

# Protecting Colleagues from Unacceptable Behaviour Policy

The Council (we) take our responsibility to ensure the safety, protection, and wellbeing of colleagues who deliver Council services very seriously. We aim to ensure a safe working environment for all colleagues.

We are committed to protecting all colleagues and creating a workplace where everyone is treated with dignity and respect by colleagues, managers, and work contacts. We are committed to protecting our colleagues from unacceptable behaviours including violence, aggression, bullying, harassment, and discriminatory behaviour whether it originates from service users, Elected Members, members of the public or from other colleagues in the workplace.

We will not tolerate unacceptable behaviour directed towards colleagues. Any colleague who is subjected to unacceptable behaviour will be fully supported with appropriate action to address these behaviours and we will always prioritise the safety and wellbeing of our colleagues.

<b>Author</b>	<b>Scope</b>
Employee Relations & Policy Team, Human Resources, Corporate Services, Directorate	This policy applies to all employees, consultants, casual/supply workers, agency workers, Elected Members, and volunteers.
<b>Purpose</b>	<b>Review</b>
The purpose is to outline positive behaviour in the workplace and to ensure appropriate support is provided to colleagues who encounter unacceptable behaviour in the course of their work, and to ensure that action is taken to address the behaviour in a fair and consistent manner.	The policy will be reviewed as and when a change to the existing policy deems this necessary, primarily because of changes to legislation or statute; agreement of new national terms and conditions of service or Government Policy; organisational change; or resulting from changes agreed through Trade Union Consultation.
<b>Local Agreement</b>	
This policy is a local collective agreement between the Council and our recognised Trade Unions. We will make every effort to ensure that it is maintained as a local collective agreement. Any changes will be made by agreement. If we cannot agree, either party can end the local collective agreement by giving four months' notice in writing, with the policy ceasing to apply to staff at the end of that period.	

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# 1 Policy Aims

The aim of this policy is to set expectations of behaviour in the workplace and to ensure colleagues are supported if they encounter unacceptable behaviour such as harassment, abuse, violent or aggressive behaviour in the course of their work.

The policy is designed to:

- outline positive behaviour whilst at work;
- provide a commitment from the Council to protect colleagues from unacceptable behaviour in the workplace;
- support managers to provide an effective response to unacceptable behaviour which is reported;
- provide a framework to take action against unacceptable behaviour and support colleagues to report unacceptable behaviour in the workplace.

This policy and associated user guide should be used in any case where a colleague reports unacceptable behaviour including harassment, abuse, violent or aggressive behaviour in the course of their work. This policy relates to reports of unacceptable behaviour by anyone a colleague may encounter as part of their working duties, including service users and members of the public.

This policy applies in the following contexts:

- anywhere on the Council premises;
- anywhere off the Council premises involving delivering work-related activities, social events, Council events or business trips;
- online on Council email, chat functions, intranet, and internet systems.

Central to this policy is the prevention of discrimination, bullying, harassment, victimisation, intimidation, and other unacceptable behaviour on any grounds and particularly in relation to the following protected characteristics that qualify for protection under the Equality Act 2010:

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race and ethnicity;
- religion or belief;
- sex;
- sexual orientation.

## 2 Positive Behaviours

People are what make our organisation, and we want everyone to feel respected, included and to have a positive experience at work while contributing to our shared purpose of working together for the people of Edinburgh. Council business is largely based on contact between people and therefore mutual respect is critical to effective working relations and service provision.

All colleagues will be expected to demonstrate [our behaviours](#) of respect, integrity, and flexibility. This means everyone should be treated well and enabled to deliver their best work every day.

Through our behaviours, we aim to be:

- an organisation where we are inclusive, we promote equality, we treat people with fairness, understanding and kindness and we consider others in all our decisions and actions.
- an organisation where we are open and honest, we take responsibility, we build trust, and we pull together to do what's right for our residents, our colleagues, and our city.
- an organisation where we are open minded, we keep it simple, we adapt to provide great service and find better ways of doing things, and we embrace opportunities for shared working and learning.

The Council expects that all colleagues will conduct themselves in a professional way when interacting with others or when managing colleagues. We expect our managers to lead and manage employees. This includes assigning tasks and setting performance standards. It also involves dealing with employees in a respectful and constructive way if they fall below expected standards.

Acceptable behaviour at work applies to everyone in the organisation.

## 3 Unacceptable Behaviours

All colleagues are entitled to be treated with dignity and respect in their place of work – no matter where that is or who they are. We will not tolerate unacceptable behaviour in any form including violence, aggression, bullying or harassment.

