to raise concerns through the Confidential Reporting Policy.

We believe that the Equality Act provides a framework to support our commitment to valuing diversity, tackling discrimination, promoting equality and fostering good relationships between people. It also ensures that we continue to tackle issues of disadvantage and underachievement of different groups.

We recognise that these duties reflect international human rights standards as expressed in the UN Convention on the Rights of the Child, the UN Convention on the Rights of People with Disabilities, and the Human Rights Act 1998.

**West Newcastle Academy will not tolerate racist, disability, homophobic or transgender abuse or bullying. This will be reported to the local Safeguarding Service.**

**We work within the statutory framework to address issues around radicalization and extremist behaviour. This is addressed through our SMSC provision, school assemblies and community links. Any concerns will be reported to the local safeguarding Services and Northumbria Prevent Team.**

### **What is our Policy?**

We expect our employees to respect one another within the workplace and other settings. This means we will:

- **Set positive standards about the way employees treat each other**  
To have clear standards in relation to behaviour at work.

- **Take action to deal with problems as they arise**

Employees are encouraged to raise issues about behaviour at work to resolve problems with working relationships. This is to maintain an open working environment where problems are addressed.

- **Expect the headteacher to act as a role models**

The headteacher has particular responsibility to promote feedback within teams, respond to inappropriate behaviour observed and to act on information given to tackle problems as they arise. The options available to help resolve behaviour at work and problems with working relationships are set out in this policy.

- **Investigate bullying, harassment and discrimination**

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. An independent investigator will investigate all reports of this nature and management action will always be taken to ensure that the standards of behaviour are clear and adhered to.

- **Take formal action as appropriate**

Evidence of deliberate behaviour that breaches the expected standards of behaviour or conduct - including making false complaints about another employee's behaviour - will be handled in accordance with the Disciplinary Policy.

Evidence that an employee is unable to meet the required standards of behaviour will be addressed within the Capability Policy. Serious breaches of the standards of behaviour will be dealt with in accordance with these policies and may lead to dismissal.

### **Provide independent confidential sources of support or advice**

Trade Union Representatives can provide confidential advice to help and support employees experiencing difficulties in their working relationships.

### **What do we mean by Behaviour in the Workplace?**

Appropriate or inappropriate behaviour (such as bullying and harassment) 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.

In judging what constitutes appropriate and inappropriate behaviour, it is important to look to the standards of behaviour set by the School. Bullying and Harassment whether, on the basis of unlawful discrimination or not, will not be tolerated. Bullying may include elements of sexist, racist, homophobic behaviour or unfair treatment on the basis of age, religious belief or faith, disability or gender reassignment.

- 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 school.
- Harassment is unwanted behaviour from one employee that focuses on the personal characteristics of others which creates an offensive environment or makes another employee feel intimidated, degraded or humiliated.

**Examples of bullying and harassment include:**

- Spreading malicious rumours or insulting someone
- Copying memos that are critical about someone to others who do not need to know
- Ridiculing, demeaning someone or making derogatory jokes
- 'Picking on' someone or setting them up to fail
- Exclusion or victimisation for making a complaint
- Overbearing supervision
- Unwelcome sexual advances e.g. touching, standing too close
- Displaying or circulating discriminatory or offensive pictures, images or materials
- Making threats or comments about job security without foundation
- Deliberately undermining a fellow worker by overloading and constant criticism
- Preventing individuals progressing by intentionally blocking promotion or training opportunities
- Direct criticism in front of others

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

**How to Raise Concerns about Behaviour at Work**

The employee may feel able to try to resolve their concerns directly with the other person(s) involved. The option on giving one-to-one feedback outlined in the next section may be helpful in these situations.

Where giving feedback does not resolve the situation, or where the employee does not feel comfortable to act on their own, they should raise their concerns with their line manager. Through discussion, the headteacher should obtain sufficient understanding to decide whether this is a complaint of bullying or harassment. If the issue involves the headteacher the employee can refer the matter to the Chair of Governors.

If there is not enough information from the initial facts available to decide how to proceed, the headteacher may need to ask for written accounts from both parties to gather further information and/or hold a meeting or meetings to make further enquiries.

The behaviour issues should be discussed with all relevant parties in separate or joint meetings, dependent on what is appropriate in the circumstances. Meetings will normally be held within 5 working days of the issue being raised unless otherwise agreed by all parties. Each party may ask a Companion or Trade Union Representative to attend this meeting if they wish.

The headteacher will ask questions and propose an outcome after considering all the circumstances including:

- The details of the behaviour with specific examples
- How the behaviour falls below the standards set
- How each party would propose the situation is resolved
- The wishes of the employee making the complaint
- The potential seriousness of any behaviour.

There are three possible outcomes from this meeting:

- The headteacher identifies potential bullying, harassment or discrimination and takes forward the action
- The standards of behaviour required are not understood and need to be properly communicated. Action should be taken to resolve the relationship problem using one or a combination of the options.

Where the employee's concern relates to the headteacher the employee should raise the concern with the Chair of Governors.

### **Options to Resolve Problems in Workplace Behaviour**

The options set out below are intended to help the headteacher and employees resolve the issues at an early stage and reset the standards of behaviour expected. Staff may wish to seek confidential advice from their Trade Union about the options below. The options are:

- **One to one Feedback**

An employee may wish to give the other party feedback about problems with a working relationship. This may include making clear certain behaviour is unwanted.

- **Communication of Standards**

Where a headteacher is aware of inappropriate behaviour; they should speak to the employee at the earliest opportunity. This should be in private and make clear the standards expected. The headteacher can tell the employee to stop the behaviour in question. The headteacher should make a diary note of the date of this action. Where there is a need to communicate team standards of behaviour rather than at an individual level, the headteacher should make use of team meetings and any other communication opportunities within the team to set and reinforce these standards.

