

Key Points- Employment Procedures

Key Point 1 - Right to be accompanied

Employees have the statutory right to be accompanied by a work colleague or a trade union representative during the formal stages (including appeal stages). The only exception is Stage 1 of the Probation Procedure unless there are already significant concerns.

A request to be accompanied does not have to be in writing or within a certain timeframe. However, enough time should be provided to deal with the companion's attendance at the meeting. Employees should also provide the name of the companion in advance (where possible) and set out whether they are a work colleague or a trade union representative.

If the companion is not available at the time proposed for the hearing, the hearing must be postponed to a time proposed by the Employee provided that the alternative time is reasonable and not more than five working days after the date originally proposed. If the Employee does not attend the rescheduled hearing then a decision may be taken in their absence depending on the individual circumstances.

The companion should be allowed to address the hearing to put and sum up the Employee's response, they may respond on the Employee's behalf to any views expressed and confer with the Employee during the hearing. The companion does not have the right to answer questions on the Employee's behalf, address the hearing without the Employee's agreement or prevent the Employee from explaining their case.

Key Point 2 - Trade Union Officials

No action should be taken against a trade union representative until the circumstances have been discussed with the Deputy Director for Corporate Services (or nominee) and the full-time trade union official. This extends across all procedures.

Key Point 3 - Disability/Ill health and Occupational Health

Account should be taken where an Employee has a disability and/or health condition. Advice is available and can be obtained at any stage from Occupational Health and, with the Employee's consent, their GP and/or specialist.

Consideration should be given to whether an Employee with a disability is placed at a disadvantage and whether reasonable adjustments can be made. Discussions should take place with the Employee and/or their representative. Our overall aim is to provide support to a disabled Employee throughout their employment which includes where formal processes are used, and reasonable adjustment(s) will be made where possible.

Referrals to Occupational Health are made by managers via MyView or through the HR Service for Schools.

Guidance on supporting mental health in the workplace can be found on the [Acas website](#).

Consideration should also be given to whether there are any external pressures which could be affecting the employee such as family/carer pressures, domestic violence. Advice is available from the HR Advisory Service, Occupational Health and, with the Employee's consent, their GP and/or specialist. In cases of

Domestic Violence, additional guidance can be obtained from the Council's Domestic Violence Team or through the Department of Health at [SafeLives](#).

Key Point 4 - Suspension with pay

Where there appears to be serious misconduct, or risk to property or other people, a period of suspension with pay should be considered while investigations are taking place. Any suspension must be with pay and any period of suspension should be as short as possible. The Employee should be told why they are being suspended and advised of the timescales for when they will be provided with an update and what actions are proposed if any. Suspension should not be used as a sanction before the disciplinary meeting and decision and this should also be explained to the Employee. A suspension would normally be authorised by a Head of Service (or above) or the Head Teacher in schools.

In Schools the authorisation to suspend may be delegated to the Head Teacher with approval from the Governing Body. Any lifting of the suspension must be authorised by the Governing Body.

Key Point 5 - Referral to outside bodies

It may be necessary to refer the concerns to a regulatory body including the Local Authority Designated Officer depending on statutory or regulatory requirements.

Key Point 6 - Gross misconduct

Gross misconduct can be characterised as misconduct of such a serious and fundamental nature that it breaches the contractual relationship between the Employee and the Council. Allegations of Gross misconduct will be dealt with under the Disciplinary Procedure.

Key Point 7 - Conducting an Investigation

Problems dealt with early enough may be able to be 'nipped in the bud', whereas delay can make things worse as the Employee may not realise that they are performing below standard unless they are told. Arrange to speak to the Employee as soon as possible – the matter may then be able to be dealt with informally and not as part of the formal process (see 'Informal options').

By acting promptly, the problem can be clarified, and information can be gathered before memories fade, including anything the Employee has to say. Where necessary, statements should be obtained from witnesses at the earliest opportunity. Keep records of what is said – copies may need to be given to the Employee if the matter progresses further. Relevant personal details such as previous performance, length of service and any current warnings may need to be obtained before formal meetings, as well as any appropriate records and documents.

