

## Disciplinary policy

<b>Document name</b>	Disciplinary policy
<b>Version number</b>	V3.0
<b>Status</b>	Published
<b>Department/Team</b>	People Services
<b>Relevant policies</b>	Dispute Resolution Framework; Code of conduct; Dignity at Work; Grievance policy; Whistleblowing policy; Health and Safety policy
<b>Distribution</b>	Internal
<b>Author/Owner</b>	Author: People Services Owner: Director of People Services
<b>Approved by</b>	Resources Board
<b>Date of sign off</b>	July 2022
<b>Review by</b>	January 2025
<b>Security classification</b>	Official

### Key messages

At the ICO we expect all employees to meet high standards of behaviour and conduct. It is important, therefore, that you understand your obligations and rights regarding this aspect of your employment.

This document in conjunction with the ICO [Dispute Resolution Procedure](#) sets out the general standards of conduct expected of all employees, identifies the circumstances in which disciplinary action may be taken, and explains the sanctions available to managers.

### Does this policy relate to me?

This policy applies to all employees of The Information Commissioner's Office (ICO). Every member of staff is expected to familiarise themselves with this policy.

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## 1. Introduction

- 1.1 This policy will apply when your conduct is considered unsatisfactory or improper in a way that is below the standards required. It does not apply to cases involving genuine sickness absence, proposed redundancies, or poor performance. In those cases, reference should be made to the appropriate policy or procedure.
- 1.2 Breaches of discipline will be handled constructively, and disciplinary decisions should be taken in a consistent, impartial, fair, and reasonable manner. The aim should always be to encourage improvements in an employee's conduct and behaviour and to give employees the opportunity to respond before taking any formal action.

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## 2. General standards of conduct

- 2.1 It is important that you are clear about the standards of conduct we expect. The following paragraphs in this section outline some specific examples of the standards required.
- 2.2 As employees we are all representatives of the ICO and, as such, it is important to present all internal and external customers with a professional and caring image that is reinforced with courteous, responsive and friendly attitudes and behaviour. As an organisation committed to the advancement of equality, diversity, and inclusion,



we also expect you to be inclusive and respectful of individual's differences (See ICO Code of Conduct, ICO Dignity at Work Policy and Equality, Diversity and Inclusion Policy).

- 2.3 You must attend work punctually, in line with operational requirements and your contracted hours.
- 2.4 You must carry out reasonable requests/instructions from your people manager promptly and efficiently, and to the required standard.
- 2.5 As far as the notification of sickness absence is concerned, you must follow the procedures outlined in the 'Managing Sickness Absence' policy and procedure. Breaches in sickness reporting may result in your pay being stopped and could lead to disciplinary action being taken against you.
- 2.6 You should notify your people manager of any emergency absence, for instance a domestic crisis, at the earliest possible opportunity.
- 2.7 You must comply with all the ICO's policies and procedures and adhere to any appropriate professional body guidelines or codes of conduct which are relevant to your role and profession at the ICO. Examples of this are the Chartered Institute of Personnel Development and Solicitors Regulatory Authority.
  - You must always observe Health and Safety policies and guidelines.
  - You must comply with the ICO's 'Dignity at Work' policy and 'Equality, Diversity and Inclusion' policy and treat your ICO colleagues, customers and visitors with dignity and respect.
  - You must treat all information responsibly and with discretion, in line with relevant ICO policies and legislation.
- 2.8 In your own interests, and in the interests of the ICO as a whole, you should bring serious breaches of ICO policies or procedures to the attention of senior leaders.

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### 3. Unacceptable behaviour and conduct

- 3.1 The ICO expects all employees to meet high standards of behaviour and conduct. The following list, although not exhaustive,

gives examples of the types of misconduct or unacceptable behaviour which will be regarded as disciplinary offences:

- Repeated minor infringements of your contract of employment, for example lateness;
- failure to follow ICO policies and procedures such as, the 'Dignity at Work Policy', or the 'Acceptable Use' policy or the 'Health and Safety' policy;
- unjustified refusal of a lawful and reasonable instruction;
- malicious or vexatious allegations, dignity at work complaints or grievances;
- abusing the use of ICO policies aimed at supporting you (e.g. taking sick leave when you are not ill);
- failing to maintain a duty of care, for example from lack of motivation or inattention;
- personal email or internet usage that impacts your productivity, system performance or otherwise brings the organisation into disrepute;
- damage to, or unauthorised use of, ICO property;
- loss of ICO property through negligence.

