Employee Conduct Outside the Workplace

Conduct away from work does not automatically become an employment matter. Employers should ask whether there is a genuine link with the job, colleagues, safety, trust or the organisation's reputation before deciding to investigate or take action.

1. Identify the connection with employment

A concern may be relevant if it involves colleagues, customers, confidential information, threats to workplace safety, an employee acting as a company representative or conduct seriously affecting trust in a particular role. Avoid treating lawful private behaviour or mere disagreement as misconduct.

Situation	Key employer question
An altercation at an employer-organised event	Was there a workplace connection, and what do reliable witnesses say?
A social media post identifying an employer	Was confidential information disclosed, or is there a demonstrable work-related impact?
An allegation concerning activity entirely outside work	Is there a genuine role-specific or workplace risk, rather than speculation?
A criminal allegation	What is verified, and does it affect role suitability, safeguarding or workplace safety?

2. Investigate proportionately

Separate verified facts from gossip and avoid pre-judging the employee. Identify relevant policies, collect evidence lawfully, invite the employee's explanation and consider reasonable adjustments. An arrest or accusation alone is not proof of misconduct, and an employer should assess what it can fairly conclude from the evidence available.

Example A | A dispute between colleagues away from work

Two employees have an argument at a private event and later say the conflict makes it difficult to work together.

Employer response: The manager checks whether anyone was threatened, discusses immediate workplace safety and investigates any conduct affecting work. The employer does not simply punish private disagreement.

3. Consider proportionality and consistency

A fair outcome depends on the seriousness, reliable evidence, applicable policies, the employee's role, the workplace impact and how similar cases have been handled. Avoid using a general reputation clause as a substitute for a proper explanation.

4. Keep the record restricted and relevant

Record only personal information needed to decide the matter. For online material, preserve relevant context and avoid unnecessary searches into private accounts. Explain decisions in writing and give appeal rights where appropriate.

How Assyst helps employers deal with conduct concerns

Assyst provides an HR case record for investigation notes, relevant statements, supporting documents, correspondence and disciplinary outcomes. Policies can be made available through the staff app, while permission levels restrict sensitive case information to authorised HR users.

Discuss your workforce requirements with Assyst

Assyst Workforce Management is a workforce management platform for multi-site employers, bringing together HR and paperless onboarding, time and attendance, workforce scheduling, payroll calculations, task management and a mobile staff app. To find out more or discuss how Assyst could support your business, visit www.assyst.uk and contact us through the website.

Useful official sources

Acas — Disciplinary procedure step by step
https://www.acas.org.uk/disciplinary-procedure-step-by-step

Acas — Discipline and grievance
https://www.acas.org.uk/discipline-and-grievance

ICO — Employment records and data protection
https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/employment/employment-practices-and-data-protection-keeping-employment-records/collecting-and-keeping-employment-records

General guidance for employers in Great Britain, reviewed November 2026. Contract terms and individual circumstances may require professional advice.