

# Discipline

## 1. The Purpose

We have written this policy to provide everyone with information, help and encouragement to maintain and improve the levels of conduct, behaviour and performance in the Forestry Commission. To succeed, everyone must carry out their duties properly, be familiar with our policies and procedures, and maintain required standards of behaviour. Sometimes it may be necessary to use our disciplinary procedure and impose a penalty, up to and including dismissal, if conduct or behaviour is unacceptable.

## 2. The Principles

The principles of our policy are to:

- be as open and transparent as possible, including disclosure of documents as needed;
- be fair, consistent and treat everyone the same;
- tell you if there are concerns about your conduct or behaviour;
- establish the facts in any cases of alleged minor, serious or gross misconduct and then follow the relevant procedure;
- investigate and act promptly;
- listen to your point of view;
- use informal processes wherever possible;
- give you the opportunity to be accompanied by a Trade Union representative or work colleague;
- be clear about what is expected of you so you can improve or bring your conduct or behaviour up to the required standard;
- give a written explanation of disciplinary action; and
- give you the opportunity to appeal against disciplinary outcome.

## 3. The Policy

The main aim of this policy is to help and encourage improvement and you should not see it as a means of imposing sanctions. In it we explain how we will deal with unacceptable conduct or behaviour. And that we will act promptly, fairly and consistently.

Our policy:

- meets statutory requirements;

- complies with the Advisory, Conciliation and Arbitration Service (ACAS) Code of Practice; and
- has been developed in consultation with the Trade Unions.

We will update it to reflect changes in legislation, current practice or organisational requirements after appropriate consultation through the Commission's recognised processes.

### 3.1 Your responsibilities as an employee

You are expected to:

- be responsible for your own behaviour;
- read, understand, accept and support this policy; and
- behave properly.

### 3.2 Your responsibilities as a manager

You are expected to:

- make sure that you and your team understand, accept, and support this policy and associated procedure;
- implement this policy and its procedure effectively and promptly;
- encourage improvements in conduct and behaviour; and
- make disciplinary decisions.

### 3.3 Human Resources responsibilities

Human Resources have responsibility for:

- monitoring and reviewing this policy;
- giving advice, guidance, support and training to line managers on applying this policy and its procedure;
- making sure all HR Case Managers are familiar with the policy and procedure; and
- advising and supporting those involved in any disciplinary matters.

## 4. Examples of Misconduct

In this section we give you examples of each category of misconduct. The list is not exhaustive or rigid.

### 4.1 Minor Misconduct

Examples of minor misconduct include:

- improper use of official equipment or stationary;
- short, unauthorised absence;
- rudeness towards a colleague or other person;

- breach of smoking restrictions; and
- poor timekeeping.

## 4.2 Serious Misconduct

Examples of serious misconduct include:

- a significant breach of health and safety rules, regardless of whether or not anyone was injured;
- inappropriate use of e-mail or the internet, such as sending offensive emails (though this will be treated as gross misconduct in serious cases);
- copying software licensed to the FC and using the copy for personal use, even if there is no loss to the FC;
- unsatisfactory timekeeping (or other misconduct) which has continued, despite a line manager's action to improve it;
- neglect of duty or negligent performance, regardless of whether or not it resulted in loss or damage;
- wilfully failing to follow a legitimate and reasonable instruction from a manager;
- being incapable or misbehaving while on duty as a result of consuming alcohol or illegal drugs; and
- failure to follow FC procedures, unless this falls into the gross misconduct category.

## 4.3 Gross Misconduct

Examples of gross misconduct include:

- theft or dishonesty, including presenting false claims or information;
- fraud or attempted fraud;
- deliberate acts of discrimination, including intentional victimisation of anyone who has made a complaint of discrimination;
- sustained or deliberate harassment, intimidation or bullying of another person;
- use, possession or sale of illegal drugs;
- violence, fighting or physical assault on other staff, a customer, a supplier or a contractor while on FC business, including work related functions;
- threatening, insulting or intimidating behaviour towards other staff, a customer, a supplier or a contractor;
- serious negligence or breach of FC or statutory health and safety guidance or rules, which causes or could cause serious loss, injury to people and/or damage to property;
- misuse of official FC vehicles, office and IT equipment and phones, including unauthorised personal use;
- providing false information to gain appointment or promotion;
- corruption, including abuse of position for personal gain or for the benefit of family or friends;
- unauthorised access to computer records or systems or breaches of IT security rules, including failing to follow Data Protection rules and guidance;

- failure to handle personal information in accordance with FC procedures or deliberate or accidental compromise of protectively marked material;
- breaches of Codes of Practice on internet or e-mail use, including accessing or downloading internet pornography, sending such material to others via e-mail or sending offensive e-mails;
- criminal or civil offences or convictions by employees within or outside employment that undermine the individual's continued employment as a civil servant, cause significant embarrassment to the FC or prevent the employee from doing their duty;
- submitting false sickness certificates, working for another employer or being self-employed without the knowledge of the FC while receiving sick pay;
- breaches of the Business Appointment Rules or Civil Service Code; and
- dishonesty or conduct in personal bankruptcy or insolvency that would affect the FC's reputation.