



Workforce

**Conduct Policy : guide to expected
standards of behaviour**

The following guide forms part of the standard for workforce policies that apply to all staff within NHSScotland regardless of which Board they are employed by.

All employers in NHSScotland will have developed a Code of Conduct based on the [Standards of Conduct, Accountability and Openness of NHSScotland \(2001\)](#)¹. While standards cannot easily cover all circumstances, and may vary from workplace to workplace, they are necessary for employees to understand what are seen to be satisfactory standards of conduct and behaviours.

Conduct standards are established to promote fairness in the treatment of all NHSScotland employees. In general terms, any type of behaviour or conduct at work which falls below the required standard, or which is in breach of the employer's policies, may be considered a form of misconduct.

Some acts, termed 'gross misconduct', are so serious in themselves or have such serious consequences that the relationship of trust and confidence which is needed between the employer and employee is damaged beyond repair. Such cases may result in summary dismissal, that is without a previous conduct warning.

Conduct sanctions should not be imposed automatically on an employee because they have been charged with or convicted of a criminal offence, whether committed within or out with the course of employment. Each situation should be considered individually on the basis of whether the employee's conduct warrants action because of its employment implications or because it is unacceptable to other employees. The manager should also consider information regarding any previous convictions.

In all cases where criminal offences are suspected, the manager should discuss with HR as there may be a need to refer to other organisations. Read the [criteria for referral to external agencies](#)² for more information.

Misconduct and Gross Misconduct

Misconduct

There is no legal definition of misconduct. However, it is recognised that misconduct is any type of behaviour or conduct at work that falls below the standard required by the employer.

Gross Misconduct

Acts of gross misconduct are those which are so serious in themselves, or have such serious consequences, that the relationship of trust and confidence, which is needed between the employer and employee, has been damaged beyond repair and therefore dismissal is the appropriate sanction.

Examples of gross misconduct may include:

- Assault
- Theft or unauthorised removal of NHS property
- Abuse of a fellow employee or any other person
- The falsification of pay sheets, clock cards or other wages or financial data, fraud or attempted fraud, fraudulently claiming expenses or other benefits
- Conduct likely to lead to a breach of peace, threatening behaviour, gross indecency
- Inability to perform duties due to the influence of alcohol or drugs (other than those taken under medical direction), or unauthorised consumption of alcohol or drugs while on duty
- Criminal offences committed outside working hours which affect the employee's ability to perform their duties, particularly where there is an element of trust involved or it is felt there could be danger to staff, patients, or visitors
- Wilful failure to adhere to safety rules where this would create a measurable risk of danger to others or damage to machinery etc., tampering with safety, fire or first aid equipment
- Gross negligence or irresponsibility
- Wilful or grossly negligent damage to NHS property or equipment:
- Persistent wilful refusal to perform to the required standards of the job role
- Breaches of confidentiality
- Unprofessional conduct as defined by reference to generally accepted standards of conduct or ethics within a staff group
- Persistent unauthorised absence
- Inappropriate access and use of IT systems, software or the internet / intranet
- Wilful disregard of equality and diversity policies
- Significant or persistent bullying and harassment of a fellow employee or any other person
- Wilful failure to adhere to clinical governance / infection control policies (e.g. hand hygiene)

This list is intended only to outline the types of gross misconduct which would be found unacceptable. It is not an exhaustive list of offences for which dismissal without previous warning may take place.

References

¹ Standards of Conduct, Accountability and Openness of NHSScotland 2001 (31)

<https://www.sehd.scot.nhs.uk/publications/NHSScotCodesasatFEB200101A.pdf>

² Criteria for referral to external agencies

<https://workforce.nhs.scot/supporting-documents/guides/criteria-for-referral-to-external-agencies/>