

## Respect at Work Policy

### **Appendix 2**

We all have a part to play in establishing and maintaining a culture of respect at all levels of our organisation. This policy defines the behaviour that is expected from everyone, and sets out how to resolve any issues that arise, promptly and constructively.

#### **Respect at Work Pledge**

As an employee of Cambridgeshire County Council:

- I will behave professionally, and treat others with dignity and respect at all times.
- I will be open to feedback from others, and open-minded in my responses.
- I will nurture a culture that is free from discrimination.
- I am willing to raise concerns, and to challenge any inappropriate or discriminatory behaviour that I see.

As a manager:

- I will lead by example
- I will model expected standards of behaviour
- I will deal promptly with issues that are brought to my attention.

### **DEFINITION OF UNACCEPTABLE BEHAVIOURS**

Unacceptable behaviour in the workplace is commonly referred to as bullying or harassment. It can be described as unwanted behaviour that makes someone feel intimidated, fearful, degraded, humiliated or offended. It is not always obvious or apparent to others, nor will it always be intentional as people can sometimes be oblivious to the effect they have had on others.

It may occur between two individuals or involve groups of people. It may be persistent or, in some extreme cases, could be an isolated incident. It can take various forms and can occur in different guises, such as face to face, in written and electronic communications, by phone or text message. This type of behaviour is often associated with an abuse of power, however it can also occur between colleagues working at a similar, or a more junior level.

Actions outside of work can also be considered unacceptable behaviour. This includes sending unacceptable messages via by phone, text or email or posting inappropriate content about an employee on the internet or any form of social media.

The Equality Act defines harassment as unwanted conduct related to one of the following characteristics - age, disability, gender reassignment, marriage/civil partnership, pregnancy and maternity, race, religion or belief, gender, sexual orientation or an association with a person who has any of these characteristics. Treating a person less favourably due to these characteristics is unlawful.

Behaviour perceived as bullying or harassment can have a significant impact on our mental and physical health. It negatively impacts on team morale and productivity and has a detrimental impact on service delivery. For these reasons, as a Council we will not tolerate this behaviour in our workplace.

Some examples of expected and unacceptable behaviour are given below. This list is not exhaustive.

Expected behaviour	Unacceptable behaviour
Deal with colleagues in a respectful and professional manner at all times. Respect people's dignity, personal boundaries and belongings.	Violent or inappropriate physical contact, intimidation or damaging/stealing belongings.
Communicate in a respectful way, taking extra care when delivering challenging messages, and being mindful and respectful of other people's cultures and beliefs.	Abusive or inappropriate language, mocking, ridiculing or humiliating, spreading rumours/gossip or making threats.
As managers, address employment matters promptly and professionally and manage performance in a consistent and constructive way.	Unacceptable behaviour includes deliberately withholding/falsifying information, sabotaging work, marginalising someone, persistent criticism not commensurate with performance. Singling out someone for trivial/unpleasant tasks.

#### **WHAT TO DO IF YOU ARE EXPERIENCING UNACCEPTABLE BEHAVIOUR.**

We know that in most cases raising matters early is more likely to lead to a positive outcome and you are therefore encouraged to speak up and act on concerns as they may arise.

**We recognise the importance of being able to talk to someone directly.** We have therefore identified a group of people who will be known as Respect@Work Contacts who are people trained to provide confidential information to those who feel that they are experiencing unreasonable behaviour in the workplace, have witnessed any such unreasonable behaviour, or who have been accused of it.

Respect@Work contacts are members of the HR Advisory Team and their role is to:

- Talk through the Respect at Work Policy in person.
- Give suggestions on how to initiate an informal discussion.
- Help the person to consider how to approach the other party and express their concerns clearly.
- Signpost the support that is available.

In most circumstances we hope that employees feel able to raise matters informally in the first instance. This will give people the chance to understand what impact they have had, and to put matters right. Where the matter is very serious, the Respect@Work contact will be able to advise on how to access the formal resolution stage directly and explain the process that will be followed. They can give guidance on what is required to prepare a formal complaint. Their role is impartial, so they cannot give legal advice, provide ongoing emotional/practical support, attend meetings to represent an employee, or write letters on their behalf.

Employees who would like to talk confidentially to a Respect@Work contact should call the HR Team on 01223 699666 and provide their name and contact details. Calls and messages will be picked up by a member of the HR Advisory Team who will put the employee in touch with an appropriate person who

will call or email the employee within 48 hours to arrange an appointment or telephone discussion. These discussions will not be documented, and will be in total confidence.

Trade Unions - Employees who are members of a trade union can discuss their concerns with their trade union representative.

Employee Assistance Programme - All employees can use the Employee Assistance Programme to access unlimited practical and emotional support. A free confidential helpline is available 24 hours a day, which can be reached by calling 0800 030 5182. You can also have up to 6 sessions of structured telephone counselling or face-to-face counselling which can be requested using the same telephone number.

#### Witnessing Unacceptable Behaviour

If you witness a person being subjected to inappropriate behaviour you should raise your concerns with a Respect@Work contact who will give you information on the appropriate manager to direct your concerns to. The Respect@Work contact can also talk to you about how to raise your concerns and support you to do this. We all have a responsibility to our colleagues to raise unacceptable behaviour and not overlook it.

