



<b>Policy &amp; Procedure Title:</b>	<b>Disciplinary Procedure for Police Staff</b>
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<b>Workstream/Business Area:</b>	<b>Professional Standards</b>
<b>Policy Author:</b>	<b>DI Martin Price</b>
<b>Service Area Approval:</b>	<b>Detective Superintendent, Professional Standards Department</b>
<b>Chief Officer Approval:</b>	<b>Deputy Chief Constable</b>
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### **Supporting Documents:**

#### **APP Guidance:**

This Policy has been checked against APP and there is none in relation to the subject matter of this Policy. However, Staff may wish to consult the section on Risk and the 10 principles relating to Risk:

<http://www.app.college.police.uk/app-content/risk-2/risk>

<b>1.0</b>	<b>POLICY AIMS</b>						
1.1	Gwent Police expects certain standards of conduct to be maintained by all individuals throughout the course of their employment. In the event that behaviour falls short of Gwent Police's expectations then there may be a need for recourse to the Disciplinary Procedure. This document provides guidance to line managers and individuals on the process that will be followed where there is concern over an individual's level of conduct or behaviour. This includes both formal and informal mechanisms. It complies with the ACAS 'Code of Practice on Disciplinary & Grievance Procedures March 2015', ACAS - 'Discipline and Grievances at Work Guide – March 2015' and the Police Staff Council (PSC) Standards of Professional Behaviour.						
1.2	The following are included as Appendices: <table border="1" style="margin-left: 40px;"><thead><tr><th style="text-align: center;">APPENDIX</th><th style="text-align: center;">TOPIC</th></tr></thead><tbody><tr><td style="text-align: center;">'B'</td><td style="text-align: center;">Examples of Misconduct</td></tr><tr><td style="text-align: center;">'C'</td><td style="text-align: center;">Examples of Gross Misconduct</td></tr></tbody></table>	APPENDIX	TOPIC	'B'	Examples of Misconduct	'C'	Examples of Gross Misconduct
APPENDIX	TOPIC						
'B'	Examples of Misconduct						
'C'	Examples of Gross Misconduct						
1.3	This Procedure must be applied fairly, equally and consistently to all employees irrespective of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.						
1.4	This Procedure aims to provide a fair, open and proportionate method of dealing with complaints and misconduct.						
1.5	Gwent Police will support any manager who has exercised his or her judgement reasonably, fairly, objectively and adhered to this Procedure which is designed to help, as well as encourage all staff to achieve and maintain standards of conduct.						
1.6	Improvement will always be an integral dimension of any outcome (even in a case where an individual has been dismissed, there can be learning opportunities for Gwent Police).						

<b>2.0</b>	<b>PROCEDURE</b>
<b>2.1</b>	<b>General Information</b>
2.1.1	Minor Misconduct issues will normally be dealt with by line managers through informal advice and guidance. A note of the informal advice and guidance will be made by the line manager and placed on the employee's personal file. This does not constitute action under the Disciplinary Procedure; however, it should be made clear to the employee that, should there be no improvement in their conduct, then the Disciplinary Procedure may be invoked or indeed the Police Staff Capability Procedure.
2.1.2	Any person who may have a conflict of interest in any investigation, Disciplinary Meeting / Hearing or Appeal, for example, a personal friendship with the employee against who an allegation has been made, must declare such and will be precluded from being involved in any part of the disciplinary process. Please note point only relates to investigators, presenting officers, presiding officers and panel members.
2.1.2	In the event that a Police Staff Member becomes subject of a disciplinary matter no disciplinary action will be taken against an employee until the case has been proportionately investigated.
<b>2.2</b>	<b>Complaints Against Police Staff by Members of the Public</b>
2.2.1	Since April 2004, the Independent Police Complaints Commission (IPCC) has a role in the oversight and in some circumstances, direct management or supervision of investigations into complaints made by the public.
2.2.2	The involvement in the IPCC in each case will vary, dependent on the nature of the case. However, disciplinary decisions that might arise from a complaint will be a matter for the Gwent Police.
2.2.3	An initial assessment of the complaint will be made by the Professional Standards Department to establish whether this is suitable for Local Resolution; Supervised Investigation; Managed Investigation or Independent Investigation.
2.2.4	If a complaint is made against a member of Police Staff the individual will be served with a letter stating the nature of the complaint. The letter will ask the individual if they wish to correspond using the Welsh Language.
2.2.5	At the conclusion of the investigation a decision will be made as to whether there are any internal disciplinary issues.
2.2.6	The process will then follow the same procedure as it would for any internal Misconduct matter.
<b>2.3</b>	<b>Internal Misconduct</b>
2.3.1	If the allegation is not classed as minor Misconduct then a brief report should be submitted by the line manager or person making the complaint to the Professional Standards Department.

