

SOUTH HAMS DISTRICT COUNCIL

**CODE OF CONDUCT AND
STANDARDS OF BEHAVIOUR FOR STAFF**

1. PURPOSE AND SCOPE

Purpose

South Hams District Council relies upon the trust and loyalty of its employees.

It is important that the Council ensures that all employees are made aware of the standards of conduct expected of them. The code sets out general standards of conduct, and will be reviewed from time to time. If employees are unsure they should seek guidance from their line Manager, or the Council's Monitoring Officer.

The need to take disciplinary action in South Hams is fortunately rare. Standards of conduct are high and the vast majority of employees are unlikely to behave in any way that is unacceptable or likely to provoke disciplinary action. This code is not intended to imply anything to the contrary.

Its first purpose is to offer guidance and help to avoid unacceptable conduct.

Scope

This code applies to all employees of the Council, volunteer workers and those workers engaged through Agencies. Contravention of this Code by volunteer and agency workers will result in the work placement or activity (for which the individual has been engaged), being terminated.

2. MANAGEMENT ACTION

Management action following cases of misconduct might include:

- (a) Counselling, advice or instruction by supervisors.
- (b) Informal reprimands by the supervisor.
- (c) Formal warnings or dismissal, in accordance with the Disciplinary Procedure.
- (d) Other disciplinary action short of dismissal.

3. GENERAL CONDUCT

Council employees are expected to be honest, trustworthy, impartial, objective, conscientious, and courteous in their dealings with Councillors, colleagues and the public, to behave in a proper manner and to obey the law.

4. REPORTING

Employees are obliged to report to the appropriate level of management:

- any deficiency in the provision of Council services;
- any impropriety;
- any breach of this Code of Conduct.

5. MISCONDUCT

Set out below are indications of conduct likely to be regarded as misconduct, and examples of the action that may be taken by management as a result.

NOTE: This is not an exhaustive or exclusive list and can only be a general guide.

The examples below indicate typical penalties. However, in reaching disciplinary decision, authorised officers and appeal panels may take into account:

- The nature of the individual's job and the impact of the misconduct on the employment relationships;
- Previous service and conduct; and
- Any mitigating circumstances.

6. GROSS MISCONDUCT

- (i) In general, no employees will be dismissed for misconduct, unless they have been given a warning about misconduct and have had the chance to improve.
- (ii) However, there may be occasions when an act of misconduct is so serious that the employee can no longer be tolerated in the Council's employment. Such cases will be regarded as gross misconduct, the penalty for which is dismissal without notice.
- (iii) Examples of behaviour that would be regarded as gross misconduct are shown in the following sections.

NOTE: This is not an exhaustive or exclusive list and can only be a general guide.

6.1 Criminal Offences

STANDARDS EXPECTED

The Council expects that employees will not commit any criminal offence, either at work or outside work.

EXAMPLES OF DISCIPLINARY ACTION

A criminal offence committed in the course of work is likely to be regarded as gross misconduct.

The treatment of criminal offences committed outside work will vary considerably. If a criminal act does not damage the Council's confidence in the employee or the Council's good reputation and the employee's work does not provide opportunity for repeating the act, an informal warning may be given.

If a criminal act outside work has a significant effect on the Council's confidence in the employee, it will be treated far more seriously. For example, if an employee is responsible for money or valuable resources for the Council and is believed to be guilty of fraud or theft, it would be treated as gross misconduct.

Similarly, if an employee deals with clients for the Council and is believed to be guilty of violence, this would also be regarded as gross misconduct.

An employee is likely to be suspended whilst an investigation (including a Police investigation) takes place. In normal circumstances no disciplinary action will follow in the event of charges being dropped or the employee acquitted.

6.2 Supervisor's Instructions

STANDARDS EXPECTED

The Council requires its employees to comply with all lawful instructions given by the appropriate supervisor or senior officer and to be accountable to the Council's senior management for their actions in the course of their work. Senior managers are, in turn, accountable to the Council.

