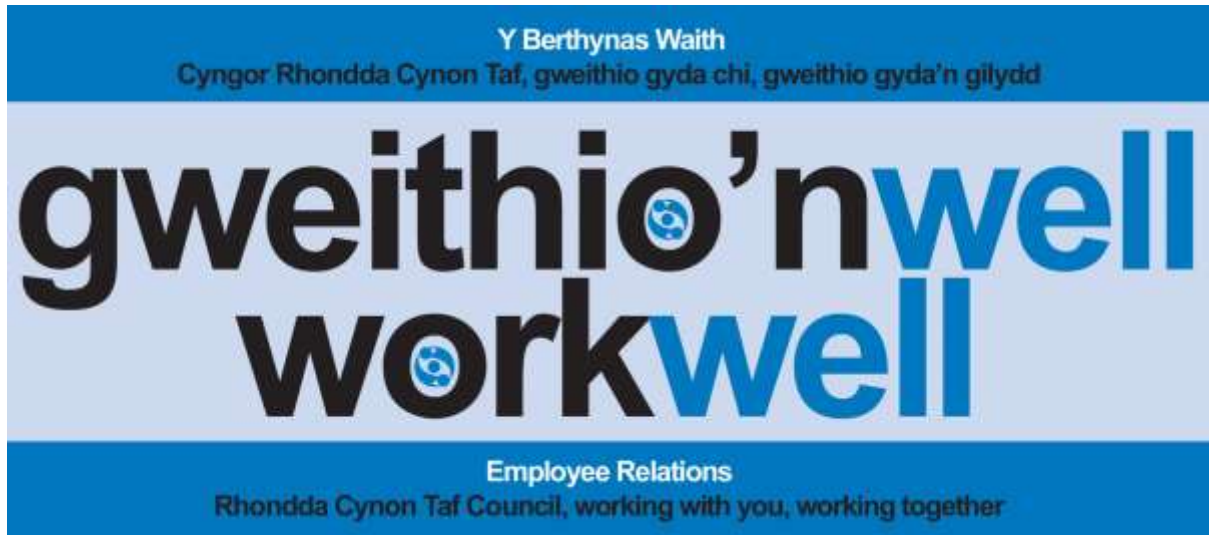


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## Disciplinary Rules **Policy**

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## 1. **INTRODUCTION**

1. Rhondda Cynon Taf Council's disciplinary rules and procedures will apply to all employees of the Council. The rules reflect the ethos of the Council and the National Code of Conduct for Local Government employees as published by the Local Government Management Board.
2. This Council recognises that its employees are its most valuable resource in that they are crucial to the Council's purpose - the provision of high quality services to the public it serves. Subject to resources the Council will seek to provide opportunities for the training and development of staff to allow them to develop fully and achieve the highest possible standards. In this context the Council expects the highest standards of conduct and performance from all its employees.
3. Managers and supervisors of staff have a duty to set good standards of conduct and performance by their own example and to similarly expect high standards of conduct and performance from staff. The Council expects managers and supervisors to encourage their staff to achieve high standards by giving support, training and opportunities for self-development. Managers are responsible for explaining the Council's requirements to staff, the duties of the job for which they have been employed and any requirements in particular areas which may be relevant to individual employees. Managers must ensure that all staff, especially young and inexperienced staff, are fully aware of the Council's requirements.
4. The need for formal disciplinary action will be reduced by managers and supervisors setting good standards and making it clear that the same standards are expected of employees. A timely word explaining the Council's requirements can be an effective way of improving performance or behaviour. Such guidance and instruction is a normal part of management and supervision.
5. The Council believes that this positive approach will achieve the high standards expected. Where it is necessary to take formal disciplinary action and in order to provide a framework with clear rules the Council has adopted a specific disciplinary procedure. The procedure provides a fair and effective method of dealing with any shortcomings in conduct or performance and is designed to encourage the employee to meet the standards required.
6. Clear rules benefit both the Council and its employees. Rules are necessary because they set standards of conduct at work and make clear to employees what is expected of them. They are put in writing to ensure that all employees know what is required and expected of them and to avoid any misunderstanding. They should be readily available and easily understood by both employees and managers.