2.3.2	An assessment will be made by the Professional Standards Department as to whether the matter(s) is / are considered to be Misconduct or Gross Misconduct.
2.3.3	In general, an allegation of Misconduct will be investigated by the employee's line manager. However, if the allegation relates to Gross Misconduct PSD and/or the IPCC will investigate.
2.3.4	If the Misconduct is deemed to be more than minor the individual will be served with a letter by the Professionals Standards Department stating the nature of the Misconduct. The letter will ask the individual if they wish to correspond using the Welsh Language.
2.3.5	All investigations will be co-ordinated by the Professional Standards Department to ensure timeliness and consistency.
2.4	<b>Investigation</b>
2.4.1	The Investigator <b>must</b> check with PSD to ascertain whether the individual has a current 'live' disciplinary sanction on their file at the time the alleged Misconduct occurred. If this is the case PSD will notify the individual, in writing, that the sanction will remain ' <b>live</b> ' until the conclusion of the current investigation and any subsequent Hearing, even if the sanction was due to expire before that time.
2.4.2	At the conclusion of the investigation, the Investigating Officer will submit a report with recommendations to the Head of the Professional Standards Department. The report will then be forwarded to the Deputy Chief Constable so that a decision can be made whether or not to proceed to a disciplinary meeting or Hearing, based upon the recommendations.
2.4.3	If the subject of any investigation is a Trade Union Representative then it is very important as per the ACAS advice that the Union's full time Regional Officer is notified of the investigation.
2.4.4	This step is recommended by ACAS and the purpose of the notification is to ensure that the union are aware that the matter relates to the alleged conduct of the individual and is not an attack on the Trade Union.
2.4.5	It is important that the Head of Professional Standards Department is aware that they are a UNISON Representative. There may be a need for discussions to be held locally as to whether the person should continue to act as a representative while the investigation is on-going.
2.5	<b>Suspension</b>
2.5.1	For detail of the suspension process please see – Procedure "Suspension of Police Officers and Police Staff."
2.6	<b>Disciplinary Hearing and Disciplinary Meeting</b>
2.6.1	A Disciplinary Hearing and a Disciplinary Meeting differ as below:

	<b>Disciplinary Meeting</b>	<b>Disciplinary Hearing</b>
<b>Level</b>	Misconduct	Gross Misconduct or further Misconduct following a final written warning
<b>Presiding Officer</b>	Presiding Officer – Supt or Department Head	Presiding Officer - Chief Supt or Service Area Lead
<b>Panel</b>	Representative from People Services	Representative from People Services
<b>Sanction</b>	Final Written Warning, Written Warning, Verbal Warning, NFA, Reduction in salary, Moved to a lower grading post, Reduced access to certain systems, Remove security clearances etc	Final Written Warning, Written Warning, Verbal Warning, NFA, Reduction in salary, Moved to a lower grading post, Reduced access to certain systems, Remove security clearances Dismissal etc.

2.6.2

In the event of a Disciplinary Hearing / meeting being convened, the employee concerned will be notified in writing of:

- a) The Hearing date
- b) The alleged disciplinary offences and potential outcome if proven e.g. Dismissal
- c) Provided with a copy of the Disciplinary Procedure for Police Staff and
- d) Right of representation
- e) Special arrangements and adjustments (employee to be asked to inform PSD what reasonable adjustments they would require)

The letter will ask the individual if they wish to use the Welsh language as part of the Hearing. If so translation services will be provided.