EXAMPLES OF DISCIPLINARY ACTION

The way management deals with failure to comply with instructions will vary considerably. A direct refusal to carry out a clear and direct instruction, relating to action required immediately, may lead to a final warning.

At the other end of the scale, where an omission results from pressure of other priorities and the consequences are not serious, informal counselling or advice is likely to be appropriate.

6.3 Administrative and Financial Procedures and the Falsification of Records

STANDARDS EXPECTED

The Council expects that employees comply with all appropriate administrative and financial procedures and make honest and true statements on the documents involved.

Attention is particularly drawn to the Council's Standing Orders and Financial Rules. However, there are various other operational procedures, which the employees concerned need to observe.

The Council requires and expects all of its employees to complete records including attendance, leave, sickness etc accurately and within the appropriate procedure for the matter concerned. This applies to all records where the employee has the responsibility to complete the records or provides information to someone else to complete the record on their behalf e.g. annual leave record, flexi-leave, attendance, time-off-in-lieu, sickness absence etc.

EXAMPLES OF DISCIPLINARY ACTION

Deliberate falsification of any record or fraudulent abuse of any of the Council's procedures, to gain benefit in money or kind for the employee concerned or any other person will, depending on the circumstances be regarded by the Council as an act of gross misconduct, which if proven will result in the employee being dismissed. Examples include false claims for wages and expenses, false time claims through time sheets or the flexible working hours system, breach of cash handling procedures and computer fraud.

Other instances of failure to comply with procedures, where there is clearly no intention to defraud the Council, may lead to an oral or written warning in the first instance.

Unwitting transgression, which does not have a significant impact, is likely to lead to informal supervisory action.

6.4 Conflict of Interest

STANDARDS EXPECTED

It is most important that no employee deals on behalf of the Council with matters, in which they (or anyone with whom they have a close personal relationship) have a private or business interest.

Where an employee has an ongoing relationship of a business or private nature, which may give rise to a conflict with the Council's interest, they must notify their senior officer and the Monitoring Officer, who will record that notification in the Register of Employees' Interests.

Similarly, when a potential conflict of interest situation arises unexpectedly (e.g. a friend or neighbour applies to the employee's section for a service), the employee must notify the relevant head of service.

In considering whether a conflict of interest situation exists, a judgement needs to be made as to whether a member of the public might perceive that unbiased action is likely to happen in the circumstances. If not, the situation must be reported.

In a situation where a potential conflict of interest has been recognised, the employee concerned must not deal with the matter on behalf of the Council, which might activate that conflict, unless directed to do so by the appropriate head of service.

6.5 Relationship with Contractors

STANDARDS EXPECTED

Any employee, who has or has had a private or business relationship with any contractor who may provide goods or services to the Council, must declare the fact to the Monitoring Officer.

Orders and contracts must be awarded on merit, without special favours to friends or relatives of employees, or disfavour to any person, group or firm.

EXAMPLES OF DISCIPLINARY ACTION

If it comes to light that an employee has become exposed to potential conflict of interest, without first declaring their interest to their senior officer, the matter may lead to an appropriate warning.

If a conflict of interest situation has an effect in the way an employee conducts his/her duties or influences any decisions, the matter will be treated as gross misconduct.

EXAMPLES OF DISCIPLINARY ACTION

Failure to declare a private or business relationship with a contractor or potential contractor to the Council will lead to an appropriate warning, depending on the employee's position and ability to affect the Council's relationship with contractors.

If an employee allows a personal relationship with a contractor to affect the relationship between the Council and that contractor (by showing special favour or disfavour), the matter is likely to be treated as gross misconduct.

6.6 Management and Appointment of Staff

STANDARDS EXPECTED

Decision on recruitment and promotion must be based on merit and ability to fulfil the requirements of the position. No employee may be involved in an appointment, where they have a close personal relationship with a candidate.

No employee may be involved in making any decision relating to discipline, promotion, pay and conditions of employment for any other employee who is a relative or partner or otherwise has a close personal relationship with them.

