

# **10. Conduct**

## **(c) Officers’ Code of Conduct**

### **1. INTRODUCTION**

- (i) This document sets out the general standards of conduct expected of Council employees, with examples of how Management might deal with misconduct. It should be read in conjunction with the Council's Disciplinary Procedure.
- (ii) Disciplinary action in Teignbridge is relatively rare. Standards of conduct are high, and the vast majority of employees is unlikely to behave in any way that is unacceptable or likely to provoke disciplinary action. This code is not intended to imply anything to the contrary.
- (iii) Its first purpose is guidance to help us all avoid unacceptable conduct.
- (iv) From time to time in an organisation, there are likely to be a few individuals who are tempted to do something that an employer will find unacceptable. This code aims to make them aware of what "unacceptable" is and what level of penalty such action may attract. This might prevent the problem in the first place, but it also acts as a guide to Managers and Strategic Managers to ensure that the same type of behaviour attracts the same disciplinary action - for everyone throughout the Council's employment.

### **2. MANAGEMENT ACTION**

- (i) Management action following cases of misconduct might include:
  - (a) Counselling, advice or instruction by supervisors;
  - (b) Informal reprimands by the supervisor;
  - (c) Formal warnings or dismissal, in accordance with the Disciplinary Procedure; and / or
  - (d) Disciplinary Transfer to alternative work and/or an alternative workplace.

### **3. GENERAL CONDUCT**

- (i) Council employees are expected to be honest, conscientious and courteous in their dealings with Councillors, colleagues and the public, to behave in a proper manner and to obey the law.

### **4. REPORTING**

- (i) Employees are obliged to report to the appropriate level of Management:
  - any deficiency in the provision of Council services;
  - any impropriety; and / or
  - any breach of this Code of Conduct.

**5. MISCONDUCT**

- (i) Set out below are indications of conduct likely to be regarded as misconduct, and examples of the action that may be taken by Management as a result.

NOTE: This is not an exhaustive or exclusive list and can only be a general guide.

- (ii) The examples below indicate typical penalties. However, in reaching disciplinary decision, Strategic Managers may take into account:
  - The nature of the individual's job and the impact of the misconduct on the employment relationships;
  - Previous service and conduct; and
  - Any mitigating circumstances.

**6. GROSS MISCONDUCT**

- (i) In general, no employee will be dismissed for misconduct, unless they have been given a warning about the type of misconduct involved and they have had the chance to improve.
- (ii) However, there may be occasions when an act of misconduct is so serious that the employee can no longer be tolerated in the Council's employment. Such cases will be regarded as Gross Misconduct, the penalty for which is dismissal without notice.
- (iii) Examples of behaviour, that would be regarded as gross misconduct, are shown in the following sections.

NOTE: This is not an exhaustive or exclusive list and can only be a general guide.

**6.1 Criminal Offences**

Standards Expected	Examples of Disciplinary Action
The Council expects that employees will not commit any criminal offence, either at work or outside work.	A criminal offence committed in the course of work is likely to be regarded as gross misconduct. The treatment of criminal offences committed outside work will vary considerably. If a criminal act does not damage the Council's confidence in the employee or the Council's good reputation and the employee's work does not provide opportunity for repeating the act, an informal warning may be given.

Standards Expected	Examples of Disciplinary Action
	<p>If a criminal act outside work has a significant effect on the Council's confidence in the employee, it will be treated far more seriously. For example, if an employee is responsible for money or valuable resources for the Council and is believed to be guilty of fraud or theft, it would be treated as gross misconduct, and the employee will be dismissed without prior warning or notice. Similarly, if an employee deals with clients for the Council and is believed to be guilty of violence, this would also be regarded as gross misconduct.</p>

## 6.2 Supervisor's Instructions

Standards Expected	Examples of Disciplinary Action
<p>The Council requires employees to comply with all lawful instructions given by the appropriate supervisor or Senior Officer.</p>	<p>The way Management deals with failure to comply with instructions will vary considerably. A direct refusal to carry out a clear and direct instruction, relating to action required immediately, may lead to a final warning.</p> <p>At the other end of the scale, where an omission results from pressure of other priorities and the consequences are not serious, informal counselling or advice is likely to be appropriate.</p>

