

# Quality System

## Policy Number

POL-HR-01

## Policy Title

Inappropriate Behaviour Policy (Employees)

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# Inappropriate Behaviour Policy (Employees)

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## 1.1 Introduction

This policy applies to all members of College staff, with the exception of designated senior post holders, as defined in the Articles of Government, through the Clerk to the Corporation, and South West Durham Training, hereafter referred to as 'The Organisation'

The Organisation is committed to providing an environment which is supportive and free from harassment, bullying and victimisation. The Organisation will take all reasonably practicable steps to prevent inappropriate behaviour at work.

All staff have a right to be treated and have an obligation to treat others, with dignity and respect.

The Organisation's Equality, Diversity and Inclusion Policy sets out the Organisation's commitment towards an environment where respect for others permeates every aspect of college life. The Organisation and recognised trade unions are aware of the problems associated with inappropriate behaviour and are committed to providing an environment in which all individuals can operate effectively, confidently and competently. If an allegation of inappropriate behaviour is brought to the attention of management, it will be investigated promptly and appropriate action taken.

This Policy is designed to ensure that staff are confident, if they bring a complaint in good faith, that the matter will be dealt with according to the relevant procedure and that they will not be subsequently victimised in any way.

As this policy can involve processing personal data, data protection regulations will be adhered to. Please refer to the General Data Protection Regulation Policy (ref: POL-DP-01) for further information.

## 2.0 Background

Inappropriate behaviour is a serious problem, which is often dismissed as individuals being over-sensitive. It can affect a member of staff's health, work performance, damage morale and ultimately, the success of the Organisation. Inappropriate behaviour is not acceptable within the Organisation.

If at any time an incident of inappropriate behaviour occurs and it is felt that this is a safeguarding issue, the Safeguarding/Child Protection Policy (POL-CP-01) must be adhered to.

If at any time an incident of inappropriate behaviour occurs and it is felt that this contravenes the Organisation's duty under PREVENT, the PREVENT guidance which is found in the Organisation's Safeguarding/Child Protection Policy (POL-CP-01) must be adhered to.

If at any time an incident of inappropriate behaviour occurs and it is felt that this is a safeguarding allegation against a member of staff, the Policy on safeguarding concerns made about staff, including supply staff, volunteers and contractors (POL-HR-12) must be adhered to.

All of these documents can be accessed via the staff portal (in College documents) or via HR.

## 3.0 What is Inappropriate Behaviour?

Examples of inappropriate behaviour include:

### 3.1 Harassment

The Equality Act 2010 harmonised and replaced previous legislation (such as the Race Relations Act 1976 and the Disability Discrimination Act 1995).

The Act defines harassment as: 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. Protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Examples of behaviour which is likely to constitute harassment are:

- Verbal abuse – including verbal threats, derogatory name calling, insults, ridicule or the belittling of another person
- Physical assault or threat of violence
- Intrusive behaviour – invasion of personal space, pestering, spying or stalking, unwelcome contact – including texting, emails, phone calls or via social media
- Exclusion – from normal conversation in work environment or from social events
- Deliberately undermining someone – by spreading malicious lies, making insulting comments or bringing a vindictive allegation of unacceptable behaviour, display or circulation of abusive or offensive materials on paper or electronically, sending offensive text messages
- Using humour to put another person or group of people down e.g. telling jokes that are offensive to a particular protected characteristic. This is not an exhaustive list.

The complainant does not need to possess the protected characteristic themselves.

### 3.2 Bullying

Bullying is a form of harassment but does not need to be related to any protected characteristic. As with other forms of harassment there is no requirement to demonstrate intent to bully. The ACAS definition of bullying is: offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Examples of behaviour which is likely to constitute bullying are:

- Psychological intimidation, humiliation, excessive and/or unreasonable criticism or fault finding of any colleague or peer
- Spreading rumours or gossip about a person
- Asserting a position of superiority in an aggressive, abusive or offensive manner, including via electronic media
- Preventing an individual progressing by intentionally blocking promotion or training opportunities
- Preventing access to resources
- Abuse of power or behaviour that causes fear or distress for others
- Treating people in an unprofessional manner of refusing to follow agreed and fair procedures

This is not an exhaustive list

### 3.3 Victimisation

Victimisation is defined in the Equality Act as occurring when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act, or because they are suspected of doing so.

The Equality Act provides protection against victimisation for all protected characteristics

### 3.4 Responsibilities

It is the duty of every member of staff within the Organisation and of those visiting the Organisation's premises to take responsibility for their behaviour and treat all colleagues with dignity and respect and take appropriate measures to ensure that bullying, harassment or victimisation does not occur.

Staff also have a responsibility to report any witnessed or suspected incidents of harassment, bullying or victimisation immediately to their Line Manager or Human Resources.

All staff are expected to:

- Treat all others with dignity and respect
- Be aware of the Organisation's Equality, Diversity and Inclusion Policy (POL-ED-01)
- Understand what is expected from them with regard to the Organisation's Code of Conduct
- Conduct themselves professionally
- Not behave in a manner that could be deemed offensive to others
- Be pro-active in developing and maintain effective working relationships
- Ensure that they promote British Values at all times
- Take appropriate action where there are difficulties in working relationships

In the event of a failure to do so, disciplinary action, in accordance with the Organisation's Disciplinary Procedure (BAC-HR-1-01), may be a consequence and anyone found responsible may also be held personally liable should the person who has experienced inappropriate behaviour undertake legal proceedings.

Managers are required to ensure that the policy is effectively applied and that inappropriate behaviour does not occur.

Managers are responsible for treating staff fairly with consideration for their dignity and ensure that they create an environment where staff feel able to challenge inappropriate behaviour.

Managers have a responsibility to take action to stop inappropriate behaviour and ensure that all incidents are dealt with in line with the Inappropriate Behaviour Procedure. All incidents should be dealt with promptly and fairly.

Any member of staff experiencing inappropriate behaviour has the right to take action under the Organisation's Inappropriate Behaviour Procedure.

## 5.0 Training

Training will be provided, as appropriate, to all staff as part of the induction process. Specific training will also be provided for managers to ensure that they gain the knowledge, skills and awareness necessary to operate the Organisation's Inappropriate Behaviour Policy and relevant legislation efficiently and effectively and to communicate this to their staff and students.

## 6.0 Supportive Framework

The Organisation recognises that making a complaint of inappropriate behaviour is likely to be a distressing experience and that it may be difficult for members of staff to raise such complaints directly with their line managers. Members of staff may therefore approach a workplace colleague or trade union representative to raise the issue with management on their behalf, in accordance with the Inappropriate Behaviour Procedure.

If, one of the parties concerned in an inappropriate behaviour case of a personal nature has to be removed from the workplace, then, as a matter of principle, the Organisation will endeavour to remove the alleged perpetrator rather than the complainant.

#### **7.0 Review and Monitoring of Inappropriate Behaviour Policy and Procedure**

It will be the responsibility of the Joint Consultative Committee to review and monitor the progress of the policy and procedure on an annual basis and to recommend amendments, where necessary.

**For further information please contact:**

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