



# **Staff Disciplinary Policy**

## Staff Disciplinary Policy

### 1 Introduction

- 1.1 This Disciplinary Procedure is designed to help and encourage all employees to achieve and maintain standards of conduct. The aim is to ensure consistent and fair treatment for all in the organisation.
- 1.2 Examples of the type of conduct that is considered to be misconduct or gross misconduct, which could lead to action under this Disciplinary Procedure, are set out in the Disciplinary Rules attached (**Appendix 2**), which apply to all employees and should be read in conjunction with this procedure.
- 1.3 This procedure is non-contractual and for guidance only. This procedure applies to all employees, [regardless of length of service/except those who are within their probationary period and subject to a separate procedure for addressing disciplinary issues under the Probation Procedure]. It does not apply to agency workers or contractors.
- 1.4 This procedure may be implemented at any stage, as set out below, taking into account the alleged misconduct of an employee. Employees will not normally be dismissed for a first act of misconduct, unless we decide it amounts to gross misconduct [or the probationary period is not complete].

### 2 Definitions

- 2.1 The term “Headteacher” also refers to any other title used to identify the Headteacher where appropriate.
- 2.2 The term “employee” refers to any member of the staff, teaching and support, employed to work at the School/Academy.
- 2.3 The term “Senior Manager” refers to any member of the [Leadership Group, as defined by the School Teachers’ Pay and Conditions Document], or a senior support member of staff in cases involving support staff, delegated by the Headteacher to deal with a disciplinary matter under this procedure. The Senior Manager may only make a decision to issue up to and including a final written warning.
- 2.4 The term “Investigating Officer” refers to any member of the [Leadership Group, as defined by the School Teachers’ Pay and Conditions Document], a senior support member of staff, where deemed necessary an external person, delegated by the Headteacher or, the Chair of Governors where the Headteacher is the subject of the allegations, to investigate a disciplinary matter.
- 2.5 The term “Representative” refers to a representative of a trade union or a work place colleague.

- 2.6 If the Headteacher, following consultation with the Chair of Governors, considers that there is no Senior Manager to whom he/she can reasonably delegate a specific disciplinary matter then the Headteacher will take the role of the Senior Manager for that specific case and the role of the “Headteacher” under this procedure will be performed by a “Governors Staff Disciplinary Committee” consisting of not less than 2 Governors, none of whom will have had previous involvement in the case. In that event “Headteacher” should be substituted for “Governors Staff Disciplinary Committee” throughout this procedure.
- 2.7 The Chair of Governors is the line manager of the Headteacher and will act as the “Senior Manager” in a case against the Headteacher.

## **PART A – INFORMAL PROCEDURE**

### **3 Informal Action**

- 3.1 Managers should seek to resolve minor misconduct informally and as soon as it occurs. Management advice or an informal verbal warning may be given to the employee by a member of the [Leadership Group] or a line manager. Action will be taken under the formal procedure set out in Part B if the matter is not resolved or, there is repeated minor misconduct or, where informal action is not appropriate (for example, because of the seriousness of the allegation).
- 3.2 There is no appeal against management advice or an informal verbal warning given, which will not be placed on the employee’s disciplinary record but should be confirmed in a written memorandum.
- 3.3 The written memorandum will set out the misconduct, the improvement that is required and, if appropriate, how this will be reviewed and during what timeframe. The employee may make written comment on the memorandum if s/he has any objection to the informal action taken. A copy of the memorandum or a note of any informal discussions may be placed on the employee’s personnel file.

## PART B – FORMAL PROCEDURE

### 4 Disciplinary Hearing

4.1 If, following appropriate investigation by the Investigating Officer, the Senior Manager considers on the facts that formal disciplinary action for misconduct is necessary, s/he will write to the employee to inform him/her, at least [5/10] working days in advance, setting out:

- the date, time and place of the disciplinary hearing
- the allegation(s) and their possible consequences
- the employee's right to be accompanied by his/her representative of a trade union or a workplace colleague (**see 7.1, appendix 1**)
- the titles of enclosed copies of any documents to be used as evidence
- the names of any witnesses to be called by the Senior Manager (**see 9.4, appendix 1**)
- his/her right to call witnesses on his/her behalf
- the name and position of any adviser who will accompany the Senior Manager at the hearing
- the name and position of any note taker (At the employee's request, an extra copy of this notice, together with any enclosures, should be provided for his/her representative)

4.2 The employee must advise the Senior Manager of the following at least 3 working days in advance of the hearing:

- the name and designation of his/her representative
- provide any written documentation to be considered
- the names of any witnesses at that he/she wishes to call
- any special requirements (e.g. disability, language requirements)

4.3 At the disciplinary hearing before the Senior Manager and his/her HR adviser, the employee (and his/her Representative) will be given a reasonable opportunity to state his/her case, to question the Investigating Officer and any witnesses and, to call any witnesses and raise points about any information provided by witnesses.