## 6.3 Administrative and Financial Procedures and the Falsification of Records

Standards Expected	Examples of Disciplinary Action
<p>The Council expects that employees comply with all appropriate administrative and financial procedures and make honest and true statements on the documents involved.</p> <p>Attention is particularly drawn to the Council's Standing Orders and Financial</p>	<p>Deliberate falsification of any record or fraudulent abuse of any of the Council's procedures, to gain benefit in money or kind for the employee concerned or any other person will, depending on the circumstances be regarded by the Council as an act of gross misconduct,</p>

Standards Expected	Examples of Disciplinary Action
<p>Regulations. However, there are various other departmental procedures, which the employees concerned need to observe.</p> <p>The Council requires and expects all of its employees to complete records including attendance, leave, sickness etc accurately and within the appropriate procedure for the matter concerned. This applies to all records where the employee has the responsibility to complete the records or provides information to someone else to complete the record on their behalf e.g. annual leave record, flexi-leave, attendance, time-off-in-lieu, sickness absence etc.</p>	<p>which if proven will result in the employee being dismissed. Examples include false claims for wages and expenses, false time claims through time sheets or the flexible working hours system, breach of cash handling procedures and computer fraud.</p> <p>Other instances of failure to comply with procedures, where there is clearly no intention to defraud the Council, may lead to an oral or written warning in the first instance.</p> <p>Unwitting transgression, which does not have a significant impact, is likely to lead to informal supervisory action.</p>

#### 6.4 Conflict of Interest

Standards Expected	Examples of Disciplinary Action
<p>It is most important that no employee deals on behalf of the Council with matters, in which they (or anyone with whom they have a close personal relationship) have a private or business interest.</p> <p>Where an employee has an ongoing relationship of a business or private nature, which may give rise to a conflict with the Council's interest, they must notify their Senior Officer and the Chief Executive, who will record that notification in the Register of Employees' Interests.</p> <p>Similarly, when a potential conflict of interest situation arises unexpectedly (e.g.a friend or neighbour applies to the employee's section for a service), the employee must notify their Senior Officer and the Chief Executive for the record.</p>	<p>If it comes to light that an employee has become exposed to potential conflict of interest, without first declaring their interest to their Senior Officer, the matter may lead to an appropriate warning.</p> <p>If a conflict of interest situation has an effect in the way an employee conduct their duties or influences any decisions, the matter will be treated as gross misconduct.</p>

Standards Expected	Examples of Disciplinary Action
<p>In considering whether a conflict of interest situation exists, a judgement needs to be made as to whether a member of the public might perceive that unbiased action is likely to happen in the circumstances. If not, the situation must be reported.</p> <p>In a situation where a potential conflict of interest has been recognised, the employee concerned must not deal with the matter on behalf of the Council, which might activate that conflict, unless directed to do so by the appropriate Senior Officer.</p>	

### 6.5 Relationship with Contractors

Standards Expected	Examples of Disciplinary Action
<p>Any employee, who has or has had a private or business relationship with any contractor who may provide goods or services to the Council, must declare the fact to their Manager.</p> <p>Order and contracts must be awarded on merit, without special favours to friends or relatives of employees, or disfavour to any person, group or firm.</p>	<p>Failure to declare a private or business relationship with a contractor or potential contractor to the Council will lead to an appropriate warning, depending on the employee's position and ability to affect the Council's relationship with contractors.</p> <p>If an employee allows a personal relationship with a contractor to affect the relationship between the Council and that contractor (by showing special favour or disfavour), the matter is likely to be treated as gross misconduct.</p>

### 6.6 Management and Appointment of Staff

Standards Expected	Examples of Disciplinary Action
Decision on recruitment and promotion	If an employee deliberately abuses their position to gain employment for a relative or friend in the Council's

Standards Expected	Examples of Disciplinary Action
<p>must be based on merit and ability to fulfil the requirements of the position. No employee may be involved in an appointment, where they have a close personal relationship with a candidate.</p> <p>No employee may be involved in making any decision relating to discipline, promotion, pay and conditions of employment for any other employee who is a relative or partner or otherwise has a close personal relationship with them.</p>	<p>service, the matter is likely to be treated as gross misconduct.</p> <p>Similarly, if an employee abuses their position to gain special favour (or disfavour) for another employee because of a personal relationship rather than merit, the matter may be treated as gross misconduct.</p>