- **Performance Development Objectives**

It may be appropriate to set Appraisal targets for a whole team or particular individuals to address problems with behaviour in the workplace. The targets should be based on the standards of behaviour expected from all members of the team and where appropriate the competencies or professional standards relevant to the employee's job.

- **Resolution Meeting**

The purpose of a Resolution Meeting is for the headteacher (or Chair of Governors, in the case of the headteacher) to meet with both parties to agree how they will work together effectively in the future. It is important this meeting is an open and equal discussion where each person has an uninterrupted opportunity to explain the problems with the working relationship. A Companion including a Trade Union Representative may be present to help explain the problems.

The headteacher should summarise any points agreed by both parties, the main problem areas in the working relationship and then encourage all parties to make suggestions about how the difference can be resolved. The main outcome of this meeting is a written set of action points about working together in the future. This may include expected standards of behaviour, modes of appropriate communication and how both parties should deal with further problems.

If the parties cannot resolve their differences in this way the headteacher should make clear their expectations about behaviour at work and consider other management action such as mediation if appropriate.

- **Mediation**

The purpose of this route is to provide a confidential third party to facilitate the resolution of problems in working relationships.

- **Counselling & Confidential Advice**

The headteacher may encourage an employee to receive counselling support where appropriate.

- **Occupational Health Advice**

Where a medical condition, for example depression or stress, is possibly affecting behaviour at work, the headteacher referring the employee to the Occupational Health Service. If a medical condition is affecting behaviour it may be necessary to make reasonable adjustments to the working environment to address this.

## **How to Report Bullying, Harassment, or Discrimination**

Where the behaviour causing concern is believed to be bullying, harassment or discrimination, the School has a duty of care to all employees to make sure this is reported in writing. This account will be thoroughly investigated using the process in this policy. It can be difficult for employees to make a written account of this nature and there is a proforma to help guide employees through this at the end of this document.

The contents of any written account made under this procedure will be treated sensitively and confidentially. However, the person who is the subject of the written account will need to see the complaint and have the opportunity to make a written response in order for the headteacher to resolve the issue fairly and effectively and to consider disciplinary action.

An employee raising a concern about bullying or harassment within the workplace will be protected from victimisation, as will any persons giving or providing evidence in relation to the matter raised. Any employee found to victimise another because they have made a complaint would be subject to disciplinary action.

In addition, any behaviour perceived by an employee, as racist should be reported as such using the Racist Incident Report Form.

## **Investigating Harassment, Bullying and Discrimination**

- **Initial Fact-finding**

The immediate line manager should carry out the initial fact-finding meetings to understand the nature of the problem. Where the behaviour reported could:

- ✓ amount to potential bullying, harassment or discrimination or
- ✓ the employee puts a complaint in writing and requests an independent investigation to be arranged.

Where the allegation of behaviour is potentially very serious the headteacher can decide to suspend the employee who the allegation is made against pending further investigation. This should be done in accordance with the Disciplinary Policy.

- **Independent Investigation**

After the initial fact finding, further investigations will be referred to a suitably independent Investigating Officer usually from within the school. The Investigating Officer will need to gather the facts and take witness statements where necessary. All employees will have the opportunity to see and amend their witness statement before signing it as a true and accurate reflection of the circumstances. The aim will be for this process to be carried out as swiftly as practical in all the circumstances of the case.

- **Investigation Report**

The Investigating Officer will write a report identifying the background to the case, the details of the behaviour or problem reported including a chronology of events and a summary of the facts that agree and differ between the statements taken. This report will be presented to the headteacher for action and the recommendations will be shared with the complainant.

- **Recommended Actions**

The report will identify the main issues and recommend the time-scales and responsibilities for action to effectively manage the situation - including:

- ✓ actions to make clear the standards of behaviour
- ✓ evidence to refer to a Disciplinary Hearing or Capability Meeting  
any appropriate solutions to resolve the problem such as resolution meetings, mediation or development interventions.

## **Application of the Policy**

In the process of resolving problems with behaviour within the workplace other HR policies may also apply. The aim should be to incorporate the essential elements from each procedure but minimise the number of meetings and correspondence.

### **Appeals**

Employees who believe their concerns about behaviour in the workplace have not been treated appropriately or in accordance with this policy can use the Grievance Procedure to have that issue addressed.

### **Monitoring and Follow up**

Where a problem with behaviour at work is addressed through this policy, it is important for the headteacher to continue to monitor the standards of behaviour operating within a team and with each individual employee at regular intervals. This should be done through individual supervision/ performance reviews, as well as reaffirming the general standards of behaviour at team meetings and in general communications about performance.

Where a problem continues to exist and the standards of behaviour have been made clear, the headteacher should take action to manage performance formally under the Disciplinary or Capability Policy.

Once that hearing or meeting has been held, the headteacher should inform the employee who initially raised the concern that appropriate action has been taken. However, the outcome of that formal process cannot be disclosed to the employee who has made the complaint.

**Reporting a Concern or Grievance**

When should this form be used?

- This form should be used whenever an employee wishes to report a problem or concern at work.
- It is not compulsory to use this form, although it may be helpful to guide employees 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 headteacher. Where the concern relates to the headteacher you should submit the form to the Chair 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: \_\_\_\_\_

**Please provide a brief description of the events that took place, including the people involved and the dates, as far as possible.**



**How did the events described above make you feel?**

**What actions have you taken to resolve the problem so far?**

**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.**