7. It is unlikely that any set of rules can cover all circumstances that may arise. The following set of rules is not intended to be a complete list of all possible “offences”. The emphasis is on outlining standards of performance and behaviour which are expected of employees. Common sense and good judgement are required on the part of managers in the fair and consistent application of these rules.
8. Managers/Supervisors who suspect any case of misdemeanour/indiscipline or poor performance and who do not take appropriate action or draw the attention of their superiors to the problem will themselves be open to disciplinary action as they will themselves have failed in their responsibilities by not taking account of the effect of such action(s) on the remainder of the staff or on the service of the Council. This is particularly relevant where there is an underlying reason, e.g. domestic, financial, drug/alcohol abuse for which help and advice can be made available, and the earlier such help/advice is forthcoming the more likely the problems can be resolved. “Protection” of staff/colleagues is not necessarily in their best interests.
9. There is an expectation that employees will co-operate with all parties in any disciplinary case/investigation.
10. The member of staff has the right to be represented at meetings. Employee’s language choice needs to be respected during this process. This includes any written correspondence. If an employee wishes for the hearing to be conducted in Welsh they should give 5 days notice prior to the hearing, absence of any notification will result in the hearing being conducted in English.

## **2. DISCIPLINARY RULES**

The rules listed in this document are not exhaustive. There may be times when behaviour is considered inappropriate but is not covered under any category or rule mentioned, in which case action will be deemed necessary under the Council’s Disciplinary Policy and Procedure.

### **GENERAL CONDUCT**

- 1.1. The basic standard of conduct for Local Government employees is in Part 2 of the National Agreement on pay and conditions of service of the National Joint Council for Local Government Services.

“Employees will maintain conduct of the highest standard such that public confidence in their integrity is sustained”.

- 1.2. In terms of employees’ general conduct, the following rules and expectations apply:

- i) Employees are expected to set high standards of conduct and must behave politely and reasonably to colleagues, members of the public and client/customers of the service.
- ii) Employees must not abuse their authority either in relation to a colleague or a member of the public.
- iii) Employees must achieve a standard of dress appropriate to their work, which meets health and safety requirements, neatness and personal hygiene. Ethnic dress is acceptable wear unless there are specific health and safety reasons for this not being so.
- iv) Employees should not be under the influence of alcohol or non-prescribed drugs during working hours so that the performance of their duties or the image of the Council is affected detrimentally. The Council recognises that help is available for people with such dependency problems and will attempt to assist staff to seek such help.
- v) Employees should take due care with Council property and equipment and ensure that it is only used for authorised purposes.
- vi) Employees should not deliberately misuse or falsify information.
- vii) Employees should make themselves aware of and comply with the rules to the use of Council facilities, photocopying equipment, postage, telephones etc.
- viii) Employees should not spend excessive time on private mobile phone calls and texts etc during working hours

### **3. WORK PERFORMANCE**

- 3.1 The Council expects employees to carry out the full duties of their job at an acceptable level of performance and to co-operate with the reasonable requests of managers. Where employees fail to achieve an acceptable level of performance, appropriate counselling and training may be given.

### **4. ATTENDANCE AND TIMEKEEPING**

- 4.1 Employees are contracted to the Council to carry out a job. Regular attendance at work is essential to undertake the duties of that job.
- i) Employees are expected to adhere to their contractual hours.

- ii) If employees are unable to attend work for any reason they should notify their supervisor of any absence from duty including non-attendance at an approved course of training and give the reason for absence before 9 am, on the first day of absence or, where a shift or rota system is in operation at the earliest opportunity and if possible, no later than two hours prior to commencement of shift.
- iii) If the reason for absence is sickness, employees must comply with the sickness notification arrangements identified in the Council's Sickness Absence Procedure.
- iv) Employees are expected to know and comply with starting and finishing times and, where appropriate, flexible working hours procedures and to know and comply with annual leave procedures.
- v) Persistent lateness is unacceptable.
- vi) Absenteeism is unacceptable

## **5. HONESTY AND HOSPITALITY**

- 5.1 "It is a criminal offence under Section 117 of the Local Government Act 1972 for employees of a Local Authority under colour of their office of employment to accept any fee or reward whatsoever other than their proper remuneration".
- 5.2 An employee must not give or offer gifts, inducements, bribes or considerations of any sort in connection with the Council's business in any way.
- 5.3 The public has a right to expect those employed by the Council providing a service to them to have the highest standards of honesty and integrity and not to use their positions to their own advantage. Employees supervising contracts and having direct contact with contractors and suppliers to the Council must exercise particular care and must be able to demonstrate complete integrity.
- 5.4 Hospitality is defined as anything beyond the offer of non-alcoholic drinks and light refreshment, which would reasonably be, regarded as normal social congress. As general policy, all gifts and hospitality offered must be politely refused.