Key Point 8 – Redeployment/alternative work

Redeployment may be appropriate either as a result of redundancy or on recommendation of Occupational Health and may be on a permanent or temporary basis. If permanent redeployment is appropriate but not

available or if an offer of redeployment is unreasonably refused further consideration will need to be given under the relevant Procedure. Redeployment is not automatically available as a result of unsuccessful probation or dismissal as a result of poor performance.

Employees at risk of redundancy should also regularly review available vacancies and notify their nominated contact if they consider vacancies to be suitable.

If an Employee at risk of redundancy is offered and accepts redeployment and the terms and conditions of a new job differ from the old job, a four-week statutory trial period will determine whether or not the new job is suitable.

There is a separate legal entitlement to Employees on maternity/adoption or shared parental leave who are under notice of redundancy to be offered any suitable alternative work ahead of any employees who are not. The alternative post must be suitable and appropriate and not substantially less favourable than the previous contract. There is no requirement for the Employee to compete for a suitable alternative post unless they are in a pool with others in a similar position. This does not mean however that the Employee cannot be selected for redundancy.

Key Point 9 - Issues that overlap Procedures

Where there are issues that overlap, e.g., where an Employee under investigation submits a complaint a decision will be made whether it is more appropriate to deal with the new issue under the same procedure particularly where the issues are inter-related. It may, however, be appropriate to temporarily suspend dealing with the issue under the current Procedure.

Key Point 10 - Note Taking and Recording of Meetings

Arrangements will be made for notes to be taken throughout formal hearings/meetings. These need not be verbatim notes or formal minutes, nor will they require the agreement of all present. A copy of the notes will be made available as soon as possible following the hearing. Should the Employee disagree with the notes taken, a record of the disagreement will be made. Recording of the hearing will not be permitted except in exceptional circumstances (for example as a reasonable adjustment for a disabled participant at the hearing). Action under the Disciplinary Procedure may be taken if any covert recording is undertaken.

Key Point 11 - Structure of formal meetings (excluding Resolution)

The meeting would usually begin with introductions. The purpose will be explained and include:

- establishing the background to the issues
- considering what action is appropriate

If there has been an investigation then the investigator and/or Manager presenting the background will set out the nature of any allegations/concerns, present any evidence that has been gathered and call witnesses (if appropriate). If an investigating officer has been appointed but the Manager is presenting the concerns, the investigator may be asked to attend to answer any questions. All those attending may ask questions.

The Employee should be invited to respond to the allegations/concerns, refer to any evidence and call witnesses if they wish. They should also be given an opportunity to provide their own explanation and set out if there are any special circumstances to be taken into account.

If new information emerges it may be necessary to adjourn to undertake further investigation.

At the conclusion of the meeting the Manager and the Employee should be asked if they wish to summarise and the Employee asked if they wish to add anything further, including whether there are any special circumstances to take into account.

An adjournment may take place whilst the outcome is decided, and the decision will be set out in writing following the meeting.

Key Point 12 - Structure of formal meetings (Resolution only)

The meeting would usually begin with introductions. The purpose should then be explained and include:

- establishing the background to the concerns/complaint raised
- considering whether or not further investigation is necessary
- to consider whether the issue can be resolved using informal options and/or facilitation
- finding a way forward to resolve the concerns raised

The Employee will set out their concerns providing (where possible) background information. The Employee may also call witnesses. It may be appropriate for the meeting to be adjourned to undertake further investigation including obtaining additional witnesses statements.

An adjournment may take place whilst the outcome is decided.

Key Point 13 - Level of Warning/Caution/Formal Notification and Disciplinary Rules

This section applies to the management of employees under the probation procedure, disciplinary, performance and sickness absence procedures.

Where either misconduct is confirmed, or the Employee is found to be performing unsatisfactorily or their absence levels are unsatisfactory it is usual to set out in writing what improvement is required. Further misconduct or failure to improve (including attendance levels) within a set period would normally result in a Final Written Warning/Caution/Final Notification period.

