

Unacceptable Behaviour Policy and Procedure

Policy Statement

Erith Group expects the highest standard of behaviour from its staff and for all staff to be aware of how their behaviour can affect others. To achieve this standard it is the general expectation that all members of staff, including others who may be working on behalf of Erith Group, will behave in an acceptable manner - treating others with courtesy, respect, consideration and conducting themselves professionally when interacting with others.

We are fully committed to creating and sustaining a positive and mutually supportive working environment where staff can work collaboratively and productively together, and where staff are equally valued and respected.

Acceptable Behaviour

Erith Group expects that members of staff will conduct themselves in a professional and acceptable manner and herein provide guidance on key and valued behaviours that should be observed when interacting with and influencing others, or when managing colleagues. Leadership Attributes have also been developed to set out the behaviours expected of managers within the Group.

All members of staff should be aware of their own behaviour and how it impacts on others. We recognise that personalities, characters and management styles are all different, but the expectation is that the way we approach our working life must always be acceptable to others through applying principles such as:

- Working co-operatively with others in order to achieve objectives
- Managing performance in an appropriate and fair manner
- Giving and receiving constructive feedback as part of normal day-to-day work activity – this should be evidence based and delivered in an appropriate environment and manner
- Using understanding of other people's perspectives to help reach agreement
- Establishing good working relationships

Unacceptable Behaviour

Unacceptable behaviour may involve actions, words or physical gestures that could reasonably be perceived to be the cause of another person's distress or discomfort. Unacceptable behaviour does not necessarily have to be face-to-face, and may take many forms such as written, telephone or email communications or social media. Such behaviours may also contravene equality and/or employment legislation. For the avoidance of doubt and for the purpose of this policy, invoking Group procedures connected to areas such as conduct, capability or discipline where such procedures are applied reasonably and appropriately will not constitute unacceptable behaviour.

The protected characteristics cover age, gender, race, religion/belief, disability, marriage/civil partnership, sexual orientation, pregnancy/maternity and gender reassignment.

Some examples of unacceptable behaviour are included below:

- Aggressive or abusive behaviour, such as shouting or personal insults
- Spreading malicious rumours or gossip, or insulting someone
- Lack of awareness or consideration of diversity, particularly when related to a protected characteristic under the Equality Act 2010
- Overbearing supervision or other misuse of power or position
- Unwanted physical contact
- Offensive comments or body language

Confidentiality

Members of staff involved in any proceedings taken under this Policy shall seek to ensure that confidentiality is maintained where practicable. Any investigations carried out under this Policy shall be undertaken with discretion and all parties will be made aware that they must treat as confidential any information shared during the course of any proceedings.

Informal Resolution

Except where the alleged behaviour is deemed by Management to be sufficiently serious to warrant an immediate formal investigation, unacceptable behaviour should in the first instance be dealt with at the lowest possible level, ideally through the individual who perceives that they are the recipient of unacceptable behaviour; raising and discussing it with the person subjecting them to the behaviour. Advice on how best to resolve the situation can be sought from an appropriate Line Manager. In many cases, this may resolve the issue without taking any further action and a constructive way of working in the future can be agreed.

If this approach is not successful or if the individual experiencing the unacceptable behaviour feels unable to take steps to resolve the issue themselves, then they should inform their Line Manager of the situation as soon as possible. Managers have an active role to play in resolving any issues that are raised under this policy and are expected to take action if any incidents involving unacceptable behaviour are brought to their attention, seeking advice and support from their Line Manager as appropriate. If the Line Manager is responsible for the unacceptable behaviour, then their Line Manager should be informed.

The Manager should meet with the member of staff who is claiming that they have been subject to unacceptable behaviour and discuss the situation with them – establishing the circumstances, the impact that the individual considers it has had, and any steps that the individual may have already taken to address the situation. Staff are encouraged to keep a record of any examples of the unacceptable behaviour that can support their complaint during the course of these discussions.

The Manager will then seek to agree a course of action with the individual. Wherever possible, resolution will be sought through informal means. This will usually involve a meeting between the individual(s) and the person(s) who has allegedly behaved unacceptably that is facilitated by the appropriate Line Manager with support from the relevant Line Manager as appropriate. The individual and the subject of the complaint can each be accompanied by a colleague or acceptable representative for support as necessary. The aim of such a meeting is for agreement to be reached on what might constitute a more acceptable form of behaviour in the future. Where mediation is appropriate and where both parties agree to participate, the Manager may refer the case to higher management.

Formal Investigation

No formal action will be taken under this policy without prior consideration of the potential for informal resolution, unless the behaviour involved is deemed by Line Management to be sufficiently serious to warrant a formal investigation. Advice from Senior Managers should be sought before proceeding. formal investigation under this policy need not be triggered by a specific complaint. Monitoring, management or HR concern may also be sufficient depending on the circumstances. Support will be considered and provided for both the complainant and the individual against whom the complaint has been made.

When making a formal complaint, the following process should be followed:

- Formal complaints should be set out in writing with any accompanying evidence and addressed to the complainants Line Manager and copied to the individuals Line Manager. If the complaint involves the Line Manager, a copy should be sent to their Line Manager. The written complaint should include details of any informal resolution that has been attempted; notes of any discussions held in accordance with this policy; and the names of any members of staff who have agreed to act as witnesses to the alleged unacceptable behaviour. Any

evidence supporting the allegations made, such as emails, should also be submitted as part of the written complaint.

- The Manager will meet with the complainant to clarify the grounds of the complaint and explain what happens next.
- The Manager will then arrange to meet with the person(s) who has allegedly behaved unacceptably and a copy of the written complaint will be provided. They will be given the opportunity to respond in writing to the allegations and to identify any witnesses who have agreed to be included in the formal investigation.
- An independent investigator will be identified by the Manager and asked to investigate the complaint made, establish whether there is a case to answer, and - where there is a case to answer - make recommendations. This will normally involve meeting both parties and any witnesses as appropriate, and consideration of any supporting evidence. A written record of the findings of the investigation will be submitted to the relevant Director, who will then discuss any recommendations made with the relevant Line Manager.
- The Director will write to both the complainant and the person against whom the allegations were made informing them of the outcome of the investigation. A copy of the investigators report will also be provided. The content of the letter and report will be kept confidential by all parties involved.
- Managers of both parties will also be informed of the outcome of the investigation, as appropriate; facilitate the implementation of any recommendations; and seek support from HR, as required, to monitor the situation.

Invoking the Formal Grievance Procedure

The Unacceptable Behaviour Policy has been introduced to provide an alternative method for dealing with unacceptable behaviour and wherever possible staff are encouraged to follow the procedures set out in this policy as opposed to invoking formal action under the Group's Grievance Procedure.

This policy differs from the Grievance Procedure in the following ways:

- The Grievance Procedure involves a hearing at which both parties may be present; investigation of a complaint under the Unacceptable Behaviour Policy does not necessarily involve such a hearing.
- Grievance Procedure investigations are normally carried out by the Line Manager. Formal investigations under the Unacceptable Behaviour Policy are carried out by independent investigators with no direct connection to any of the parties or their managers.
- A grievance must be brought by the affected individual; an investigation under the Unacceptable Behaviour Policy may be instigated by others.

If the complainant is dissatisfied with the application of the procedures set out in the Unacceptable Behaviour Policy, they have a right to raise an appeal under the Grievance Procedure within twenty working days of receipt of the letter giving the outcome of the formal investigation process under this Policy.



Steven Darsey
Company Chairman
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