

WARWICK DISTRICT COUNCIL - DISCIPLINARY RULES

The Council has a formal locally agreed/adopted Disciplinary Procedure which aims to ensure fair, consistent and reasonable treatment of all employees. The purpose of the procedure is to help and encourage all employees achieve and maintain acceptable standards of conduct, attendance and performance.

The Disciplinary Procedure will not be used in instances when an employee can not, rather than will not, carry out their duties to an acceptable standard. These will be dealt with in accordance with the Poor Performance at Work Procedure.

The Council realises that in general there is no cause to question the discipline and effectiveness of the vast majority of its employees, who can be relied upon to conduct themselves sensibly and with credit to the Council. There are however, instances when possible breaches of discipline need to be brought to all employees' attention.

In order to ensure that all employees are aware of acts which constitute a breach of discipline the following rules have been drawn to ensure consistent treatment across the Council.

a. Gross Misconduct

Gross misconduct is behaviour of such a nature that the Council would be justified in dismissing an employee without notice. That is, following the investigation and a disciplinary hearing the penalty will normally be summary dismissal.

The following acts and similar offences are regarded as gross misconduct and will normally result in instant dismissal:

- i. theft, or attempted theft, from the authority, its employees, on the authority's premises or from premises being visited during the course of employment;
- ii. unauthorised removal of the council's property, malicious damage to, or any unlawful act which involves, the property of the authority;
- iii. offences of a dishonest or fraudulent character, examples of which would be falsification of expense claim forms, timesheets etc;
- iv. wilful disregard of instruction concerning the collection, transfer, security and paying in of monies, the issue and receipt of tickets and the completion and submission of associated documents;
- v. wilful action or serious negligence which endangers life or limb including deliberate damage to, or neglect of, or serious misappropriation of, safety equipment and any significant breach of safety rules or codes of practice, and safe working procedures;
- vi. fighting, acts of violence and physical intimidation;
- vii. sexual offences or sexual misconduct at work;

- viii. *severe and/or sustained cases of bullying, harassment or psychological intimidation*
- ix. being under the influence of alcohol or non-prescribed drugs in circumstances where it could constitute a health and safety hazard or where it would be in breach of a position of responsibility and trust;
- x. unauthorised disclosure of confidential information, *including violation of the Data Protection Act*;
- xi. criminal offences and/or conduct of such a nature (whether on or off duty) that the employee would be unsuitable to carry out their duties; or

any sentence arising from a prosecution committed inside or outside working hours which results in an employee being committed to prison or otherwise unavailable for work as a result of the prosecution for at least 13 weeks.
- xii. without prior management agreement, taking other paid employment whilst receiving pay or other benefits from the authority during a period of sickness or unauthorised absence;
- xiii. unlawful discrimination against a fellow employee or member of the public on the grounds of sex, age, marital status, disability, colour, race, nationality or ethnic or national origin.

This list is neither exclusive not exhaustive, and in addition there may be other offences of a similar gravity which would constitute gross misconduct.

b. Misconduct

Misconduct is conduct of such a kind to warrant disciplinary action rather than dismissal for the first offence. However severe examples of misconduct may be treated as gross misconduct. The local disciplinary procedure will be followed, with the warning related to the severity of the offence. The following list does not contain every possible offence and other actions may also be classed as misconduct:

i. General Conduct

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

Whilst carrying out their duties or acting as a representative of Warwick District Council an employee shall not:

- i. act in an oppressive or abusive manner towards a fellow employee or a member of the public;
- ii. without authorization, accept any fees, gifts, hospitality, favours, or other reward on their own behalf, or on behalf in of a third party, not in accordance with the Warwick District Council Code

of Conduct for Employees;

iii. conduct themselves in a way that offends decency.

ii. **Duty of Co-operation**

Employees have a duty to co-operate with lawful and reasonable instructions from any authorised supervisor. Refusal or neglect to carry out reasonable instructions of an immediate supervisor or manager, shall be regarded as misconduct, but in severe cases may be treated as gross misconduct.

iii. **Quality and Quantity of Work**

Poor quality or low output caused by an employee who will not rather than can not perform adequately will be dealt with by the Disciplinary Procedure. An employee who can not perform his/her duties to an acceptable standard will be dealt with in accordance with the Council's Poor Performance at Work Procedure.

iv. **Working Arrangements**

Employees are expected to comply with agreed arrangements relating to conditions of appointment such as hours of work, lunch breaks, requests for leave, reporting sickness absence etc.

v. **Working Procedures and Council Policies**

Employees are expected to observe agreed working procedures, Council Policies, safety rules, regulations and codes of practice.

vi. **Documentation**

Employees are expected to take all reasonable steps to ensure that records such as flexitime cards, expense claim forms, overtime claims, car mileage claims etc. are accurate and available at the correct time.

vii. **Care of Materials, Tools etc**

Employees are required to take due care of all property of Warwick District Council issued to them and must report to their senior officer any loss, defect or damage to any such property which has been issued to or used by them.

viii. **Miscellaneous**

Examples of other general matters which will be classed as misconduct are:

- Being under the influence of drink or non-prescribed drugs or sleeping whilst on duty, without medical reason
- Being an accessory to a disciplinary offence by another employee
- unauthorised private use of facilities, eg. photocopier

- unauthorised personal use of telephone outside of WDC guidelines
- smoking in prohibited areas
- time wasting, including excessive absence from the workplace,

ix. **Conduct Outside Employment**

Outside activities e.g. secondary employment, which reduce an employee's ability to perform his or her work efficiently or safely shall be regarded as misconduct.

x. **Competition and Employee Tendering**

The use of Council time and information by employees to prepare their own tenders for Council work, except when the Council has requested staff to prepare a 'buy out bid', is not permitted.

xi. **Politically Restricted Posts**

Any prohibited act carried out by an employee 'politically restricted' by the Local Government and Housing Act 1989 and not holding an exemption certificate, will be treated as misconduct and in serious cases as gross misconduct.

xii. **Appearances at Disciplinary Interviews or Hearings**

Employees must appear at any disciplinary interviews arranged within the provisions of agreed procedures during normal working hours, to answer allegations or give evidence, subject to a minimum of 48 hours notice in writing of the interview.