2.6.3

Any relevant witness statements and any other material to be relied upon in the Hearing will be disclosed prior to the Disciplinary Hearing.

2.6.4

The employee concerned will be given a minimum of 10 working days' notice from the date he/she receives the information at 1.6.2 and is advised of the arrangements to the actual date of the Hearing. Should the employee's Trade Union Representative or work colleague be unable to attend on the date proposed, the employee can offer an alternative time and date as long as it is reasonable and is within 5 working days, beginning with the first working day after the day proposed by the employer. A shorter or longer period of notice may be agreed if acceptable to all parties involved.

2.6.5

The employee will be advised of the witnesses that the employer side intends to call. The employee may call witnesses that he/she wishes, but it is his/her responsibility to

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	<p>make arrangements for their attendance. The employee will be required to advise in writing the Investigator in the Professional Standards Department at least 5 days in advance of the Disciplinary Hearing of those witnesses he/she has requested to attend and to disclose any documents or witness statements that the employee will rely on at the Disciplinary Hearing.</p>
2.6.6	<p>Remember that if the evidence of witnesses are not disputed then there will be no requirement to call them.</p>
2.6.7	<p>The Presenting Officer at all disciplinary meetings and hearings will not be the Investigating Officer, but a different individual from within the relevant service area. A HR professional must also be present to advise the Presiding Officer.</p>
2.6.8	<p>An employee will be given adequate opportunity to explain his/her version of events in a Disciplinary Hearing / Meeting. In particular, he/she, or their Trade Union Representative or work colleague, shall be allowed to question the investigating officer and any witnesses giving evidence on behalf of the employer.</p>
2.6.9	<p>The Trade Union Representative or work colleague does not have the right to answer questions on the employee's behalf, address the Hearing if the worker does not wish it or to prevent the employer from explaining their case.</p>
2.6.10	<p>Disciplinary Hearings and Meetings will be recorded either on tape or contemporaneously. Copies of transcripts may be made available to those subject to the Disciplinary Hearing or their representatives. This will be similar for Misconduct meetings.</p>
2.6.11	<p>Either Party may ask for a short adjournment of the proceedings at any time.</p>
2.6.12	<p>When all the evidence has been heard the Presiding Officer will advise the employee orally in person of his/her finding decision. The employee will then be notified in writing by the Presiding Officer of the decision not more than 3 working days after the completion of the Hearing.</p>
2.6.13	<p>Sickness Absence during Disciplinary Meeting / Hearing:</p> <ul style="list-style-type: none"><li>a) If the individual is on sick leave and unable to attend the Hearing/meeting a referral must be made to the Force Medical Advisor for advice as to any suitable adjustments and on their fitness to attend. At the same time, they must be informed of the detail shown at paragraphs b) to d) below. If the individual refuses to attend the appointment, a judgement will be made on the information available at the time, on whether the Meeting / Hearing will go ahead. Reasonable adjustments must also be considered.</li><li>b) If the Police Staff Member cannot attend the workplace they should be offered the opportunity for the Meeting / Hearing to take place at an alternative mutually agreeable venue. The individual should be advised that they have the right to be accompanied by a Trade Union Representative or a work colleague.</li><li>c) The Meeting / Hearing can be delayed once only on medical grounds for a period not exceeding one month (this is thought to be reasonable). For individuals covered by the Equality Act, where additional medical reports have been sought,</li></ul>

the delay may be longer.

- d) If the individual states they are still unable to attend on medical grounds the Disciplinary Chair will exercise his/her discretion as to whether to proceed with the Hearing / Meeting in their absence. Should it be decided that the disciplinary hearing will proceed in the individual's absence, the individual must be given the opportunity to forward any written material they wish to be considered and in addition can nominate a Union Representative or work colleague to present their statement or case if they wish. It is in no one's interest to prolong the process particularly if the process may be contributing to the ill health of the individual. The Hearing must take place whilst evidence is fresh and witnesses can recall events.
- e) Again, reasonable adjustments, including: written responses and / or video link for example should be considered.