There could be some very limited exceptions involving civic or ceremonial occasions or functions which may be of benefit to the whole of the County Borough and which are not sponsored by individuals or organisations who could be perceived by the public as being able to derive specific benefits from the Council as a result.

**For the avoidance of doubt, any request by an employee to accept offers of gifts and hospitality of the above nature must be properly authorised and recorded as follows:**

Employees below the level of Group Director/Director/Service Director/Head of Service should seek their Service Directors/Head of Service explicit written approval to acceptance of hospitality or gifts and any acceptances should be recorded by the Service Director/Head of Service in a log kept for that purpose; and

In the case of the Service Director they must submit requests for approval to their respective Group Director. Directors and Group Directors must submit requests for approval to the Chief Executive and the Chief Executive must submit requests for approval to the Monitoring Officer and the Chief Financial Officer.

When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions the Council may be taking affecting those who may be providing hospitality. When hospitality has to be declined the “offerer” should be courteously but firmly informed of the procedures and standards operating within the Authority. **All offers of gifts or hospitality must be recorded whether they are accepted or refused.**

Apart from participating in concessionary schemes arranged by the Council, trade unions or other groups for their members, employees shall not avail themselves of the services of contractors employed by the Council for acquiring materials, labour, plant at cost, trade or discount prices. While in some cases this may enable personal savings compared with other sources of supply, the risks to the employee of finding him/herself in an embarrassing situation at a future date cannot be over-emphasised or accepted.

Employees responsible for the purchase of goods and supplies on behalf of the Council should note that any promotional offers given by suppliers are the property of the Council.

All employees should ensure that they follow any statutory or internal codes of conduct in respect of their particular duties relating to the acceptance of gifts and hospitality”.

## **6. CONFLICT OF INTEREST**

- 6.1 Employers should not place themselves in debt for money or services to any person where this might affect, or be thought to affect the proper performance of their duties.



- 6.2 In addition to their own relationship (be it business or social) employees must also notify the Chief Executive/Group Director/Director/Service Director/Head of Service via their line manager of any relationship through family to any contractor, supplier, job applicant or client of the Council with whom they may come into contact in the course of their duties. Where there is the possibility of a conflict of interest occurring, employees must immediately notify their manager/supervisor.
- 6.3 An employee must not take on private work from other organisations or individuals where there is or may potentially be a conflict of interest. Any contact, which may compromise the Council's interest, should be reported to line management. If employees are in any doubt whether such a conflict exists they should ask their manager/supervisor.

## **7. SECONDARY EMPLOYMENT/PRIVATE WORK**

- 7.1 The Council recognises that some employees will take additional employment outside of their employment with the Council, or in some cases unpaid voluntary work. However, the following rules should be followed:
- i) This work must not be carried out during the hours which employees are contracted to work for the Council.
  - ii) Employees should not engage in employment, including self employment during off-duty hours when such employment conflicts with the interests of the Council or in any way weakens public confidence in the conduct of the Council's business.
  - iii) Private work within the Borough which might involve any dealings with the Council must be disclosed and can only be done with the approval of the Chief Executive/Group Director/Director/Service Director or Head of Service.
  - iv) Officers above GR8 covered by the NJC for Local Authorities Administrative Professional Technical and Clerical Services conditions of service shall devote their whole time service to the work of the Council and shall not engage in any other business or take up any other additional appointment without the express consent of the Council. This consent shall be requested in writing.

## **8. LOYALTY TO THE COUNCIL'S INTEREST**

8.1 Employees should be aware that increasingly the Council is in the position of having to compete for the provision of its own services. Employees should not pass on information to the Council's competitors and not take on private work from other organisations or individuals where there may be a conflict of interest.

Any contacts, which compromise the Council's interest, must be reported. If an employer has any doubt whether a conflict exists they should raise the matter with his or her Manager.