4.4 At the conclusion, all parties except the Senior Manager and his/her HR adviser will withdraw to other rooms (if available) and following an adjournment for consideration of the information presented, will decide on whether the allegation(s) have been substantiated. The Senior Manager will, where possible, reconvene the hearing to state the outcome and will confirm the decision in writing to the employee and his/her Representative as soon as possible and usually within 5 working days of the hearing, to include:

- the sanction (if any) and the period this will remain current
- his/her reasons for the decision
- the change in behaviour required (if relevant) and the likely consequences of further misconduct
- right of appeal

## **5 Formal Disciplinary Action**

### **5.1 First Written Warning**

5.1.1 The Senior Manager may give the employee a first written warning which will include a statement that any further complaint of misconduct occurring within the next twelve months that is found justified after a disciplinary hearing, will lead to a final warning, unless there are mitigating circumstances.

5.1.2 If there is no further complaint of misconduct within twelve months of the date of the first written warning that is found justified after a disciplinary hearing, then this warning will remain permanently on the employee's personnel file but will be disregarded in deciding the outcome of any future disciplinary proceedings and the warning letter will make this clear.

### **5.2 Final Written Warning**

5.2.1 If a further complaint is made about the employee's conduct within twelve months of the date of the first written warning, the same procedure (as in **paragraph 4**) will be followed.

5.2.2 The Senior Manager may give the employee a final written warning, which will include a statement that any further complaint of misconduct occurring within the next twelve months that is found justified after a disciplinary hearing, will lead to dismissal, unless there are mitigating circumstances. In exceptional cases, where the nature of the misconduct justifies it, a final written warning may state that it will remain active indefinitely.

5.2.3 This final warning, together with any previous warning, will remain permanently on the employee's personnel file but unless the warning is stated to be active for an indefinite period, it will be disregarded in deciding the outcome of any future disciplinary proceedings if there is no further complaint about misconduct within twelve months of the date of the final warning that is found justified after a disciplinary hearing and, the warning letter will make this clear.

### 5.3 Dismissal

5.3.1 If a further complaint is received within twelve months from the date of the final warning, the complaint will be referred to a hearing before the Headteacher, or where the allegation/s relate to the Headteacher, the Chair of Governors, following the same procedure as in paragraph 4 above. The Headteacher, or where the allegation/s relate to the Headteacher, the Chair of Governors, may be accompanied by an HR adviser.

5.3.2 If the Headteacher, or where the allegation/s relate to the Headteacher, the Chair of Governors, decides the complaint is justified, s/he may decide to dismiss the employee. The Headteacher /Chair of Governors will state his/her decision, his/her reasons and inform the employee of his/her right to appeal to the Governors Dismissal Appeal Committee. S/he will confirm the decision and right of appeal in writing to the employee (and his/her representative) as soon as possible and normally within 5 working days of the hearing. The Headteacher/Chair of Governors will record the outcome of his/her considerations and the names of persons present at the hearing.

## 6 Gross Misconduct

6.1 If the complaint is considered so serious that it may amount to gross misconduct, justifying dismissal without previous warning and without notice (see appendix 2 Disciplinary Rules), the employee may be informed by the Headteacher (or where the allegation/s relates to the Headteacher, the Chair of Governors) that s/he is suspended on full pay pending further investigation of the complaint.

6.2 If, following an investigation, the Investigating Officer considers that the facts of the case amount to a prima facie case of gross misconduct, the matter will be referred to the Headteacher or, where the Headteacher is the subject of the allegation/s, the Governor's Staff Disciplinary Committee.

- 6.3 Following the same procedure as in paragraph 4 above, if on conclusion of the disciplinary hearing the Headteacher, or where the Headteacher is the subject of the allegation/s, the Governor's Staff Disciplinary Committee considers the complaint constitutes gross misconduct, s/he may decide to dismiss the employee without notice or pay in lieu of notice.
- 6.4 Where a suspension has taken place that suspension may only be lifted by the Chair of Governors acting on behalf of the Governing Body or, by the Chair of the Governors Dismissal Appeal Committee referred to in 7.4 or, where the Headteacher is the subject of suspension, the Chair of the Governor's Staff Disciplinary Committee.

