

Disciplinary Policy NEDDC

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DISCIPLINARY POLICY

1. Introduction

The Disciplinary Policy sets the expected standards of conduct and behaviour at work and provides a consistent method of dealing with alleged failures to adhere to workplace standards.

This policy and the disciplinary rules which are included, apply to all the Council's employees. For those employees who are covered by JNC Negotiating Committee for Chief Executives and the JNC Negotiating Committee for Chief Officers of Local Authorities, this policy sets out the standard of conduct expected. However, the process followed will be in line with JNC Negotiating Committee procedures.

The Council invests in its employees a high degree of trust and confidence. Any employee who betrays that trust and confidence should expect to be dealt with firmly but fairly. The purpose of disciplinary policy is to improve conduct and behaviour wherever possible. However, it may be due to the circumstances, the only course of action could be consideration of termination of employment.

Senior and Service Managers are responsible for making full use of the measures available within this policy after having fully considered each case on its individual merits. In cases of gross misconduct consultation must take place with the HR & OD Manager or their chosen representative in their absence.

In the implementation of this policy, due regard will be given to the Equality Act 2010 covering age, gender, disability, pregnancy, race, religion, belief and sexual orientation.

Council's Disciplinary Rules

Expected Standard of Conduct and Behaviour

Conduct and behaviour which is not in accordance with these principles will give rise to disciplinary action. These rules apply to all the Council's employees including Agency Workers and any temporary/casual staff.

Employees are expected to conduct themselves at all times in a manner that will maintain public confidence in both their integrity and the services provided by the Council.

All employees of the Council are expected to meet this requirement.

It is expected every employee should:-

- Be honest and maintain at all times a high standard of integrity, conduct and professionalism

- Behave in an appropriate manner and not bring the Council's reputation into dispute, this includes use of Social Media both professionally and personally.
- Not put their private interests* or those of relatives or friends before their duty to the Council
- At all times ensure value for money to the local community, operate proper stewardship of public funds and where it is part of their duties, to provide appropriate advice to Councillors and other employees impartially
- Not use their position to further private interests* or those of relatives and friends
- Perform faithfully the duties specified within their job role and in their contract of employment
- Treat others with respect and courtesy.
- Adhere to all Council policies, procedures and practices.
- Comply with the terms and conditions of their employment.

*Private Interests includes any interests or activities that are not directly related to an employee's contracted position.

2. Right to be Accompanied

The employee will be offered the opportunity of being accompanied at every stage of the disciplinary process. However, this is not always possible at the point of suspension and the employee can be suspended without a representative present.

The chosen representative will be a Trade Union representative or work colleague and cannot be any person who is in any way involved in the investigation or has a conflict of interest. It is the employee's responsibility to make arrangements for their work colleague or trade union representative to attend any interview/meeting.

During an investigation interview, any questions directed to the employee must be answered by the employee.

During the formal disciplinary hearing, the representative has a right to address the hearing and will be permitted to ask questions. The representative is permitted reasonable time to confer privately with the employee. However, any questions directed to the employee must be answered by the employee.

3. Outside of the Formal Procedure

Where an employee is not working to the required standard of conduct or behaviour, the reason should be identified by the Manager and an assessment made of how the situation can be improved. Consultation with the HR Team is advised at this early stage.

Timely and positive discussion with an employee to highlight problems and encourage the employee to improve might be appropriate in certain circumstances and could

avoid formal disciplinary action at a later stage. This could include offering informal advice or coaching. Managers may where circumstances are appropriate, take informal action in order to advise an employee of matters of concern and explain the expected standard of behaviour or conduct required.

The employee will be informed of the level of improvement required, the time-scale over which such an improvement is required, and how progress will be monitored. This should be noted and confirmed in writing to the employee.

It is important that all parties involved understand that such action is being taken outside of the formal disciplinary process, but that disciplinary action may follow if the required improvement is not achieved.

Formal Disciplinary Procedure

4. Suspension

In certain circumstances, for example in cases involving gross misconduct, where relationships have broken down, or where it is considered there are risks to the Council and/or risks or responsibilities to other parties, consideration needs to be given to a period of suspension with pay whilst an unhindered investigation is conducted. Such a suspension should only be imposed after careful consideration and in consultation with the HR & OD Manager. The Council will inform the Regional Union Office, in cases where an employee is a Trade Union Representative and is being suspended from the workplace.