2.6.14

Where a person fails to attend a Hearing or Meeting the Presiding Officer will decide if the Hearing will proceed in the absence of the employee. The Investigator must demonstrate to the panel:

- a) That the person has been notified of the Hearing / Meeting
- b) That they are aware of seriousness of the allegations
- c) The checks made to find out why they are not in attendance
- d) That prior to the Meeting / Hearing the employee has been offered the option to tender written testimonial and or colleague / TU empowered to act on their behalf etc.
- e) And any reasonable adjustments that may persuade the attendance has been considered.

2.7

### **Disciplinary Action**

2.7.1

Following full consideration of the evidence submitted at a Disciplinary Hearing / Meeting, it may be necessary to take disciplinary action. Depending on the severity of the incident, the following courses of action may be taken and any action taken must be proportionate to the Misconduct / Gross Misconduct:

- a) **Oral Warning**
  - i) This will be applicable in cases of minor Misconduct where it is considered that a member of staff has broken the rules in relation to Misconduct.
  - ii) Details of the offence and a copy of the oral warning will be placed on the employee's professional standards record.
  - iii) The employee will also be advised that the consequences of any further offence or failure to improve may result in further disciplinary action and/or dismissal.

iv) An oral warning will be disregarded and removed from the employee's personal record after six months providing no further warning has been registered.

b) **Written Warning**

i) A written warning will be considered where, despite the issue of an oral warning, the employee has committed a further offence or repeated the offence or where the issue or conduct justifies a written warning for a first offence.

ii) Details of the offence and a copy of the written warning will be placed on the employee's personal record.

iii) The employee will also be advised that the consequences of any further offence or failure to improve may result in further disciplinary action and/or dismissal.

iv) A written warning will be disregarded and removed from an employee's personal record after twelve months providing no further warning has been registered.

c) **Final Written Warning**

i) A final written warning will be considered where, despite the issue of a previous written warning the employee has committed a further offence or repeated the offence or where the conduct is more serious and justifies a final written warning for a first offence.

ii) Details of the offence and a copy of the final written warning will be placed on the employee's personal record.

iii) The employee will also be advised that the consequences of any further Misconduct or repeated Misconduct may result in dismissal.

iv) A final written warning will be disregarded and removed from an employee's personal record after eighteen months providing no further warning has been registered.

**NB:** All warnings will commence from the date that the warning was issued.

d) **Dismissal**

i) An employee may not be dismissed (other than in instances of Gross Misconduct) for a first breach of discipline.

ii) If there is a repetition of Misconduct or further Misconduct following the issue of a final written warning, then the employee may be dismissed with notice.

iii) In a case of established Gross Misconduct, an employee may be immediately dismissed, without notice following a Disciplinary Hearing.

e) **Alternatives:**

If (but only if) the employee's contract of employment allows, or the employee expressly agrees, you may be able to impose:

- i) Transfer To A Lower Grade Post Or Alternative Location
- ii) Impose a financial penalty or other requirement A financial penalty may be appropriate when the employee has made some gain from or in relation to the misconduct and it is appropriate to reduce or extinguish the gain
- iii) Demotion
- iv) No escalation Up The Scale Range Appropriate To Their Post (if not at the top) for the duration of the warning held on the employee's file
- v) Remove Security Clearance Or Reduce Access To IT Systems

2.8

**Notices of Disciplinary Action**

2.8.1

Where a final written or a written warning is given, the written notification will specify:

- a) The nature of the Misconduct
- b) The disciplinary penalty and how long it will last
- c) The likely consequences of a repetition of the Misconduct or further Misconduct
- d) The timetable for lodging an appeal and how it should be made.

