

Disciplinary Standards



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1.0 Introduction

1.1 Application

These disciplinary standards apply to all Chelmsford City Council employees irrespective of the job or grade they are on.

They should be read in conjunction with the Council's Disciplinary Procedure and Code of Conduct for Employees and Workers.

1.2 Purpose behind the Disciplinary Standards

The Council accepts that most of its employees can be relied on to conduct themselves in an exemplary manner, irrespective of formal rules. However, in a large organisation such as the Council it is necessary for there to be standards which:

- Identifies conduct which is unacceptable to the Council as an employer,
- Indicates the likely consequence of such conduct, and
- Provides a framework for managers and employees that helps ensure that the required high standards of job performance and conduct are met and maintained.

1.3 Matters not covered by these Standards

Issues relating to ill-health, performance and capability, and grievances are not covered by the Disciplinary procedure and these standards.

2.0 The Code of Conduct

The Council's Code of Conduct for Employees provides guidance to employees to protect them from misunderstanding or criticism. Employees should be aware that breach of the Code will constitute misconduct (and in certain circumstances, gross misconduct), which may lead to disciplinary action being taken against the employee in accordance with the Council's Disciplinary Procedure.

3.0 Misconduct & Gross Misconduct

Misconduct refers to a breach of the standards of conduct expected at work. Breaches are divided into two categories, dependent on their seriousness; Misconduct and Gross Misconduct.

3.1 Misconduct

Misconduct is conduct of such a kind as to warrant disciplinary action rather than the dismissal for the first act, with the level of warning being related to the seriousness of the act. However, a repetition of the previous misconduct, or failure to improve performance significantly following a previous warning may, depending on the nature and seriousness of the misconduct involved and the time which has elapsed since the previous misconduct, result in the dismissal of the employee with notice (or payment in lieu of notice).

A further misconduct of a different kind from that to which the previous warning(s) relate may, depending on the circumstances, result in dismissal.

The following acts and similar actions will normally be regarded as misconduct:

1. Unauthorised absence, poor timekeeping, not following absence procedures, not complying with time recording requirements;
2. Unreasonable language or behaviour towards colleagues, service users, members of the public or elected Members;
3. Repeated carelessness or negligence in performing duties, or lack of attention to service requirements;
4. Refusal to adhere to reasonable management instructions;
5. Misusing materials, equipment or time;
6. Failure to observe the Council's accepted practices, procedures and regulations or breaches of contract or Council policy, rules or standards including the Code of Conduct;
7. Breach of the data protection regulations;
8. Unauthorised disclosure of confidential matters relating to the business of the Council (Note that the appropriate use of the Whistleblowing procedure is not included);
9. Not complying with the Council's equality and diversity policies, principles or ethics;
10. Actions or negligence which breach the Council's safeguarding commitment and policy.

3.2 Gross Misconduct

Gross misconduct is considered so serious a breach of an employee's contractual obligations as to warrant summary dismissal i.e. dismissal without notice or any pay in lieu of notice.

An employee facing an allegation of gross misconduct may be liable to immediate suspension. Suspension is covered in more detail in the Council's Disciplinary Procedure.

These breaches include but are not limited to:

1. Deliberate acts of discrimination, harassment or bullying;
2. Serious breach of the Code of Conduct. For example, this would include indecent behaviour/banter and dangerous horseplay;
3. Serious negligence which causes, or might cause, unacceptable loss, damage or injury;
4. Serious acts of insubordination;
5. Frivolously, maliciously or for personal gain making allegations against another employee and deliberately failing to follow due process to raise issues of genuine concern;
6. Culpable lack of care towards customers/clients;
7. Actions or negligence of a serious and significant nature which breach the Council's Safeguarding commitment and policy;
8. Sexual misconduct (including behaviour outside of work which impacts on an individual's suitability for employment e.g. child protection issues);
9. Being incapable of adequately performing duties as a result of alcohol or illegal drugs;
10. Dishonesty including theft and deliberate falsification of records or abuse of position;
11. Acceptance of bribes or other corrupt practices;
12. Serious breach of financial procedures, rules and framework;
13. Serious breach of procurement rules and framework;
14. Fraudulent activity and or financial irregularity including falsification of timesheets or expenses, allowances or other claims;
15. Serious breach of the Council's Standing Orders;
16. Unauthorised disclosure of highly confidential matters relating to the business of the Council (Note that the appropriate use of the Whistleblowing Procedure is not included);
17. Serious breach of data protection regulations;
18. Serious misuse of Council's property or name;
19. Deliberate damage to property;
20. Serious infringement of health and safety rules;
21. Physical violence or threats of physical violence;
22. Any action/s which brings or could bring the Council into disrepute;
23. Acts prejudicial to the Council's interests (inside or outside of work);
24. Being convicted of a serious criminal offence which makes the employee unsuitable to remain in the Council's employment;
25. Deliberately concealing a conviction, criminal charge or summons pending, in order to gain employment with the Council;

26. Deliberately concealing a conviction, criminal charge or summons pending during the course of employment with the Council;
27. Holding unauthorised paid employment during paid Council time or during any period of sickness absence;
28. Unauthorised or inappropriate use of the Council's computer equipment or software, including internet abuse or other breaches of the Council's IT standards;
29. Submission of false references or false information or failure to disclose relevant information in recruitment processes that the Council should and could have been made aware of.

Employees must conduct themselves at all times in accordance with local and national codes of conduct and service standards. These lists are neither exclusive nor exhaustive, and in addition there may be other action or a similar gravity that would constitute misconduct or gross misconduct.

4.0 Criminal Offences

A criminal offence (conviction or charge) outside of work does not necessarily require that disciplinary action will be taken against the employee. Consideration should be given to what effect the charge or conviction has on the employee's suitability to do the job and the employee's relationship with the Council, work colleagues and customers. The offences most likely to impact on the employment relationship are those involving dishonesty, violence or inappropriate sexual behaviour.

In each case the Council, having considered the facts, will need to decide whether or not the conduct is sufficiently serious to warrant instituting a disciplinary procedure. Advice should be sought from Human Resources.

Some workplace disciplinary offences may also be criminal offences such as theft, fraud or sexual offences. In these instances, there may be a duty to inform the police. Advice should be sought from Human Resources and/or audit as appropriate. It may be appropriate to also seek the advice from the Safeguarding teams for Children and Vulnerable Adults.

Version Number	Creation Date	Changes Made	Changes Made By:	Authorised And Checked?	Date of Changes
4.0	November 2007	Re-written and format updated	A Felton	Y	Oct 23
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3.5	November 2007	Replaced two ticks with disability confident	HR team	Y	Oct 16
3.4	November 2007	Updated intranet links	HR Team	Y	Sep 14