To ensure the suspension is not unnecessarily protracted, a regular review will take place by the Investigating Officer in consultation with the HR & OD Manager. Communication is essential during any period of suspension and by definition this is a two way process. The suspended employee will be contacted at appropriate intervals (as a minimum on a monthly basis) as part of the review process and the employee must keep in contact with the designated point of contact during the suspension period.

The Council has the authority to suspend an employee where this is considered appropriate. At this stage it may only be possible to give a brief outline of allegations made, pending investigation, and the employee will be given the opportunity to make initial comments. Due to the circumstances giving rise to suspension, the meeting is very likely to be called at short notice. It should be noted, however, that as suspension is a neutral act to facilitate the disciplinary process there is no automatic right in law to representation.

Suspension should be for as short a time as possible, and the employee will be given an opportunity to explain matters at this point. Consideration will be given by the Service/Senior Manager to the information provided by the employee to determine if suspension is the most appropriate course of action. However, in exceptional circumstances, if the employee is not available to attend a brief suspension meeting,

it may be appropriate to notify them of the suspension in writing. The employee will be given the same brief outline of the allegations as they would have received at a meeting, and they should be invited to submit an initial response or comments.

In all cases of suspension the employee will continue to receive full pay, unless the employee experiences ill health. If an employee falls sick during suspension, they transfer to the sickness payment scheme. The conditions of the suspension still apply, and the suspension will resume if this is considered appropriate when the employee is declared fit again.

Access to the workplace will not be allowed during suspension without the prior approval of the Service/Senior Manager in consultation with the HR Team. If the employee or their representative wishes to contact other employees or gain access to documents for the purpose of preparing the employee's case, provision may be made for this by contacting the HR & OD Manager or the Investigating Officer on request.

5. Appointment of an Investigating Officer

Normally, the Investigating Officer will be the employee's Service/Senior manager. In some circumstances, for example due to the nature of the allegations/offence, it may be appropriate to appoint an investigating officer from another service. This decision will be made in consultation with the HR & OD Manager.

6. Investigation

Where an employee is alleged to have committed an act of misconduct, the nominated Investigating Officer will carry out an investigation in a timely manner, ideally within 3 weeks of the event. This should happen promptly before recollections fade and will likely include the employee being asked to attend an investigatory interview as well as obtaining statements from available witnesses. If the employee is invited to attend an investigatory interview, the Investigating Officer will explain the reasons for the interview.

The employee has a right to refuse to attend the investigatory interview and in such cases, the Councils' decision as to whether to call a disciplinary hearing will be based on the information available.

It should be made clear this is a preliminary investigation interview as part of a process to establish the facts surrounding an act of suspected or alleged misconduct, and to decide whether or not there is a case to answer. In certain circumstances, it may be necessary for a representative from HR to be present at that interview.

The employee will be offered the opportunity of being accompanied by a Trade Union or work colleague where possible. However, this may not always be practically feasible if the meeting has to be held at short notice, due to the circumstances presented. As the investigatory interview is designed to ascertain whether or not there is a case to answer and to allow the employee to provide an explanation of the circumstances, the role of the representative, if in attendance, at this stage will be in an advisory and

supportive capacity only. Questions directed to the employee must be answered by the employee.

The Investigating Officer will make notes of the investigatory interview to facilitate the process, and the employee's side is free to do the same. The notes will not be shared with the employee's side except to the extent that they will form part of a statement of case or witness statement and they will be destroyed as soon as that statement of case or witness statement has been produced. Where it is subsequently found that there is no disciplinary case to answer or further action required, any written records of the investigation will also be destroyed.

Where financial irregularities are involved, the Council's Head of Paid Service, Monitoring Officer and Section 151 Officer will be informed.

As a result of the investigation, the investigating officer should make a recommendation based on the following options:

- no further action
- a management instruction should be issued to the employee and retained in accordance with the Council's Retention Policy.
- The matter should be dealt with under the Capability Policy
- A disciplinary hearing is required as there is a case to answer
- a combination of the above

It should be noted that investigations undertaken as part of this Disciplinary Policy fall outside the scope of the Regulation of Investigatory Powers Act 2000. On occasion lawful business monitoring may be required, but in such circumstances RIPA standards will be adhered to.