2.8.2

Where a dismissal notice is given, the written notification will specify:

- a) The fact that employment has been terminated
- b) The reason for the termination
- c) What was found proven
- d) Right to appeal
- e) Time limit for the right of appeal
- f) Who the employee's grounds for appeal should be submitted to
- g) Process of appeal
- h) The arrangements that apply with immediate effect
- i) A separate document detailing the Panel's full findings

2.9

**Appeals Procedure**

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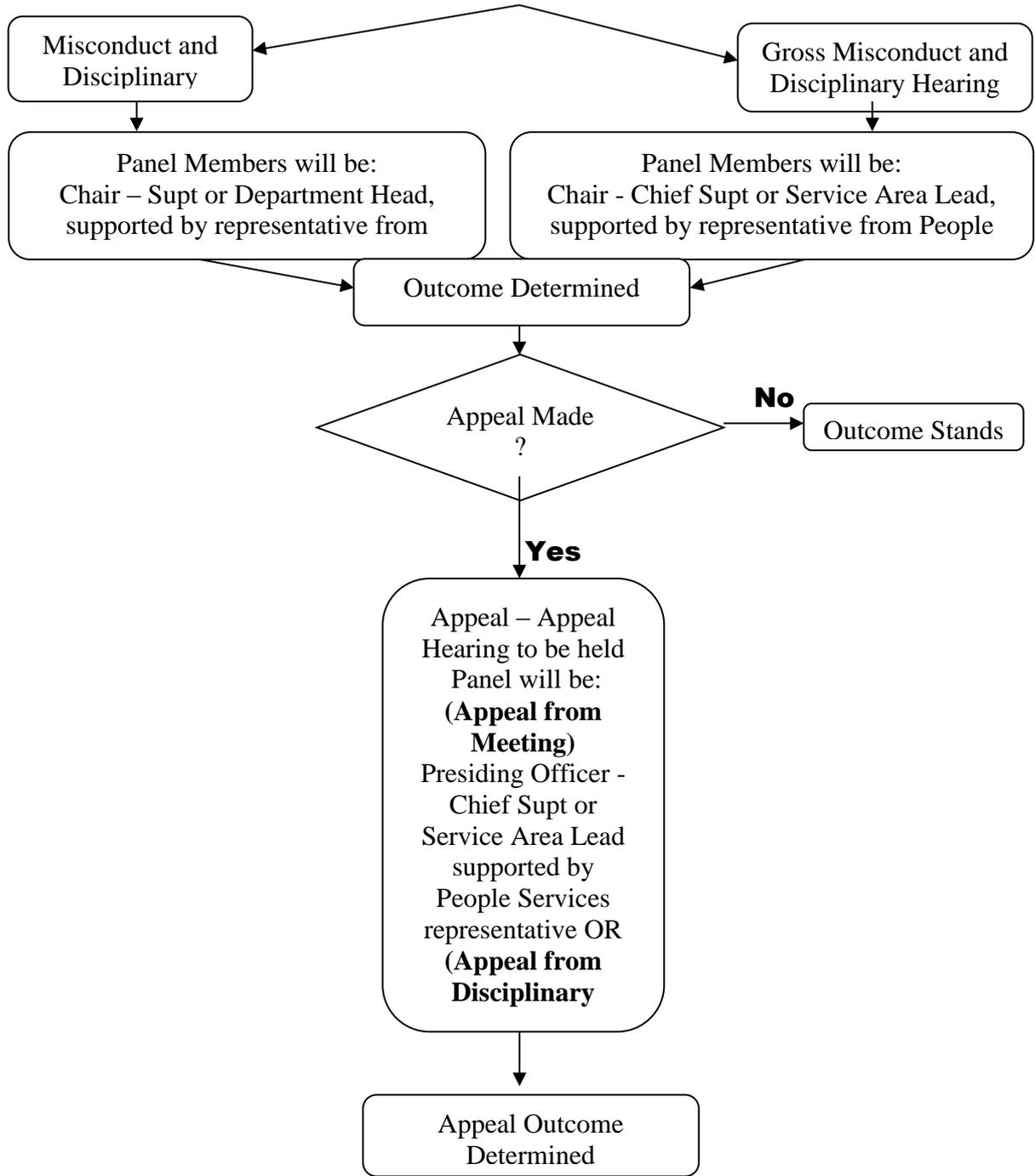
2.9.1	The opportunity to appeal against disciplinary decision is essential to natural justice. All employees have the right of appeal against any disciplinary sanction taken against them.
2.9.2	<p>Should the employee wish to appeal he/she should inform Gwent Police's Professional Standards Department in writing within 10 working days of the receipt of the sanction. The notice of appeal should detail the grounds on which the appeal is based. The right of appeal should normally be exercised when the employee:</p> <ul style="list-style-type: none"><li>a) Believes the finding and/or penalty is unfair or undue inconsistency</li><li>b) New evidence has come to light</li><li>c) Believes that the Disciplinary Procedure was not adhered to</li></ul>
2.9.3	The format of the appeal will be based on the grounds of appeal that has been submitted.
2.9.4	The Head of the Professional Standards Department will record the receipt of the appeal and confirm the grounds and/or seek clarification of the grounds. When confirmed, the Head of the Professional Standards Department will refer the appeal to the Presenting Officer who will take responsibility, together with PSD Admin for organising the appeal.
2.9.5	<p>Appeals will be presided over by the following:</p> <p style="text-align: center;">(Appeal from Meeting) Presiding Officer - Chief Supt or Service Area Lead supported by People Services representative</p> <p style="text-align: center;">OR</p> <p style="text-align: center;">(Appeal from Disciplinary Hearing) Presiding Officer from Chief Officer Team supported by representative from People Services</p>
2.9.6	<p>Where an Appeal is to take place:</p> <ul style="list-style-type: none"><li>a) The employee will be notified, in writing of the appeal date and be given a minimum of 5 working days' notice from the date he/she is advised of the arrangements to the actual date of the appeal.</li><li>b) The employee has the right to be accompanied by a Trade Union Representative or a work colleague.</li><li>c) The Presenting_Officer at the Appeal will be the Presenting_Officer from the original Disciplinary Hearing / Meeting, unless, the appeal ground is based on</li></ul>

