

JDR.
Misconduct at Work Policy
Agency Workers Supplied by JDR Recruitment to NICS

Policy Owner: JDR Recruitment Limited.

Applies To: All agency workers supplied by JDR Recruitment to the NICS

Effective Date: 5th October 2026

Review Date: 4th October 2027

Version: 1.0

1. Purpose

JDR Recruitment is committed to ensuring that all agency workers supplied to the NICS understand the standards of conduct expected of them while undertaking an assignment.

This policy sets out the approach to dealing with alleged misconduct, inappropriate behaviour, breaches of NICS rules and policies, and other conduct that may adversely affect the NICS, its employees, service users, customers, colleagues, reputation or operations.

The purpose of this policy is to ensure that concerns regarding an agency worker's conduct are dealt with **promptly, consistently, fairly and proportionately**, while recognising the respective responsibilities of JDR Recruitment, the NICS and the agency worker.

Where appropriate, the principles of a fair disciplinary process should be followed. The LRA's Code of Practice provides that disciplinary processes should be fair, transparent and based on proper investigation of the circumstances.

2. Scope

This policy applies to all temporary and agency workers supplied by JDR Recruitment to the NICS, regardless of:

- job title or grade;
- length of assignment;
- working pattern;
- department or location;
- whether the worker is working on-site, remotely or at another NICS location; or
- whether the alleged misconduct occurs during working hours or in connection with the assignment.

Agency workers are expected to comply with:

1. the terms and conditions issued by JDR Recruitment;
2. reasonable and lawful instructions from the NICS;
3. NICS workplace rules, procedures and policies applicable to agency workers;
4. relevant health and safety requirements;

5. confidentiality, data protection and information security requirements;
6. equality, dignity at work, bullying and harassment requirements; and
7. any assignment-specific requirements communicated to them.

The NICS, as the hirer, has responsibility for supervising and directing agency workers during their assignment.

3. Policy Principles

JDR Recruitment and the NICS will seek to ensure that:

- allegations are taken seriously and addressed promptly;
- the agency worker is treated fairly and respectfully;
- allegations are investigated where appropriate;
- decisions are based on the available evidence;
- confidentiality is maintained as far as reasonably possible;
- conflicts of interest are avoided;
- similar cases are treated consistently;
- the seriousness of the alleged conduct is taken into account;
- the agency worker is given a reasonable opportunity to provide an explanation;
- no action is taken because an individual has raised a genuine concern, grievance or protected disclosure; and
- any action taken is proportionate to the circumstances.

An investigation should, where possible, be undertaken by someone who is not directly involved in the matter, helping to maintain impartiality.

4. What Constitutes Misconduct?

Misconduct means behaviour or conduct that falls below the standards reasonably expected of an agency worker or breaches applicable workplace rules, policies or procedures.

Examples may include, but are not limited to:

4.1 Attendance and Timekeeping

- persistent lateness;
- unauthorised absence;
- failing to attend an assignment without notifying the appropriate person;
- leaving the workplace without permission;
- failing to follow absence reporting procedures;
- falsifying working hours or timesheets.

4.2 Behaviour and Conduct

- inappropriate, disrespectful or offensive behaviour;
- bullying, harassment or intimidation;
- threatening or aggressive behaviour;
- inappropriate language;
- deliberate disruption of colleagues or workplace activities;
- refusing reasonable and lawful instructions;
- insubordination;
- behaviour that damages working relationships.

4.3 Dishonesty and Integrity

- falsifying records, timesheets or documents;
- theft or attempted theft;
- fraud or attempted fraud;
- deliberately providing false information;
- misuse of NICS property or resources;
- unauthorised removal or use of NICS property.

4.4 Confidentiality and Information Security

Agency workers may have access to confidential, personal, operational or commercially sensitive information.

Misconduct may include:

- unauthorised disclosure of confidential information;
- accessing information without authorisation;
- sharing passwords or security credentials;
- inappropriate use of IT systems;
- unauthorised copying, downloading or transmission of information;
- inappropriate use of social media in relation to the NICS or information obtained through the assignment.

4.5 Health and Safety

Misconduct may include:

- deliberately ignoring health and safety requirements;
- failing to use required protective equipment;
- deliberately placing colleagues or others at risk;
- misuse of equipment;
- working while unfit to safely perform assigned duties.

4.6 Equality, Dignity and Respect

The NICS workplace must be free from discrimination, bullying, harassment and victimisation.

Conduct involving discriminatory, abusive, intimidating or harassing behaviour may constitute misconduct and, depending on the circumstances, gross misconduct.

4.7 Other Breaches

Misconduct may also include any serious or repeated breach of:

- NICS policies and procedures;
- assignment instructions;
- security procedures;
- professional standards;
- contractual obligations;
- statutory requirements; or
- reasonable and lawful workplace rules.

5. Gross Misconduct

Gross misconduct is conduct considered sufficiently serious to potentially justify the immediate removal of an agency worker from an assignment and/or termination of the

worker's engagement by JDR Recruitment, subject to appropriate investigation and consideration of the circumstances.

