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# Disciplinary Rules

## Version Control

Version number	Purpose /change	Amends	Author	Date

## Introduction

This document sets out examples of misconduct and gross misconduct. It is not an exclusive or exhaustive list. It also sets out the way in which employees who are arrested, charged or convicted of criminal offences outside of the workplace will be considered.

## Misconduct

The following list indicates the type of offence normally regarded as misconduct.

Such breaches of discipline will not normally result in dismissal for a first offence, but may result in dismissal if the employee has previously committed an act or acts of misconduct for which a warning or warnings have been issued.

- Unauthorised absence from duty
- Unjustified and repeated lateness for work
- Unjustified failure to comply with absence reporting procedures
- Failure to comply with prescribed working hours (e.g. lunch breaks and flexitime regulations)
- Undertaking activities detrimental to your recovery whilst on sick leave (e.g. playing rugby when on sick leave)
- Refusal / failure to carry out a reasonable and lawful instruction
- Smoking (or Vaping) in a prohibited area
- Knowingly encouraging/assisting others to commit a disciplinary offence
- Failure to maintain appropriate standards of dress or hygiene
- Failing to divulge relationships, including those of a private and domestic nature with contractors or potential contractors. Depending on the circumstances this could be construed as gross misconduct
- Failure to make use of protective equipment and clothing
- Disregard of safety practices, procedures and rules.
- Failure to comply with and observe operational policies and procedures which you would reasonably be expected to be aware of
- Unauthorised personal use of Council facilities or equipment (e.g. photocopiers or fax machines)
- Excessive personal use of the telephone as stated in the telecommunications policy
- Wilful failure to produce work of an acceptable standard both in terms of quality and levels of output.

## Gross Misconduct

The following is a guide to conduct that is likely to be regarded as gross misconduct and lead to summary dismissal (without notice) for a first offence, unless there are clear and mitigating circumstances and as such each case will be decided upon its own merits.

Examples include:

- Behaviour /action capable of bringing the Council into serious disrepute whether during work or outside work
- Refusal to carry out a reasonable management instruction following a warning (which could be verbally given) that to continue to do so may lead to dismissal
- Sleeping on duty
- Misuse of confidential information (including reports to members), unauthorised disclosure, destruction, alteration, addition to or erasure of official documents/records
- Failure to disclose a driving offence/disqualification when a driving licence is required for employment
- Serious breaches of the council's Safeguarding procedures
- Deliberately accessing internet sites containing pornographic, racist or other offensive or obscene material (whilst on duty)
- Failure to divulge information regarding your health which could compromise your ability to carry out substantive duties e.g. continuing to drive with a condition which could impair ability
- Unauthorised acceptance of or request for gifts, entertainment, hospitality or benefits of any kind, in contravention of the Council's Officer Code of Conduct
- Misuse of your official position with the Council for personal gain, or the gain of some other party
- Failure to declare a personal interest in contravention with Council Procedures (e.g. beneficial interest in a client's will or a council contract)
- Engaging in activities or outside work which is seriously prejudicial or in conflict with your own or the Councils function (e.g. privately working on planning applications to be submitted to the Council).
- Criminal conduct outside the workplace, which reflects adversely upon the Council, or on the employee's suitability for the job
- Deliberately providing false information or being party to concealing information which leads to dishonest or fraudulent behaviour (e.g. deliberate falsification of expense claims, timesheets, flexi-time recording, overtime, bonus claims, information on application forms, claims for benefits, grants, allowances, aids, adaptations or other services provided or paid for by the Council).
- Reporting sick (verbally or in writing) or remaining on sick leave when fit to undertake your duties and responsibilities at work
- Undertaking paid employment elsewhere whilst certified unfit to perform your substantive duties or during hours when contracted to work
- Drinking alcohol at work or during working hours, unless appropriately authorised to do so (e.g. a toast at an official retirement/Christmas party)
- Incapacity at work (or whilst on standby duty) due to the effects of alcohol, prohibited drugs, misuse of non prohibited drugs or other substances
- Use of Council equipment or premises to access, use, store or distribute explicit sexual or offensive material.

- Loss or damage to Council property or equipment through negligent or deliberate behaviour, whether during or outside of the working day.
- Any act or omission which is grossly negligent and which seriously endangers the health and safety of yourself or others
- Serious and deliberate violation of Health and Safety rules and standards which cause or could cause risk to the individual, other employees or the public
- Gross negligence which causes unacceptable loss, damage or injury
- Violent behaviour, including physical violence such as assault at work
- Serious verbal abuse, threatening or intimidating behaviour.
- Bullying, harassment, discrimination and / or victimisation of others
- Serious misuse of social networking sites and/or a disregard for the Social Media Policy
- Wilful and deliberate failure to adhere to the policies, procedures and code of conduct for the council
- Serious breach of trust and confidence, for example, deliberately telling untruths or misleading fellow officers or elected members
- Stealing from the Council, its employees or service users or the unauthorised removal of monies or property belonging to them.

### **Offences committed outside the workplace**

Any member of staff who is, arrested, charged with an offence or who is convicted by a Court of **any** criminal offence (except a traffic offence for which the penalty has

not included imprisonment or disqualification from driving) must report the facts immediately to their manager or Human Resources.

The discovery of a conviction which is not spent under the Rehabilitation of Offenders Act 1974, and which was not disclosed at the time of engagement will

normally be regarded as gross misconduct on the basis of a breach of trust and confidence. (This does not include driving offences, unless driving is relevant to the employee's duties).

Where an employee is charged with a criminal offence, the fact that the criminal offence has not yet been tried in the Courts will not prevent disciplinary action being

taken, arising from the same events. The council will normally liaise with the police

prior to commencing investigation, although a failure to liaise will not invalidate any investigation conducted.

A decision will be made as to whether any criminal conduct inside or outside of the council reflects adversely upon the council, or on the employee's suitability for the job. **If so, the employee may be subject to the disciplinary procedure.**

In cases where an employee is banned or legally prevented from driving the following factors should be taken into consideration (every case should be considered on its individual merits):

- length of ban
- proportion of driving duties
- ill health re-deployment / reasonable adjustments
- temporary re-deployment for the duration of the ban (this will depend on suitable
  - alternative employment being available)

This document should be read in conjunction with the **Disciplinary Procedure** and

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**Please telephone 01427 676676**

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