3.2 ICO employees should be aware that they could face disciplinary action for misconduct which takes place outside the workplace, but where the activity is related to work. Examples could include inappropriate behaviour at a staff party, or during a work night out, or at an external event in front of stakeholders.

3.3 Disciplinary action may also be necessary if activity in your private life has a negative impact on the reputation of the ICO, for example involvement in illegal actions or behaviour which may bring the ICO into disrepute.

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## 4. Gross Misconduct

4.1 Gross misconduct is a serious breach of contract and includes misconduct which is likely to prejudice our business, reputation or cause irreparable damage to the working relationship and trust between us or with external stakeholders.



- 4.2 Gross misconduct, will be dealt with under our formal disciplinary procedure and if proven against you, will normally lead to dismissal without notice (summary dismissal) or pay in lieu of notice.
- 4.3 The following list, although not exhaustive, gives examples of the types of actions and behaviours likely to be viewed as gross misconduct:
- Theft or intent to steal , fraud ,unauthorised removal of our property or the property of a colleague, contractor or member of the public;
  - forgery, or other dishonesty including falsification of expense sheets, time sheets or any other ICO documents;
  - actual or threatened physical violence, bullying or verbal or sexual abuse;
  - deliberate and serious damage to property, buildings, fittings or equipment;
  - serious misuse of our property or name;
  - deliberately accessing inappropriate internet sites such as those containing pornographic, offensive or obscene material, outside of any required access to conduct your work;
  - unlawful discrimination or harassment against employees, contractors or members of the public related to sex, gender identity, gender reassignment, sexual orientation, marital or civil partner status, race, nationality, ethnic origin, disability, religion, belief, age, political opinion, pregnancy and maternity and caring or dependent responsibilities, sexual harassment;
  - actions that bring the organisation into serious disrepute;
  - serious incapability at work brought on by the effects of alcohol or illegal drugs or other similar substances (not medically prescribed);
  - possession, use, supply or attempted supply of illegal drugs;
  - serious neglect of duties, or a serious or deliberate breach of your contract or operating procedures;
  - serious or repeated breaches of the ICO Code of Conduct;
  - actions or behaviours which cause a serious breach to the ICO Dignity at Work Policy;
  - covert recording of conversations with colleagues without their permission;
  - serious or repeated breach of health and safety rules or serious misuse of safety equipment;
  - serious breach of confidence or unauthorised use or disclosure of confidential information or failure to ensure that confidential information in your possession is kept secure;



- convictions relating to activities outside work which have a significant and direct bearing on your employment and duties with the ICO and its reputation;
- misrepresenting at any time, any previous positions you have held, your qualifications, date of birth, declaration of health or failure to disclose a criminal offence or pending criminal action subject to the provisions of the Rehabilitation of Offenders Act 1974;
- serious breaches of the Social Media Use Policy.

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## 5. Criminal offences

- 5.1 Being convicted of a criminal offence may affect your suitability to continue to perform your role at the ICO or damage the ICO's reputation. Therefore, if you are charged with a relevant, recordable criminal offence (including receiving a summons), you must inform your people manager as soon as possible. We will not treat notification about criminal proceedings, or a conviction (including bind-overs and cautions), as an automatic reason for dismissal, or for any other form of disciplinary action being taken. We will decide what action to take, if any, after the incident has been thoroughly investigated and facts of the case established. The main consideration should be whether the charge/conviction is one that makes you unsuitable for your job, responsibility, or affects the ICO's reputation.
- 5.2 We will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. We will take forward our disciplinary processes as appropriate which may include suspending you while our investigation takes place. Where you are unable or have been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, we may have to take a decision based on the available evidence.

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## 6. Dealing with misconduct

- 6.1 Any allegations of misconduct will be dealt with in accordance with the ICO Dispute Resolution Framework.

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## Version history

Version	Changes made	Date	Made by
1.0		October 2006	Human Resources
2.0	Full policy review	April 2020	Human Resources
2.1	Further policy review	May 2021	TU's, EDI networks
3.0	Updated policy following the implementation of the ICO Dispute Resolution Framework	January 2023	People Services, TU's

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