Examples may include:

- theft, fraud or attempted fraud;
- physical violence or assault;
- serious threats or intimidation;
- serious bullying or harassment;
- serious discrimination;
- serious insubordination;
- deliberate or reckless conduct creating a significant health and safety risk;
- serious breach of confidentiality;
- deliberate unauthorised access to confidential or restricted information;
- serious misuse of NICS IT systems;
- deliberate falsification of records;
- serious breach of information security;
- serious damage to NICS property;
- attending work under the influence of alcohol or illegal drugs where this creates a safety, performance or conduct concern;
- serious dishonesty;
- criminal conduct connected with the assignment; or
- any other conduct that seriously damages trust and confidence or creates a significant risk to the NICS, its staff, service users, customers or the public.

This list is illustrative and is not exhaustive.

A finding or allegation of gross misconduct does **not** automatically mean that the worker will be removed or that their engagement will be terminated. The circumstances should be investigated and a fair and proportionate decision made. LRA's guidance confirms that even where gross misconduct is alleged, an investigation and fair procedure should still be followed.

6. Reporting a Misconduct Concern

Any concern regarding the conduct of an agency worker should be reported as soon as reasonably practicable.

Normally, concerns should initially be raised by the relevant NICS manager or supervisor with the JDR Recruitment contact responsible for the assignment.

Where appropriate, the NICS may:

1. deal with a minor matter informally;
2. request that JDR Recruitment investigates the matter;
3. provide information and evidence to JDR Recruitment;
4. temporarily remove the worker from the assignment while enquiries are undertaken;
5. request an alternative worker; or
6. refer the matter to the appropriate authorities where criminal or serious safeguarding concerns arise.

The NICS remains responsible for the day-to-day supervision and direction of an agency worker during the assignment.

7. Immediate Removal from Assignment

Where the NICS considers that an agency worker's continued presence presents a risk to:

- staff;
- members of the public;
- service users;
- NICS operations;
- confidential information;
- property;
- security; or
- the integrity of an investigation,

the NICS may request that the agency worker is removed from the assignment immediately.

Such removal is an **assignment management measure** and does not, by itself, constitute a **finding of misconduct**.

JDR Recruitment will be informed as soon as reasonably practicable and will consider the appropriate next steps.

Where necessary, the worker may be instructed not to attend the NICS workplace or undertake further duties pending investigation.

8. Investigation

Where a formal investigation is required, JDR Recruitment and/or the NICS will establish the relevant facts.

The investigation may include:

- obtaining a written account from the agency worker;
- speaking with witnesses;
- reviewing emails, documents or records;
- reviewing timesheets or attendance records;
- reviewing relevant CCTV where lawfully available;
- reviewing IT or access records where appropriate;
- considering relevant NICS policies and procedures;
- considering information provided by the agency worker; and
- obtaining any other relevant evidence.

Investigations should be conducted without unreasonable delay and should be sufficiently thorough to establish the relevant facts. LRA's guidance recommends beginning investigations promptly and maintaining an impartial approach.

9. Agency Worker's Opportunity to Respond

An agency worker will normally be given an opportunity to explain their version of events before a final decision is made.

Depending on the circumstances, this may be undertaken through:

- an informal discussion;
- an investigation meeting;
- a formal disciplinary meeting; or
- another appropriate process.

For serious allegations, the worker should be provided with sufficient information about the allegation and a reasonable opportunity to prepare a response.

Where a formal disciplinary hearing is required, the worker should be informed of the allegation, the potential consequences and the arrangements for the hearing. The LRA guidance recommends giving the worker sufficient information and an opportunity to prepare before a disciplinary hearing.

10. Possible Outcomes

Following consideration of the circumstances, possible outcomes may include:

Informal Action

For minor matters, this may include:

- informal counselling;
- clarification of expectations;
- additional supervision;
- additional training; or
- an informal warning.

Formal Action

Where appropriate, JDR Recruitment may issue:

- a formal written warning;
- a final written warning;
- other appropriate contractual action; or
- termination of the worker's engagement, subject to the applicable contractual arrangements and law.

Assignment Action

Separately, the NICS may decide that the worker is no longer suitable for the particular assignment.

This may result in:

- removal from the assignment;
- restriction from a particular NICS location;
- a request for an alternative worker; or
- the assignment ending.

The NICS may stop providing work to an agency worker even though the worker is not directly employed by the NICS.

An assignment ending does not necessarily mean that misconduct has been established.

11. Criminal Matters

Where alleged conduct may constitute a criminal offence, JDR Recruitment and/or the NICS may refer the matter to the police or another appropriate authority.

A criminal investigation does not necessarily prevent JDR Recruitment or the NICS from taking appropriate workplace or assignment-related action.

Any decision will be considered on the facts available and in accordance with applicable law and contractual arrangements.