### 6.7 Preparing Plans

Standards Expected	Examples of Disciplinary Action
<p>No member of the Teignbridge Council Staff, either personally or through another person, shall prepare plans which come to be submitted to the Council for any purpose, unless for their own private use with the express permission of the Chief Executive.</p>	<p>If any plans prepared privately by a member of staff are submitted to the Council, for example for Planning Consent, Building Regulations or Improvement Grants, it will be treated as gross misconduct.</p>

### 6.8 Hospitality and Gifts

Standards Expected	Examples of Disciplinary Action
<p>Employees should not accept offers of hospitality, unless there is a genuine need:</p> <p>(i) to impart information: or</p> <p>(ii) for the Council to be represented.</p> <p>Sensitivity is required as to timing of accepting hospitality in relation to any decisions the Authority may make affecting the provider of the hospitality. Invitations should be reported to the employee's Senior Officer and recorded on their personal file.</p>	<p>If an employee accepts hospitality in return for favours or in a way that brings the Council into disrepute, the matter may be treated as gross misconduct. However, if hospitality is accepted in circumstances outside the criteria opposite, without any significant impact, the initial response from Management is likely to be an appropriate warning. Similarly, if an employee in their official capacity receives a significant gift reward or advantage for showing favour or disfavour to any person, the matter will be regarded as gross misconduct, unless the employee can demonstrate</p>

Standards Expected	Examples of Disciplinary Action
<p>Acceptance by employees of hospitality at relevant conferences and courses is acceptable, where:</p> <p>(i) it is clear the hospitality is corporate, not personal;</p> <p>(ii) Senior Management gives consent in advance; and</p> <p>(iii) no purchasing decisions are compromised.</p> <p>Any visits to potential suppliers or contractors or to inspect equipment etc. should be at the Council's expense, to avoid influence on subsequent purchasing decisions.</p> <p>Also, it is important that no employee accepts any personal gift or gratuity from anyone they deal with, or might foreseeably deal with, on Council business, except that items of token value, e.g. pens, diaries and calendars) may be kept but not sought.</p>	<p>the rewards have not been corruptly obtained.</p>

### 6.9 Separation of Roles during Tendering

Standards Expected	Examples of Disciplinary Action
<p>Where the law requires a separation of Client and Contractor roles, confidential information must not be disclosed to those not authorised to receive it.</p> <p>Employees in contractor or client units must exercise fairness and impartiality in dealing with customers, suppliers, other contractors and sub-contractors.</p>	<p>Any action, which leads to a major distortion of the competitive tendering process, may be treated as gross misconduct. However, if the impact is less significant, a warning may be appropriate.</p>

### 6.10 Sponsorship

Standards Expected	Examples of Disciplinary Action
<p>No Council employee, nor anyone with a close personal relationship with an employee, should benefit in a direct way from sponsorship, grant aid or other similar financial support, provided:</p>	<p>Any employee accepting benefit in these circumstances will be liable to disciplinary action. This action will depend on the extent, to which they were instrumental in the sponsorship arrangement and the extent of the</p>

Standards Expected	Examples of Disciplinary Action
<p>(i) by the Council; or</p> <p>(ii) to the Council;</p> <p>unless the situation has been reported to and approved by the appropriate Director.</p>	<p>benefit to them. If they have a major influence in establishing the sponsorship and gained significant benefit from it, the matter would be regarded as gross misconduct. On the other hand, if the employee had no part in establishing the sponsorship and obtained marginal benefit from it, an oral warning is likely to be appropriate.</p>

