

Discipline

1. The Purpose

This policy sets out the Forestry Commission's approach to managing misconduct.

2. The Principles

The principles of our policy are to:

- clearly communicate the expected standards of conduct and behaviour;
- establish the facts before any action is taken when misconduct is suspected;
- raise concerns about conduct and/or behaviour with individuals as soon as they arise and manage an improvement informally where appropriate;
- be as transparent as possible including disclosure of formal investigation reports, where possible;
- comply with the ACAS Code of Practice and all statutory requirements in relation to dismissals for reason of conduct; and
- ensure that management actions are objective, non-discriminatory and in line with the Forestry Commission's commitment to equal opportunities.

3. The Policy

The Forestry Commission (FC) strongly encourages managers and employees to take action to address misconduct as soon as it becomes apparent. Managers will always establish the facts before deciding on the appropriate action and improvements will be managed informally where appropriate.

If a formal warning is necessary the level of warning will depend on the seriousness of the misconduct. Dismissal or downgrading will only be considered if there has been repeated serious misconduct or the situation is deemed to be gross misconduct.

This policy and associated procedure has been developed in consultation with the Forestry Commission Trade Unions (FCTU).

3.1 Your responsibilities as an employee

You are expected to:

- understand the standards of conduct and behaviour that are expected of you;
- be open to constructive feedback and make improvements to your conduct or behaviour if required;
- participate fully in an investigation if you are called as a witness;
- inform your manager if you are arrested or convicted of a criminal offence during your employment with the FC, including driving offences;
- familiarise yourself with this policy and the associated procedure and understand the potential consequences of misconduct; and
- maintain confidentiality throughout the disciplinary process.

3.2 Your responsibilities as a manager

You are expected to:

- clearly communicate the importance of the standards of conduct and behaviour that are expected of employees;
- explain the consequences of misconduct, making sure that you and your team understand, accept and adhere to this policy and associated procedure;
- establish the facts where an employee is suspected of misconduct;
- raise concerns about conduct and behaviour as soon as they become apparent, using informal improvement methods where appropriate;
- when necessary, conduct formal meetings with the employee, ensuring they have a fair hearing and issue disciplinary warnings as appropriate;
- discuss with a senior FCTU representative if you are considering taking disciplinary action against an FCTU representative, having firstly obtained the employees agreement to do this; and
- maintain confidentiality throughout the disciplinary process.

3.3 Human Resources responsibilities

Human Resources have responsibility for:

- providing advice, guidance and training to managers who are dealing with misconduct;
- organising formal investigations where required;
- maintaining accurate records of disciplinary cases so that any trends can be identified;
- attending hearings in an advisory capacity, where appropriate;
- advising employees on the appropriate use of the disciplinary procedure if a grievance claiming misconduct is raised against them;
- maintaining appropriate confidentiality throughout the disciplinary process; and

- monitoring and reviewing this policy and associated procedure, in consultation with the FCTU.

4. Examples of Misconduct

Misconduct will be categorised as being minor, serious or gross, depending on the seriousness of the behaviour/conduct issue.

4.1 Minor Misconduct

The types of behaviour that the FC considers to be minor misconduct include (but are not limited to):

- improper use of office stationery;
- short, unauthorised absence;
- poor timekeeping;
- rudeness towards a colleague or other person; and
- breach of FC restrictions such as those relating to smoking.

4.2 Serious Misconduct

The types of behaviour that the FC considers to be serious misconduct include (but are not limited to):

- a significant breach of health and safety rules, regardless of whether or not anyone was injured;
- wilfully failing to follow a legitimate and reasonable instruction from a manager;
- repeated misconduct including unsatisfactory timekeeping and unauthorised absence 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;
- being incapable or misbehaving while on duty as a result of consuming alcohol or illegal drugs;
- breaches of [HR Policy and HR Procedure – FC Email and Internet](#) or [HR Policy and HR Procedure – Personal Use of Social Media](#), for example, excessive use of FC systems and equipment during working hours or unauthorised representation of the FC on social media, unless reasonably considered gross misconduct; and
- failure to follow FC procedures, unless reasonably considered gross misconduct.

4.3 Gross Misconduct

The types of behaviour that the FC considers to be gross misconduct include (but are not limited to):

- theft or dishonesty, including presenting false claims or information;
- threatening, insulting or intimidating behaviour towards another employee, a customer, a supplier or a contractor;
- violence, fighting or physical assault on another employee, a customer, a supplier or a contractor while on FC business;
- sustained or deliberate harassment, intimidation or bullying, including cyber-bullying, of another person;
- deliberate acts of discrimination, including victimisation of anyone who has made a complaint of discrimination;
- 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;
- use, possession or sale of illegal drugs;
- 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 reputational damage to the FC or prevent the employee from carrying out their duties;
- breaches of the [Civil Service Code](#) or [HR Policy and HR Procedure - Conduct and Security](#), including the Business Appointment Rules;
- misuse of official FC vehicles, for example using an FC vehicle for personal purposes;
- fraud or attempted fraud, bribery or attempted bribery, corruption, including abuse of position for personal gain or for the benefit of family or friends;
- providing false information to gain appointment, promotion or to further personal interests;
- submitting false sickness certificates, working for another employer or being self-employed without the knowledge of the FC while receiving sick pay;
- dishonesty or conduct in personal bankruptcy or insolvency that would affect the FC's reputation;
- breaches of [HR Policy and HR Procedure – FC Email and Internet](#) or [HR Policy and HR Procedure – Personal Use of Social Media](#), for example, accessing or downloading pornography using FC systems and equipment or bringing the FC into disrepute in your use of social media;
- unauthorised access to computer records or systems, or breaches of IT security rules, including failure to follow Data Protection rules and guidance; and
- failure to handle information in accordance with FC procedures or deliberate or accidental compromise of officially classified material.