2.9.7	<p>that Presenting Officer having acted unfairly.</p> <ul style="list-style-type: none"><li>d) Either side may call witnesses at the Appeal.</li><li>e) The Appeal will either confirm or revoke the decision or institute a lesser penalty.</li><li>f) There will be no further right of appeal.</li><li>g) The failure of an employee to attend an Appeal may result in the case being considered without the employee being present.</li></ul>
2.9.8	<p>Prior to the Appeal the individual needs to be sent a copy of the Gwent Disciplinary Procedure for Police Staff.</p>
2.10	<p>An Appeal will never be used as an opportunity to punish the employee for appealing the original decision, and it should not result in any increase in penalty as this may deter individuals from appealing.</p>
2.10.1	<p><b>Criminal Allegations</b></p>
2.10.2	<p>Any criminal allegation will be dealt with in accordance with the criminal law by reference to the Head of the Professional Standards Unit. Any criminal matter will be dealt with as a priority and investigated by an appropriate Investigator (e.g. Public Protection Officer, Professional Standards Officer, Financial Investigator etc.)</p>
2.10.3	<p>Where criminal enquiries or a prosecution are being pursued, the decision to proceed with the Disciplinary Procedure for Police Staff may be deferred by the Appropriate Authority. However, Gwent Police is not obliged, in the case of criminal proceedings, to await the outcome of such proceedings before instigating the internal Disciplinary Procedure.</p>
	<p>Should criminal allegations transpire during a disciplinary investigation then a case conference will be convened:</p> <ul style="list-style-type: none"><li>a) It will be chaired by the Deputy Chief Constable with responsibility for Professional Standards matters,</li><li>b) People Services Representative will be also be present</li><li>c) The Head of the Professional Standards Department</li><li>d) A decision will be made:<ul style="list-style-type: none"><li>i) Whether to proceed with a criminal investigation</li><li>ii) To proceed with it as a disciplinary matter only, or</li><li>iii) To proceed with the criminal element as a priority and for any investigation under of the Disciplinary Procedure for Police Staff to follow, if appropriate.</li></ul></li></ul>