### 6.11 Disclosure of Information

Standards Expected	Examples of Disciplinary Action
<p>Employees should not use any information obtained in the course of their employment for personal gain or benefit, or pass it to others, who might use it in such a way. Similarly, employees must not disclose information to a third party (including the media) that could result in adverse publicity or financial loss against the Council. Any information personal to a Councillor and received from them, should not be disclosed without their consent, except as required or sanctioned by law.</p> <p>(Amended April 2000)</p>	<p>Deliberate misuse of such information to achieve gain or benefit, or deliberately disclosing information that is detrimental to the Council, will depending on the circumstances to be treated as gross misconduct, which if proven will result in the employee being dismissed.</p>

### 6.12 Political Neutrality

Standards Expected	Examples of Disciplinary Action
<p>Employees must follow every lawfully expressed policy of the Council and not allow their own personal or political opinions to interfere with their work. Advice to political groups should not compromise the political neutrality of employees. Services to individual Councillors must be available to all, ensuring that the rights of all Councillors are respected.</p> <p>Section 1 of the Local Government and</p>	<p>Any deliberate attempt to subvert the Council’s legitimate democratic processes will be treated as gross misconduct. Any overt political activity to support or act against particular Councillors or political groups, by any employee, will initially warrant at least a final warning, but may be regarded as gross misconduct.</p> <p>Failure to comply with the restrictions imposed by the Local Government and</p>



Standards Expected	Examples of Disciplinary Action
<p>Housing Act 1989 introduced the general principle of the “politically restricted post” and of restricting the political activity of local government employees. All postholders on spinal column point 44 or above are automatically designated as politically restricted posts. Various political restrictions apply to these postholders, i.e., you are not permitted to engage in political activities or stand for election, other than for a Parish Council.</p>	<p>Housing Act 1989 will, depending on the circumstances, be dealt with as a disciplinary matter.</p> <p>(Amended May 1998)</p>

### 6.13 Relationship with Councillors

Standards Expected	Examples of disciplinary action
<p>Employees and Councillors should display mutual respect. Familiarity, which changes the relationship and proves embarrassing to other employees and Councillors, should be avoided.</p> <p>Employees should become familiar with the Protocol on Member/Officer Relations which is available from Committee Services.</p> <p>(Amended April 2001)</p>	<p>If an employee displays close personal familiarity with a Councillor in a work situation, which damages proper working relationships, or a disrespectful attitude, the matter is likely to lead to a formal oral or written warning in the first instance.</p>

### 6.14 Use of Resources

Standards Expected	Examples of Disciplinary Action
<p>The Council expects employees to use public funds and resources entrusted to them responsibly and lawfully, to strive for good value for money and to minimise the risk of legal challenge for the Council.</p>	<p>The response to any example of misuse of resources will depend on:</p> <ul style="list-style-type: none"> <li>(i) the effect of the action; and</li> <li>(ii) the level of responsibility, training and knowledge of the employee concerned.</li> </ul> <p>For example, if a senior employee well</p>

Standards Expected	Examples of Disciplinary Action
	<p>versed in financial procedures negligently causes a major waste of money, the matter is likely to be treated as gross misconduct. On the other hand, if a junior employee wastes a small amount of money through error or lack of training, an informal warning might be appropriate.</p> <p>(Amended June 1999)</p>

### 6.15 Systems of Work

Standards Expected	Examples of Disciplinary Action
<p>The Council expects employees to comply with systems of work laid down, approved or recognised for the job concerned.</p>	<p>The treatment of cases of failure to comply with a laid down or recognised way of working will depend on the consequences of the failure. If it results in severe danger to people, or a high cost, it may be regarded as gross misconduct. In less extreme cases an appropriate warning will be given.</p>

### 6.16 Diligence

Standards Expected	Examples of Disciplinary Action
<p>The Council expects employees to carry out their allocated duties diligently, avoiding waste of time or other resources.</p>	<p>Normally if an employee does not make reasonable efforts to carry out their work in an efficient way, the first response from management will be an informal warning. Persistent lack of diligence will result in increasingly severe formal warnings.</p>

### 6.17 Time Keeping and Unauthorised Absence

Standards Expected	Examples of Disciplinary Action
<p>The Council requires employees to attend work at times in accordance with the terms and conditions of their contract of employment, without lateness, extended breaks or unauthorised absences.</p>	<p>The treatment of lateness will vary according to its effect. If it causes no disruption to the service and is not a persistent problem, no formal action will be taken (although an informal warning may be given). However, if it has a</p>