If the issue is sufficiently serious it may be appropriate to move directly to a Final Written Warning/Caution or termination of employment. This may occur where the Employee's actions, attendance or performance have had, or are liable to have, a serious or harmful impact. Previous expired warnings will not usually be used to increase a sanction but may be taken into account where relevant and appropriate.

A First or Final Written Warning/Caution/Formal Notification should set out the nature of the misconduct, poor performance or absence and the improvement required (with timescales). The Employee should be told how long the Warning/Caution/Formal Notification will remain current and informed of the consequences if the standards are not met within the timescales, for example that dismissal is a possibility.

Regular monitoring should be put in place during the period and where a Warning/Caution/Formal Notification has previously been issued but further issues are raised the Warning/Caution/Formal Notification may be re-affirmed.

The Disciplinary Rules for Misconduct and Gross Misconduct can be found at Appendix 1.

A decision to dismiss should only be taken by a Deputy Director or above (for non-Schools) or the Governing Body in Schools unless this responsibility has been delegated.

Key Point 14 - Currency of Decisions

| Procedure | Stage | Time period (months) |
|--------------|---------------------------|----------------------|
| Performance | First Stage Caution | 12 |
| Sickness | First Formal Notification | 12 |
| Disciplinary | First Written Warning | 12 |
| Performance | Final Stage Caution | 18 |
| Sickness | Final Formal Notification | 18 |
| Disciplinary | Final Written Warning | 18 |

Key Point 15 - Notification of Criminal Convictions and Allegations

Employees are required to immediately report to their Deputy Director or equivalent or Head Teacher if they are arrested, charged, convicted or cautioned for any offence and/or any allegations which have been made of misconduct, inappropriate behaviour or wrong-doing. Such allegations include allegations which have been made against the Employee by children, adults, public bodies, HCPC, DBS or any other organisation or body, whether made orally and/or in writing and irrespective of whether the Employee considers that they may be without merit or foundation or have been made maliciously.

Failure to report an allegation may result in disciplinary action being taken, up to and including dismissal. This requirement is applied to all Employees and is particularly important where roles involve the safeguarding of children and adults.

An Employee will not automatically be disciplined solely because they have been charged with, or convicted of a criminal offence, or have accepted a police caution. Whether disciplinary action will be merited will depend upon:

- what effect it has on their suitability to do the job and their relationship with the Council, work colleagues and customers
- whether it is sufficiently serious to initiate disciplinary procedures

It is not always necessary to wait for the outcome of criminal proceedings before taking disciplinary action. If an Employee refuses or is unable to co-operate,

e.g. they have been imprisoned, they will be advised in writing that a disciplinary decision may be taken on the information available which may result in dismissal.

Key Point 16 - Allegations of Fraud

The Council participates in the National Fraud Initiative which identifies potentially fraudulent claims for benefits, grants etc. across all local authorities. The relevant HR Adviser and relevant Senior Officer will be notified, and the HR Adviser will then inform the:

- Head of Internal Audit (for the purposes of cross matching with other investigations)
- Director of Finance and Corporate Services (in accordance with Financial Regulation 15)
- Council's Monitoring Officer (in accordance with the Council's Anti-Fraud and Corruption Strategy)
- appropriate Trade Union official if the fraud is in relation to benefit claims and the Employee has been successfully prosecuted for fraud. This could be another local authority

This is in accordance with the agreement made as part of the National Fraud Initiative.

Before considering disciplinary action, the HR Adviser should check with the agency raising the suspicion (e.g. Internal Audit, Capita, the Police) what level of knowledge the Employee already has about the allegations in order to avoid jeopardising any current investigation. Thereafter the normal disciplinary procedures will apply.

Where an allegation is from another Local Authority, a full internal investigation should be undertaken regardless of the action taken by the other Local Authority.

Key Point 17 - Hearing an Appeal

An Employee may appeal the outcome of the formal stages within the Employment Procedures. The Appeal will consider representations made by all parties. The reasons for Appeal should be set out by the Employee.

Appeals should be heard without unreasonable delay. The Appeal should be considered by a senior manager who has not previously been involved in the case. Employees have a statutory right to be accompanied at appeal hearings.