EXAMPLES OF DISCIPLINARY ACTION

If an employee deliberately abuses their position to gain employment for a relative or friend in the Council's service, the matter is likely to be treated as gross misconduct.

Similarly, if an employee abuses their position to gain special favour (or disfavour) for another employee because of a personal relationship rather than merit, the matter may be treated as gross misconduct.

6.7 Preparing Plans

STANDARDS EXPECTED

No member of the South Hams Council staff, either personally or through another person, shall prepare plans which come to be submitted to the Council for any purpose, unless for their own private use with the express permission of the Chief Executive.

EXAMPLES OF DISCIPLINARY ACTION

If any plans prepared privately by a member of staff are submitted to the Council, for example for Planning Consent, Building Regulations or Improvement Grants, without the express permission of the Chief Executive, it will be treated as gross misconduct.

6.8 Hospitality and Gifts

STANDARDS EXPECTED

Employees should not accept offers of hospitality, unless there is a genuine need:

- (i) to impart information: or
- (ii) for the Council to be represented.

For example, invitations from commercial companies to attend social or sporting events should politely be declined.

Sensitivity is required as to timing of accepting hospitality in relation to any decisions the Council may make affecting the provider of the hospitality.

Invitations should be reported to the employee's Head of Service or Strategic Director and recorded on their personal file and the central hospitality register.

EXAMPLES OF DISCIPLINARY ACTION

If an employee accepts hospitality in return for favours or in a way that brings the Council into disrepute, the matter may be treated as gross misconduct.

However, if hospitality is accepted in circumstances outside the criteria opposite, without any significant impact, the initial response from management is likely to be an appropriate warning.

Similarly, if an employee in their official capacity receives a significant gift, reward or advantage for showing favour or disfavour to any person, or as an inducement to show favour in future, the matter will be regarded as gross misconduct, unless the employee can demonstrate the rewards have not been corruptly obtained.

Acceptance by employees of hospitality at relevant conferences and courses is acceptable, where:

- (i) it is clear the hospitality is corporate, not personal;
- (ii) Senior management gives consent in advance; and
- (iii) no purchasing decisions are compromised.

Any visits to potential suppliers or contractors or to inspect equipment etc. should be at the Council's expense, to avoid influence on subsequent purchasing decisions.

Also, it is important that no employee accepts any personal gift or gratuity from anyone they deal with, or might foreseeably deal with, on Council business, except that items of token value, (e.g. pens, diaries and calendars) may be kept but not sought. For example, a gift offered by a member of the public, organisation or business to acknowledge service provided by a member of staff or a team as part of his, her or their official duties should politely be declined, as it could be seen as an inducement to give a special favour in future. This means that gifts such as flowers, chocolates or wine offered as a token of thanks should be declined.

Any gift or offer of hospitality should not exceed a value of £15-00 and details must be e-mailed to the Monitoring Officer.

6.9 Separation of Roles during Tendering

STANDARDS EXPECTED

Where the law requires a separation of Client and Contractor roles, confidential information must not be disclosed to those not authorised to receive it.

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

6.10 Sponsorship

STANDARD EXPECTED

No Council employee, nor anyone with a close personal relationship with an employee, should benefit in a direct way from sponsorship, grant aid or other similar financial support, provided:

- (i) by the Council; or
- (ii) to the Council;

unless the situation has been reported to and approved by the appropriate head of service or strategic director.

6.11 Disclosure of Information

STANDARD EXPECTED

Employees should not use any confidential information obtained in the course of their employment for personal gain or benefit, or pass it to others, who might use it in such a way. Similarly, employees must not disclose information to a third party (including the media) that could result in adverse publicity or financial loss against the Council. Any information personal to a Councillor and received from them, should not be disclosed without their consent, except as required or sanctioned by law.

Employees have a duty to comply with the Freedom of Information Act and make available information that is not exempt and should not prevent any person from gaining access to such information.

