

Dignity & Respect in the Workplace Guidance for Schools

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DIGNITY & RESPECT IN THE WORKPLACE GUIDANCE FOR SCHOOLS

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1. INTRODUCTION

Bullying, harassment and victimisation of any kind are not tolerated by Carmarthenshire County Council (the Authority). **Ysgol [insert name of school] School** (the School) expects all employees to demonstrate the highest standards of behaviour in carrying out their duties and responsibilities. To achieve this standard it is essential that employees work in a supportive environment, which does not tolerate unacceptable behaviour, bullying, harassment or victimisation of any kind. The School is committed to creating both a working and school environment in which everyone is treated fairly and with dignity and respect.

This guidance explains the School's view regarding the standards of behaviour that employees have a right to expect and are expected to show to others. It also illustrates how to identify and deal with unacceptable behaviour. (Definitions of bullying, harassment and victimisation are contained in Appendix 1.) This guidance should be read in conjunction with the School's Grievance Policy and Procedure and Officers' Code of Conduct (Appendix 2).

The aim of the guidance is to:

- Ensure dignity at work for all;
- Respect and value differences;
- Make full use of the talents of every member of the workforce;
- Prevent acts of discrimination, exclusion, unfair treatment and other negative or demeaning behaviours;
- Demonstrate our commitment to equal opportunities for all;
- Be open and constructive in our communications;
- Manage conflict;
- Be fair and just in our dealings; and
- Educate our workforce in the development of positive behaviours in line with the vision and values of the organisation.

The guidance defines unacceptable behaviour and identifies strategies that everyone can use to overcome the debilitating effects of such behaviour. The key strategy however, and the essence of the guidance, is to expect and promote acceptable behaviour as the best way to prevent unacceptable behaviour.

2. SCOPE

This guidance will apply to staff working in the school, except those who are directly employed by the Local Authority and those working in the school via an employment agency.

3. CONFIDENTIALITY

Where staff have access to confidential information about pupils and / or their parents or carers, they must not reveal such information except to those colleagues who have a genuine professional interest in the pupil.

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Throughout, confidentiality **must** be maintained by all parties involved, both inside and outside of the workplace. Any breach of confidentiality may result in the disciplinary procedure being invoked.

4. ROLES AND RESPONSIBILITIES

a. Human Resources

The HR Advisor will provide advice and support to Governors, Headteachers and staff on the application of this guidance and associated policies and procedures.

b. Managers

All Governors, Headteachers and Line Managers are responsible for ensuring that they and their staff carry out their duties in accordance with this guidance and associated policies by:

- Leading by example and improving personal leadership abilities, promoting high standards of behaviour, managing conflict effectively and appropriately participating in relevant management development;
- Ensuring this guidance is communicated to their respected teams and ensure individuals understand their personal responsibilities;
- Challenging inappropriate behaviour in the workplace promptly and promoting positive employee relationships; and
- Identifying staff training and development needs in relation to equality and diversity as required.

c. All Staff

Staff at all levels are personally responsible for ensuring they positively support the principles and values of this guidance, promote positive employee relations, challenge inappropriate behaviour and uphold the principles set out in the Officers' Code of Conduct, and other associated policies and guidance.

All staff must:

- Afford dignity, trust and respect to everyone;
- Be aware of the effect of our own behaviour on others;
- Communicate honestly and openly, clearly stating what we mean and expect of others; and
- Provide honest feedback based on evidence and be open to constructive criticism.

5. ACCEPTABLE BEHAVIOUR

We must recognise how acceptable behaviour is defined varies both within and between cultures e.g. in relation to personal space, contact between sexes, levels of formality / informality and so on. Such situations can give rise to offence, distress or feelings of discrimination to all parties when a complaint is raised. In accepting and

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embracing cultural diversity all staff must work sensitively but not lose sight of the individual's perception of unacceptable behaviour.

All employees have a role to play in helping to create a culture where Dignity at Work is respected and any form of inappropriate behaviour is not accepted.

6. UNACCEPTABLE BEHAVIOUR/CONDUCT

Unacceptable behaviour means any action instigated by an individual that can be described as discrimination, harassment or bullying. It has a devastating effect on those involved, and can be costly and counterproductive.

Employment legislation prohibits unwanted conduct that is related to an individual's race (which includes colour, nationality, ethnicity or national origins); disability; religion, belief; age; sex; gender reassignment; sexual orientation; pregnancy or maternity; marital status or civil partnership; welsh language (which is not legislative but is recognised by the Authority as a protected characteristic) or that of another person (even when not directed at them) e.g. a colleague witnessing or observing unwanted conduct against a colleague can make a claim of harassment discrimination or bullying regardless of gender where they are affected by the conduct.