An appeal should be registered no later than 14 calendar days from the date of the decision. The format for the Appeal hearing will be as follows:

- the appellant will be asked to detail their reasons for their appeal and any remedy they seek
- all parties may raise questions
- the relevant individual will respond to the questions raised
- both parties, with the appellant going last, will be asked to sum up the key points of their appeal
- all parties will be asked to confirm that there are no further points to be raised or considered
- the Appeal hearing will be adjourned so that the Chair can consider all the evidence and reach a decision

- the decision will be confirmed in writing to the Employee without unreasonable delay
- the appeal decision is final

Key Point 18 - If the Appeal finds in favour of the Employee:

- the appeal will be allowed
- where a sanction had been given all records of the sanction will be removed from the Employee's record unless there are exceptional circumstances e.g., issues related to Safeguarding
- where the Employee has been dismissed they will be reinstated with immediate effect and paid for any period between the original dismissal date and the successful appeal decision
- continuous service will not be affected

Key Point 19 - If the Appeal does not find in favour of the Employee:

- the sanction/decision will remain and be retained on the Employee's record
- if the appeal is against a dismissal decision then no new period of notice will be issued, the original notice period will stand
- if the decision was to dismiss summarily without notice, there will be no reinstatement or payment for any period between the date of the dismissal and the appeal decision and the original date of dismissal will stand

Key Point 20 - Termination of employment and Leavers processes

Notice periods will be as set out in the Employee's contract of employment/statutory entitlement unless the Employee has been summarily dismissed. The Leavers process can be found here [\[link\]](#)

Key Point 21 – Action Plans

Action plans may be established to support concerns related to performance (including probation) or related to sickness absence.

Action plans may include:

- setting out what the concerns are and what improvements are needed
- how the improvement(s) will be measured
- any training and support identified to achieve the improvements
- timescales for improvement and review

Key Point 22 - Extension of the Probation Period

There may be circumstances where it is appropriate to extend the period of probation, for example:

- where necessary training has been delayed
- the Employee has been absent for a significant period of time
- the Employee has made some improvement, but further review is necessary before employment can be confirmed

Management have the discretion to determine an extension and Employee will be notified of the reason for the extension in writing alongside the revised date to conclude the procedure.

There is no appeal right against decisions to extend probation periods.

The procedure may need to be adjusted to take account of part-time/term-time working arrangements.

The period of extension will be determined by the Head of Service or equivalent level. For Schools the Head Teacher will decide who is most appropriate.

If a recommendation is made to terminate the employment of an Employee appointed by Members, then the Members Staffing Panel will decide the outcome.

Key Point 23 – Resolution Facilitator

We have an open policy for communication and consultation and concerns are often raised and settled as a matter of course. Employees should be encouraged to settle their concerns informally where possible and many problems can be raised and settled during the course of everyday working. In some cases, a Resolution Facilitator, an HR Advisor, a work colleague and/or trade union representative may be able to help in resolving problems especially those involving working relationships.

If, at any point in the formal process, it is identified that a Resolution Facilitator can help to resolve the matter then the formal procedure may be suspended to allow for mediation to take place.

Facilitation is a voluntary process where the mediator helps two or more people in dispute to attempt to reach an agreed way forward. Any agreement comes from those in dispute, not from the Resolution Facilitator. The Resolution Facilitator is not there to judge, to say one person is right and the other wrong, or to tell those involved in the mediation what they should do. The Resolution Facilitator is in charge of the process of seeking to resolve the problem but not the outcome.

There are no hard-and-fast rules for when mediation is appropriate, but it can be used:

- where an individual believes that a term and condition of their employment has not been applied fairly, consistently and/or correctly
- to rebuild relationships after a formal dispute has been resolved
- to address a range of issues, including relationship breakdown, personality clashes, communication problems, bullying and harassment.

Mediation may not be suitable if:

- used as a first resort – because people should be encouraged to speak to each other and talk to their manager before they seek a solution via mediation
- it is used by a manager to avoid their managerial responsibilities
- the individual bringing a discrimination or harassment case wants it investigated
- the individuals do not have the power to settle the issue
- one side is completely inflexible and using mediation will only raise unrealistic expectations of a positive outcome.