Meetings

It is important for all parties to ensure investigations, disciplinary and appeal proceedings are completed without delay and within a reasonable timescale. This is a joint process and involves the co-operation of the Council, employees and their representatives. The Council will make every effort to ensure meetings held under this policy are arranged for a time and place that is reasonable and within an employee's normal working hours wherever possible.

Employees are required to attend the meeting if it is possible for them to do so. If the employee is unable to attend due to good reason, the Council will consider rearranging the meeting. The Council reserve the right to proceed with a meeting, in an employee's absence, when it is not possible to arrange a meeting that an employee is able to attend within five working days of the original date of the meeting.

7. Whistleblowing

The Council has a separate Whistleblowing Policy and employees are asked to refer to this in appropriate circumstances. However, a summary of relevant provisions is given below:

The Council is committed to the highest standards of openness, probity and accountability. In line with that commitment employees who have serious concerns about the conduct of another employee are encouraged to come forward and voice those concerns as a witness. It is important that they should be able to do so without fear of victimisation, subsequent discrimination or disadvantage.

Under the terms of the Whistleblowing Policy, in certain circumstances a witness may be given the right to remain anonymous throughout the disciplinary process.

If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the employee making the allegation. If however, an allegation is made that is frivolous, malicious or for personal gain, action may be taken against the employee in accordance with the Council's Disciplinary Policy.

8. Disciplinary Hearing

If on the completion of the investigation, the investigating officer conducting it considers that, on the balance of probabilities, there is a case to answer, the Investigating Officer will make a recommendation to the HR & OD Manager and to the initiating Officer that a disciplinary hearing should be convened.

There may follow a short time delay whilst the investigating officer conducts a more detailed investigation in order to put together the Statement of Case.

It is the employee's responsibility to notify the Council of their chosen representative, notify them of meeting dates and make arrangements if they require copies of correspondence to be sent to them.

During the course of the investigation, additional matters may come to light which may not have been amongst the initial allegations but which nonetheless have to be dealt with. It should be noted that the allegations which form the basis of the hearing may differ from those listed in the initial stages, dependent upon evidence uncovered during the investigation process. However, if a completely new issue arises, whilst the issues will be dealt with as part of the same disciplinary process, the employee will be notified of the new allegation and an investigation into these matters will be carried out.

9. The Hearing

The disciplinary case will normally be heard by a Senior Manager. The Hearing Officer

will be supported by a representative from Human Resources.

The hearing will take place as soon as is reasonably practicable, ideally within four weeks of completion of the investigation.

The employee will be given at least ten working days advance written notice of the hearing, informed of the purpose of the hearing, provided with a copy of the statement of case, and invited to attend together with their representative, namely trade union representative or work colleague. The employee and/or their representative will submit their statement of case to the Council, five working days prior to the Hearing.

If, for good reason, the employee or their representative is unable to attend the hearing, an alternative date will be offered to the employee. If the employee or their chosen representative is unable to attend the rearranged hearing, it will normally proceed in their absence, with the employee/the representative being provided with an opportunity to present the employee's case on their behalf. Any submission by the employee in writing, or by their representative, will be considered by the Hearing Officer.

The format of the meeting:

- The Investigating Officer will present their Report. They may call witnesses on an individual basis, as appropriate.
- The Employee is given the opportunity to ask the Investigating Officer and witnesses any questions
- The Investigating Officer may re-examine matters raised in the cross-examination of witnesses
- The Hearing Panel is given the opportunity to ask the Investigating Officer and witnesses any questions
- The Employee presents their Report/Statement. They may call witnesses on an individual basis, relevant to the hearing as appropriate.
- The Investigating Officer is given the opportunity to ask the Employee and witnesses any questions
- The Employee may re-examine matters raised in the cross-examination of witnesses
- The Hearing Panel is given the opportunity to ask the Employee and witnesses any questions
- The Investigating Officer and the Employee are given opportunity to sum up if they wish. No new information shall be introduced at this stage.