Standards Expected	Examples of Disciplinary Action
<p>The Council requires and expects all of its employees to be present at their workplace or other work location unless prior permission has been granted by their manager to be involved in non-work activity. Authority to be absent from work must be in accordance with the Council's rules and procedures i.e. with regard to annual leave, flexi-leave, attendance at training courses, sickness absence etc.</p>	<p>serious effect on the service or makes some special arrangements necessary it will be treated much more seriously. This could be a final written warning which if repeated, would lead to dismissal.</p> <p>If an employee is absent from their work base or other work location engaged in a non-work activity without prior authority, or genuine mitigating circumstances, this will be regarded by the Council as an act of misconduct and may result in a formal written warning. If the absence has been a deliberate act to "steal time" from the Council it will (depending on the circumstances); be regarded by the Council as an act of gross misconduct, which if proven will result in the employee being dismissed.</p> <p>(Amended January 1998)</p>

**6.18 Use of Time, Equipment, Materials**

Standards Expected	Examples of Disciplinary Action
<p>Employees are expected to use Council time, equipment or materials only for the work of the Council, unless authorised to do otherwise.</p> <p>Unauthorised use of any equipment e.g. computer equipment is prohibited. Staff must not maliciously add, delete or amend information held on computers, or interfere with computer software programmes.</p> <p>Private phone calls must be logged using the appropriate PIN number.</p> <p>(Amended December 2000)</p>	<p>Any employee, who is found to carry out personal business (or leisure) activity during working hours, or to use Council materials or equipment for personal purposes without permission from the appropriate Manager, will be subject to the disciplinary procedure. This type of misconduct may be seen as tantamount to theft or fraud, and so may be treated as gross misconduct.</p> <p>The loading of illegal, pirated or unauthorised software or data, or the loading of software or data prior to it being virus checked, will depending on the circumstances be regarded as a disciplinary matter.</p> <p>Deliberate interference with data held on a computer or with computer software programmes, without prior</p>

Standards Expected	Examples of Disciplinary Action
	<p>authority, will also depending on the circumstances, be treated as a disciplinary matter.</p> <p>If the consequences of the action result in additional costs or cause embarrassment or serious disruption to the Council, it could be regarded by the Council as an act of gross misconduct, which if proven will result in the employee being dismissed.</p> <p>Employees not logging private phone calls will be subject to disciplinary action, which in extreme cases and depending on the circumstances, could be treated as gross misconduct. If proven, this will result in the employee being dismissed.</p>

### 6.19 Health, Safety and Security

Standards Expected	Examples of Disciplinary Action
<p>The Council expects employees to be careful and observe rules and procedures for health, safety and security, and to make proper use of appropriate safety precautions, equipment and protective clothing.</p>	<p>A serious breach of health and safety is a criminal offence and is likely to be regarded as gross misconduct.</p> <p>Any breach of the Council's health and safety rules and procedures is likely to lead to a formal or informal warning depending on the level of risk resulting (but see paragraph 6).</p>

### 6.20 Activity Outside Work

Standards Expected	Examples of Disciplinary Action
<p>Employees are expected not to take part in any activity outside work, which reduces their ability to carry out duties efficiently for the Council or brings the Council into disrepute.</p> <p>Secondary employment may only be undertaken if it does not:</p> <p>(i) involve work being done at times when work for the Council is</p>	<p>The seriousness of misconduct under this section could vary considerably. An isolated occurrence of reporting for work when over-tired, which does not have significant safety implication, may lead to an informal warning.</p> <p>Repeatedly being in an unfit state to work efficiently will lead to increasingly severe warnings, ultimately leading to dismissal.</p>