Examples of unacceptable behaviour include:

- threatening, aggressive and challenging words or behaviour;
- behaviour which is perceived as harassment, or which causes alarm or distress;
- criminal damage or graffiti;
- theft;
- physical assault;
- sexual harassment;
- online abuse or harassment e.g., via direct / text messaging, emails, social media channels;
- unwanted filming of an individual.

This list is not exhaustive.

The safety and wellbeing of our colleagues comes first. We recognise that some colleagues may be more likely to encounter aggressive, confrontational, or even threatening behaviour because of the type of work they carry out. We do not expect colleagues to tolerate unacceptable behaviour and we will take appropriate steps to ensure the working environment is safe for all colleagues.

We recognise unacceptable behaviour can be seen differently in services, for example in social care or education, where vulnerable service users may not always understand the impact of their behaviour. We will support colleagues to make the working environment safe through appropriate risk assessments and adapting our ways of working as appropriate.

Where incidents do occur, these will be investigated quickly, and appropriate actions taken in relation to those involved. Management action should take a person-centred approach to resolution and personal safety and colleagues should have the opportunity to discuss with their manager the impact that the behaviour had on them and the outcome they feel would be appropriate and, within the legal powers of the organisation, make them feel safe and secure in carrying out their roles in their place of work.

All allegations of a sexual nature, domestic abuse, physical violence, harassment, or stalking raised against Council employees (whether occurring during the course of work hours or on work premises or not) must be reported to the Monitoring Officer prior to the appointment of any investigator. The user guide provides more information on how this is completed.

### **Bullying and Harassment**

A person's behaviour can amount to bullying or harassment even if they had no idea that it would be perceived that way. The impact on the victim is important.

## What is bullying?

There is no legal workplace definition of bullying. In general, it is characterised as negative behaviour being targeted at individuals, repeatedly or persistently, over time. Bullying is generally considered to be behaviour that leaves the victim feeling threatened, intimidated, humiliated, isolated, vulnerable, or otherwise upset. It does not need to be connected to a protected characteristic.

Whilst this list is not exhaustive, such behaviours may include:

- ignoring or excluding you;
- giving you unachievable tasks or “setting you up to fail”;
- spreading malicious rumours or gossip;
- giving you meaningless tasks or unpleasant jobs;
- making belittling personal remarks;
- undermining your integrity;
- withholding information deliberately;
- undervaluing your contribution – not giving credit where it is due;
- an abuse or misuse of the power or authority through means intended to unfairly criticise or injure the recipient.

Bullying can be physical, verbal, and non-verbal conduct. It can take various forms, from extreme behaviour involving violence and intimidation, through to subtle actions such as deliberate exclusion. It can also take place online with cyberbullying which is conducted via social networking channels, often using blogs or social networking sites to post photographs or offensive or threatening comments. Please refer to the [ICT Acceptable Use Policy](#) regarding the appropriate use of social media.

For the avoidance of doubt please note constructive and fair feedback about your behaviour or performance from your manager or colleagues is not bullying. It is part of normal employment and management routine and should not be interpreted as anything different.

## What is harassment?

Harassment can relate to unlawful discrimination, which can be on the grounds of protected characteristics mentioned in section 1. It is unwanted contact that violates another person’s dignity; or creates an intimidating, hostile, degrading, humiliating or offensive environment for that person.

Harassment takes many forms including physical, verbal, and non-verbal conduct. It can include comments, actions, jokes, or suggestions that may be viewed as demeaning and unacceptable to the recipient. It may be an isolated incident or repeated actions that may create a stressful working environment. Physical, verbal, and non-verbal conduct can all amount to harassment. So can things you say or do online, especially on social media.

This policy covers isolated or ongoing incidents of offensive behaviour or prejudice-based incidents. A prejudice-based incident is one that is perceived by the victim, or any other person, to be motivated by hostility or prejudice against an individual or group who have a protected characteristic. When someone treats another person less favourably because they either submit to such behaviour or refuse to do so, we also see that as harassment.

## How it will be managed?

Colleagues who wish to raise a concern about the behaviour of others are supported through the [Grievance Policy](#).

If a Council employee has demonstrated unacceptable behaviour the [Disciplinary Policy](#) should be followed.

If a service user or customer of the Council has demonstrated unacceptable behaviour towards a colleague working at the Council the Managing Services section of the Protecting Colleagues from Unacceptable Behaviour User Guide should be followed.

Where it is an Elected member who has demonstrated unacceptable behaviours towards a colleague, this will be managed in line with the [Members' Code of Conduct](#) and should be raised through the Head of Democracy, Governance and Resilience, the Monitoring Officer or the Chief Executive.

## Informal resolution of complaints

It is preferable that complaints are dealt with informally where appropriate. The aim is to resolve issues quickly and reduce the impact on all involved.