- Everyone withdraw – to enable the Panel to consider the information and reach a decision.
- Please note a decision may not necessarily be communicated on the day. The Hearing Panel will ensure the decision is notified in writing within five working days.
- Record of Hearing - the Council will take a record of a Disciplinary Hearing conducted under this policy. This may be undertaken in written form or recorded electronically. The employee, or any person acting on the employee's behalf, is not permitted to record electronically any meeting the Council hold under this policy. This is to encourage openness and full participation. Any breach of this provision may lead to further disciplinary action, which could include dismissal. All those present must comply with data protection, confidentiality and GDPR obligations.

Role of Hearing Officer

The Hearing Officer will use the opportunity of the Disciplinary Hearing to establish facts and to consider the response provided by the employee.

The main points of the investigation should be examined and a decision made as follows:

- Allegations have not been proven on the balance of probabilities
- Some of the allegations have been proven/not proven on the balance of probabilities
- Case proven on the balance of probabilities.

Factors for consideration when deciding on whether a disciplinary penalty is appropriate and what form it should take, are:

- the need to act reasonably in all the circumstances
- the extent to which standards have been breached
- precedent
- whether previous incidents have occurred and if they are related or are a distinctly separate issue
- the employee's general record, position within the organisation, length of service and special circumstances which might make it appropriate to adjust the severity of the penalty.
- Where two or more employees are involved, the penalty for each must be considered separately.

If the case is proven, the Hearing Officer would consider mitigation and decide upon a penalty as set out below.

No sanction

It might be that, having considered all of the evidence and mitigation, the hearing officer considers it appropriate that no sanction be applied at this time.

Alternatively, a management instruction may be issued or an Employee Support Plan with specified timescales, implemented to support/reaffirm expectations and/or improvement of conduct and/or performance.

First Warning

One of the following:

Oral Warning

For a minor infringement, an employee will be given a formal oral warning. This may include advice as to future conduct. The employee should be advised in writing of the reason for the warning, that it constitutes the first step of the disciplinary procedure, and of their right of appeal. A note of the oral warning will be kept for six months from the date of the letter confirming/giving the warning. Once the warning has expired, it will no longer be considered live when determining the level of any further disciplinary action.

First Level Written Warning

If the infringement is regarded as more serious an employee will be given a formal written warning giving details of the complaint, the improvement or change in behaviour required, the time-scale allowed for this and the right of appeal. The warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change. A note of the written warning will be kept for 12 months from the date of the letter confirming/giving the warning. Once the warning has expired, it will no longer be considered live when determining the level of any further disciplinary action.

Final Written Warning

Where there is a failure to improve or change behaviour whilst a prior warning is still current, or where the infringement is sufficiently serious, the employee will normally be given a final written warning. This will give details of the complaint(s), warn the employee that failure to improve or modify behaviour will lead to further action under this procedure and could result in dismissal, and refer to the right of appeal. A note of the written warning will be kept for 12 months from the date of the letter confirming/giving the warning. Once the warning has expired, it will no longer be considered live when determining the level of any further disciplinary action.

Action short of Dismissal

If the employee has received a final written warning, further misconduct or unsatisfactory performance may warrant dismissal. However, in some circumstances it might be that, having considered all of the evidence and mitigation, the hearing officer considers that dismissal would be too severe a penalty. In such cases, consideration might be given to action short of dismissal. In such circumstances there would be no salary protection or, in the case of a change of base, no excess travel allowances. Such action would only be taken following consultation with the HR & OD Manager to ensure consistency of approach.

Other Possible or Additional Disciplinary Action

Other possible or additional disciplinary action that can be awarded by a Hearing Officer could potentially include but is not limited to:

- Withholding of increments
- Withdrawal of overtime
- Withdrawal of agile/hybrid/home working
- Suspension without pay
- Suspension of sick pay, for example, in cases where an employee has submitted false information regarding ill health/absence from work
- Demotion - Transfer another job role but would not exclude: the possibility of dismissal should further disciplinary action be necessary a Warning or Final Written Warning also being given
- Extending the period a warning remains live and this is relevant and reflective of the circumstances of the case. Once the warning has expired, it will no longer be considered live.
- Reaffirm an existing warning. Once the warning has expired, it will no longer be considered live.
- It may also be appropriate in certain circumstances, to take other measures.

