

Disciplinary Rules

Version: 3.3

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North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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Version Control

Version Number	Effective Date	Details of Last Revision
3.0	31 st August 2011	Issue 3
3.1	10 th July 2015	Updated onto new policy template, introduced minor misconduct
3.2	1 st August 2019	Updated terminology
3.3	2 nd March 2022	Updated link to new Connects
3.4	25 th April 2024	Updated in line with accessibility requirements

Equality Impact Assessment: TBC

Prepared by: HR Team

1. Introduction

- 1.1. The sections in this guide give examples of minor misconduct, misconduct and gross misconduct which might result in serious actions, up to and including dismissal, being taken under the Disciplinary Policy and Procedure (please also see North Ayrshire Council's Employee Code of Conduct document, which sets out acceptable standards of conduct for employees, breach of which may be considered as misconduct or gross misconduct as outlined below). The rules are organised into three groupings, Minor Misconduct, more serious Misconduct and Gross Misconduct.

2. Misconduct

- 2.1 Minor Misconduct would normally be dealt with, in the first instance, under Informal (Conduct Improvement) Procedures, but a persistent or serious breach and/or failure to comply with required improvements identified within acceptable timescales may lead to formal investigation and action under Formal Procedures. Examples of minor misconduct could include:

- Lateness or unacceptable timekeeping
- Inappropriate dress for work
- Use of language or other actions which may cause minor offence
- Attending to personal business during work time (including personal phone calls, e-mails or on-line activity)

- 2.2 This list is not exhaustive, and other unsatisfactory actions or omissions may be regarded as minor misconduct.

3. Serious Misconduct

- 3.1 More serious Misconduct could lead to action being taken, dependant on the nature and seriousness of the misconduct, ranging from informal (Conduct Improvement process) to formal disciplinary procedures. Examples of such could include:

- Persistent poor timekeeping or other minor misconduct
- More serious instances of 'minor' misconduct
- Unauthorised absence
- Negligent work performance
- Actions which discredit the reputation of the Council or other minor breach of the Employee Code of Conduct

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- 3.2 This list is not exhaustive, and other unsatisfactory conduct may be regarded as more serious misconduct.

4. Gross Misconduct

- 4.1 Gross Misconduct would include conduct which is considered to be more serious and as such would be considered as a breach of the employee's contractual terms. The sanction applied, therefore, could include dismissal with or without notice, even for a first offence. Examples of such conduct could include:

- Theft of Council property, money, or theft of property or money of a fellow employee, client of person to whom the Council has a duty of care
- Misbehaviour at work such as fighting, drunkenness or insulting behaviour
- Assault on a fellow employee (whether or not during working hours) or assault on a member of the public while acting or purporting to act on behalf of the Council
- Fraudulent or dishonest behaviour
- Deliberate damage to the Council's equipment or property
- Serious negligence which causes unacceptable loss, damage or injury □
Serious breach of the Council's policies and procedures on equal opportunities, harassment, bullying or aggression at work
- Submitting false information in order to obtain an appointment or a promotion with the Council
- Serious incapability through alcohol or being under the influence of illegal drugs/legal highs or the sale or distribution of illegal drugs/legal highs when at work
- Unauthorised release of information or material to a third party amounting to a serious breach of confidence
- Serious misuse of the Council's name or property (including computers and the internet) or the property of a third party while acting or purporting to act on behalf of the Council
- Misuse of social or other media to malign the Council, its Elected Members, employees or service users or otherwise bring the Council into disrepute
- Breach of the Bribery Act 2010
- Serious breach of the Employee Code of Conduct

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4.2 This list is not exhaustive, and other serious misconduct may be regarded as gross misconduct.