It may not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend, a particular person e.g. certain 'banter', flirting or asking someone for a private drink after work. In these cases, first time conduct which unintentionally causes offence will not be deemed as harassment but will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to him / her.

7. DEFINING BULLYING, HARASSMENT AND VICTIMISATION

Harassment is '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'.

Harassment is also a criminal offence under the Protection from Harassment Act 1997.

The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex and sexual orientation.

Bullying is 'offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient'.¹

Victimisation is when someone 'subjects or threatens to subject the other person to detriment'.

¹ Definition by ACAS

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The following examples show the variety of ways in which unacceptable behaviour can occur. The list is neither exhaustive nor exclusive; it serves to illustrate a range of potential indicators of unacceptable behaviour.

- Using aggressive language, threatening, ridiculing, ignoring people or shouting;
- Shifting blame to others;
- Communicating with people at home unnecessarily (especially demanding work when the person is absent due to sickness or ill health);
- Focussing only on weaknesses;
- Bringing up details of someone's private life;
- Leaving impossibly long lists of tasks and making unreasonable demands;
- Criticising people in their absence;
- Inappropriate conversations, comments or jokes;
- Questioning an individual about their sexual relationship / preferences;
- Frequent comments about aspects of physical appearance or using forms of address that are demeaning;
- Repeated staring or leering or suggestive looks at parts of the body;
- Unwanted physical contact of any kind;
- Making unwanted sexual advances;
- The use of pin ups, posters or electronic display e.g. pornographic pictures, objectionable images;
- Improper comments about age, race, sex, gender identity, ethnicity, disability, sexual orientation and religion or belief (including non-belief), marriage or civil partnership, pregnancy or maternity;
- Excluding of a colleague from workplace talk or activities;
- Threatening or implying that you will cause the person to lose their job or fail to get a promotion or suffer some other form of career difficulty or financial disadvantage. This can also include inviting employees to leave their employment if they raise a concern;
- Using language and / or gestures in such a way that someone fears for their personal safety; and
- Coercing someone to join the harassment / bullying / victimisation of another person.

For further details relating to the definitions of bullying, harassment and victimisation please refer to Appendix 1.

8. CYBER BULLYING

Examples of cyber bullying or harassment using electronic means include:

- Offensive e-mail - sending offensive e-mails to a colleague or other third party even if it is supposed to be a joke in which a person might be offended by the content of the message or any attachments;
- E-mail threats - as well as a direct threat this could also include relatively inoffensive messages in terms of content but the implied meaning behind the message can constitute a form of bullying;
- Flame mail - sending aggressive and / or abusive emails to individuals or groups of individuals;

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- Posting comments on social networking sites. The School does not allow access to social media during working hours via the School's network at any time except for legitimate educational or business reasons and where the relevant permission has been obtained. Employees need to be mindful that in relation to use of social media, it is not just educational or business use that can have an effect in the workplace but also personal use of social media outside the workplace. Please refer to the School's Social Networking Guidance for further information.

Deliberately copying individuals into e-mails who do not need to know about the content, where this is deemed to be inappropriate and has the intention of humiliating or undermining an individual.

9. DETERMINING WHETHER UNACCEPTABLE BEHAVIOUR IS TAKING PLACE

The key questions are:

- Is the person experiencing discomfort, distress or unhappiness at work or at home that is emanating from work?
- Is this the result of another person's unacceptable behaviour at work?

Unacceptable behaviour may also occur outside of work at e.g. work related social functions and the principles of this policy continue to apply. It is important that employees adhere to the standards set out in Section 4 and 5 of this guidance.

The examples of unacceptable behaviour within this policy are not exhaustive and action may be taken where a behaviour not listed is judged to be unacceptable when considering the principles of this policy.

10. CAPABILITY, CONDUCT AND POSITIVE MANAGEMENT

Where concerns regarding work performance arise the School's Capability Policies & Procedures ensures that there is a fair and effective process for managing work performance and capability issues. Please refer to the appropriate Capability Policy & Procedure for further details.

Where concerns regarding conduct arise the School's Disciplinary Policy & Procedure ensures that there is a fair and effective process for managing conduct issues. Please refer to Disciplinary Policy & Procedure for further details.

Appropriate application of the School's Disciplinary Policy & Procedures by a manager who has a legitimate concern regarding an employee's performance or conduct is not regarded as harassment or bullying. Please refer to Appendix 2 'Positive Management and Bullying'.