There may be occasions when it would be appropriate to extend a warning period following it being issued, for example if there has been a significant period of absence.

Concurrent Warnings

There may be circumstances where an employee may be issued with concurrent warnings that run in parallel, where distinctly separate incidences of misconduct have occurred.

Dismissal

If the employee's conduct or behaviour still fails to improve, the employee will normally be liable to dismissal. The decision to dismiss will only be taken by one of the Officers with delegated authority to do so and the employee should be informed as soon as reasonably practicable of the reasons for dismissal, the date on which the contract will terminate, the appropriate period of notice (or pay in lieu of notice, if not summary dismissal) and information on the right of appeal including how to make the appeal and to whom. The decision to dismiss will be confirmed in writing. Employees will be given written reasons for dismissal.

Gross Misconduct

In cases where gross misconduct is alleged and is established on the balance of probabilities, the employee will be liable to summary dismissal unless mitigating circumstances render a lesser penalty appropriate.

10. Appeals

The opportunity to appeal against a disciplinary decision is essential to natural justice. Employees may choose to raise appeals on a number of grounds, which could include the perceived unfairness of the judgement, the severity of the penalty, new evidence coming to light or procedural irregularities. These grounds need to be considered when deciding the extent of any new investigation or re-hearing in order to remedy previous defects in the disciplinary process.

In all cases of formal disciplinary action an employee has a right of appeal.

Employees wishing to exercise the right of appeal must do so in writing to the HR &OD Manager, either individually or through their Trade Union within 10 working days of the date of the written notification, giving full details of the grounds of the appeal.

The appeal form should state the specific reasons for the appeal and clearly state which of the following applies and the reason why:

1. The finding that the employee has committed misconduct
2. The form of disciplinary action taken against the employee.
3. Perceived procedural irregularities
4. To present new evidence which has subsequently come to light. The new evidence must be submitted with the appeal form to enable this evidence to be accepted and considered by the Appeal Panel.

The Panel hearing the Appeal will comprise two Senior Managers with an advisor to the Panel present. Wherever possible, the Appeal will be heard by Officers who have not been involved in the case previously. The Appeal hearing will take place as soon as is reasonably practicable.

The employee will be given at least ten working days advance written notice of the Appeal hearing and invited to attend together with their Trade Union representative or work colleague.

A copy of the Statement of Case from both the employee and the management representative must be sent to the HR Team at least five working days before the Hearing and these will be exchanged between all parties in advance of the Hearing.

If, for good reason, the employee or their representative is unable to attend the Appeal hearing, an alternative date will be offered. If the employee or their representative is unable to attend the rearranged hearing, it will normally proceed in their absence, with the employee/the representative being provided with an opportunity to present the employee's case on their behalf. Any submission by the employee in writing, or by their representative, will be considered by the Appeals Panel.

The Appeals Panel will rehear the case.

Both parties will have the opportunity to present information they wish to be considered by the Panel. Either party may call witnesses if this is appropriate and relevant to case. Witnesses will only be present whilst they are giving evidence.

The format of the meeting:

- The Management Representative will present their Report. They may call witnesses on an individual basis, relevant to the original hearing as appropriate.
- The Employee is given the opportunity to ask the Management Representative and witnesses any questions

- The Management Representative may re-examine matters raised in the cross-examination of witnesses
- The Panel is given the opportunity to ask the Management Representative and witnesses any questions
- The Employee presents their Report and grounds for Appeal. They may call witnesses on an individual basis, relevant to the original hearing as appropriate.
- The Management Representative is given the opportunity to ask the Employee and witnesses any questions
- The Employee may re-examine matters raised in the cross-examination of witnesses
- The Panel is given the opportunity to ask the Employee and witnesses any questions
- The Management Representative and the Employee are given opportunity to sum up if they wish. No new information shall be introduced at this stage.
- Everyone withdraw – to enable the Panel to consider the information and reach a decision.
- Please note a decision may not necessarily be communicated on the day. The Panel will ensure the decision is notified in writing within five working days.
- Record of Hearing - the Council will take a record of a Appeal Hearing conducted under this policy. This may be undertaken in written form or recorded electronically. The employee, or any person acting on the employee's behalf, is not permitted to record electronically any meeting the Council hold under this policy. This is to encourage openness and full participation. Any breach of this provision may lead to further disciplinary action, which could include dismissal. All those present must comply with data protection, confidentiality and GDPR obligations.