## **9. HEALTH AND SAFETY**

9.1 As an employer, the Council has duties and responsibilities under Health and Safety legislation to provide and maintain a safe working environment. Employees also have responsibilities.

- i) Employees must wear appropriate protective clothing provided by the Authority for particular duties
- ii) Employees must comply with accident reporting procedures
- iii) Employees must follow safety instructions and codes of practice
- iv) Employees must comply with hygiene requirements
- v) Employees must not engage in dangerous or reckless behaviour involving risk of injury to themselves or other persons.

## **10. VIOLENCE/VERBAL ABUSE**

10.1 Acts of violence, threatening behaviour and verbal abuse towards others will not be tolerated.

## **11. ADHERENCE TO COUNCIL PROCEDURES**

11.1 It is management's responsibility to make all employees aware of Council rules or relevant legislation by issuing these or drawing attention to their availability. All employees should familiarise themselves with the Council's rules.

11.2 The Council also has a number of standing orders, procedures etc. which must be followed. All employees must insofar as it affects their duties and responsibilities familiarise themselves with (for example):

Standing orders  
Legal requirements  
Financial regulations  
Health and Safety procedures  
Human Resources and equal opportunity policies  
Welsh Language Standards  
Any other Group or Council procedures

## **12. UPHOLDING THE INTEGRITY AND CREDIBILITY OF THE COUNCIL**

- 12.1 Notwithstanding an individual's right to freedom of speech, employees of the Council must ensure at all times – and particularly in any dealings with the public – that their words and actions do not bring the Council into disrepute.
- 12.2 Conduct, whether during work hours or not and including any conduct of a criminal nature, is a legitimate concern of the Council and disciplinary action may be taken where conduct has been prejudicial in the context of the person's employment to the Council's interest. Employees must notify their senior manager if they are charged with any criminal offence.

## **13. CONFIDENTIALITY OF PERSONAL INFORMATION**

- 13.1 Employees must not disclose to any unauthorised person any information about clients of the Council or other employees or members of the public obtained in the course of the Council's business.
- 13.2 Where confidentiality is required – of any information held by the Council – employees must maintain such confidentiality.
- 13.3 The Data Protection Act 1984 governs the collection, retention, disclosure, use and disposal of personal data held on computer systems. Under the terms of the Act, employees are personally liable if they are found to be responsible for any unauthorised disclosures of information.
- 13.4 Employees must not spread malicious rumours or gossip, as this can create unnecessary distress and fear.

## **14. PERSONAL USE OF SOCIAL MEDIA**

Whether or not a Council Officer is an author, moderator or participates in social media as part of their professional capacity they still have a duty of care as an employee of the Council if participating in Social Media forums. The views and opinions expressed are then of their own, not the Council.

A Council employee has to be aware that posting information or views about the Council cannot be isolated from their working life.

Any information published online can, if unprotected, be accessed around the world within seconds and will be available for all to see and will contribute to your online Digital Footprint

Employees should therefore understand that they:

- Are personally responsible for any content they publish independently.
- Understand their privacy settings. Check settings and understand who has access to information they publish and any personal information held.
- Are aware of and follow Council's policies regarding the Information Management, internet and email and misuse of media, whether Social (internet) or otherwise.
- Are prohibited from accessing unauthorised social networking sites during working hours.
- Any comment, photograph or image made, shared or supported on social media by an employee, which could be deemed as derogatory to the Council's interest, may result in formal action being taken.

## **15. DISCRIMINATION AND HARASSMENT**

15.1 The Council has an Equal Opportunities Policy; employees must comply with its requirements.

15.2 All employees have a duty not to discriminate against or harass any colleague or member of the public. Harassment can be behaviour by one or more persons against any other person(s) which causes offence or embarrassment or creates fear, stress or tension or any other detriment in the workplace. Such behaviour may be physical, verbal or non-verbal and can include intimidating acts, offensive comments or gestures and interference with the employee's property or workstation. This definition includes racist or sexist remarks. Even if these are intended as a joke, they are very offensive and are not acceptable.

15.3 Managers must ensure that the workplace is free from discrimination and harassment and must take appropriate action at the earliest opportunity if necessary.