<b>3.0</b>	<b>LEGISLATIVE FRAMEWORK</b>
3.1	<p>Employment Rights Act 1996, Section 1</p> <p>ACAS Code of Practice on Disciplinary and Grievance Procedures.</p> <p>Health &amp; Safety at Work Act 1974</p> <p>Race Relations Act 1976</p> <p>Trade Union and Labour Relations (Consolidation) Act 1992</p> <p>Disability Discrimination Act 1995</p> <p>Employment Tribunals Act 1996</p> <p>Employment Rights Act 1996</p> <p>Public Interest Disclosure Act 1998</p>

	<p>Data Protection Act 1998</p> <p>National Minimum Wage Act 1998</p> <p>Human Rights Act 1998</p> <p>Employment Relations Act 1999</p> <p>Employment Act 2002</p> <p>Employment Relations Act 2004</p> <p>Disability Discrimination Act 2005</p> <p>The Equality Act 2010</p> <p>The Legitimate Aims for the potential interference with an individual's rights through the exercising of this Procedure are:</p> <ul style="list-style-type: none"><li>(a) National Security</li><li>(b) Public safety</li><li>(c) The protection of health or morals</li><li>(d) The prevention of disorder or crime</li><li>(e) The protection of the rights of others</li></ul>
<b>4.0</b>	<b>HUMAN RIGHTS</b>
4.1	This Procedure has been checked for compliance with the Human Rights Act; with particular reference to the legal basis of its precepts, the legitimacy of its aims, the justification and proportionality of the actions intended by it, that it is the least intrusive and damaging option necessary to achieve the aims and that it defines the need to document the relevant decision making processes and outcomes of actions.
<b>5.0</b>	<b>WELSH LANGUAGE STANDARDS</b>
5.1	This Policy aims to comply with the Welsh Language Standards in terms of dealing with the Welsh speaking public, impact upon the public image of the organisation and the implementation of the Welsh Language Standards.
<b>6.0</b>	<b>HEALTH AND SAFETY</b>
6.1	The Gwent Police Service Dynamic Risk Assessment should be applied as necessary. A training package in the use of risk assessment will be provided to all police personnel if requested or required.

<b>7.0</b>	<b>REVIEW/RESPONSIBILITIES</b>
7.1	The policy business owner maintains outright ownership of the policy and any other associated documents and in-turn delegate responsibility to the department/unit responsible for its continued monitoring.
7.2	The policy should be considered a ‘living document’ and subject to regular review to reflect upon any Force, Home Office, NPCC, legislative changes, good practice (learning the lessons) both locally and nationally.
<b>8.0</b>	<b>LINKS TO OTHER POLICIES/PROCEDURES/OTHER DOCUMENTS</b>
8.1	<ul style="list-style-type: none"> <li>• Attendance Management</li> <li>• Capability Procedure For Police Staff</li> <li>• Code of Ethics</li> <li>• Data Protection</li> <li>• Equal Opportunities</li> <li>• Fairness at Work</li> <li>• Freedom of Information</li> <li>• Health and Safety</li> <li>• Information Security</li> <li>• Licence to Lead</li> <li>• National Decision Model</li> <li>• Single Equality Scheme</li> <li>• Suspension of Police Officers and Police Staff</li> <li>• Welsh Language Strategy 2017-2020</li> </ul>
<b>9.0</b>	<b>APPENDICES</b>
9.1	<p><b><u>Appendix A Flowchart</u></b></p> <div style="text-align: center;"> <pre> graph TD     A[Investigation conducted following complaint or conduct matter being] --&gt; B[Investigation conducted; report completed and Appropriate Authority makes a decision on outcome – not misconduct or gross misconduct; misconduct and]             </pre> <p>The flowchart consists of two rounded rectangular boxes. The top box contains the text 'Investigation conducted following complaint or conduct matter being'. An arrow points downwards from this box to a second, larger rounded rectangular box below it. The second box contains the text 'Investigation conducted; report completed and Appropriate Authority makes a decision on outcome – not misconduct or gross misconduct; misconduct and'.</p> </div>