Key Point 24 - Voluntary redundancy

Our standard financial terms for redundancy will apply. We reserve the right not to (a) offer voluntary redundancy or (b) to decline any requests.

Key Point 25 – Redundancy proposals affecting Employees on maternity leave (including adoption, paternity leave or shared parental leave)

There are specific legislative provisions that protect a woman on maternity leave and other Employees on Adoption, Paternity and/or Shared Parental Leave. You should contact your usual HR representative to discuss the direct impact where you have Employees in these categories and there is a redundancy proposal forming.

During the protected period (i.e. during pregnancy / maternity leave) unfavourable treatment of a woman because she is pregnant; because she is on maternity leave; or because of an illness she has suffered as a result of her pregnancy amounts to direct discrimination and is therefore unlawful. The test is wider than other forms of discrimination as it requires only there to have been unfavourable treatment rather than less favourable treatment compared to others. A woman is entitled to special consideration if this is necessary in order to make good any disadvantage or detriment she may otherwise suffer.

Women on maternity are also have the following additional protection:

- a woman on maternity leave has the right to return to the same job before she left; an interim employee cannot be given her job even if you think the person is a better employee
- selecting a woman for redundancy because of her pregnancy, maternity leave or a related reason is automatically unfair dismissal as well as being unlawful discrimination
- failure to consult a woman on maternity leave about possible redundancy is likely to be unlawful discrimination
- a woman made redundant while on maternity leave must be offered any suitable alternative vacancy if you have one. She does not need to apply for it

Similar provisions and rights relating to the protection from detriment, dismissal and the right to return to their job (or, if it is not reasonably practicable for the employer to permit the employee to return to that job, to another job which is both suitable for the employee and appropriate for the employee to do in the circumstances), also apply to employees taking paternity leave, adoption leave or shared parental leave.

It is advised that you contact your usual HR representative or member of Legal Services at the earliest possible moment if a potential redundancy situation has arisen, should you be unclear as to the rights and the duties of the Council regarding the above categories of employees.

Key Point 26 - Financial terms for Redundancy

Our standard financial terms are available here [\[link\]](#). The amount of the redundancy payment will be confirmed when the Employee is selected for redundancy together with any release of pension where appropriate.

Key Point 27 - Right to time off to look for alternative work

An Employee under notice of redundancy will be entitled to a reasonable amount of paid time off to look for alternative work, attend interviews, etc. Requests for time off should be agreed with the line manager. The right to time off extends to all employees regardless of their length of service.

Key Point 28 - Restructures/Redundancies affecting Member-level posts and School based employees

A decision to dismiss an individual subject to Member level appointment/dismissal will be made by Members for non-Schools or the School Governing Body.

Key Point 29 - Equalities Impact Assessment (EIA)

An EIA should be carried out when first proposing a redundancy situation and at regular intervals throughout implementation to identify whether there is a disproportionate impact on individual employees/groups. For example, is there a disproportionate impact on race, gender, disability and if so is there a rationale for continuing with the proposal or can an adjustment remove the disproportionate impact? Your HR representative will provide further guidance/data to assist in completing an EIA. The Council's workforce information can be found here [Workforce information](#)

Key Point 30 – Salary Protection

The Council operates a salary protection scheme which provides salary protection for up to two grades difference should the individual take up a lower graded post.

Key Point 31 – Support during Redundancy

The Council has recently purchased an on-line support package through Hays Career Transitions. The portal is not available to Schools employees.

This is a period of significant change and supporting our employees through this process is vital. This is why in partnership with Hays we are providing employees with access to a free expert online career transition programme which can be accessed 24/7, 365 days a year.

If following the assessment process an Employee is issued with notice of redundancy they will qualify for a statutory entitlement to a reasonable amount of time off to look for another job or to arrange training.

In addition to the Hays portal detailed above, all Employees (including those based in Schools) can access free 1:1 guidance meetings with trained Adult Guidance Officers who are based at the Learning Centre (Adult Education). These meetings can be used to explore career options and cover practical issues such as CV writing, completing application forms, on line applications and interview techniques. Careers guidance and job search skills are also available.