12. Safeguarding and Serious Risk

Where an allegation involves safeguarding, abuse, violence, exploitation, serious neglect, serious information security concerns or another significant risk, the matter must be escalated immediately through the relevant NICS procedures and to JDR Recruitment.

The normal misconduct process may be adapted where necessary to protect individuals, preserve evidence or comply with legal or regulatory requirements.

13. Whistleblowing and Protected Disclosures

Nothing in this policy prevents an agency worker from raising a genuine concern about wrongdoing, unlawful conduct, health and safety risks, safeguarding concerns or other matters that may qualify for protection under applicable whistleblowing legislation.

An agency worker must not be subjected to detrimental treatment simply because they have raised a genuine protected concern.

14. Confidentiality and Data Protection

Information relating to misconduct allegations will be handled confidentially and shared only with those who have a legitimate need to know.

Information will be processed in accordance with applicable data protection legislation and the relevant privacy policies of JDR Recruitment and the NICS.

Agency workers must not discuss confidential allegations, investigations or workplace information with colleagues, members of the public or on social media unless authorised or legally entitled to do so.

15. Roles and Responsibilities

JDR Recruitment

JDR Recruitment will:

- provide agency workers with appropriate information about expected standards of conduct;
- liaise with the NICS when misconduct concerns are raised;
- ensure concerns are appropriately considered;
- investigate or participate in investigations where appropriate;
- make employment/engagement decisions that fall within JDR Recruitment's responsibility;
- maintain appropriate records; and
- ensure that workers are treated fairly and consistently.

NICS

The NICS will:

- provide appropriate assignment information and workplace instructions;
- supervise and direct agency workers during their assignment;

- communicate relevant workplace policies and standards;
- promptly notify JDR Recruitment of significant conduct concerns;
- provide relevant information and evidence where appropriate;
- take reasonable steps to protect staff, service users, information and property; and
- manage the agency worker's access to NICS premises, systems and facilities.

The respective responsibilities of the agency and hirer should be clearly understood. Government guidance confirms that the hirer supervises and directs the agency worker, while the temporary work agency has responsibilities towards the worker.

Agency Worker

Agency workers are responsible for:

- behaving professionally and respectfully;
- following reasonable and lawful instructions;
- complying with applicable NICS rules and policies;
- maintaining confidentiality;
- protecting NICS property and information;
- attending work as agreed;
- accurately recording working time;
- reporting concerns promptly; and
- cooperating honestly with reasonable investigations.

16. Fairness and Consistency

JDR Recruitment will seek to ensure that misconduct matters are handled consistently, while recognising that every case must be considered on its individual circumstances.

Factors that may be considered include:

- the seriousness of the conduct;
- whether the conduct was deliberate or accidental;
- the worker's explanation;
- the evidence available;
- the worker's previous conduct;
- whether the worker understood the relevant requirement;
- whether training or instructions had been provided;
- the potential or actual impact of the conduct;
- whether there are mitigating circumstances; and
- how comparable cases have been handled.

LRA guidance recommends considering what is fair and reasonable, the investigation findings and how similar cases have previously been dealt with.

17. Appeals and Review

Where JDR Recruitment takes formal disciplinary action against an agency worker, the worker will be informed of any applicable right to appeal and the process for doing so.

An appeal should normally identify the grounds on which the decision is being challenged, such as:

- new evidence;
- procedural irregularity;

- disproportionate outcome;
- failure to properly consider relevant evidence; or
- other reasonable grounds.

Where possible, an appeal should be considered by someone who was not responsible for the original decision.

18. Relationship with NICS Policies

This policy should be read alongside any NICS policies, procedures, assignment instructions and site-specific requirements that apply to agency workers.

Where the NICS has a specific procedure for a particular matter, such as safeguarding, information security, health and safety, bullying and harassment, fraud or whistleblowing, that procedure should also be followed.

Where there is any uncertainty regarding which procedure applies, JDR Recruitment and the NICS should agree the appropriate approach.

19. Agency Workers Regulations

JDR Recruitment and the NICS recognise their respective obligations in relation to agency workers.

The Agency Workers Regulations provide qualifying agency workers with certain rights relating to equal treatment after completing a 12-week qualifying period in the same job, while certain rights apply from the first day of an assignment.

This misconduct policy is not intended to alter or remove any statutory employment rights.

20. Policy Review

This policy will be reviewed periodically by JDR Recruitment and may be updated to reflect:

- changes in legislation;
- changes to NICS requirements;
- changes to JDR Recruitment procedures;
- relevant LRA guidance;
- lessons learned from incidents; or
- changes in operational requirements.

21. Approval

Policy Owner: JDR Recruitment

For Supply To: Northern Ireland Civil Service (NICS)

Approved By: Ria McAdam-Lawlor

Position: Director

Date: 3rd August 2026

Next Review Date: 4th October 2027

Important Note

This policy is intended as a practical framework for managing misconduct involving agency workers supplied by JDR Recruitment to the NICS.