The Appeals Panel will use the opportunity of the Appeal Hearing to establish facts and to consider the Appeal submitted. If the Appeal Panel find to reduce the sanction or uphold the sanction – there will be no further right of appeal in the Council.

Where new evidence results in new or more serious allegations against the employee during the Appeal process, or where the Appeals Panel believe the sanction could potentially be increased because of new evidence or otherwise, a further disciplinary investigation into the new allegations will commence. If there is a case to answer, a new disciplinary hearing will be convened.

There will be a right to appeal the outcome of this further hearing, but this appeal will be final and no further right of Appeal in the Council beyond this point.

If the new investigation finds there is no new case to answer, the original Appeal Hearing will be reconvened and the original appeal determined. There will be no further right of appeal at the Council.

11. Records

Records will be kept securely by HR, detailing the breach of the disciplinary rules, the employee's defence or mitigation, the action taken and the reasons, the date the action was taken and details of whether an appeal was lodged and its outcome and any subsequent developments. These records will be kept confidential and retained in accordance with the disciplinary policy and the Data Protection/GDPR regulations.

Records of disciplinary decisions will be kept on file and in line with the duration of any warnings issued.

In order to monitor the corporate situation with regard to disciplinary matters, and to give advice as necessary, service areas are required to inform the HR & OD Manager in writing whenever formal disciplinary action is taken.

12. Grievances

In the course of a disciplinary case an employee might sometimes raise a related grievance.

If the grievance is about the disciplinary process or the lead up to a disciplinary process this will be dealt with in the course of the disciplinary proceedings, by the employee raising the matter either in the disciplinary hearing or in an appeal. As the content of the grievance will amount either to a defence to the allegations of misconduct and/or how the process was handled or to mitigating factors the Hearing Officer should take into account when considering what action to take.

If the grievance is unrelated to the disciplinary process, the grievance will be dealt with in parallel to the disciplinary process.

If the grievance is found to be malicious, frivolous or harassment, the employee will be subject to disciplinary action.

13. Criminal Charges/Convictions

These should not be treated as automatic reasons for dismissal. The main consideration should be whether the offence is one that makes the employee unsuitable for their type of work. In all cases a decision will need to be made as to whether the conduct is sufficiently serious to warrant instituting the disciplinary procedure.

Disciplinary procedures will not necessarily be postponed because other proceedings are contemplated or pending. The manager/Investigating officer will investigate the facts, as far as possible, and take action appropriate to the findings.

14. Involvement of the Police

Where there is a reasonable belief that a criminal offence may be involved, it may be appropriate to include the police in the investigation. In these circumstances the Head of Paid Service will need to consult with the HR & OD Manager and the Monitoring Officer.

In accordance with financial regulations where theft, fraud and/or corruption are considered likely to have happened or be occurring the police may be involved following consultation with the Head of Paid Service, Section 151 Officer and the HR & OD Manager, who will make the decision following discussions with the Monitoring Officer.

15. Officers delegated to take Disciplinary Action or Suspend from Duty

Investigation & Suspension	Warnings and Dismissals
First, Second, Third and Fourth Tier Officers	First, Second and Third Tier Officers

16. Gross Misconduct and Misconduct

The lists below show examples of the types of offences which constitute misconduct and gross misconduct. It should be noted that some offences appear in both lists, and this is because the seriousness of the breach might be minor or significant. The lists are **not** exhaustive and there may be other offences which result in disciplinary action being taken. Every offence will be carefully considered, and disciplinary action taken in accordance with the disciplinary procedure, depending on the seriousness of the case and in the light of all the circumstances.

