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## **Behaviour Policy**

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## **1 Policy**

The public is entitled to expect the highest standards of conduct from every employee who works for the council.

We have a set of standards, including a [Code of Conduct](#), so that everyone knows, as a minimum, what is expected of employees at work and where work and private life link. Employees are expected to be familiar with, uphold and adhere to, our [THRIVE values](#) and the code of conduct.

Fostering a working environment of trust and empowerment is important to us, where leadership is not the responsibility of senior management alone – everyone is encouraged to make decisions and determine how to work within our policy framework. We know that sometimes mistakes happen, and we will use them as opportunities to learn and grow as an organisation.

Managers at all levels are expected to keep in regular contact with all their team members, working reflexively to discuss any aspect of work, conduct or performance that requires attention as soon as it emerges, so that, as far as possible, informal action may be taken to resolve the matter. This way, a culture of continued learning is developed, and matters of concern will not be left to grow into those that require formal disciplinary action.

We will provide a clear process for employees to raise concerns in good faith that are in the public interest, and for them to be confident that they will be taken seriously and dealt with, without fear of victimisation.

We will ensure our people know the standards required and are supported to achieve them to ensure that the overall performance of the organisation is at a good consistent standard. However, where standards fall below (or fail to rise above) the accepted level and require formal intervention, we will take firm but fair action through the formal disciplinary procedure.

Our disciplinary policy, procedure and guidance, is in place to provide a clear and consistent approach when formal disciplinary action is required and to meet our legal obligation in providing a disciplinary policy.

## **2 Guiding principles / key elements**

### **2.1 Employee Conduct**

- We have a [Code of Conduct](#) which provides a minimum set of standards of conduct expected of employees.
- Employees are expected to familiarise themselves with the Code and to bring any breaches to the attention of their manager.

- It is expected that where there is potential conflict, that this is resolved early, swiftly and informally. All employees can call upon the trade unions for support with early intervention.
- When all informal options have been exhausted and there is still cause for concern, the appropriate formal policy and procedure (eg disciplinary or grievance) should be considered in line with the ACAS code. Informal action should be time limited so that unresolved issues are not left unaddressed. Documentation/evidence should be kept during this period as this may need to be taken forward into the formal process.
- Managers are responsible for ensuring employees understand the standards expected of them and ensuring they are reflected in day to day working.

## **2.2 Confidentiality**

- All employees or workers for the council are required to keep confidential any information regarding service users, staff and the corporate activities of the council.
- This includes after their contract has terminated.
- The appropriate council policies regarding confidentiality, data management, and information security must be adhered to. This does not prevent action being taken under the whistleblowing procedure.
- All confidential information that employees or workers are exposed to in the course of their work, written or verbal, must be treated as such.

## **2.3 Bribery, Gifts and Hospitality**

- Bribery is never acceptable, whether it is receiving or being offered a bribe, bribing someone else, or failing, as an organisation, to prevent bribery.
- Employees are trusted to consider responsibly whether to accept any offer, gift, favour or hospitality and consider carefully whether there is a genuine need to accept it.
- An acceptance of a gift or hospitality over £30 must be declared and will be recorded centrally.
- Employees may offer hospitality to others on behalf of the council only where it can be justified as being in the interests of the council and with regard to the council's financial position and appropriate use of public funds.

## **2.4 Personal Relationships at Work**

- It is inevitable that some employees have, or will develop, close personal relationships at work.
- We do not wish to discourage or exclude people from working for us if they are in a close relationship with an existing employee or others connected with the council such as contractors or elected members, but recognise the potential impact such relationships can have at work.
- Managers are expected to discuss and agree any mitigating action or arrangements with the employee(s).

- Managers must maintain confidentiality about the relationship unless the employees indicate that it may be disclosed or if it is in the interests of the business.
- Employees are reminded that they must adhere to the Code of Conduct and all other policies, remaining professional in their conduct and avoiding being open to allegations of impropriety, bias, abuse of authority, conflicts of interest or fraud.
- Where appropriate and with consideration of the above points, employees must inform their manager if the relationship comes to an end so that the implications of this may be considered.
- It is illegal for someone in a position of power or trust to groom or have a sexual relationship with someone under the age of 18. The local safeguarding children procedure will be instigated if this is suspected.
- The local safeguarding adults procedure will be instigated if an employee develops a similar relationship with a vulnerable adult client.

## **2.5 Politically Restricted Posts**

- Personal and political views must not interfere with an employee's work.
- Employees serve the council as a whole and not individual members or groups.
- Directors are responsible for identifying politically restricted posts as defined by national regulation. Such postholders may not participate in political activity outside their work.

## **2.6 Whistleblowing**

- Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Employees should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.
- Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the employee who raised the issue.
- All concerns will be treated in confidence and every effort will be made not to reveal their identity if an individual wishes. At the appropriate time, however, the individual may need to come forward as a witness. This should be discussed with the individual early on to establish if this is possible.
- Concerns expressed anonymously will be considered at the discretion of the council.
- No employee will be victimised or suffer any detriment for raising a matter under this procedure. This means that continued employment and opportunities for future promotion or training of the employee will not be prejudiced because he/she has raised a legitimate concern.
- Harassment or victimisation of an employee for raising a qualified disclosure will be a disciplinary offence.
- If misconduct is discovered as a result of any investigation under this procedure the council's disciplinary procedure will be used, in addition to any appropriate external measures.