EXAMPLES OF DISCIPLINARY ACTION

Any action, which leads to a major distortion of the competitive tendering process, may be treated as gross misconduct. However, if the impact is less significant, a warning may be appropriate.

EXAMPLES OF DISCIPLINARY ACTION

Any employee accepting benefit in these circumstances will be liable to disciplinary action. This action will depend on the extent, to which the employee was instrumental in the sponsorship arrangement and the extent of the benefit to them. If the employee has a major influence in establishing the sponsorship and gained significant benefit from it, the matter would be regarded as gross misconduct.

On the other hand, if the employee had no part in establishing the sponsorship and obtained marginal benefit from it, an oral warning is likely to be appropriate.

EXAMPLES OF DISCIPLINARY ACTION

Deliberate misuse of confidential information to achieve gain or benefit, or deliberately disclosing information that is detrimental to the Council, may be treated as gross misconduct.

Attempting to prevent access to information that is not confidential, may initially lead to a formal written warning. However, if there are major repercussions for the Council because the employee has attempted to subvert some lawful process by withholding information may be treated as gross misconduct.

6.12 Political Neutrality

STANDARDS EXPECTED

Employees must follow every lawfully expressed policy of the Council and not allow their own personal or political opinions to interfere with their work. Advice to political groups should not compromise the political neutrality of employees. Services to individual Councillors must be available to all, ensuring that the rights of all Councillors are respected.

Section 1 of the Local Government and Housing Act 1989 introduced the general principle of the “politically restricted post” and of restricting the political activity of local government employees. All post-holders on spinal column point 44 or above are automatically designated as politically restricted posts, together with some other specified posts. Various political restrictions apply to these post-holders, e.g. they are not permitted to engage in political activities or stand for election, other than for a parish council.

EXAMPLES OF DISCIPLINARY ACTION

Any deliberate attempt to subvert the Council’s legitimate democratic processes will be treated as gross misconduct. Any overt political activity to support or act against particular Councillors or political groups, by any employee, will initially warrant at least a final warning, but may be regarded as gross misconduct.

Failure to comply with the restrictions imposed by the Local Government and Housing Act 1989 will, depending on the circumstances, be dealt with as a disciplinary matter.

6.13 Trust and Loyalty

STANDARDS EXPECTED

Employees are expected to be trustworthy and loyal to the Council. This includes not making adverse or critical comment about the Council or its policies or activities, nor seeking to gain support for a personal complaint against the Council or its management other than through the procedures provided for the purpose.

Employees are expected to use the appropriate agreed internal procedures to deal with a grievance or whistle blowing etc.

6.14 Relationship with Councillors

STANDARDS EXPECTED

Employees and Councillors should display mutual respect and a professional relationship. Familiarity, which changes the relationship and proves embarrassing to other employees and Councillors, should be avoided.

Employees will not seek the involvement, support or intervention of Councillors on issues in connection with their employment that are subject to the formal procedures of the Council e.g. issues to do with discipline, conduct, grievance, capability, pay and conditions of service. The role of Councillors (including the role of arbitrator and decision-maker on staffing issues) is set out in the Local Conditions of Service.

Employees must declare if a familial relationship exists between them and a Councillor and may be asked to confirm its existence, on a periodic basis, to assist with monitoring.

6.15 Use of Resources

STANDARDS EXPECTED

The Council expects employees to use public funds and resources entrusted to them responsibly and lawfully, to strive for good value for money, take care to avoid loss of or damage to Council resources and to minimise the risk of legal challenge for the Council.

EXAMPLES OF DISCIPLINARY ACTION

Making adverse or critical comment about the Council, its policies and activities other than through the proper procedures is likely to be a disciplinary matter. Where this results in adverse publicity, embarrassment, or cost for the Council, it is likely to be regarded as gross misconduct.

Failure to use these agreed procedures or a deliberate attempt to by pass them will be viewed as a breach of the term of mutual trust and confidence and will in itself result in disciplinary action being taken by the Council.