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11. RESOLVING CONCERNS OF UNACCEPTABLE BEHAVIOUR

a. Employee's role in informal resolution if they are the recipient of unacceptable behaviour

Employees are positively encouraged to raise their concerns rather than put up with inappropriate behaviour at work whether they have been the subject or witness to such behaviour. Things can only improve if the employee makes it clear to the person whom they believe is acting inappropriately that the behaviour is unacceptable, either directly to the individual or with the support of a manager.

Concerns should be raised at the earliest opportunity and resolved informally, quickly and sensitively by all parties involved. This approach has many advantages as it enables early and effective resolution, reduces embarrassment and the risk of breaching confidentiality, and minimises disruption at work. The aim is to resolve concerns and improve working relationships at the earliest opportunity. Please see Appendix 3 and 4 for guidance on informal resolution.

All parties are expected to take concerns seriously, recognise their own contribution to the situation and work towards a positive and constructive resolution. Concerns will be considered impartially and fairly, and resolved by implementing appropriate remedial action promptly.

People are not always aware that certain behaviour is inappropriate and unwelcome, and an informal discussion can often help to clear the air and improve understanding so that the behaviour ceases.

If employees feel they are experiencing unacceptable behaviour at work they are encouraged to discuss their concerns with their Headteacher at the earliest opportunity (or a Governor, if appropriate).

If an employee does not wish to raise their concerns initially with the School they are encouraged to speak to a recognised Trade Union representative for initial support before raising their concern informally with a manager or HR Team. For contact information please refer to Appendix 5.

Alternatively, an employee may wish to speak to a member of the HR Team who will offer reassurance and advice, and explore with the employee the different approaches to resolving the concern informally. Whilst this initial discussion will be treated in strict confidence, the HR Advisor will explain to the employee the circumstances where the concern may be shared with an appropriate Headteacher or Chair of Governors e.g. where the employee or another individual may be at risk and there is a duty of care.

Any meetings at this stage of the procedure are informal and as such there is no right to be accompanied by a companion i.e. a recognised Trades Union representative or a work colleague. However, this may be in the best interest to support a speedy resolution and this can be considered on a case by case basis.

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b. Manager's role in informal resolution

Where an employee raises a concern of perceived unacceptable behaviour with their Headteacher / Line Manager / Governor and it is evident that the employee has tried to resolve the situation informally with the individual concerned but to no effect, the Headteacher / Line Manager / Governor is responsible for facilitating an informal discussion with the individuals at the earliest opportunity.

The informal discussion with the individuals should be conducted within 5 working days of receiving the concern wherever possible. The informal discussion should be structured to enable both parties to explain the impact, circumstances and context of the alleged behaviour and to plan and agree appropriate behaviour moving forward.

The Headteacher / Line Manager / Governor may wish to seek advice from a HR Advisor to plan and prepare for the discussion.

During the meeting the manager should ask the employee who has raised the concerns to describe the alleged behaviour, why it has been perceived to be inappropriate and its impact. This will enable all parties to understand that the recipient's feelings are real and important. This is a vital aspect of the meeting as it is common for individuals not to be aware of the impact of certain behaviour on others. The Headteacher / Line Manager / Governor should acknowledge the recipient's response and then offer the employee alleged to have behaved inappropriately an opportunity to respond.

Ideally the sharing of perceptions from both parties with the Headteacher / Line Manager/Governor will lead to a better understanding on both sides of the actual behaviour experienced and the standards of behaviour expected moving forward. The Headteacher / Line Manager/ Governor as part of the discussion should agree with both parties the behaviour that is expected moving forward and review dates to monitor the effectiveness of the changes. Headteachers / Line Managers / Governor are expected to maintain a confidential record of the initial and subsequent discussions and agreed outcomes (there is no requirement for a note taker at these meetings). Please refer to Appendix 4 for further guidance relating to managing conflict between individuals.

There may be occasions where during the process one or both of the employees involved may report sick. Where this is the case meetings relating to the issues should be re-convened as soon as is reasonably practicable. If the reason for the absence is connected to the issues raised then it is important to continue to attempt to resolve through this guidance and also refer to the Sickness Absence Policy. If stress is a factor please refer to the Occupational health stress information. Advice can also be sought from Occupational Health Unit.

There may be cases where professional mediation is the most appropriate and effective route to rebuild the relationship. Mediation is not however a universal remedy and as such advice should be sought from HR before discussion with the parties involved to assess whether this is the appropriate course of action.