Standards Expected	Examples of Disciplinary Action
<p>required;</p> <p>(ii) prevent the employee working for the Council outside normal working hours when this could be reasonably required;</p> <p>(iii) adversely affect their ability to carry out Council duties efficiently or safely;</p> <p>(iv) affect the public image of the employee as a responsible and impartial public servant.</p> <p>Employees should not take part in leisure activities which adversely affect their ability to carry out their Council duties efficiently and safely. This includes drink or substance abuse, and activities causing fatigue or health deterioration.</p> <p>Employees should not enter into any relationship with an individual or organisation which could be viewed by the public or other staff as affecting their impartiality (see also 6.4 – Conflict of Interest.).</p> <p>If an employee is contemplating entering into any activity covered by this section, they should consult the appropriate Manager.</p>	<p>However, undertaking work for another employer (or working on the employee's own account) when the employee is required to be at work for the Council, or a serious case of bringing the Council into disrepute, will be regarded as gross misconduct which if proven will lead to the employee being dismissed.</p>

**6.21 Decency**

Standards Expected	Examples of Disciplinary Action
<p>The Council expects its employees to conduct themselves in a decent manner.</p>	<p>Any act of indecency or sexual misconduct on Council premises and/or in working hours is likely severely to embarrass or offend others. It can damage working relationships and be a serious abuse of working time. The Management response is likely to be a final warning and, in the event of repetition, dismissal</p>

**6.22 Sobriety**

<b>Standards Expected</b>	<b>Examples of Disciplinary Action</b>
<p>Council employees are expected to be sober while at work.</p>	<p>Misuse of drink or drugs can lead to a range of problems, from loss of efficiency to physical danger. The initial Management action will depend on the type of problem created, from an informal warning if the effect is slight, to dismissal if it results in physical danger or brings the Council into disrepute. However, if an employee feels in need of help and support to deal with a problem, their Manager or the Service Lead – Policy, Resources and Communications should be approached, in strict confidence. They will give sympathetic support and put them in touch with specialist assistance. If problem drinking or drug misuse significantly affects work performance or causes risks, continued employment may be conditional on the employee accepting appropriate treatment.</p> <p>(Amended January 1998)</p>

**6.23 Trust, Helpfulness and Equality**

<b>Standards Expected</b>	<b>Examples of Disciplinary Action</b>
<p>Council employees are expected to be helpful and trustworthy, and to treat their colleagues and all members of the community with fairness and equity. Employees must not discriminate in the manner in which services are provided or in their attitude or treatment of colleagues.</p> <p>All employees are required to comply with the standards and procedures set down in the Council’s policy document – ‘Equal Opportunities in Employment’ which incorporates the Council’s Race Equality Policy. The Council will not accept any form of discrimination on the grounds of age, race, nationality and</p>	<p>The Council places great importance on its staff being courteous and cordial in their approach to the public, Management and colleagues in the course of their work. An unhelpful approach to a client or member of the public may be seen as bringing the Council into disrepute. In extreme and persistent cases, where informal action has failed, such matters will be subject to warnings under the disciplinary procedure and if repeated, may eventually lead to dismissal.</p> <p>Where an employee performs their duties in a manner that deliberately discriminates against a colleague or member of the public (due to their race,</p>

Standards Expected	Examples of Disciplinary Action
<p>ethnic origin, disability, gender, sexual orientation or marital status.</p>	<p>nationality, ethnic origin, disability, gender, sexual orientation, marital status or age) without justification, the management response is likely to be an appropriate formal warning. However, if the outcome of their action (or non-action) is serious or has widespread repercussions, the matter may be treated as gross misconduct, which if proven will lead to the employee being dismissed.</p>

### 6.24 Bullying & Harassment

Standards Expected	Examples of Disciplinary Action
<p>Council employees should not be subjected to any form of bullying or harassment. This is defined as any unjustified behaviour, language, physical contact, body language, expression of views or similar action by one person which results in physical or mental distress for another. Examples include physical violence or verbal abuse; unwanted sexual advances; publicly ridiculing or mocking; making offensive, obscene or unwanted sexually suggestive comments, jokes or innuendo, threats or threatening behaviour, spreading derogatory rumours; sending “hate-mail”. This list is not exhaustive.</p> <p>Employees who engage in such behaviour, affecting the dignity and peace of mind of colleagues at work or causing worry or concern to an individual, will be dealt with under the disciplinary procedure.</p> <p>The Council will not tolerate any form of bullying or harassment.</p> <p>Confidentiality should be maintained, wherever possible. The Council’s policy on Bullying and Harassment is in the Health and Safety Policy document.</p>	<p>Such conduct by a Council employee, which is unwanted, unreasonable and offensive to the recipient is likely to result in a final written warning. Unwanted physical contact, with or without sexual intent, against another person will be treated as gross misconduct, which if proven will lead to the employee being dismissed.</p> <p>Any attempt at retaliation against a person who complains about bullying or harassment, will also be treated as misconduct. It may be regarded as a repetition of the original misconduct and will therefore if proven lead to the employee being dismissed.</p> <p>(Amended March 2000)</p>