9.2

**Appendix B - Rules of Conduct (Examples of Misconduct)**

**Rules of Conduct**  
**(Examples of Misconduct)**

1. Acts of Misconduct will have varying levels of seriousness that should be reflected in the level of disciplinary action to be taken. It should be noted that the Disciplinary Procedure may be implemented at any stage, if the alleged Misconduct warrants such action, and Gwent Police will exercise its discretion to proceed directly to any stage of the Disciplinary Procedure.
2. The following list provides examples of offences which are normally considered

as Misconduct. This list is not intended to be exclusive or exhaustive and other offences not detailed below may also be considered as Misconduct:

- a) Failure to comply with a work rule, reasonable order, instruction or contractual requirement.
- b) Failure to comply with a health or safety requirement.
- c) Improper, disorderly or unacceptable conduct at, during or when arriving for work.
- d) Persistent late attendance and/or persistent inadequate time keeping.
- e) Persistent absenteeism from work.
- f) Misuse of equipment, including police vehicles, supplies and facilities provided by Gwent Police.
- g) Loss, damage to, or misuse of Gwent Police property, assets or funds through wilfulness, negligence or carelessness.
- h) Failure to report or record any matter which it is the employee's duty to report or record i.e. failure to disclose a pecuniary interest.
- i) Unsatisfactory performance of duties.
- j) Personal use of the Force Computer systems, including the internet and e-mail.

9.3

**Appendix C - Rules of Conduct (Examples of Gross Misconduct)**

**Rules of Conduct**  
**(Examples of Gross Misconduct)**

1. Gross Misconduct is conduct of such a nature that Gwent Police is justified in no longer tolerating the continued presence at the workplace of that employee. In these circumstances the conduct of the employee goes to the root of the contract and entitles the employer to summarily dismiss the employee without notice.
2. The below list is neither exclusive nor exhaustive, and there may well be other

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offences of similar gravity or a particularly serious instance of an offence listed under Misconduct that, after taking all the circumstances of the case into consideration, would constitute Gross Misconduct.

- a) Stealing from employees, Police Officers, members of the public or other offences of dishonesty.
- b) Theft or misappropriation of, or failure to account for, or falsely claiming entitlement to Gwent Police property, assets or funds.
- c) Unauthorised absence from place of work, and failure to comply with the Gwent Police Flexible Working Scheme or Sickness Absence Procedures, e.g. knowingly giving false information which gives false entitlement to finances.
- d) Conduct likely to bring discredit to Gwent Police.
- e) Gross incompetence.
- f) Causing loss, damage or injury through gross negligence
- g) Providing false information either orally, or by the falsification of records or documents.
- h) Unauthorised entry into the Force's computer systems.
- i) Breaches of instructions contained in the Gwent Police Data Protection and /or Information Security Policy.
- j) Breach of trust.
- k) Fighting or physical assault.
- l) Sexual Misconduct at work and/or conduct at work likely to offend decency.
- m) Falsification of qualifications that are a stated requirement of employment or which result in financial gain e.g. on an application form.
- n) Deliberate damage to or misuse of Gwent Police property or equipment.
- o) Drunkenness or abuse of drugs at work.
- p) Criminal Conviction that results in a custodial sentence.
- q) Serious or substantial abuse of authority and/or insubordination.
- r) Unauthorised alteration, mutilation, destruction, retention of Gwent Police records or documents.
- s) Offences against the Official Secrets Act.

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- |  |   |
|--|---|
|  | <ul style="list-style-type: none"><li>t) Serious breaches of Health and Safety rules.</li><li>u) Bullying</li><li>v) Harassment</li><li>w) Contravention of the Gwent Police Equal Opportunities Procedure and / or use of language deemed to be racist, sexist or discriminatory in any way</li><li>x) Wilful or repeated refusal to obey a reasonable instruction.</li><li>y) Deliberately accessing internet sites containing pornographic, offensive or obscene material.</li></ul> |
|--|---|