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c. Employee's role in informal resolution if responsible for the alleged unacceptable behaviour

If someone approaches another employee about their behaviour, the recipient's concern should not be dismissed out of hand because it was only intended to be a joke or the employee responsible believes the individual is being too sensitive.

It is important to remember that different people find different behaviour acceptable or unacceptable and everyone has the right to decide how the behaviour has impacted on them and to have their feelings respected by others. The individual responsible for the behaviour may have offended someone without intending to. If that is the case, the recipient may be content with an explanation and an apology and an assurance that they will be mindful not to behave in a way that they now know may cause offence in future.

In such circumstances the Headteacher / Line Manager / Governor facilitating the informal stages will continue to monitor the situation for an agreed period and the individual responsible will be advised of this.

If the individual responsible for the behaviour has any concerns they should speak to their Headteacher / Line Manager / Governor, their Trade Union Representative or contact the HR Team.

12. FORMAL ACTION

All parties involved should make every effort to resolve concerns at the informal stage as this produces better outcomes for all concerned. There may however be occasions where unacceptable behaviour cannot be resolved at an informal stage and this will depend on the circumstances of the case.

a. Grievance Procedure

When all reasonable attempts at an informal resolution have been exhausted and / or the inappropriate behaviour continues, the recipient can formalise their concerns through the formal stages of the School's Grievance Policy & Procedure. This should be submitted in writing outlining the grounds of the complaint to their Headteacher / Line Manager / Governor.

Headteacher / Line Managers / Governor should seek advice from a HR Advisor at the earliest opportunity on receipt of a formal grievance.

At all stages of the formal Grievances Procedure, both the recipient and employee responsible for the alleged inappropriate behaviour, have the right to be accompanied by a companion i.e. a recognised Trades Union representative or a work colleague.

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b. Disciplinary Procedure

There will be occasions where the conduct being reported in accordance with this guidance will fall under the definitions of the School's Disciplinary Policy & Procedure. This will be dependent on the seriousness of the matter and the nature of the concerns. Headteachers / Line Managers / Governor should seek advice from a HR Advisor on a case by case basis.

13. MALICIOUS COMPLAINTS

On occasion, it may be considered that the concerns raised are made maliciously or grossly exaggerated, with no basis in fact, and / or are purely an attempt to damage an employee in some way. The Headteacher / Line Manager / Governor handling the concerns will need to consider the appropriate course of action following advice from a HR Advisor. The Disciplinary Procedure may be invoked in this situation.

If you require this publication in an alternative format please contact People Management on 01267 246100 or email:
PMPBusinessSupportUnit@carmarthenshire.gov.uk

This Guidance is also available in Welsh

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Appendix 1.

DEFINITIONS

Bullying

Bullying can be defined as “offensive, intimidating, malicious, insulting or humiliating behaviour, abuse of power or authority which attempts to undermine an individual or group of employees and which may cause them to suffer stress”.

Harassment

It is difficult to specify an exact definition of harassment. However in general terms, it is a range of behaviour that is unwanted, demeaning or offensive to the person against whom it is directed which has the intention or effect of violating the dignity of that person or creating an environment which is intimidating, hostile, degrading, humiliating or offensive. The behaviour displayed will vary according to the type of harassment that is taking place. This can be on the basis of:

- Age
Ridicule or demeaning behaviour based on stereotypical perceptions and prejudices about a person’s age or experience.
- Disability
Undignified treatment, ridicule or exclusion of people because of their disability, actual or perceived vulnerability or actual/perceived reduction in independence.
- Race
An act or a series of actions directed at a person or group of people because of their colour, race, nationality, ethnic origin or cultural differences. It can range from creating an uncomfortable or unpleasant atmosphere to physical abuse.
- Religion or Belief
Socially unacceptable behaviour which fails to tolerate or acknowledge the rights or needs of individuals with different religious convictions, beliefs and practices.
- Gender
Unwanted or derogatory comments based on stereotypical perceptions and prejudices.
- Sexual Harassment
Unwanted conduct of a sexual nature, such as unwelcome sexual advances (either physical or verbal), propositions, offensive flirtation, innuendoes, lewd comments, leering and whistling, or display of suggestive or pornographic material.
- Personal Characteristics / Choices
Behaviour which condemns or ridicules on the basis of personal attributes or lifestyle.
- Sexual Orientation
Behaviour which condemns, ridicules or excludes persons on the basis of their sexual orientation.

This list is neither exclusive nor exhaustive.

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Appendix 1.