EXAMPLES OF DISCIPLINARY ACTION

If an employee displays close personal familiarity with a Councillor in a work situation, which damages proper working relationships, or a disrespectful attitude, the matter is likely to lead to a formal oral or written warning in the first instance.

If an employee seeks the support or involvement of a Councillor(s) on an employment related issue (e.g. disciplinary action against the employee) in order to circumvent or disrupt the way in which the issue is being dealt with, this action will, depending on the circumstance, be regarded as a disciplinary matter in its own right. Serious breaches could be regarded as gross misconduct.

Failure to declare such a relation will be a disciplinary offence.

EXAMPLES OF DISCIPLINARY ACTION

The response to any example of misuse of resources will depend on:

- (i) the effect of the action; and
- (ii) the level of responsibility, training and knowledge of the employee concerned.

For example, if a senior employee well versed in financial procedures negligently causes a major waste of money, the matter is likely to be treated as gross misconduct. On the other hand, if a junior employee wastes a small amount of money through error or lack of training, an informal warning might be appropriate.

6.16 Systems of Work

STANDARDS EXPECTED

The Council expects employees to comply with policies and systems of work laid down, approved or recognised for the job concerned, including safe systems of work. This includes appropriate Council policies designed to ensure safety and compliance with legal requirements e.g. Use of Mobile phones.

EXAMPLES OF DISCIPLINARY ACTION

The treatment of cases of failure to comply with a laid down or recognised way of working will depend on the consequences of the failure. If it results in severe danger to people, or a high cost, it may be regarded as gross misconduct. In less extreme cases an appropriate warning will be given.

6.17 Diligence

STANDARDS EXPECTED

The Council expects employees to carry out their allocated duties diligently, avoiding waste of time or other resources.

EXAMPLES OF DISCIPLINARY ACTION

Normally if an employees do not make reasonable efforts to carry out their work in an efficient way, the first response from management will be an informal warning. Persistent lack of diligence will result in increasingly severe formal warnings.

6.18 Time Keeping and Unauthorised Absence

STANDARDS EXPECTED

The Council requires employees to attend work at times in accordance with the terms and conditions of their contract of employment, without lateness, extended breaks or unauthorised absences.

The Council requires and expects all of its employees to be present at their workplace or other work location unless prior permission has been granted by their manager to be involved in non-work activity. Authority to be absent from work must be in accordance with the Council's rules and procedures e.g. with regard to annual leave, flexi-leave, attendance at training courses, sickness absence etc.

EXAMPLES OF DISCIPLINARY ACTION

The treatment of lateness will vary according to its effect. If it causes limited disruption to the service and is not a persistent problem, an oral warning may be given. However, if it has a serious effect on the service or makes some special arrangements necessary it will be treated much more seriously. This could be a final written warning which if repeated, would lead to dismissal.

If an employee is absent from their work base or other work location engaged in a non-work activity without prior authority, or genuine mitigating circumstances, this will be regarded by the Council as an act of misconduct and may result in a formal written warning. If the absence has been a deliberate act to "steal time" from the Council it will (depending on the circumstances); be regarded by the Council as an act of gross misconduct, which if proven will result in the employee being dismissed.

6.19 Use of Time, Equipment, Materials

STANDARDS EXPECTED

Employees are expected to use Council time, equipment or materials only for the work of the Council, unless authorised to do otherwise.

Unauthorised use of any equipment e.g., computer equipment, is prohibited as is the misuse or inappropriate use of email, intranet or internet.

Staff must not maliciously add, delete or amend information held on computers, or interfere with computer software programmes.

EXAMPLES OF DISCIPLINARY ACTION

Any employee, who is found to carry out personal business (or leisure) activity during working hours, or to use Council materials or equipment for personal purposes without permission from the appropriate manager, will be subject to the disciplinary procedure. This type of misconduct may be seen as tantamount to theft or fraud, and so may be treated as gross misconduct.