It is important to make a distinction between behaviour that is perceived as causing offence or distress and behaviour which is merely causing annoyance. Sometimes the person might not understand the impact of their behaviour on someone else and making them aware of it can stop the behaviour and resolve the matter quickly.

It is important to recognise that unacceptable behaviour can be unintentional and that, in such cases, the employee being complained about can suffer similar distress to the employee who raised the concerns. In such circumstances, the manager should make sure that both parties are provided with advice and support.

Managers can access advice, assistance, and support in dealing with a matter informally through [askHR](#).

## Formal resolution of complaints

It is not always possible to resolve issues informally. If you find yourself in that situation, you should follow our Grievance Policy. We will treat your complaint in confidence, as far as is possible, and if we find that you have been the victim of harassment or bullying, we will take steps to stop it continuing or recurring.

The Council's [Disciplinary Code](#) stipulates that, in serious cases, bullying and harassment may constitute gross misconduct and, where this is established, gross misconduct will normally result in summary dismissal. In some cases, bullying and harassment can be unlawful and result in discrimination claims, criminal claims for assault or civil claims for harassment or negligence.

If you make a complaint about unacceptable behaviour including bullying and harassment, you should not be victimised as a result. If you believe that has happened to you, you must tell your manager or HR as soon as possible.

## Involving the police

Some forms of unacceptable behaviour may be serious enough to constitute a criminal offence. Despite best efforts to mediate the risk of unacceptable behaviour towards our colleagues, there are times when it may be necessary to involve the police in an investigation. Where the colleague believes the situation requires Police involvement, for example when they believe they may have been the victim of criminal behaviour, such as, but not restricted to, physical assault, managers will support colleagues in doing so.

### **Vexatious complaints**

Occasionally, people make complaints knowing they are not true. They might do this to avoid or deflect disciplinary action. We view any complaint made in bad faith as an act of misconduct and this will be managed under the Disciplinary Policy. In some cases, bad faith complaints may lead to summary dismissal for gross misconduct.

Please see Protecting Colleagues from Unacceptable Behaviour User Guide for further details.

## **4 Roles and Responsibilities**

Managers and colleagues have a vital role to play. We need everyone to identify, challenge and report unacceptable behaviour and to act in accordance with the policy and associated guidance. We also need to create an environment where colleagues feel safe, confident, and well supported to challenge and report incidents.

We want to promote a culture where employees can raise concerns without fear of victimisation or recrimination but in the knowledge that complaints shown to be malicious or vexatious will lead to disciplinary action.

### **Colleague responsibilities**

- protect the health, safety and wellbeing of themselves and others at work;
- treat others with dignity and respect and demonstrate Our Behaviours actively in their work;
- complete safety or wellbeing related learning and development opportunities, as appropriate and apply the learning to the workplace;
- be aware of relevant policies and procedures to protect health and safety in the workplace;
- co-operate fully with measures provided for their safety;
- report incidents, using the appropriate route, as soon as possible.

### **Manager responsibilities**

- promote a culture where abusive, aggressive, or violent behaviour is not tolerated;
- as a people leader, encourage and empower their teams to conduct themselves appropriately through role modelling of Our Behaviours;
- ensure their own understanding of acceptable language and behaviour is up to date;
- carry out individual and team risk assessments, as appropriate;

- ensure colleagues are well supported and aware of the advice, they know how to speak up and / or record incidents;
- support colleagues to complete safety or wellbeing related learning and development opportunities, as appropriate;
- take all complaints seriously and approach with sensitivity;
- investigate all reported incidents thoroughly and ensure that details are recorded on the required systems and with the relevant authorities, for example, Police Scotland;
- request assistance from HR, occupational health, health & safety, and/or the employee assistance programme, as appropriate;
- if an incident occurs ensure the affected employee is supported immediately and;
- ensure colleagues are fully supported to return to the workplace following any incident.

## **Health and Safety Team**

- the health and safety team will triage all reports of violence resulting in injury with a view to ensuring compliance with the requirements of the Reporting of Injuries, Diseases and Dangerous Occurrence Regulations. This means where an incident of violence has resulted in injury and this leads to an absence from work for more than 7 days, the team will make a report to the Health and Safety Executive;
- the health and safety team will act as a point of advice for managers seeking to manage the risk of violence within the workplace;
- the health and safety team will provide quarterly statistical reporting of violent incidents to the Directorate Health and Safety Groups/Committees to support monitoring and responses to incident trends.

## **Risk assessments**

Being able to identify potential risks is essential to help us manage them. Managers must ensure risk assessments are in place for all colleagues who work in frontline services (those with direct access to the public and service users). Information gathered at this stage will help inform what measures we can take to avoid or reduce future risk.