Victimisation

The legal definition of victimisation is when someone 'subjects or threatens to subject the other person to any detriment'.

Victimisation broadly refers to bad treatment, directed towards someone who has made, or is believed to have made, or supported a complaint, or punishing, or threatening to punish someone.

In particular, in relation to the Equality Act 2010, it is treating someone badly because they have done a 'protected act'.

A 'protected act' is:

- Making a claim or complaint of discrimination (under the Equality Act);
- Helping someone else to make a claim by giving evidence or information;
- Making an allegation that you or someone else has breached the Act; and
- Doing anything else in connection with the Act.

The Trade Union and Labour Relations (Consolidation) Act 1992, protects employees from victimisation by detriment or dismissal on grounds of union membership and taking part in the activities of an independent trade union.

Examples of Victimisation in the workplace can include:

- Bullying and intimidation by co-workers;
- Being denied a promotion or being moved to a position with lower responsibility;
- Dismissal from employment;
- Being refused further contract work.

In addition, from October 2010, The Equality Act stipulates that harassment also includes the following:

- Harassment based on association. It is unlawful to discriminate against or harass any individual for association with another individual who has a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity). For example, it would be harassment for an individual to tease repeatedly an individual because of an incorrect belief that that the recipient is deaf. Similarly, harassment could take place where an individual is bullied or harassed because of another person with whom the individual is connected or associated, for example if their child is disabled, their wife is pregnant or their friend is a devout Christian.
- Harassment based on a perception. It is unlawful to discriminate against or harass any individual based on a perception that he or she has a particular protected characteristic (other than marriage and civil partnership, and pregnancy and maternity) when he or she does not, in fact, have the protected characteristic. If an employee is called names and made fun of because his colleagues believe that he is a transsexual, he may have a claim for perceptive harassment related to the protected characteristic of gender reassignment, even though he is not a transsexual.

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- Bullying or harassing behaviours are not governed by position or authority. Clearly there are similarities between bullying and harassment, however, there is also a vital distinction, which is, that harassment has its roots in discrimination.

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Appendix 2.

OFFICERS' CODE OF CONDUCT

1. Introduction

This Code of Conduct includes the statutory requirements of the Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001, which came into force on 28th July 2001. The Order provides that by virtue of Section 82(7) of the Local Government Act 2000 the terms of appointment or conditions of employment of employees of relevant authorities to whom the code applies are to be deemed to incorporate the code of conduct set out in the Schedule to the Order. This document satisfies that requirement.

2. General Principles

The public is entitled to expect the highest standards of conduct from all employees. The role of such employees is to serve their employing Authority in providing advice, implementing its policies, and delivering services to the local community. In performing their duties, employees must act with integrity, honesty, impartiality and objectivity. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management, any deficiency in the provision of service.

3. Accountability

Employees work for their employing authority and serve the whole of the Authority. They are accountable to, and owe a duty to that Authority. They must act in accordance with the principles set out in this code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

4. Treatment of Information

- 4.1. Openness in the dissemination of information and decision making should be the norm. However, certain information may be confidential or sensitive and therefore not appropriate for a wider audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a Member, Authority employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information. Employees should consult their Headteacher if there is uncertainty regarding the status of any type of information.
- 4.2. Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a Member which is personal to that Member and does not belong to the Authority, should not be divulged by the employee without prior approval of that Member, except where such disclosure is required or sanctioned by the law.

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5. Political Neutrality

- 5.1. Employees serve the Authority as a whole. It follows they must serve all Members and not just those of a particular group, and must ensure that the individual rights of all Members are respected.
- 5.2. Subject to the Authority's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.
- 5.3. Employees, whether their post is politically restricted or not, must follow every lawfully expressed policy of the Authority and must not allow their own personal or political opinions interfere with their work. When employees are politically restricted (by reason of the post they hold, the nature of the work they do, or the salary they are paid), they must comply with any statutory restrictions on their political activities.

6. Relations with Members, the Public and Other Employees

6.1. Members

Employees are responsible to the Authority through their Headteacher. Mutual respect between employees and Members is essential to good local government, and working relationships should be kept on a professional basis.

6.2. The Public and Service Users

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the School and Authority. Employees should deal with the public, Members, and other employees sympathetically, efficiently, and without bias.

6.3. Contractors

All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the Headteacher, or the Chair of Governors in the case of the Headteacher. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to business run by, for example, friends, partners or relatives, in the tendering process. No part of the local community should be discriminated against.

- 6.4. Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors should declare that relationship to the Headteacher.