- No action will be taken if an allegation is made but is not confirmed by an investigation. Maliciously making a false allegation is a disciplinary offence.
- An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, employees should not agree to remain silent. They should report the matter to the Assistant Director Governance.

## 2.7 Discipline

- All employees will be treated fairly.
- Disciplinary procedures will comply with the [Acas Code of Practice on Discipline and Grievance](#)
- Standards of conduct and behaviour are described in the Code of Conduct
- Where an appropriate, informal process has failed, the policy is designed to formally address conduct, behaviour, attitude, performance, etc. not covered by the capability procedure (can do but won't).
- For allegations relating to child safeguarding the Local Authority Designated Officer will be alerted.
- Definitions of misconduct and gross misconduct will be published in the guidance underpinning this policy.
- The procedure will have three levels of disciplinary penalty which are:
  - 1<sup>st</sup> written warning
  - final written warning
  - dismissal/action short of dismissal (e.g. permanent or temporary demotion with loss of earnings)
- The procedure can be entered into at any stage as appropriate to the nature of the circumstances.
- Sanctions as part of this process will be proportionate to the matter in question.
- Investigations will be conducted only where necessary. For example, where there is already evidence available about an allegation, a new investigation will not be undertaken.
- In most cases unless the situation requires it the investigation will be carried out by someone independent to the situation.
- Cases will be progressed in a reasonable timescale and not be unduly delayed or suspended. For example, if a grievance is lodged, it will be addressed in accordance with the [Acas Code of Practice on Discipline and Grievance](#); this will however be after the disciplinary procedure is concluded.
- Any suspension will be only where no alternative option is available for a minimum period and on normal basic pay whilst consideration of the facts and next steps are decided and reviewed by an Assistant Director or above.
- Disciplinary matters will be treated confidentially.
- The council would prefer to electronically record formal hearings / meetings, with the agreement of the individual concerned in order that most accurate factual notes can be used to aid the process and retained in line with appropriate retention guidelines.

- The line manager or appropriate alternative manager will take the decision to progress to a disciplinary hearing and will ensure the hearing is held promptly following completion of an investigation, or review of sufficient existing evidence.
- Employees will be given at least 5 working days' notice of a disciplinary hearing and will receive copies of the evidence to support the allegations made in advance of the disciplinary hearing.
- Employees may be accompanied by a work colleague or trade union representative at disciplinary hearings. It is the responsibility of whoever is arranging the meeting to ensure that any such companion receives a copy of any documentation.
- Where appropriate witnesses will be interviewed as part of an investigation and may be called to attend a hearing.
- Employees must provide the manager conducting the hearing with any documentation in support of their case 2 working days prior to the hearing.
- No disciplinary warning will be given without a disciplinary hearing.
- Written warnings will normally remain live for 12 months, but can be varied in exceptional circumstances.
- Warnings will be removed from employee records at the appropriate time.
- Matters can be progressed to the next stage at any time within the timescales and must be relevant to the expectations set during the process as appropriate.
- There will be no dismissal for a first breach of discipline (other than for gross misconduct).
- Employees will have a right of appeal based on the following grounds; such as:
  - the procedure was not followed
  - the finding of disciplinary hearing was not reasonable
  - the management decision was not appropriate
  - significant new or additional information has come to light which was not available at the hearing
- Appeals will be heard by a manager who has not previously been involved in any detail other than to be aware of the issue and who is senior to the manager who applied the sanction where possible, or the Employee Appeal Panel as appropriate.
- Appeal meetings will take the form of a review of the process and evidence considered at the disciplinary hearing and will not normally involve a full re-hearing unless significant new or additional information is available.
- The manager will decide that either:
  - the sanction is appropriate and should stand, or;
  - the sanction should not have been imposed or the measure was inappropriate, and determine what measure is appropriate
- Depending on the nature of the concern, it may be appropriate for managers to use their discretion to move between attendance management, capability, and disciplinary processes (*e.g., if the case has been considered under the capability procedure and lack of further improvement is later considered to be due to lack of application rather than ability, the disciplinary procedure may be followed*)

### 3 Individual procedures and guidance

[Guide to behaviour](#)

[Code of conduct](#)

[Close personal relationships at work guidance](#)

[Procedure where performance, conduct or behaviour falls below expected standards](#)

[Effective interviewing guidance](#)

[Giving feedback guidance](#)

[Definitions of misconduct and gross misconduct](#)

[Formal disciplinary procedure](#)

[Suspension guidance](#)

#### Related policies

- [Employee engagement and communications](#)
- [Employee health, safety and wellbeing](#)
- [Equality and diversity](#)
- [Flexibility working](#)
- [Managing people change and leaving the organisation](#)
- [Resourcing and managing performance](#)
- [Reward](#)

Version	Date issued	Description of and reason for change
v1.0	10 June 13	New policy
v2.0	1 July 2015	Fit for purpose policy review
v3.0	2 July 2018	Broken link
v4.0	8 Jan 2019	Updated links
V5.0	23 May 2019	Updated links
V6.0	3 July 2019	Removed incorrect link
V7.0	30 November 2020	Updated links
V8.0	June 2024	Updated links and THRIVE values