



DISCIPLINARY CODE

(Covering all employees and workers)

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Issued 7 May 2015

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1. INTRODUCTION

- 1.1 CultureNL Ltd expects our employees to meet and maintain reasonable and professional standards of conduct at work.
- 1.2 The standards of conduct we require from our employees are set out in the Employee Code of Conduct.
- 1.3 The Disciplinary Code details the types of behaviours and conduct that are considered unacceptable and the different levels of disciplinary action that may be taken if your conduct or behaviour falls short of the required standards.
- 1.4 You should read the Disciplinary Code in conjunction with the Discipline Policy. These provide a framework within which managers can work with staff to maintain those standards and encourage improvements
- 1.5 All employees must also make sure they read, understand and observe all the relevant rules, regulations and procedures that apply to them. These can be found in:
 - your Statement of Particulars,
 - the Scheme of Conditions of Service as adopted by the CultureNL Ltd relating to specific employee groups;
 - the list of policies noted in **Appendix 1**, which may be added to from time to time and notified to you;
 - locally agreed standards of behaviour and other procedures specific to your service area which are available from your line manager; and
 - regulatory and professional bodies codes of conduct that apply to specific posts/professions.
- 1.6 If you are in any doubt as to your responsibilities or the standards of conduct expected you should speak to your line manager.
- 1.7 It is the CultureNL's policy to ensure that any disciplinary matter will be dealt with fairly and consistently in accordance with the Discipline Policy.

2. MISCONDUCT

- 2.1 Misconduct is behaviour that is unacceptable at work. It can also include unacceptable behaviour outside of work if it impacts on your contract of employment.

2.2 The following list gives examples of misconduct that could result in disciplinary action short of dismissal being taken. The list is intended as a guide and is not exhaustive:

Behaviour

- not obeying a reasonable instruction;
- minor breaches of contract;
- inappropriate language or gestures;
- using language or behaviour which is offensive, abusive or threatening to colleagues, service users or members of the public (**NB** this may also constitute gross misconduct depending on the specific circumstances);
- careless damage to CultureNL property or to property not belonging to CultureNL whilst engaged on company business;
- unauthorised use of CultureNL property or to property not belonging to CultureNL whilst engaged on company business;
- carelessness or negligence in carrying out the duties and responsibilities of the post; and
- being unfit for work because of the misuse of alcohol, drugs, legal highs or other substances (**NB** this may also constitute gross misconduct depending on the specific circumstances).

CultureNL Governance and Regulation

- minor breaches of health and safety procedures; and
- failure to declare a small gift and/or hospitality.

Regulatory Bodies

- failure to comply with regulatory bodies standards and codes of practice.

Attendance

- unauthorised absence from work;
- persistent lateness;
- time wasting;
- failing to comply with flexi-time rules or other working hours arrangements;
- failing to comply with absence reporting procedures; and
- failing to comply with sickness certification rules.

Equalities Issues

- minor breaches of equality legislation or CultureNL's Equality and Diversity in Employment Policy or associated policies and procedures.

Computer or Technology Related Issues

- unreasonable personal use of ICT equipment;
- misuse of the CultureNL's e-mail, intranet or internet system; and

- minor breaches of social media both in and out of work.

Data Protection

- minor breaches of data protection.

3. GROSS MISCONDUCT

3.1 Gross misconduct is behaviour and or conduct that is so serious that your employment with CultureNL will normally be brought to an end without notice or pay in lieu of notice (summary dismissal). Gross misconduct can occur outwith the workplace.

3.2 The following list gives examples of the types of behaviour and misconduct that are normally considered gross misconduct and which would normally result in dismissal. The list is intended as a guide and is not exhaustive:

Attendance:

- significant and prolonged unauthorised absence from work; and
- significant breaches of flexi-time rules or other working hours arrangements.

Theft and Fraud:

- theft of any kind from the CultureNL or its employees, service users or any member of the public;
- deliberately damaging or misusing CultureNL property or to property not belonging to the CultureNL whilst engaged on CultureNL business;
- fraud, forgery or other dishonesty including but not limited to:
 - falsifying any document, record, claim or account;
 - providing false information in support of an application for employment or promotion;
 - fraudulent claims for payment of any kind;
 - asking for or accepting bribes;
 - accepting unauthorised gifts and/or hospitality; and
 - falsely claiming money or benefits from any local authority or Government office.