7. Appointment of Staff and other Employment Matters

Employees involved in the recruitment and appointment of staff must ensure that appointments are made on the basis of merit. In order to avoid possible accusations of bias, such employees must not be involved in any appointment, or any other

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decision relating to discipline, promotion or pay and conditions for any employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work. Please see the Close Personal Associations Guidance for Schools for further information.

8. Outside Commitments

- 8.1. Employees should not take outside employment which conflicts with the School's or Authority's interests.
- 8.2. Employees should follow the Authority's rules on ownership of intellectual property or copyright created during their employment.

9. Employees Undertaking Private Work

- 9.1. Employees of Carmarthenshire County Council are NOT permitted to undertake private work which relates to any matters likely to require consideration or approval by the School or Council
- 9.2. Where an employee may desire to undertake work for their personal gain, prior written approval must be obtained from the Headteacher.
- 9.3. Should the Headteacher encounter any difficulty in sanctioning such a request, s/he may consult the Assistant Chief Executive (People Management) for advice, before ultimately referring the matter to the Appeals Committee for determination.

FAILURE TO ADHERE TO THE ABOVE RULING WILL CONSTITUTE GROSS MISCONDUCT AND RESULT IN SUMMARY DISMISSAL IN ACCORDANCE WITH THE SCHOOL'S DISCIPLINARY PROCEDURE

10. Personal Interests

- 10.1. Whilst employees' private lives are their own concern, they must not allow their private interests to conflict with their public duty. They must not misuse their official position or information acquired in the course of their employment to further their private interests, or the interests of others.
- 10.2. Employees must declare to their Headteacher any financial and non-financial interests that they consider should bring about conflict with the Authority's interests.
- 10.3. Employees must comply with rules on the declaration of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the School or Authority. Employees must not accept benefits from a third party unless authorised to do so by the School or Authority (See Section 15).

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11. Equality Issues

All local government employees should ensure that policies relating to equality issues as agreed by the School are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

12. Separation of Role During Tendering

12.1. Employees involved in the tendering process and dealing with contractors must be aware of client and contractor roles within the authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

12.2. Employees in contract or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

12.3. Employees who are privy to confidential information on tenders or costs for either internal or external contractors must not disclose that information to any unauthorised party of organisation. Failure to follow this ruling will result in disciplinary action in accordance with the School's Disciplinary Policy & Procedure.

12.4. Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding process.

12.5. Employees must ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

13. Corruption

Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing anything or showing favour, or disfavour, to any person in their official capacity. Allegations of this nature will be investigated / dealt with in accordance with the School's Disciplinary Policy & Procedure.

14. Stewardship

Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner and must not utilise property, vehicles or other facilities of the Authority for personal use unless authorised to do so. They should strive to ensure value for money to the local community and to avoid legal challenge to the Authority.

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15. Hospitality

- 15.1. Offers of Gifts or Hospitality should immediately be reported to your Line Manager who will consider whether it is appropriate to be accepted. Any Hospitality or offer of Gift should only be accepted if properly authorised by a Line Manager and subsequently recorded on the appropriate register.

Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Local Authority in the community. Offers to attend purely social, cultural or sporting functions should be accepted only when these are part of the life of the community and where the Authority should be seen to be represented.

- 15.2. When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Authority.
- 15.3. Employees must not accept significant personal gifts from contractors and outside suppliers, although the authority will allow employees to keep insignificant items of token value such as pens, diaries etc.
- 15.4. When receiving authorised hospitality employees and Line Managers should be particularly sensitive as to its timing in relation to decisions which the Authority may be taking affecting those providing the hospitality
- 15.5. Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear that hospitality is corporate rather than personal. Where visits to inspect equipment etc. are required, employees should ensure that the Authority meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions
- 15.6. Gifts or hospitality accepted with a cash or in kind value estimated to exceed £25.00 should be recorded on the declaration form completed by your Line Manager / Headteacher / Chair of Governors (as appropriate) and will then be forwarded to the Department's Nominated Officer for countersigning and inclusion in the departmental register

16. Sponsorship - Giving and Receiving

- 16.1. Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 16.2. Where the Authority wishes to sponsor an event or service, neither an employee or any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager or any such interest. Similarly, where the Authority, through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

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Appendix 2.

17. Whistleblowing

In the event that an employee becomes aware of activities which that employee believe to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report this matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and the Authority's confidential reporting procedure i.e. the Whistleblowing Policy.

18. Investigations by Monitoring Officers

Where a Monitoring Officer is undertaking an investigation in accordance with regulations made under Section 73(1) of the Local Government Act 2000, an employee must comply with any requirements made by that Monitoring Officer in connection with such an investigation.

