

KESSINGLAND PARISH COUNCIL



STAFF POLICY & PROCEDURE

DISCIPLINARY RULES

To be reviewed: Bi-Annually

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1. POLICY STATEMENT

- 1.1 These Disciplinary Rules should be read in conjunction with our Disciplinary Procedure. The aim of the Disciplinary Rules and Disciplinary Procedure is to set out the standards of conduct expected of all staff and to provide a framework within which managers can work with staff to maintain those standards and encourage improvement where necessary.
- 1.2 It is our policy to ensure that any disciplinary matter is dealt with fairly and in accordance with the Disciplinary Procedure.
- 1.3 If you are in any doubt as to your responsibilities or the standards of conduct expected you should speak to your line manager or chairman.
- 1.4 These rules do not form part of any employee's contract of employment and may be amended at any time.

2. RULES OF CONDUCT

- 2.1 While working for us you should at all times maintain professional and responsible standards of conduct. In particular you should:
 - (a) observe the terms and conditions of your contract, particularly with regard to:
 - (i) hours of work;
 - (ii) confidentiality;
 - (b) observe all our policies, procedures and regulations which are included in the Staff Handbook or notified to you from time to time by means of notice boards, e-mail, or otherwise;
 - (c) take reasonable care in respect of the health and safety of colleagues and third parties [and comply with our Health and Safety Policy];
 - (d) comply with all reasonable instructions given by managers; and
 - (e) act at all times in good faith and in our best interests and those of our staff.
- 2.2 Failure to maintain satisfactory standards of conduct may result in action being taken under our Disciplinary Procedure.

3. UNSATISFACTORY CONDUCT/PERFORMANCE

The following are examples of matters that will normally be regarded as misconduct and will be dealt with under our Disciplinary Procedure:

- (a) Minor breaches of our policies [including the Sickness Absence Policy, Electronic Information and Communications Systems Policy, and Health and Safety Policy];
- (b) Minor breaches of your contract;
- (c) Damage to, or unauthorised use of, our property;
- (d) Poor timekeeping;
- (e) Time wasting;
- (f) Excessive use of our telephones for personal calls;
- (g) Excessive personal e-mail or internet usage;
- (h) Smoking in a no-smoking area.

This list is intended as a guide and is not exhaustive.

4. MISCONDUCT

- (a) Unauthorised absence from work;
- (b) Refusal to follow instructions;
- (c) Obscene language or other offensive behaviour;
- (d) Negligence in the performance of your duties;

This list is intended as a guide and is not exhaustive.

5. GROSS MISCONDUCT

5.1 Gross misconduct is a serious breach of contract and includes misconduct which, in our opinion, is likely to prejudice our business or reputation or irreparably damage the working relationship and trust between us. Gross misconduct will be dealt with under our Disciplinary Procedure and will normally lead to dismissal without notice or pay in lieu of notice (summary dismissal).

5.2 The following are examples of matters that are normally regarded as gross misconduct:

- (a) Theft or fraud;
- (b) Physical violence or bullying;
- (c) Deliberate and serious damage to property;
- (d) Serious misuse of our property or name;
- (e) Deliberately accessing internet sites containing pornographic, offensive or obscene material;

- (f) Repeated or serious failure to obey instructions, or any other serious act of insubordination;
- (g) Unlawful discrimination or harassment;
- (h) Bringing the organisation into serious disrepute;
- (i) Being under the influence of alcohol, illegal drugs or other substances during working hours;
- (j) Causing loss, damage or injury through serious negligence;
- (k) Serious breach of health and safety rules;
- (l) Serious breach of confidence;
- (m) Accepting or offering a bribe or other secret payment;
- (n) Accepting a gift above the value of £5 from a member of the public, supplier, contractor or other third party in connection with your employment.
- (o) Conviction for a criminal offence that in our opinion may affect our reputation or our relationships with our staff, or the public, or otherwise affects your suitability to continue to work for us;
- (p) Possession, use, supply or attempted supply of illegal drugs;
- (q) Serious neglect of duties, or a serious or deliberate breach of your contract or operating procedures;
- (r) Knowing breach of statutory rules affecting your work;
- (s) Unauthorised use, processing or disclosure of personal data contrary to our Data Protection Policy;
- (t) Harassment of, or discrimination against, employees, contractors, clients or members of the public, related to gender, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, disability, religion or belief or age [contrary to our Equal Opportunities Policy or our Anti-harassment and Bullying Policy]
- (u) Refusal to disclose any of the information required by your employment or any other information that may have a bearing on the performance of your duties;
- (v) Giving false information as to qualifications or entitlement to work (including immigration status) in order to gain employment or other benefits;
- (w) Knowingly taking parental, paternity or adoption leave when not eligible to do so or for a purpose other than supporting a child;
- (x) Making untrue allegations in bad faith against a colleague;

This list is intended as a guide and is not exhaustive.

6 Summary of Formal Disciplinary Action

The following table gives an indication of the circumstances in which the different possible disciplinary action may be appropriate. The Parish Council may vary these, depending on the particular circumstances of each case.

| Type of Conduct | First Occasion | Second Occasion | Third Occasion |
|-------------------------------------|-----------------------|-----------------------|----------------|
| Unsatisfactory Conduct/ Performance | Written warning | Final written warning | Dismissal |
| Misconduct | Final written warning | Dismissal | |
| Gross Misconduct | Dismissal | | |