- 15.4 Employees must not display or circulate material, which may cause offence.
- 15.5 Employees must undertake any training require of them, which is provided in connection with the Council's Equal Opportunities Policy.
- 15.6 Employees should be aware that the Criminal Justice and Public Order Act 1994 provides that intentional harassment at work is a criminal offence punishable by imprisonment or a fine.

## **16. GROSS MISCONDUCT**

- 16.1 Some acts by their nature are so serious that they destroy the employment relationship between the employee and the employer and make any further working relationship and trust impossible. These acts are considered to be gross misconduct and will normally lead to summary dismissal (dismissal without notice following a hearing). So that all employees are aware of the acts, which will jeopardise their future work with the Council, examples of the 'offences', which will bring about summary dismissal, are listed below. This list is not exhaustive.
- Improper use of an official position for private gain or the private gain of some other person including soliciting or accepting bribes
  - Fighting with or physical assault on clients, members of the public or other employees, including maltreatment of persons in the Council's care
  - Failure by a member of staff to report actual or suspected physical or sexual abuse of a child or vulnerable adult by another member of staff or other person having contact with a child or vulnerable adult
  - Deliberate misrepresentation as to personal information required by the Council e.g. date of birth, status, qualification, experience and health
  - Deliberate falsification of time sheets, claim forms, letters etc.
  - Theft, misappropriation, unauthorised possession of or malicious damage to property, materials, equipment including computer software of the Council, its clients or other employees.
  - Non-compliance with a safety codes such as to endanger life or cause serious permanent injury
  - Unauthorised use of Council materials including waste food, equipment, computer software, vehicles or Council facilities whether during or outside the working day
  - Use of Council labour for private purposes

- Use of materials, equipment including computer hardware and software for personal use during and outside of working hours
- Breaches of the Computer Misuse Act 1990
- Misuse of the Internet and Electronic Mail such as accessing offensive or obscene materials and inappropriate participation on social media regarding their views and opinions about the Council whether in their professional capacity or not. The Council has developed specific policies on the use of the Internet and Electronic Mail. For the avoidance of doubt, any employee in receipt of these facilities are provided with a copy of these policies which are used to form the specific agreement between the Council and the employee as an authorised user. Authorised users must abide by the rules contained therein. Finally, any employee who is not an authorised user but is found to have misused these facilities will also be subject to disciplinary action.
- Conduct, including conduct of a criminal nature, prejudicial to the Council's interest whether:
  - a) committed at work: or
  - b) committed outside working hours, having regard to the nature of the offence, the duties of the employee's post and any damage to the reputation and integrity of the Council
- Abuse of a vulnerable adult or child whether of a physical, verbal, emotional or financial nature. Such allegations may be the subject of a separate Safeguarding investigation by the Safeguarding Board.
- Inappropriate care of a vulnerable adult or child e.g. providing a level of care which falls below the required minimum standard.

This may include but is not restricted to the following:

Failure to follow Safeguarding procedures.

Inappropriate physical contact e.g. towards a child/vulnerable adult

Inappropriate use of language.

- 16.2 Doing private work during hours when contracted to work for the Council – this includes unpaid voluntary work unless it has been approved by the Chief Officer.
- 16.3 Flagrant breaches of the Council Procedures and Policies, which result in discrimination in terms of service provision or employment (including promotion or training)

Such discrimination may be direct (applying a condition or requirement to one group which would not be applied another) or indirect (applying a condition or requirement universally which cannot be justified and which is more easily met by one group than another).

- 16.4 Serious acts of harassment, for example: Verbal abuse which incorporates derogatory language relating to a person's sex, race, disability, sexual orientation, religion or other discriminatory terms. Unwelcome and intentional touching of another person's intimate body areas. Threatening to take action against a person to whom the harasser may appear to have power. This could include, for example, threatening to withhold Council services if sexual advances are rejected or implying that promotion will be denied because of a person's race.
- 16.5 Behaviour which cannot be justified: is in conflict with the Council's Equal Opportunities Policy: is found to be offensive by the victim: is perceived by the victim to be harassment and which persists despite the victim making it clear to the harasser that they object to the behaviour in question or continues despite the offence caused being apparent to a reasonable person.
- 16.6 This type of behaviour need not involve direct abuse but could include general remarks about sex, race etc., which are offensive, including the use of patronising terminology, "jokes", or other words or actions detrimental to a good working environment.