



# **DORCHESTER TOWN COUNCIL**

*STAFF DOCUMENTS SERIES*

# **DISCIPLINARY RULES**

**Last Reviewed:**

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## **DISCIPLINARY RULES**

### **1. Introduction**

- 1.1 The purpose of this document is to set out some specific guidance on standards of conduct required of employees of Dorchester Town Council (“the Council”). As breaches of these rules and standards of conduct may result in various forms of disciplinary action which can, in extreme cases, result in termination of employment, it is important that the Council should give guidance on the standards of conduct which it expects. It is not possible in this document to define all the many acts of misconduct or incapability which could lead to disciplinary action. Generally, the test of reasonableness in the circumstances will apply before any disciplinary action is taken: “would a reasonable person be aware that disciplinary action could result from a certain action or omission?”.

### **2. Scope**

- 2.1 This procedure covers all members of staff - full time, part time, permanent or temporary - employed by the Council.

### **3. Guiding Principles - Employers**

- 3.1 While members of staff must observe these rules, they do not mean that management can abdicate its responsibilities by automatically imposing disciplinary action without first fully investigating the circumstances when a rule is broken. When a rule is broken, and before any disciplinary action is taken, the Council will ensure:

- that the rule was known to the member of staff;
- that the rule was consistently applied;
- that the circumstances of the case where the rule was broken have been fully investigated and, where necessary, blame apportioned;
- that the member of staff has been given an opportunity to explain his actions in accordance with the disciplinary procedure, at a disciplinary interview;
- that any disciplinary action against a member of staff who breaks these rules was fair and reasonable in the circumstances and consistent with previous disciplinary action.

### **4. Guiding Principles - Members of Staff**

- 4.1 Every member of staff should maintain a high standard of integrity and conduct which will not impair working relationships or embarrass the Council in the eyes of the general public.
- 4.2 Any failure on the part of the member of staff to maintain the highest standards in this respect may result in disciplinary action being taken by the Council. The disciplinary action that may be taken by the Council is specified in the Council’s Disciplinary

Procedures, and any action taken will depend on the seriousness of the breach of these Disciplinary Rules.

- 4.3 Generally, incidents can be classified as those relating to ordinary misconduct and lack of capability, where normal warning under the disciplinary procedure will be invoked, or to gross misconduct where instant dismissal might result.

5. **Ordinary Misconduct and Lack of Capability**

- 5.1 Ordinary misconduct is conduct which warrants disciplinary action, rather than summary dismissal, for a first offence on the part of the member of staff, and the warning procedure specified in the Council's Disciplinary Procedure will normally be followed. The same procedure will also normally be followed where the member of staff shows a lack of capability or is negligent in executing their duties, although the need for additional training or supervision will also be considered.

- 5.2 These are some examples of the kinds of incident where the normal warning procedures will be invoked. These are not exhaustive, and it may be that more serious disciplinary action might be appropriate from time to time:

**(a) Absenteeism, Unjustifiable Absence from Duty or Poor Time Keeping**

Where a member of staff is absent from duty or is late for duty or return to duty or other attendance; goes off duty early; or without permission or sufficient cause leaves his place of work, including taking excessive refreshment breaks, without a good reason.

**(b) Acts of Minor Insubordination**

Acts of Minor Insubordination – in other words when a member of staff is insubordinate in what they say, do or behave.

**(c) Lack of Ability**

The lack of the ability or the failure to do what they are obliged to do by their contract.

**(d) Unacceptable Personal Appearance and Hygiene at Work**

When a member of staff's personal appearance or hygiene falls below the level acceptable to the Council.

**(e) Disregard of Specific Rules at Work**

Disregard of specific rules and working procedures.

**(f) Negligent Performance of Duties**

When a member of staff:

fails to discharge the obligations which they are required to do by statute or their contract.

fails to report any matter which it is their duty to report.

fails to make an entry in any book or document which it is their duty to make.

**(g) Being an Accessory to a Disciplinary Offence**

Knowingly conniving at or being an accessory to an offence against discipline.

**(h) Abuse**

When a member of staff's conduct towards a fellow member of staff or a member of the public is oppressive or abusive.

**(i) Improper Disclosure of Information**

When a member of staff wilfully discloses (either orally or in writing) any information of a confidential nature which the member of staff has access to owing to his position to an unauthorised person, without authorisation from the Town Clerk or the Council.

**(j) Damage to Council Property**

Wilful waste, loss or damage to Council or other property through failure to take due care.

**(k) Discrimination**

Discrimination against a fellow employee or member of the public on grounds of sex, sexual orientation, colour, race, creed, nationality or ethnic origin.

**(l) Being Under the Influence of Drugs**

Failure by a member of staff to notify the Town Clerk of any circumstances where a course of drugs have been medically prescribed which may affect their ability to perform efficiently the duties for which they are employed, or which they may reasonably foresee having to perform.

**(m) Conduct Outside of Working Hours**

Where a member of staff commits an act outside of working hours which is incompatible or inconsistent with their duty to the Council or which is likely to bring discredit on or lead to loss of confidence in the service in which they are employed, or which makes them unacceptable to their fellow employees.

**(n) Neglect of Health**

When a member of staff wilfully neglects his health by failing to carry out any instructions of a medical officer appointed by the Council, without good excuse, or while absent from duty on account of sickness commits any act or adopts any conduct which might delay their return to duty.