All Employees can also access Adult Directions which is an online resource which allows individuals to review their skills and abilities matching them against various job profiles to create an individual 'job list'

with up to date careers information. Appointments can be arranged with the Guidance Team by telephoning 020 8298 2822.

Key Point 32 – Member or Governing Body Appointments

There are some posts throughout the Council or within Schools that are subject to Member or Governing Body appointment/dismissal decisions. Where proposals may result in the dismissal of an Employee consideration will need to be given in respect of the involvement of Members/the Governing Body.

You should discuss your proposals with the HR Service to identify how Members/the Governing Body should be involved.

Appendix 1 - Disciplinary Rules

Below is a list of examples of disciplinary offences which may lead to disciplinary action or dismissal. The list is not exhaustive, and the Council reserves the right to take action for matters not listed or alluded to. The particular circumstances of any allegations may be treated as misconduct or gross misconduct. Employees also need to refer to Council policies and procedures; the Code of Conduct; their contract of employment; and the relevant National Scheme of Conditions of Service where other rules and standards are implied. In addition, employees are required to work in accordance with relevant statutory obligations, professional standards, health and safety regulations and other rules governing their profession or working environment. For example, the National Scheme of Conditions of Service for Local Government Employees states, "Employees will maintain conduct of the highest standard such that public confidence in their integrity is sustained".

Breaches of any of these rules may lead to disciplinary action being taken in accordance with the Disciplinary Procedure. Employees may be suspended from work as part of the Disciplinary Procedure. Employees dismissed for gross misconduct will not normally receive notice or pay in lieu of notice.

Non-exhaustive lists of examples of misconduct that are likely to attract disciplinary action are given below in Part 1. A non-exhaustive list of examples of serious misconduct, potentially serious enough to be considered gross misconduct, are detailed in Part 2.

Part 1: Examples of Misconduct Offences

Misconduct will not normally warrant dismissal without previous warning. (Please also refer to Gross Misconduct below).

Although not intended to be an exhaustive list, some examples of breaches of discipline, which may render an employee liable to disciplinary action, are as follows:

1. repeatedly failing to be in attendance at the employee's place of work at the required time
2. being absent from work without prior permission and without reasonable cause
3. failing to report absence from work on the day of such absence without a good reason
4. failing to record arrival and departure from work by the means required by the Council
5. failing to conform to established working practices and procedures whether professional or as laid down by the Council
6. refusing to carry out legal and reasonable management instructions
7. acting in a way prejudicial to the Council's interests in dealing with suppliers, contractors, members of the public or other outside contacts
8. failing to take reasonable care of the Council's property; this includes failing to act to prevent loss or damage to it
9. contravention of the Council's Employee Resolution Policy. (This will include the use of abusive, offensive or racist language or behaviour to any person in the Council, its customers, clients or contractors)

10. failure to wear appropriate protective clothing or use necessary safety equipment provided by the Council for particular duties
11. leaving the place of work during the hours of duty without permission or a satisfactory reason
12. smoking within a prohibited area
13. misuse of the Council's staff car parking permit and/or use of the Civic Offices car park. This will include allowing the permit to be used by anyone else and the use of the permit during periods of absence, holidays or non-working days
14. knowingly undertaking activities during a period of sick leave likely to inhibit recovery and return to work e.g. lifting heavy boxes when you have a recurring back problem
15. contravention of the Council's ICT policies and procedures in respect of computer, e-mail, text messaging and internet use e.g. using inappropriate language in e-mail communications
16. failure to discharge obligations in accordance with Statute, professional standards or contract of employment without sufficient cause

Part II – Examples of Gross Misconduct Offences

Gross misconduct is misconduct that is so serious that dismissal is a reasonable sanction to impose. A dismissal for gross misconduct is justified at the first offence and the employee will normally be dismissed without notice (i.e. summary dismissal).

