

KEY EMPLOYMENT POLICIES

EMPLOYEE INFORMATION BRIEFING

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NEW POLICY



POLICY REVIEW



REGULAR REMINDER

DISCIPLINARY CODE

POLICY OVERVIEW

The council's [Disciplinary Code](#) sets out examples of misconduct that are considered to be in breach of the council's policies and workplace rules and will normally result in disciplinary action. The examples include forms of misconduct that are sufficiently serious to be classed as 'gross misconduct' and for which employees may be summarily dismissed without previous warning and without notice.

The level of disciplinary action taken in any particular case will depend on the degree of seriousness of the misconduct, the employee's previous record and other relevant mitigating factors.

While the [Disciplinary Code](#) mainly covers misconduct within the workplace and during normal working hours, it also extends to behaviour or conduct outside the workplace that contravenes the council's policies and/or is regarded as impacting on an employee's contract of employment with the council.

KEY INFORMATION FOR EMPLOYEES

- The following list (neither exclusive or exhaustive) is indicative of the types of misconduct classed as Gross Misconduct in the code and which may lead to dismissal without notice:
 - Theft, fraud and misrepresentation
 - Unauthorised/improper use of council property, equipment or systems
 - Wilful breach of specified safety rules
 - Wilful damage to or misuse of property or resources
 - Gross Carelessness/Negligence in carrying out duties and responsibilities
 - Serious discriminatory acts or omissions in contravention of the council's policies or the Equality Act
 - Physical or indecent assault
 - Grossly indecent, abusive or threatening behaviour
 - Fighting at work
 - Criminal conviction/civil liability or other unacceptable conduct which renders the employee unsuitable to carry out the duties and responsibilities of the post.
- The following list (neither exclusive or exhaustive) is indicative of the types of misconduct which will normally result in disciplinary action short of dismissal being taken in the first instance but which may also ultimately lead to dismissal:

- Careless damage to property
 - Inappropriate use of the council's IT systems and procedures
 - Less serious breaches of safety rules
 - Breach of confidentiality
 - Unauthorised use of property not belonging to the council whilst engaged or purporting to be engaged on council business
 - Unauthorised absence from work
 - Refusal to obey reasonable instructions or otherwise fulfil the contractual obligations of the post
 - Incapacity to carry out duties/responsibilities due to misuse of alcohol or drugs
 - Persistent bad timekeeping
- Action short of summary dismissal may take the form of an oral warning, a written warning, a final warning, the withholding of an annual increment, suspension from duty, demotion and/or transfer to another post, or ultimately dismissal with notice.
 - The provisions of the council's [Disciplinary Code](#) apply to you during working hours and in certain circumstances out with normal working hours where your behaviour detrimentally affects the council or another council employee.
 - When considering whether behaviour out with the workplace should be dealt with as a disciplinary matter, the council will consider the following factors:
 - The relevancy of the conduct to the workplace and/or your contract of employment with the council.
 - Any risk or damage to the council's reputation as a service provider caused by your conduct.
 - The impact of your conduct on your fellow workers, the council's customers and clients.
 - The extent to which your conduct has breached a council policy.
 - Any alleged misconduct will be fully investigated in line with the council's Disciplinary Procedure and thereafter a Disciplinary Hearing convened as appropriate.

ROLL OUT ARRANGEMENTS

- Services should ensure that records are kept of the date that employee briefings were conducted and the employees who attended. Those records may be subject to internal audit at any given time to ensure that council employment policies are being properly disseminated throughout services.
- Employees should be encouraged to read the full Disciplinary Code available on Mytoolkit and accessible from work and home at:
<http://www.westlothian.gov.uk/article/2200/Policies-Procedures-and-Guidance>