The loading of illegal, pirated or unauthorised software or data, or the loading of software or data prior to it being virus checked, will depending on the circumstances be regarded as a disciplinary matter.

Deliberate interference with data held on a computer or with computer software programmes, without prior authority, will also depending on the circumstances, be treated as a disciplinary matter.

If the consequences of the action result in additional costs or cause embarrassment or serious disruption to the Council, it could be regarded by the Council as an act of gross misconduct, which if proven will result in the employee being dismissed.

Employees should also read and abide by the rules contained within the Email and Internet Use Policy.

6.20 Health, Safety and Security

STANDARDS EXPECTED

The Council expects employees to be careful and observe rules and procedures for health, safety and security, and to make proper use of appropriate safety precautions, equipment and protective clothing.

EXAMPLES OF DISCIPLINARY ACTION

A serious breach of health and safety is a criminal offence and is likely to be regarded as gross misconduct.

Any breach of the Council's health and safety rules and procedures is likely to lead to a formal or informal warning, depending on the level of risk resulting).

6.21 Activity Outside Work

STANDARDS EXPECTED

Employees are expected not to take part in any activity outside work, which reduces their ability to carry out duties efficiently for the Council or brings the Council into disrepute. Secondary employment may only be undertaken if it does not:

- (i) involve work being done at times when work for the Council is required;
- (ii) prevent the employee working for the Council outside normal working hours when this could be reasonably required;
- (iii) adversely affect their ability to carry out Council duties efficiently or safely;
- (iv) affect the public image of the employee as a responsible and impartial public servant.

EXAMPLES OF DISCIPLINARY ACTION

The seriousness of misconduct under this section could vary considerably. An isolated occurrence of reporting for work when over-tired, which does not have significant safety implication, may lead to an informal warning.

Repeatedly being in an unfit state to work efficiently will lead to increasingly severe warnings, ultimately leading to dismissal.

However, undertaking work for another employer (or working on the employee's own account) when the employee is required to be at work for the Council, or a serious case of bringing the Council into disrepute, will be regarded as gross misconduct.

Employees should not take part in leisure activities which adversely affect their ability to carry out their Council duties efficiently and safely. This includes drink or substance abuse, and activities causing fatigue or health deterioration.

Employees should not enter into any relationship with an individual or organisation which could be viewed by the public or other staff as affecting their impartiality or probity (see also 6.4 – Conflict of Interest.).

If an employee is contemplating entering into any activity covered by this section, they should consult the appropriate Manager.

6.22 Decency

STANDARDS EXPECTED

The Council expects its employees to conduct themselves in a decent manner.

EXAMPLES OF DISCIPLINARY ACTION

Any act of indecency or sexual misconduct on Council premises and / or in working hours is likely to severely embarrass or offend others. It can damage working relationships and be a serious abuse of working time. The management response is likely to be at least a final warning and, in the event of repetition or the degree of seriousness, dismissal.

6.23 Sobriety

STANDARDS EXPECTED

Council employees are expected to be sober while at work.

EXAMPLES OF DISCIPLINARY ACTION

Misuse of drink or drugs can lead to a range of problems, from loss of efficiency to physical danger. The initial management action will depend on the type of problem created, from an informal warning if the effect is slight, to dismissal if it results in physical danger or brings the Council into disrepute. The Council will not tolerate any employee who is found to be persistently smelling of alcohol and appropriate disciplinary action will be taken.

However, if an employee feels in need of help and support to deal with a problem, their manager or the Head of Personnel and Payroll should be approached, in strict confidence. They will give sympathetic support and put the employee in touch with specialist assistance. If problem drinking or drug misuse significantly affects work performance or causes risks, continued employment may be conditional on the employee accepting the appropriate treatment.

6.24 Trust, Helpfulness and Equality

STANDARDS EXPECTED

Council employees are expected to be helpful and trustworthy, and to treat their colleagues and all members of the community with respect fairness and equity.

Employees must not discriminate in the manner in which services are provided or in their attitude or treatment of colleagues.

