



Policy Date	December 2024
Date of Next Review	

Unacceptable Behaviour Policy

1. Aims and Introduction

At Westway Trust we believe that everyone who engages with us, or uses our services, has a right to be heard, understood and treated with respect.

Equally, our staff have the right to work in a safe environment, free from any verbal or physical abuse, intimidation or harmful behaviour by others.

While the majority of interactions with Westway Trust staff are positive, a small number of cases may include behaviour that we consider unacceptable because they involve abuse of our staff and/or of our processes.

This policy outlines what constitutes unacceptable behaviour, and the ways we may decide to respond to it. It aims to ensure that if unacceptable behaviour does occur, it is dealt with appropriately.

We are committed to both preventing and addressing such behaviour in line with our legal obligations under the Equality Act 2010, the Worker Protection (Amendment of Equality Act 2010) Act 2023, and the Health and Safety At Work Act 1974.

All reports of unacceptable behaviour will be treated confidentially and investigated appropriately. Staff affected will be supported throughout the process.

2. General principles

- Westway Trust is committed to treating everyone we engage with respectfully, fairly, honestly and consistently.
- We expect our staff to treat others with dignity and respect under all circumstances and expect our staff to be treated in the same in return.
- Our staff should feel safe and secure in all work-related environments, including our offices and in all other premises, when out in the community, at events, and when they are working alone or alongside others.
- The Trust will act swiftly and robustly to ensure the wellbeing of our staff. We have a



zero-tolerance approach towards any acts of violence, abuse, unlawful discrimination, harassment or sexual harassment or victimisation against our staff.

- We encourage any member of staff who feels they have been subjected to unacceptable behaviour, or witnessed others being subjected to it, to report this as soon as possible. All reports of such behaviour will be taken seriously, recorded, investigated fairly, and acted upon as appropriate.
- We differentiate between assertiveness and unacceptable behaviour. We recognise that passions can run high on particular subjects and understand the reasons for it; however, we consider actions that result in abusive or harassing behaviour and/or unreasonable demands on the Trust or our employees, to be unacceptable.
- We will review this policy at regular intervals to monitor its effectiveness and implement any changes that may be required.

3. Application of this policy

This policy applies to any any individual, or group of individuals who our staff engage with in the course of their work at Westway Trust. This includes, but is not limited to, service users, tenants, community members, students, contractors, volunteers, consultants and visitors to our premises or to our events.

When we refer to our 'staff', we mean anyone working for us. This includes all our full-time and part-time permanent and temporary employees, bank employees, volunteers and trustees.

This policy applies at all times – during or outside working hours, and whether in person, online, or through any other form of communication, regardless of if they are undertaking work duties or not.

Our definitions of unacceptable behaviour towards staff remain the same regardless of the setting. The policy applies, for example, at any meetings, social and community events arranged by the Trust; within teaching environments; during any interactions staff have with third parties whilst travelling to or from work; and during day-to-day communications.

We have separate policies for handling complaints against staff:



- Staff should refer to our Dignity at Work Policy regarding unacceptable behaviour of another staff member.
- If any third party (for example, tenant, service user or visitor) feels that they have not been treated in the right way by a member of staff at Westway Trust, they can report this to a member of staff or make a complaint using our Complaints and Feedback Policy.

4. Definitions

4a) What We Mean by Unacceptable Behaviour

Throughout this policy, we use the term ‘unacceptable behaviour’ when referring to any aggressive, abusive or unreasonable behaviour towards our staff. This includes discrimination, harassment or victimisation that are unlawful under the Equality Act 2010 because they are linked to a [protected characteristic](#).

Unacceptable behaviour includes sexual harassment, which is also unlawful and occurs when someone is subjected to unwanted conduct of a sexual nature that has the purpose or effect of either violating that person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Any violent behaviour is considered unacceptable behaviour. This includes and is not limited to physical assault, threats, verbal abuse or intimidation.

Whilst many types of unacceptable behaviour are unlawful, and as an employer we have a duty to prevent them as far as possible, under the Equality Act or Health or Safety at Work Act, we are committed to responding to, and investigating **all** behaviour which we consider unacceptable and which makes a member of our staff feel humiliated, embarrassed, fearful or uncomfortable, while carrying out their work.

4b) Examples of Unacceptable Behaviour

Behaviour may be considered unacceptable whether or not the person behaving in that way intends to offend. It may take place face-to-face, via telephone calls, emails, text, social media or public forums, in written form or in voice messages.

Aggressive or **abusive** behaviour includes, but is not limited to:



- Threats of physical abuse or actual physical abuse, including pushing, grabbing, spitting and throwing objects.
- Bullying, which may include unfairly singling out particular staff members.
- Behaviour that may cause staff to feel offended, afraid, threatened or abused, including shouting and rudeness.
- Insulting language including derogatory comments relating to a protected characteristic (for example, racist, sexist or homophobic comments).
- Making serious allegations against staff without any evidence.