It is not usually the number of offences, but rather the nature of the offence that determines gross misconduct. Repeated disciplinary offences which might individually have amounted to misconduct (as opposed to gross misconduct), may, when aggregated, amount to gross misconduct.

Examples of those breaches of discipline which warrant suspension or that could lead to summary dismissal are as follows:

1. the theft of; or unauthorised possession of; or wilful damage to property belonging to the Council, suppliers, contractors or any other employee or other persons
2. the fraudulent obtaining of money or other property from the Council; suppliers; contractors; or any other employee or other persons
3. falsely recording the arrival or departure from work of any other employee; falsifying official records, time sheets, etc
4. committing any assault on the Council's premises or whilst on Council business, or actual physical violence against another person
5. committing a criminal offence which renders the employee unsuitable or unable to carry out the duties for which he was employed or otherwise makes his continuing employment undesirable
6. being unable to carry out normal duties or constituting a serious safety risk as the result of the influence of alcohol or drugs
7. the persistent and wilful refusal to carry out instructions despite warnings of the consequences of continued refusal
8. gross contravention of the Council's Employee Resolution Policy. This will include serious acts of racism, bullying, harassment or victimisation to any person in the Council, its customers, clients or contractors
9. forging, falsifying, altering or defacing medical certificates

10. committing a serious breach of duty prejudicial to the Council's relations with other bodies or the general public or any wilful attempt to damage the Council's standing or position
11. giving false information when applying for a job
12. gross breaches of proper standards of Health and Safety at Work
13. the fraudulent claiming/obtaining of Housing Benefit, Student Award, or other Benefit from this, another local authority or another Government Department/Body
14. intentionally, negligently or recklessly disclosing or communicating any confidential information or personal data without authority to any person not entitled to receive it
15. acting in a way that could constitute a significant risk to the health or safety of the employee concerned or any other person on the Council's premises or property, or contravening rules drawn up in consequence of the Health and Safety at Work Act
16. gross contravention of the Council's ICT policies and procedures in respect of computer, e-mail, text messaging and internet use e.g. circulating pornographic or offensive material
17. reckless or deliberate failure to discharge obligations in accordance with Statute, professional standards or contract of employment without sufficient cause
18. soliciting gifts or gratuities
19. use, or attempted use, of official position for private advantage or improper personal gain
20. performing unauthorised private work (whether paid or unpaid) during hours when contracted to work for the Council or during periods of sick leave
21. recording or retaining personal or financial information contrary to Council procedures and in a manner which could lead to this information being improperly or fraudulently used
22. making malicious and false accusations against any other employee or other persons
23. intentional unauthorised use of Council vehicles whether during or outside the working day
24. forging, falsifying, altering or defacing of Council records and/or files
25. repeatedly refusing to attend appointments or meetings (including with Occupational Health) under this or other Council procedures (including the Sickness Absence Procedure)
26. failure to notify your manager or Deputy Director immediately if you are charged, convicted or cautioned for any offence where the offence may impact on the employment relationship
27. failure to notify your manager or Deputy Director immediately of any allegations which have been made against you of misconduct, inappropriate behaviour, wrong-doing, or behaviour where the allegation may impact on the employment relationship. Such allegations include allegations which have been made against you by children, adults, public bodies, HCPC, DBS or any other organisation or body, whether made orally and/or in writing and irrespective of whether you consider that they may be without merit or foundation or have been made maliciously
28. failure to notify your manager and the HR Service of any matters (including any medical conditions) that may affect your fitness to drive either a London Bexley Borough Vehicle/Pool Car/your own vehicle in performance of your duties or carry out safety critical work
29. breach of the agreement on the use of pool cars
30. continued misuse of Council car parking permits or car parking rules, including the falsification of the car parking permit application
31. failure to subscribe to, or maintain your subscription to, bodies as required by your contract of employment e.g. the DBS Update Service or HCPC Registration

32. behaviour, either inside or outside of work (including, but not limited to, posts on social media, online forums, message boards or blogs) that causes concern as to your suitability for the role you are undertaking or brings the organisation into disrepute

Note: These examples may be changed or amended at any time by the Deputy Director HR and Corporate Support.