All employees are required to comply with the law on unfair discrimination and the standards and procedures set down in the Council's policy document – 'Equal Opportunities in Employment' which incorporates the Council's Race Equality Policy.

EXAMPLES OF DISCIPLINARY ACTION

The Council places great importance on its staff being courteous and cordial in their approach to the public, management and colleagues in the course of their work. An unhelpful approach to a client or member of the public may be seen as bringing the Council into disrepute. In extreme and persistent cases, where informal action has failed, such matters will be subject to warnings under the disciplinary procedure and if repeated, may eventually lead to dismissal.

Where employees perform their duties in a manner that deliberately discriminates against a colleague or member of the public without justification, the management response is likely to be an appropriate formal warning. However, if the outcome of their action (or inaction) is serious or has widespread repercussions, the matter may be treated as gross misconduct.

6.25 Bullying & Harassment

STANDARDS EXPECTED

Council employees should not be subjected to any form of bullying or harassment. This is defined as any unjustified behaviour, language, physical contact, body language, expression of views or similar action by one person which results in physical or mental distress for another. Examples include physical violence or verbal abuse; unwanted sexual advances; publicly ridiculing or mocking; making offensive, obscene or unwanted sexually suggestive comments, jokes or innuendo, threats or threatening behaviour, spreading derogatory rumours or sending "hate-mail". This list is not exhaustive.

Employees, who engage in such behaviour, affecting the dignity and peace of mind of colleagues at work or causing worry or concern to an individual, will be dealt with under the disciplinary procedure.

The Council will not tolerate any form of bullying or harassment.

6.26 Sickness Reporting

STANDARDS EXPECTED

The Council expects all employees to comply with the Sickness Reporting Procedure whenever they are unfit to attend work through illness or injury.

The Council requires all employees to make honest statements about any ill-health or injury.

If the Manager is concerned about the nature or frequency of an employee's absence, they can require the employee to produce a medical statement in addition to a self-certificate. However, depending on the circumstances this can be requested at any time, including in extreme cases after the first day of absence.

EXAMPLES OF DISCIPLINARY ACTION

Such conduct by a Council employee, which is unwanted, inappropriate and offensive to the recipient, is likely to result in a final written warning. Unwanted physical contact, with or without sexual intent, against another person will be treated as gross misconduct.

Any attempt at retaliation against a person who complains about bullying or harassment, will also be treated as misconduct. It may be regarded as a repetition of the original misconduct and so will also be treated as gross misconduct.

EXAMPLES OF DISCIPLINARY ACTION

Failure to comply with the sickness absence procedure will depending on the circumstances be dealt with under the disciplinary procedure. Fraudulent abuse of these standards or intentional deception will be treated as gross misconduct. For example:

- (i) If an employee reports that they are too ill to work and it is proven that their absence is not the result of genuine illness.
- (ii) If an employee knowingly submits false information about their incapacity.
- (iii) If an employee works for another employer, or on the employee's own account, when on sick leave.

However breaches which are not deliberate and do not benefit the individual will result in an appropriate warning.

While on sick leave, employees must not:

- (i) work for another employer;
 - (ii) work on their own account;
- nor
- (i) undertake any non-work activity which may have an adverse effect on their recovery.

This requirement also applies where the employee believes that they are not well enough to carry out their normal duties for the Council, but that they could undertake less demanding work or non-work activities. In these circumstances the employee must discuss the matter first with their manager. Medical advice may be sought prior to a decision being taken, which may lead to alternative work being required by the Council.

6.27 Reporting Procedures

STANDARDS EXPECTED

An employee must not victimise another employee because that other employee has, or is thought to have reported some misconduct, danger or other matter of concern. That is, an employee must not treat another employee less favourably than other employees by reason that that other employee has done, intends to do, or is suspected of doing anything under or by reference to the Council's procedure for reporting misconduct (whistle-blowing procedure).