Behaviour:

- repeated or serious failure to obey reasonable instructions
- a serious or deliberate breach of contract;
- assault;
- physical or serious verbal abuse, bullying or other mistreatment of employees, service users or members of the public;
- indecent behaviour;
- violent or dangerous behaviour, including fighting at work;
- serious negligence in work performance;

- serious negligence in safeguarding CultureNL property;
- using CultureNL vehicles without authority;
- engaging in unauthorised employment, paid or unpaid during working hours or during periods of sick leave;
- behaviour which brings the reputation of CultureNL into disrepute, either carried out at work, outwith work or using social media; and
- being unfit for work because of the misuse of alcohol, drugs, legal highs or other substances.

CultureNL Governance and Regulations:

- a significant failure to comply with the Employee Code of Conduct, financial regulations, or service specific procedures;
- serious and/or deliberate breaches of health and safety regulations or requirements, including neglecting safety equipment or deliberately damaging safety equipment;
- working in an unsafe manner or in any way which may put others in danger;
- breaching confidentiality that seriously prejudices the interests of CultureNL, service users, employees or member of the public;
- deliberate non-disclosure of a conflict of interest, either direct or indirect, as described in the Employee Code of Conduct;
- a significant breach of the Acceptable Use of ICT Policy;
- knowingly making a malicious or vexatious disclosure under the Public Interest Disclosures “Whistleblowing” Procedure;
- knowingly lodging a malicious or vexatious grievance under the Grievance Policy;
- knowingly lodging a malicious or vexatious complaint under the Dignity at Work Policy;
- Victimising a colleague who has raised concerns under any CultureNL Policy;
- any other unacceptable conduct or behaviour that would make continued employment with CultureNL impossible whether or not the conduct or behaviour occurred at work;
- gross carelessness or negligence in carrying out the duties and responsibilities of the post; and
- abuse of authority vested in a post.

Regulatory Bodies:

- a breach of statutory rules;
- failure to meet and maintain registration requirements or standards set by external regulatory bodies which apply to specific posts; and/or
- significant breaches of or a failure to comply with the standards and codes of practice set by regulatory bodies.

Equalities Issues:

- unlawful discrimination

- unfair treatment in the workplace e.g. harassment, bullying or victimisation of any employee, service user or member of the public;
- inciting bullying, harassment or victimisation and/or condoning this behaviour;
- any serious breach of equality legislation; and
- a serious or repeated breach of CultureNL's Equality and Diversity in Employment Policy.

Computer or Technology Related Issues:

- serious misuse of, or deliberate damage to, any CultureNL computer hardware or software;
- any deliberate attempt to breach data protection or computer security rules e.g. misusing passwords;
- misuse of CultureNL information systems which hold staff, customer, service user or pupil information;
- accessing, storing or circulating offensive material via e-mail, the intranet or internet;
- offensive behaviour using social media; and
- deliberately breaching a software copyright or licence.

Data Protection

- a serious breach of data protection.

Criminal Convictions

- conviction for a criminal offence that may affect CultureNL's reputation or relationship with employees, service users or the public ;
- non-disclosure of any criminal conviction obtained whilst in employment of the CultureNL;
- conviction for any criminal or road traffic offence, which makes an employee unsuitable for continued employment; and
- not disclosing an unspent criminal conviction.

4. REVIEW OF DISCIPLINARY CODE

- 4.1 This Code will be reviewed annually taking account of operational feedback.

Appendix 1

Related Policies and Procedures

Acceptable Use of ICT Policy

Alcohol & Drug Related Problems Policy

Corporate Anti-Fraud Policy

Dignity at Work Policy

Discipline Policy

Employee Code of Conduct

Equality and Diversity in Employment Policy

Financial Regulations

Grievance Policy

Guidance on the use of social media for work purposes

Health & Safety Policy

Managing Attendance Policy

No Smoking in CultureNL Premises Policy

Public Interest Disclosures - Whistleblowing Policy

Scheme of Delegation to Officers