

Disciplinary Policy & Procedure

Examples of Misconduct and Gross Misconduct

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It is not possible in this document to define all acts of misconduct that could lead to disciplinary action. Generally, the test of reasonableness in the circumstances will apply before any disciplinary action is taken, bearing in mind the high standards expected of employees. 'Would a reasonable person be aware that disciplinary action would result from a certain action or omission?'

Misconduct

Depending on the circumstances, the following list provides examples of the types of conduct that will normally lead to disciplinary action other than dismissal.

- Breach of the council's Code of Conduct and the council's policies and procedures
- Unauthorised action on behalf of the council or service including inappropriate use of IT systems and breaches of IT security
- Public criticism of the council's decisions and/or activities connected with the employee's own work
- Failure to follow a reasonable instruction including failure to observe the operational regulations or standing orders of the service
- Failure to follow arrangements for absence reporting or unauthorised absence and persistent poor timekeeping
- Failure to manage financial budgets appropriately, including unreasonable amounts of overspend
- Abuse of public trust i.e., engaging in unauthorised employment during hours contracted to work for the council, or engaging in employment during off-duty hours, which is detrimental to the interests of the authority or brings it into disrepute
- Misconduct in relation to official documents i.e., when an employee without sufficient cause destroys or mutilates any record or document made, kept, or required for the purposes of the council, or alters, erases, or adds to any entry in such a record or document
- Breaching political restrictions and lobbying or canvassing members on their own behalf
- Improper disclosure of information, breaches of confidentiality or breach of data protection regulations
- Sleeping on duty
- Unauthorised use of the council's equipment
- Acts of bullying, harassment, or discriminatory behaviour against a member of staff or the public on the grounds of gender, marital status, race, ethnic origin, religion, sexual orientation, age, disability, or gender reassignment
- Not adhering to the council's values and standards of behaviour for example using inappropriate language or abusive behaviour

- Actions or omissions inside or outside work which bring the council's reputation into disrepute or seriously affects public confidence in its ability to deliver effective services including lapses in professional registration
- Failure to observe health and safety requirements or to report accidents or incidents whilst at work

This list is not to be regarded as exhaustive and serious examples of the above conduct may constitute gross misconduct.

Gross Misconduct

The following list provides examples of the type of conduct which will normally lead to dismissal without notice.

- Dishonesty, theft, fraud, deliberate falsification of records
- Failure or being complicit in failure to follow the proper safeguarding or safer recruitment procedures designed to protect children and vulnerable adults
- Sexual misconduct at work including the downloading or displaying of pornographic images.
- Sexual offences outside work including downloading illegal pornography
- Emotional, financial, sexual, or physical abuse of children, vulnerable adults, or service users.
- Fighting, threatening behaviour or physical assault on another person.
- Incapacity through alcohol or being under the influence of illegal drugs.
- Gross incapability, gross failure, or gross negligence, which for example causes unacceptable loss, damage, or injury.
- Persistent or significant failure to manage financial budgets appropriately, including large amounts of overspending
- Malicious damage to property
- A serious act of insubordination.
- Unauthorised entry to computer or manual records or disclosing confidential information to the media or a third party in breach of whistle blowing arrangements
- Serious bullying, harassment, or discriminatory behaviour against a member of staff or the public on the grounds of gender, marital status, race, ethnic origin, religion, sexual orientation, gender reassignment.
- Deliberate breach of health and safety regulations.

These lists are not exhaustive.