**What is misconduct?**

Misconduct is inappropriate behaviour that will normally result in disciplinary action short of dismissal being taken in the first instance.

The action taken will depend on the degree of seriousness of the misconduct, the employee’s current disciplinary record and any other relevant factors. The following list is neither exhaustive nor exclusive but gives an indication of the types of misconduct which will normally result in disciplinary action short of dismissal:

 unauthorised use of Council property

 improper use of organisational facilities such as the Council’s telephone, email system and the internet

 acts of discrimination, bullying and harassment

 carelessness or negligence in carrying out the duties and responsibilities of the job

 breaches of health and safety requirements

 refusal to follow reasonable instructions, comply with procedures or otherwise fulfil contractual obligations

 persistent poor timekeeping

 unauthorised absence from work and failure to comply with sickness reporting procedures

 falsifying time records

 wilful or deliberate under performance of duties

 abusive or threatening behaviour toward any person while engaged on, or purporting to be engaged, on Council business

 persistent short-term sickness absences

 inappropriate behaviour/conduct outside work that has a bearing on role within the Council

**What is gross misconduct?**

Gross misconduct is an act, or acts, which have the effect of destroying the employment relationship between the employee and Council, making trust and a continued working relationship impossible.

The following list is neither exhaustive nor exclusive but gives an indication of the types of misconduct which will normally result in summary dismissal:

 dishonesty, theft, fraud and deliberate falsification of records and/or benefit claims administered by the Council

 fighting, assault on another person

 deliberate damage to Council property

 serious bullying and harassment

 serious incapability through alcohol or being under the influence of illegal drugs

 serious negligence which causes unacceptable loss, damage or injury

 serious insubordination

 serious infringement of health and safety rules

 serious breach of the Council’s ICT Acceptable Use Policy

 unauthorised entry to computer records

 indecent, abusive or threatening behaviour to any person whilst engaged, or purporting to be engaged, on Council business

 wilful provision of false or misleading information, or wilful non-disclosure of information, either during the recruitment process or in subsequent employment which materially affects the contract of employment

 breach of confidentiality (subject of the Public Interest (Disclosure) Act 1988) or breach of authority vested in a job

 non-disclosure of an interest (conflict of interest), whether direct or indirect, in a contractual agreement between an agency and the Council

 serious breach of Standing Orders or Financial Regulations

 serious discriminatory acts or omissions contrary to or inconsistent with the Council’s policy on equality of opportunity

**Notes:**

 **Removal from, or lapsed registration with, a Professional body, where that registration is a requirement for the post and a condition of employment, may be treated as gross misconduct.**

 **Disqualification from driving for a period of one year or more, where driving is the main task of the job, will normally result in dismissal on the grounds of capability.**