## 6. **Gross Misconduct**

- 6.1 Gross misconduct is misconduct of such kind that the Council cannot allow the member of staff to continue at work, and sees no alternative to dismissal on the grounds of gross misconduct or suspension pending an investigation.
- 6.2 Again, it is not possible to define every act which might be classified as gross misconduct, for the disciplinary action taken by the Council will ultimately be determined by the circumstances of the incident.
- 6.3 These are some examples, not exhaustive, nor pre-empting less serious disciplinary action, of incidents which may be classified as gross misconduct:

### **(a) Being Under the Influence of Drink or Drugs**

Where a member of staff is under the influence of drink or drugs during working hours to such an extent that they cannot efficiently perform the duties for which they are employed or which they may reasonably foresee having to perform;

### **(b) Sleeping on Duty**

### **(c) Stealing**

From the Council, its members, members of staff or the public.

### **(d) Sexual Misbehaviour at Work**

### **(e) Conduct at Work Likely to Offend Decency**

### **(f) Falsification of Time Sheets/Claims**

Where a member of staff deliberately makes a false claim for financial reimbursement with the intention of obtaining a payment from the Council to which they are not entitled.

### **(g) Malicious Damage to the Council's Property**

When a member of staff wilfully causes any waste, loss or damage to any property of the Council, fails to take proper care of it, or fails to report any loss of or damage to any of the Council's property issued to or used by them or in their care, or wilfully commits an act of neglect which endangers life or limb.

### **(h) Falsehood**

When a member of staff:

- knowingly or through wilful neglect, makes any false, misleading or inaccurate oral or written statement or entry in any record or document made, kept or required for the purposes of the Council; or

- has knowingly, or through wilful neglect, falsified any information used in support of any application for any position with the Council, including falsification of qualifications which are a stated requirement of employment, or which result in financial gain.

**(i) Fighting and Assault**

Where a member of staff physically assaults another member of staff, member of the public or member of the Council.

**(j) Disobedience to Orders**

Where a member of staff wilfully disobeys, omits or neglects to carry out a lawful order without good reason.

**(k) Misconduct in Relation to Official Documents**

Where a member of staff destroys or mutilates any record or document made kept or required for the purposes of the Council, or alters or erases or adds to any entry in such a record or document, without good reason.

**(l) Criminal Conduct**

Commission of a criminal act of gross misconduct outside the place of work and working hours which will affect the member of staff in their work having regard to the nature of the offence, for example when a member of staff has been found guilty by a court of law of a criminal offence,.

**(m) Contravention of Departmental Rules**

Where a member of staff contravenes specific departmental disciplinary working or safety rules which warrant the summary dismissal of the employee concerned.

**(n) Corrupt or Improper Practice**

When a member of staff improperly uses, or attempts to use, his official position for their own private advantage or for the private advantage of some other person.

**(o) Standing Orders**

Where in the case of an officer there is a deliberate contravention of Council Standing Orders, Standing Orders on Contracts or Financial Regulations.

- 6.4 This list is neither exclusive nor exhaustive and there may be other offences of a similar gravity which would constitute gross misconduct. Any disciplinary action will depend on the circumstances of the incident after it has been fully investigated in accordance with the Disciplinary Procedure.

## **7. Conduct of Members of Staff**

7.1 Members of staff are reminded of the high standard of conduct expected of them.

7.2 The following rules relating to conduct, while not exhaustive, are expected to be observed by members of staff. The disciplinary action taken will depend on the circumstances of the case, the seriousness of the offence and the past record of the member of staff involved.

### **(a) Relations With the Public**

(i) When dealing with the public every member of staff has a duty to be helpful, efficient and civil and to do everything possible to ensure that all matters are dealt with effectively, expeditiously and confidentially.

(ii) No member of staff may take part in any broadcast (sound or vision) about the business of the Council, or publish any article, or disclose information to the media, or deliver a lecture, on the business of the Council without first obtaining the permission of the Town Clerk.

### **(b) Disclosure of Information**

Unless authorised by the Council or the Town Clerk, a member of staff must not disclose to an unauthorised person, either orally or in writing, any information of a confidential nature that acquired through their official duties, or obtained owing to his official position.

### **(c) Unauthorised Employment**

No member of staff should engage in unauthorised employment during hours when contracted to work for the Council, or engage in employment during 'off-duty' hours which is detrimental to the interest of the Council.

### **(d) Activities Outside Work**

A member of staff who wishes to take part in any activity outside work which involves disclosure of official information, or use of official knowledge and expertise, must obtain authority from the Town Clerk.

### **(e) Improper Interests**

Any member of staff who learns that the Council has entered or proposes to enter into a contract with a third party in which he has any pecuniary interest, whether direct or indirect, shall, as soon as possible, give notice in writing of the nature of the interest to the Town Clerk.

## **8. Other Matters**

8.1 Following examination of the circumstances of the case disciplinary action may be taken where a member of staff's actions or conduct in respect of the following impinge on

their effective performance and their work, or on the public image of the Council:

- mismanagement of personal financial affairs;
- borrowing or lending of money;
- acceptance of gifts, presentations and rewards;
- involvement in criminal or civil actions;
- self-interest in Council contracts;
- unauthorised action on behalf of the Council or Department;
- public criticism of the Council's decisions and/or activities if connected with the member of staff's own work.

9. **Distribution**

Copies of this document will be issued to all members of staff.

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