

## OGMORE VALLEY COMMUNITY COUNCIL

### DISCIPLINARY RULES

The attached rules should be referenced in relation to the disciplinary procedure for ALL EMPLOYEES of the Community Council.

A copy of the rules will be issued to all new employees at the commencement of their employment.

- 1 The purpose of these rules is to establish a sound and constructive relationship between the Council and its employees by specifying as clearly and concisely as possible, the rules necessary for the efficient and safe performance of work so that they can be applied consistently and fairly for employees of the Council. Copies of these rules are available to any employee on request.
2. Although it is not possible to describe every circumstance, an attempt is made to advise employees of the likely consequences of disciplinary offences identifying whether the matter is likely to be treated as a minor or serious breach of discipline or whether it would be regarded as one of gross misconduct. When determining the disciplinary action to be taken, the Council shall have regard to the test of reasonableness having taken into account:-
  - (a) the nature and circumstances of the disciplinary offence;
  - (b) the location and timing of the offence;
  - (c) the degree of responsibility expected of the employee;
  - (d) whether the offence is one which makes the employee unsuitable for his/her type of work or unacceptable to other employees or councillors;
  - (e) employee's record of employment;
  - (f) the adverse publicity which would be given to the Council as a result of the offence.
3. The type of disciplinary offences can be classified into three categories:-
  - (a) Minor - for which a written oral warning would be given especially if earlier advice and guidance had failed to bring about the necessary improvements. Further or repetition of minor offences will result in further stages in the procedure being applied.

Examples would include failure to attend as requested; frequent or excessive absenteeism without reasonable cause; failure to observe health and safety requirements and recurring, continued defective or

unsatisfactory work, where the capability procedure has failed to produce an improvement.

- (b) Serious - for which a written warning would be given whether or not earlier warnings had been given. Where a written warning has failed to bring about the required improvement, further disciplinary action may be necessary including the possibility of dismissal.

Examples would include failure to carry out reasonable orders and instructions of the Council, breaches of confidence relating to the work of the Council and failure to observe health and safety regulations where this has been of a repeated or wilful nature.

- (c) Gross Misconduct - certain offences are so grave that for a first offence they warrant dismissal with or without notice. Examples include misconduct involving other members of staff, disclosure of confidential information likely to impact on the work or reputation of the Council, theft, fraud, assault, malicious damage etc. The Council's disciplinary procedure provides additional guidance about the disciplinary offences that are likely to constitute gross misconduct.

#### **4. MINOR OFFENCES OR BREACHES OF DISCIPLINE**

- (a) Attendance at Place of Work

Each employee is expected to observe the procedures for notifying absence from duty including sickness. Failure to conform with procedure other than in exceptional circumstances and frequent or excessive absenteeism without reasonable grounds may result in disciplinary action.

- (b) Failure to report accidents in accordance with the Council's Health and Safety Policy.

- (c) Standards of Performance

Recurring, continued defective or unsatisfactory work if not corrected following advice, guidance and training in accordance with the Council's capability procedure, will result in disciplinary action. A member of staff who wilfully refuses to perform his or her duties to a satisfactory standard is committing an act of misconduct. However, where a member of staff's inadequate performance is thought to stem from genuine incapability the use of the capability procedure is appropriate.

#### **5. SERIOUS BREACHES OF DISCIPLINE**

- (a) Unauthorised disclosure of confidential information to a third party.
- (b) Failure to observe the requirements of the Council's Health & Safety Policy where this is of a repeated or wilful nature.

- (c) Use of offensive and abusive language or other behaviour likely to cause a nuisance.
- (d) Failure to comply with the Council's Equality and Diversity Policy.
- (e) Unauthorised use of Council facilities for personal gain (e.g. telephones, photocopiers, computer etc) especially where this is of a wilful and systematic nature.

## **6. GROSS MISCONDUCT**

- theft, fraud,
- any involvement in bribery, giving, receiving or facilitating bribes
- unauthorised entry to computer records or deliberate falsification of records
- a serious breach of the Council's rules on e-mail and Internet usage
- fighting or assault
- deliberate or reckless damage to Council property
- an inability to perform job duties through being under the influence of alcohol or drugs
- a serious breach of the Council's safety rules or a single error due to negligence which causes, or could have caused, significant loss, damage or injury to the Council, its employees or electors
- conviction of a criminal offence that makes the employee unsuitable or unable to carry out his or her duties
- a serious act of insubordination, such as deliberate refusal to carry out proper instructions
- acts of bullying, harassment or discrimination
- a serious breach of trust or confidentiality.

Date reviewed: 27 April 2020