Details of how to carry out these risk assessments and reviews can be found in the Protecting Colleagues from Unacceptable Behaviour User Guide.

In general risk assessments involving unacceptable behaviour (including risks of verbal and physical violence) must include:

- details of colleague contact with service users or members of the public;
- analysis of the adequacy of existing preventative arrangements;
- relevant information from previous (violent) incident reports;
- consideration of the prior experience and training of colleagues;
- comments from trade union safety representatives, where appropriate;
- details of identified risks and mitigating actions agreed to reduce risk.

Managers must record risk assessment data and review regularly to reflect any changes to work activity or new information that may become known, such as newly identified risks for the colleague.

Information on risk assessments can be found on the [Orb](#).



## Confidentiality

Allegations of unacceptable behaviour can raise strong feelings and are always serious. This is why all parties involved have an obligation to maintain confidentiality as far as possible. This applies at every stage, including the investigation and the outcome. You must not disclose or discuss any information relating to the investigation or outcome with anyone out with the process other than your accredited trade union representative or the work colleague who supported you during this process.

If you make a complaint and do not maintain proper confidentiality at any time during the process, or you are interviewed in connection with someone else's complaint and likewise fail to maintain confidentiality, you may face action under our disciplinary policy.

# 5 Support for Colleagues

We recognise we have a duty to all employees to protect their health, safety and wellbeing at work. On occasion, despite all reasonably practicable measures being taken, colleagues will encounter abusive, aggressive, or violent behaviour in the workplace.

Unacceptable behaviour at work may result in colleagues suffering physical, emotional or psychological impacts to their experiences. It is essential that the management response to these situations is quick, sympathetic, and supportive.

### **Support immediately after an incident**

Managers should provide colleagues with post-incident support, ensure they are physically safe, and if required have access to medical treatment, including attendance at hospital where appropriate.

Colleagues should be advised of the [Employee Assistance Programme](#) and directed to the 24-hour helpline.

Managers should investigate the incident and inform appropriate internal managers (including the health and safety team and senior managers) and any external services as appropriate, for example the police.

Managers should record the incident on the on-line [Health and Safety Management Information System Form](#).

### **Additional support after an incident**

In all cases colleagues should be offered the opportunity to discuss the incident after the event with their manager and through our Employee Assistance Programme.

Managers can also refer colleagues to our occupational health service for additional support, if required.

Managers must also consider what steps can be taken to avoid a future incident, including a potential debrief with those involved, and update any relevant risk assessments.

We will work to protect colleagues from similar incidents. Where an incident is particularly serious, we may take appropriate legal action as part of our response to that incident. For example, we may support the police in pursuing a criminal prosecution or seek an interdict to prevent an assailant approaching a particular employee or entering Council premises.

Further guidance can be found in the Protecting Colleagues from Unacceptable Behaviour User Guide.

## 6 Managing Services

The safety and wellbeing of our colleagues comes first. We recognise that some colleagues may be more likely to encounter aggressive or unacceptable behaviour because of the type of work they carry out. We do not expect colleagues to tolerate unacceptable behaviour and will take appropriate steps to ensure the working environment is safe for all colleagues.

Customer is defined in this policy as anyone the Council works with, provides a service to, or supports. This includes residents, businesses, visitors, or someone acting on behalf of a customer e.g., a Councillor, parent/carer or relative.

Unacceptable behaviour from customers may include all those mentioned in section 3 and:

- unreasonable use of the complaints process;
- unreasonable levels of contact;
- unreasonable demands.

This list is not exhaustive.

We will always work towards resolving a solution that maintains colleague safety whilst continuing to provide necessary services. However, we will address unacceptable behaviour firmly and consistently which may mean restricting or changing access to a service when we consider a customer's actions to be unacceptable. Changing the service provided may mean altering who is providing the service or in what way the service is delivered.

Further guidance on restricting or changing access to services can be found in the Protecting Colleagues from Unacceptable Behaviour User Guide.

Any employee who directly experiences aggressive or abusive behaviour from a customer

has the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this policy.

With the exception of such immediate decisions taken at the time of the incident, decisions to restrict or change contact with the Council are only taken after careful consideration of the situation by a senior manager. We will give the customer the opportunity to change their behaviour or action before a decision is taken

The decision to withdraw services can only be made by a Service Director and only after all other options to manage the situation have been considered.

Services may be withdrawn when there has been:

- abusive or threatening behaviour towards employees or other service-users;
- persistent intimidation, bullying or harassment despite warnings;
- physical assault on an employee or other service-user.

This list is not exhaustive.