EXAMPLES OF DISCIPLINARY ACTION

Treating an employee less favourably, because that employee has expressed some genuine concern through the proper procedure, is likely to be treated as gross misconduct.

6.28 Personal Appearance

STANDARDS EXPECTED

The Council expects employees to observe a standard of personal appearance which is appropriate to the nature of work undertaken and which portrays a professional approach which both the public and Colleagues will have confidence in. Appropriate clothing must be worn to adhere to the Council's various safe working practices. Clothing which shows either logos or slogans that could be deemed to be offensive to either colleagues or the public must not be worn.

EXAMPLES OF DISCIPLINARY ACTION

It is likely that any instances of inappropriate dress will be dealt with informally by the individual's manager. The persistent wearing of inappropriate clothing will lead to formal disciplinary action being taken.

6.29 Copyright

STANDARDS EXPECTED

All records, documents and other papers which relate to the Council's business and which are made and obtained by employees in the course of employment are the property of the Council. The copyright on all such original records, documents, papers (including copies and summaries thereof) belong to the Council.

EXAMPLES OF DISCIPLINARY ACTION

Breach of copyright is a serious offence matter and may lead to criminal prosecution. The severity of disciplinary action will depend on the severity of the breach.

6.30 Private Trading

STANDARDS EXPECTED

Employees are not allowed to carry out private trading including the posting and distribution of private trading literature on the Council's premises nor may they do so elsewhere whilst on Council duties.

EXAMPLES OF DISCIPLINARY ACTION

Minor offences are likely to be dealt with informally, but more serious examples of private trading are likely to result in formal disciplinary action being taken.

6.31 Membership of other Organisations, Charities and Private Bodies

STANDARDS EXPECTED

An employee must notify the Monitoring Officer of membership of any organisation, charity or private body which could be deemed to have either a direct or indirect influence or business relationship with the Council.

EXAMPLES OF DISCIPLINARY ACTION

Failure to disclose such Membership, particularly where there is a potential for either pecuniary or material gain will be viewed seriously and will be considered to be gross misconduct.

The following list is illustrative but not exhaustive.

- i. Public Authorities or bodies exercising functions of a specific nature.
- ii. A Company, Society, Charity or Body directed to Charitable purposes.
- iii. A Body whose principal purpose includes the influence of public opinion or policy.
- iv. A private club, organisation or pressure group.

6.32 Confidential Reporting Procedure (Whistleblowing)

STANDARDS EXPECTED

The Council is committed to the highest possible standards of openness, probity and accountability and expects employees who have serious concerns about any aspect of the Council's work to come forward and voice these concerns, using the Confidential Reporting Procedure (Whistleblowing)

EXAMPLES OF DISCIPLINARY ACTION

The Council's Confidential Reporting Procedure is designed to give employee's a confidential route to raise such concerns. It will be deemed a disciplinary offence to leak such information to the press, media or other third party.

7. DISCIPLINARY PENALTIES

- (i) As indicated above, the penalty for gross misconduct is dismissal without notice. In such cases, the employee will normally not have had any formal disciplinary warning beforehand.
- (ii) In all other disciplinary cases, an employee will not be dismissed without formal warning about misconduct.
- (iii) The Disciplinary Procedure includes the following levels of warning:
 - Oral Warning;
 - Written Warning;
 - Final Warning.

It also allows for other disciplinary action short of dismissal.

- (iv) The level of warning given for a first offence will depend on the seriousness of the offence. For very serious misconduct, which just falls short of being regarded as gross misconduct, a final written warning may be imposed. In that case, a repetition of the misconduct will lead to dismissal with notice.
- (v) Less serious misconduct, which just falls into the need for formal disciplinary action, will merit a formal oral warning.
- (vii) The Disciplinary Procedure sets out, in details, how disciplinary matters are dealt with in the Council. The aim is to ensure that the full facts are available and considered justly and fairly. It contains safeguards to ensure that employees can be properly represented and that they have proper opportunity to put their case across and, if they wish, appeal against a disciplinary decision.