There are two resolution stages to the Respect at Work Policy, and these are set out below:

<b>Informal discussion</b>
<p>We want people to feel able to raise issues informally in the first instance. Anyone who feels that they have experienced unacceptable behaviour should usually raise it with the other party informally at the earliest opportunity. You should give specific examples of the unwanted behaviour, and explain how this has made you feel, and what you would like to see change.</p> <p>In most cases it is better to have a face to face discussion with the other party, but you could write to them by letter or email if you are uncomfortable talking to them directly. The aim is for you to make it clear how their behaviour has affected you, and for you to agree a constructive way of working together in the future. An informal discussion can be particularly useful in cases where the other party is genuinely not aware of the effect of their behaviour. In many cases this direct and honest dialogue is enough to resolve an issue.</p> <p>In some cases people find it difficult to approach the other party. If this is the case you should speak to a Respect@Work contact who will advise you and can help facilitate a positive discussion between both parties, acting in a neutral capacity. This will be a confidential discussion between those present only. The main issues and agreed outcomes will be recorded.</p>
<b>Formal Resolution Stage</b>
<p>The formal resolution stage will usually be applied when either;</p> <ul style="list-style-type: none"><li>• an informal discussion has not resolved the issue (e.g. the other party denies behaving inappropriately or does not change his or her behaviour), or</li><li>• the alleged behaviour is so serious that it warrants moving straight to a formal investigation (e.g. physical violence, serious or persistent bullying).</li></ul> <p>You should raise this with your Line Manager (either orally or in writing) outlining the alleged behaviour and its impact on you. If the Line Manager is the person that the allegations are centred on then you should raise the issue with their Line Manager, or if you feel that you cannot do this for any reason then you approach a Respect@Work contact.</p>

An appropriately skilled manager from outside of the service (referred to as the Independent Manager) will be identified to carry out the investigation, supported by an HR Advisor. Where a situation involves a group of employees the independent manager will speak to each of the people involved.

Every effort will be made to complete the investigation as soon as possible after an issue has been raised.

#### **Outcome of the investigation**

The Independent Manager will meet with both parties separately to outline the findings of the investigation and to advise what action will be taken going forward. S/he will then write to both parties to confirm the outcome and any actions or follow up agreed. Where an investigation involves a group of people the Independent Manager will address the behaviour of each individual separately.

<b>Evidence of inappropriate behaviour</b>	If the investigation finds that the perceived offender has behaved inappropriately, the Independent Manager will consider, in discussion with HR, whether to refer it to a disciplinary hearing. Information gathered throughout the investigation will be used as part of a disciplinary hearing.
<b>No evidence of inappropriate behaviour</b>	If no evidence is found of inappropriate conduct the Independent Manager will explain this finding and the rationale for coming to this conclusion.
<b>Inappropriate conduct requiring action short of disciplinary</b>	If evidence of inappropriate conduct is found where the behaviour needs to change but disciplinary action is not considered to be appropriate, the Independent Manager will issue a Management Instruction setting out any expectations about anything that needs to change. This will be monitored by their line manager going forward to ensure that the issue does not recur. Any further incidences of inappropriate behaviour are likely to lead to disciplinary action.
<b>Failure to commit to change of behaviour</b>	If the individual will not agree or commit to a change of behaviour then this will automatically be taken forward under the Disciplinary Procedure.
In all cases the Independent Manager will discuss and agree actions to move forwards, which may include arranging for mediation to help restore the working relationship. The investigation may also have highlighted training needs for one or both parties. In this case a training plan will be put in place to support the employee(s) to obtain the skills that they need.	

#### **Mediation**

Mediation can be very effective when dealing with incidents of bullying and harassment. Mediation is undertaken voluntarily with both parties agreeing to participate. It is particularly useful where there are issues with a working relationship. A trained mediator will facilitate discussions and guide the participants to reach an agreed way forward e.g. to agree more productive and appropriate ways of working together in the future. Mediation can only be successful where both parties are genuinely willing to engage with the process. Either party may suggest that mediation is undertaken at any stage in the process. Where both parties agree to engage in mediation they should contact HR Advisory to arrange this.

#### **Appeal**

The employee has a right to appeal the outcome of the formal investigation within 10 working days of receiving the outcome in writing. The purpose of the appeal is to determine whether the formal

resolution stage was followed correctly, and whether the outcome was reasonable in all of the circumstances.

The appeal must be made in writing and be addressed to the Head of HR Advisory, who will appoint an appropriate person to conduct the appeal meeting. The appeal will usually be heard by a Director from another Directorate. The Director will be supported by a member of the HR Advisory Team. The appeal must clearly state the grounds for the appeal.

Both parties may be represented by a Trade Union Representative in the appeal meeting. The decision of the appeal is final.

### **Links to other policies**

Managers have a responsibility to address issues consistently and fairly by applying the appropriate procedure e.g. the Disciplinary Procedure or the Improving Performance Procedure. You may have concerns about how another procedure is being applied. These types of concerns will generally be considered as part of the procedure being applied.

However there may be situations where you consider that another procedure is being applied to you in a targeted or inconsistent way e.g. the Disciplinary Procedure/Improving Performance Procedure is not being applied consistently to other employees in your team behaving or performing in a similar way.

You should raise your concerns with the Investigating Manager (for disciplinary issues) or Lead Manager (for performance issues). This manager will seek advice from the Head of HR Advisory or their HR Business Partner. The manager will determine whether it would be appropriate to address concerns via the procedure being applied. Alternatively a decision may be taken to suspend a procedure and address concerns via the Respect at Work Policy.

### **Monitoring**

We will use our employee survey and other sources of employee feedback to monitor whether employees in our organisation are experiencing unacceptable behaviour, bullying or harassment. We will monitor the number of informal and formal cases that occur (where they are reported to HR), and their outcomes which will be reported annually to SMT and the Staffing and Appeals Committee. We will use monitoring data to identify any areas where unacceptable behaviour is more prevalent and to take appropriate action to address this.

Effective March 2018