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Appendix 2.

OFFICERS' DECLARATION OF PERSONAL INTERESTS

Before considering whether you need to complete this form, please ensure that you are familiar with the School's Code of Conduct and the guidance on personal interests, gifts and hospitality, a copy of which should be available to you when you receive this form.

This form must **only** be completed if you have a personal interest to declare, in which case it must be returned to your Line Manager. You should also use the form to tell us about any other paid employment that you have outside the School - for further details see the guidance.

If you do not currently have an interest to declare please retain this form for possible future use. If a personal interest arises at any time in the future you must inform your Line Manager in writing, either by completing this form or confirming the interest by e-mail or letter. Remember that you should also apply for consent before accepting any gift or hospitality with a value of over £25 - see the guidance for more details.

Failure to disclose interests could result in formal disciplinary action.

Name:	Employee No.:
School:	
Post Title:	

DECLARATION

I hereby disclose the following personal interests:

Signed: Date:
(Employee)

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Appendix 2.

FOR OFFICE USE ONLY

No action required*
Mitigating action to be taken as detailed below*
Referred to Headteacher*
Referred to Chair of Governors*

Signed: _____
(Line Manager)

Date: _____

No action required*
Mitigating action to be taken as detailed below*
Referred to Chair of Governors*

Signed: _____
(Headteacher)

Date: _____

ACTION BOX

I confirm that a copy of this completed form has been returned to the employee.

Signed: _____
(Nominated Officer)

Date: _____

To the employee - Please ensure that you retain the signed document as evidence that you have declared the interest(s) specified above and please ensure that you adhere to any requirements indicated in this decision.

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Appendix 3.

The information outlined below is an extract from the Chartered Institute of Personnel and Development which helps to illustrate the difference between positive management and bullying.

This specifically refers to performance in teams but can equally be applied in relation to individuals.

Positive management v bullying²

Often those accused of bullying find it difficult to recognise themselves as behaving in a bullying or aggressive way. Conversely, some Headteachers / Line Managers are concerned about tackling poor performance and being accused of bullying.

When Headteachers / Line Managers find themselves having to deal with an underperforming team, part of their role is to motivate the team to perform more effectively. The process of bringing about changes in how teams work usually involves a number of areas.

If changes are introduced and managed correctly, they can bring about the necessary educational and / or business improvements with minimal employee distress. However, if the Headteacher / Line Manager handles change poorly, accusations of bullying can occur.

Differences between strong management and bullying when managing poorly performing teams:

<u>Addressing poor performance in teams</u>	<u>Positive management</u>	<u>Bullying</u>
Identifying the performance issue.	Involves looking at all the potential reasons for poor performance, for example people, systems, training and equipment.	No attempt to identify the nature or source of the poor performance.
Seeking the views of the team or individual to identify the cause of the unacceptable level of performance.	The team takes part in looking for the source of the problems in performance and helps the manager to identify solutions for the whole team.	No discussion of the cause of the performance deficit, or opportunities for the team members to discuss their difficulties.
Agreeing new standards of performance with all team members.	Involves setting and agreeing standards of performance and behaviours for each team member and the manager.	Imposing new standards without team discussion on appropriate standards of performance or behaviour.

² Source: Chartered Institute of Personnel & Development 'Managing conflict at work'

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<p>Agreeing the method and timing of monitoring / auditing team performance.</p>	<p>Wherever possible the team or team member takes part in the monitoring process. The outcome of the monitoring is openly discussed.</p>	<p>Without agreeing standards, the monitoring can occur at any time and can involve areas that are unexpected by team members.</p>
<p>Failure to achieve the standards of performance is dealt with as a performance improvement issue.</p>	<p>Opportunities are taken to identify individuals who are struggling, and support is provided. Where individuals are unwilling to comply with the agreed performance improvement process, disciplinary actions may be taken.</p>	<p>Individuals who fail to achieve the standards of performance are put under pressure to conform. This may include ridicule, criticism, shouting, withholding of benefits, demotion teasing or sarcasm.</p>
<p>Recognising positive contributions.</p>	<p>Recognises and rewards improvements in performance, attitudes and behaviours.</p>	<p>With no monitoring, it's impossible to recognise where there have been positive contributions. Rewards and recognition are therefore arbitrary and open to acts of favouritism.</p>

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Appendix 4.