Examples of **sexual harassment** include but are not limited to:

- Unwelcome sexual advances, suggestive behaviour, or sexual remarks about someone's body or appearance.
- Telling sexually offensive jokes or making sexual comments or jokes about someone's sexual orientation or gender reassignment.
- Invading someone's personal space or touching someone against their will, for example hugging them.
- Continued suggestions around sexual activity after it has been made clear that such suggestions are unwelcome.
- Sending or displaying material that is pornographic or that some people may find offensive.
- Stalking: following a person, watching or spying on them or forcing unwanted contact, online or in person.
- Sexual assault or rape.

We will also not accept behaviour that places **unreasonable demands upon our staff**, and, in so doing, disadvantages other people who are wishing to interact with us. This includes:

- Sending frequent emails about the same issue or repeatedly sending large amounts of information that is not needed and when a matter is closed.



- Sending in new complaints before we have had opportunity to address earlier complaints.
- Repeatedly asking us to look at the same issue when it has already been addressed.

5. Our Duty to Prevent Sexual Harassment

The Worker Protection (Amendment of Equality Act 2010) Act 2023, which came into effect in October 2024 deals specifically with sexual harassment and requires all employers to take reasonable steps to prevent sexual harassment of their staff.

The steps that we have taken to comply with our legal obligations, and to foster a culture where everyone feels safe and supported during their employment with us, include:

- Making it clear to everyone who works with us, and/ or uses our services, that we will not tolerate sexual harassment, through this Unacceptable Behaviour Policy.
- Encouraging staff to report all incidents of sexual harassment, and report situations where they have felt at risk. We will follow up every report promptly.
- Have available panic alarms for staff to get help quickly, particularly when lone working.
- Provide training on the prevention of sexual harassment and ensure staff all are aware of their rights and responsibilities.

If any sexual harassment staff occurs, The Trust will take steps to remedy all complaints and prevent it happening again. This may include updating relevant policies (including this policy), and taking action as explained [here](#).

6. Reporting Unacceptable Behaviour

We strongly encourage staff to report all incidents of unacceptable behaviour. Staff may submit reports through the Incident Report Form, which is on the SharePoint, or may make a report directly to a manager or to Human Resources. The manager receiving the complaint will complete the form on the employee's behalf and instigate the appropriate procedure.

All reports will be investigated swiftly and fairly. We will consider the circumstances. For example, we understand that people may get angry and act out of character when they think that matters they feel strongly about are not being dealt with in the way they would



like. We do not view an action as unacceptable just because a person is assertive, frustrated or angry. However, we will consider their behaviour as unacceptable if it escalates to abuse, aggression or intimidation.

We have a zero-tolerance approach towards any violence, unlawful discrimination, harassment, sexual harassment or victimisation against our staff. Any allegations of these behaviours will be investigated swiftly and if someone is found to have acted in this way, we will take action.

We will keep staff informed of what we are doing to investigate their report and about any action we are taking. There is a need to be realistic about the extent to which any direct action can be taken where the perpetrator is not a Trust employee and their precise identity might not be known. However, by reporting the incident there will at least be a record that could be drawn on in the event of future incidents by the same person and it will help inform the compiling of material about general patterns and trends.

Any member of staff who has experienced unacceptable behaviour will be offered support, including counselling services.

7. Responding to Unacceptable Behaviour

If we witness behaviour that is unacceptable towards a member staff, or behaviour is found to be unacceptable following an investigation, we may take any of the following actions:

- Issue written warnings.
- End telephone calls or appointments, or ask individual(s) to leave meetings and/or leave the premises.
- Restrict or terminate our contact with the person or put a contact agreement in place.
- Restrict contact with the affected employee and nominate a designated member of staff who will deal with future calls or correspondence.
- Refer the matter to the police, or support a staff member to do so, if we believe a crime has been committed.
- Offer to make a referral to support agencies.



- Take any other action, including legal action that we consider appropriate to the circumstances.

Our aim is to respond to any incident in a proportionate but robust way, and to explain fully our reason(s) for responding the way we have. We will explain how long any restrictions will be in place, when, and how they should be reviewed.

If feasible, we will endeavour to handle the matter informally, advising the individual that we consider their actions offensive, unnecessary and unhelpful and ask them to stop. For serious, or particularly upsetting or unlawful unacceptable behaviour, an informal approach will not be appropriate.

We will take into consideration, when deciding what action to take, any previous incidents and how they were handled; the effect that the behaviour has had on our staff; the effect of our response upon the individual(s) responsible; and the extent to which we can constructively engage with them.

8. Appeals

It is our aim that any staff raising experiencing any form of unacceptable behaviour feels safe in raising a complaint and to investigate all allegations fairly and thoroughly.

We will endeavour to respond to everyone involved in a respectful and timely manner. We will take into account the circumstances around an incident if appropriate and consider any exceptional reasons for the behaviour.

If a member of staff feels dissatisfied with the way the Trust has handled unacceptable behaviour towards them, they should discuss their concerns with their manager or with Human Resources. If this does not provide a resolution, they may choose to raise a complaint through our Grievance Policy and Procedure.

If a third party is dissatisfied with the Trust's decision and/or actions towards them under this policy, they can appeal. The appeal should be submitted as a complaint and it will be dealt with in line with our Complaints and Feedback Policy and Procedure.