Standards Expected	Examples of Disciplinary Action

## 6.25 Sickness Reporting

Standards Expected	Examples of Disciplinary Action
<p>The Council expects all employees to comply with the Sickness Reporting Procedure whenever they are unfit to attend work through illness or injury. Particular attention is drawn to Paragraph 8 of the procedure (Suspension of Sick Pay) and how abuse of the sickness scheme could be dealt with under the disciplinary procedure.</p> <p>The Council requires all employees to make honest statements about any ill health or injury.</p> <p>If the Manager is concerned about the nature or frequency of an employee’s absence, they can require the employee to produce a medical statement in addition to a self-certificate. As a general rule this will be required after the employee has self certified on 5 separate occasions in any twelve month period. However, depending on the circumstances this can be requested at any time, including in extreme cases after the first day of absence.</p> <p>While on sick leave, employees must not:</p> <ul style="list-style-type: none"> <li>(i) work for another employer;</li> <li>(ii) work on their own account; nor</li> <li>(iii) undertake any non-work activity which may have an adverse effect on their recovery.</li> </ul> <p>This requirement also applies where the employee believes that they are not well</p>	<p>Failure to comply with the sickness absence procedure will depending on the circumstances be dealt with under the disciplinary procedure. Fraudulent abuse of these standards or intentional deception will be treated as gross misconduct which if proven will result in the employee being dismissed. For example:</p> <ul style="list-style-type: none"> <li>(i) If an employee reports that they are too ill to work and it is proven that their absence is not the result of genuine illness.</li> <li>(ii) If an employee knowingly submits false information about their incapacity.</li> <li>(iii) If an employee works for another employer, or on the employee's own account, when on sick leave.</li> </ul> <p>However breaches which are not deliberate and do not benefit the individual will result in an appropriate warning.</p>



Standards Expected	Examples of Disciplinary Action
<p>enough to carry out their normal duties for the Council, but that they could undertake less demanding work or non-work activities. In these circumstances the employee must discuss the matter first with their Manager. Medical advice may be sought prior to a decision being taken which may lead to alternative work being required by the Council.</p>	

**7. DISCIPLINARY PENALTIES**

- (i) As indicated above, the penalty for Gross Misconduct is dismissal without notice. In such cases, the employee will normally not have had any formal disciplinary warning beforehand.
- (ii) In all other disciplinary cases, an employee will not be dismissed without formal warning about the type of misconduct involved.
- (iii) The Disciplinary Procedure includes the following levels of warning:
  - Oral Warning;
  - Written Warning;
  - Final Warning.

It also allows for disciplinary transfer.

- (iv) The level of warning given for a first offence will depend on the seriousness of the offence. For very serious misconduct, which just falls short of being regarded as gross misconduct, a final written warning may be imposed. In that case, a repetition of the misconduct will lead to dismissal with notice.
- (v) At the other end of the scale, less serious misconduct, which just falls into the need for formal disciplinary action (possibly after informal warnings have proved ineffective) will merit a formal oral warning. If the misconduct happens again, it will result in a written warning and, after another incident, a final written warning will be given. At this stage, repetition will lead to dismissal with notice.
- (vi) Disciplinary transfer may be applied by the Strategic Manager at the request of either line management or the individual employee, against whom allegations are made. It may be used either as an alternative to or as well as a formal warning.
- (vii) The Disciplinary Procedure sets out, in details, how disciplinary matters

are dealt with in the Authority. The aim is to ensure that the full facts are available and considered justly and fairly. It contains safeguards to ensure that employees can be properly represented and that they have proper opportunity to put their case across and, if they wish, appeal against a disciplinary decision.