INFORMAL WAYS OF RESOLVING CONFLICT

1. Direct communication

If your discussions seem to be 'stuck' try another way. For example, if the person isn't answering your phone messages, try email or a face-to-face conversation. If oral conversations are going around in circles, try including another person to facilitate, or write a letter.

2. Explaining the impact on yourself

One way to improve respect when having a difficult discussion is to use 'I statements' rather than 'you statements'. That is, explaining how you feel and what you want rather than interpreting or judging what the other party did, or second-guessing the other party's motives.

A variation on this approach is to explain 'When you.... I feel.... Is this what you intended?'

That is, you explain as factually as possible how you reacted to what the other person(s) has said or done (or not done), and then explain how you feel this has impacted on your working relationship. You can then ask the other person to respond.

The other person(s) might acknowledge that their intention was indeed to create more distance between you. On the other hand, they might recognise this was an unintended outcome of what they did, and begin a discussion of how to change their communication style and improve your relationship in the future.

3. Writing a letter

Putting your thoughts in writing can be very helpful to clarify your own thoughts and to think about what you want to say and how you want to say it to the other person - who can read the letter and reflect on its contents in privacy and without the pressure of having to give you an instant response.

A letter should have 3 parts:

- a. The facts as you perceive them – with no interpretations or opinions. What an audiotape or videotape would record;
- b. Your feelings or reactions. The impact, the difficulties or hurt that now exist; and
- c. The remedies you propose. What you think should happen next, your ideas for constructive next steps, or future 'ground rules'.

Sometimes it is helpful to write a letter even if you don't give it to the other person(s). It may help you to understand your feelings and identify your priorities, and it may also serve as a "script" for what you want to emphasize when you talk directly with the other party.

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4. Asking an impartial third party to facilitate

Sometimes it is helpful to involve someone independent and impartial to support communication between you and the person you are experiencing difficulty with and help you resolve your concerns constructively. Confidentiality must be maintained by all parties involved in the process.

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Appendix 5.

MANAGING CONFLICT BETWEEN INDIVIDUALS A Guide for Headteachers / Line Managers / Governors

1. Have a quiet word

In many disputes between individuals there is a clear transition from an informal to a formal stage in the conflict.

The informal stage often involves simply talking and listening to your employees. Giving people the time and space to express their feelings and concerns can often help to clear the air.

Employees also need to know:

- That they can approach you if they have a problem at work;
- That you will listen take their concerns seriously; and
- Who they can approach if they find it difficult to discuss their concerns with you e.g. Trade Union Representative or HR.

It helps if you can foster a culture within your team that encourages employees to express their opinions and work out solutions.

2. Investigate informally

Don't make quick decisions based on a 'gut feeling' about what is going on. Take the time to talk to team members, colleagues and gather any relevant information about those involved.

Also, be clear about your role in resolving the conflict and what you hope to achieve. Most people involved in conflict will have their own ideas about what they would like to happen, but what would be a reasonable outcome for everyone?

3. Use the School's internal procedures

If an employee makes an official complaint to you then the conflict has moved towards a more formal stage. If this happens you need to refer to the School's Grievance Policy when dealing with grievances, bullying or harassment - as well as the Disciplinary Policy for misconduct, Capability Policy for poor performance and Sickness Absence Policy. There are also separate procedures for dealing with collective disputes.

4. Upgrade your skills as a manager

Having one-to-one conversations with employees and other managers requires a great deal of sensitivity and empathy. You need to:

- listen to what employees say and try and pick up on any underlying causes of unhappiness or stress ;

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- question employees in a measured and calm way, putting them at ease and giving them the chance to speak freely ;
- reframe what's been said so that problems can be seen in a different light ;
- build teams by making connections between the interests of the individual and that of the team, your department or the Authority;
- lead by example and set the right tone for the way people communicate with each other in your team and ensure that there is respect for diversity.

Training and development can help you keep up to date with current employment matters and keep your management skills up to date.

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Appendix 6.

STANDARDS OF BEHAVIOUR KEY CONTACTS

If you would like to discuss your concerns in the first instance you can contact the following:

Human Resources:

Lowri Jones

HR Advisor

LJJones@sirgar.gov.uk

01267 246078

Steve Ebsworth

HR Advisor

SDJEbsworth@sirgar.gov.uk

01267 246089

Michelle Lewis

HR Advisor

MLEwis@sirgar.gov.uk

01267 246793

Julie Stuart

Senior HR Business Partner

JStuart@sirgar.gov.uk

01267 246375

Occupational Health:

Please call on 01267 246060 or e-mail OccupationalHealth@carmarthenshire.gov.uk