Gross misconduct is misconduct of so serious a nature that the Council is justified in no longer tolerating the continued presence at the workplace of the employee who committed the offence. Employees should be aware of the type of conduct, often referred to as gross misconduct, which may warrant summary dismissal (i.e. dismissal without notice). Summary is not synonymous with instant and incidents of gross misconduct will still need to be investigated as part of the formal procedure. Acts which constitute gross misconduct include those resulting in a serious breach of contractual terms.

Gross Misconduct Examples

- Theft, fraud or deliberate falsification of records or attempted theft, fraud or deliberate falsification of records
- Offences of a dishonest or fraudulent character, including failure to disclose material convictions, or knowingly making a false statement or omission, or
- Falsification of application form, records, time sheets, flexi sheets, time recording sheets, expense claim forms
- Deliberate damage to property
- Fraudulent misuse of Council's name or property

- Serious incapability brought on by alcohol or drug abuse and/or possession of illegal drugs or substances or the consumption of alcohol or the taking of drugs or other
- Substances while at work or that may impact on an employee to undertake their job role.
- Serious negligence which causes or might cause unacceptable loss, damage or injury
- Serious acts of insubordination including failure to carry out a reasonable instruction/s
- Serious infringement of health and safety rules
- Serious breach of confidence (subject to the Public Interest (Disclosure) Act 1998)
- Unfair discrimination against an employee or member of the public on the grounds of colour, disability, sex, age, ethnic origin, religion, marital status, sexual orientation or political beliefs.
- Unfair discrimination against an employee undertaking/participating in Trade Union activities.
- Bullying and harassment
- Disorderly or indecent conduct, physical violence or bullying, actual or threatened;
- Inappropriate use of ICT equipment and systems.
- Unauthorised possession or use of the Councils property
- Inappropriate use of work time
- Without prior management agreement engage in other paid employment whilst receiving sick pay or other benefits from the Council during a period of sickness or unauthorised absence
- Serious breach of one or more of the Council's Policies*
- Conflict of Interests
- Inappropriate access and/or disclosure of personal or confidential information obtained through employment with the authority without authorisation.
- Abuse of Position: All employees have a position of trust and responsibility in respect of the effective and efficient operation of the organisation. No person may use an official position for a private advantage for themselves or another, and such activity may be regarded as gross misconduct.
- Failure to disclose personal circumstances that may affect employment with the Council
- Deliberate disregard and/or intentional breach of the Council's Policies, Procedures and practices.
- Omission, misrepresentation or conduct likely to damage seriously the image and/or reputation of the Council and/or which leads to a loss of confidence in the public service
- Canvassing Councillors for appointment, promotion or other personal advantage.
- Failure to disclose when asked any keys, equipment, documents, passwords, de-encryption codes or any other item or information needed to assist with any investigatory process.
- Failure to allow investigatory processes relating to the searching or seizure of offices, desks, mobile telephones, lockers electronic documents, work diaries provided by the Council or produced on Council equipment.

Examples of Misconduct

- Unauthorised absence from duty
- Insubordination or failure to obey a reasonable instruction
- Disregard of safety practices, procedures and rules
- Misuse or unauthorised use of Council property or equipment, including private use of Council mobile telephones, laptops
- Being an accessory to a disciplinary offence by another employee
- Undertaking activities detrimental to recovery whilst on sick leave
- Failure to follow Council policy, procedures and working practices.
- Bullying and Harassment
- Inappropriate use of ICT equipment and systems
- Smoking on Council property
- Inappropriate use of work time
- Irregular timekeeping or continual lateness
- Unauthorised absence from work or the work place
- Breach of one or more of the Council's policies*
- Conflict of interests
- Inappropriate access and/or disclosure of personal or confidential information obtained through employment with the authority without authorisation.
- Failure to disclose secondary employment
- Failure to disclose personal circumstances that may affect employment with the Council
- Any wilful act that impedes an investigation into an alleged act of misconduct
- Any other act or omission that might otherwise (if the context were judged to be more serious) be dealt with as a matter of gross misconduct.

* All employees will observe the provisions of the Council's Standing Orders, Financial Regulations, Employee Code of Conduct, ICT Information Security Policy and other policies / rules applicable to employees. Copies of all these documents are available on the intranet or from Human Resources. A serious breach of these rules is likely to result in a breakdown in trust and confidence and will be treated as gross misconduct.