## **7 Right of Appeal**

- 7.1 The employee has a right of appeal against a decision to issue a warning or to dismiss (see paragraph 5).
- 7.2 Appeals against formal written warnings or dismissal should be made in writing to the Clerk to the Governors, stating the grounds for appeal, within [5/10] working days of the date of the written decision.
- 7.3 An appeal against a written warning issued (see paragraph 5.1 and 5.2) will be heard by the Governors Disciplinary Appeal Committee. The number of governors on the Governors Disciplinary Appeal Committee will not be less than two. The panel may be advised by an HR advisor. The Committee may confirm the written warning, reduce a final written warning to a first written warning or cancel the written warning.
- 7.4 An appeal against dismissal (see paragraph 5.3) will be to the Governors Dismissal Appeal Committee, which shall have a membership of not less than 2 governors, none of whom shall have any previous involvement in the case. The Governors Dismissal Appeal Committee may have an HR advisor present.
- 7.5 All appeal hearings will be held as soon as possible and, in normal circumstances, within 10 working days after receipt of the appeal. The outcome will be confirmed in writing as soon as possible and usually within 5 working days of the hearing. There will be no further right of appeal.

## **8 Variation in Disciplinary Action**

- 8.1 If appropriate, the Senior Manager may decide to take informal action (as in Part A – Informal Procedure) instead of giving a first written warning.
- 8.2 The Senior Manager may decide the misconduct is so serious that it justifies a final written warning, without any previous written warning having been given.
- 8.3 Rather than dismiss, the Headteacher may decide to issue no sanction or a lesser sanction.
- 8.4 Where the Governors Dismissal Appeal Committee overturns a decision to dismiss or to issue a written warning, they may substitute a lesser sanction. There is no right of appeal against such a decision of the Governors Dismissal Appeal Committee.
- 8.5 Any written warning given for misconduct relating to children or pupils may last for a specified period longer than twelve months and, the warning letter will make this clear.
- 8.6 In the event that the Governors Dismissal Appeal Committee decides not to uphold the decision to dismiss the employee will be reinstated without loss of pay.

## **9 Trade Union Representatives**

- 9.1 Although normal disciplinary standards apply to the conduct of a trade union representative as an employee, no disciplinary action beyond informal action should be taken until the circumstances of the case have been discussed with the relevant professional trade union officer.

## **10 Confidentiality**

- 10.1 All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.



## APPENDIX 1

### Guidance on the Disciplinary Procedure

#### 1 Introduction

- 1.1. This guide is intended to explain the disciplinary process, the roles and responsibilities of those involved and the support mechanisms that are available. It is important that this guidance is read in conjunction with the Disciplinary Procedure and Disciplinary Rules.
- 1.2. The Disciplinary Procedure relates to matters of misconduct, (some examples of what this could include are provided in the Disciplinary Rules at **Appendix 2**).
- 1.3. The Disciplinary Procedure is intended to ensure that allegations of misconduct are managed fairly and consistently. The disciplinary process is aimed at providing staff with appropriate advice and support which will equip them to achieve and maintain the standards of conduct expected. Wherever possible, minor disciplinary matters are managed informally. Formal action may be taken in cases of serious and/or repeated misconduct.

#### 2 Informal Action

- 2.1. Minor misconduct issues can often be resolved informally between an employee and their line manager. These discussions should be held in private and without undue delay whenever there is cause for concern. In some cases, an informal verbal warning or management advice may be given, which will not form part of an employee's disciplinary record but should be confirmed in a written memorandum. Formal steps will be taken under the procedure if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation).
- 2.2. Where an employee raises a grievance, which relates to the way the disciplinary process has been conducted, this will normally be dealt with under the appeals process set out in the Disciplinary Procedure. In exceptional circumstances, where the grievance and disciplinary cases are linked, it may be appropriate to suspend the disciplinary procedure to allow the grievance to be considered.

### 3 Managing Allegations of Abuse Against Staff

- 3.1. The DfE statutory guidance Keeping Children Safe in Education July 2015 [and the Procedures for Managing Allegations of Abuse Against Staff and Volunteers] must be followed in cases concerning allegation/s that might indicate an employee would pose a risk of harm if they continue to work in regular or close contact with children in their present position, or in any capacity. Allegations of abuse against staff may be referred to our Disciplinary Procedure for action.

### 4 Investigation

- 4.1. Where the matter cannot be dealt with on an informal basis, the employee should be informed in writing of the allegation/s against him/her. In some circumstances it may be appropriate to suspend the employee from work (see paragraph 5).
- 4.2. Investigative interviews are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing (if necessary) has been held.
- 4.3. The purpose of an investigation is to establish a fair and balanced view of the facts relating to any disciplinary allegation/s against the employee, before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the employee and any witnesses, and/or reviewing relevant documents. The Investigating Officer will, in normal circumstances, be appointed from the Senior Management Team and will, where practicable, be a different person to the person carrying out a disciplinary hearing. There may be occasions where it is appropriate for the Headteacher to be the Investigating Officer, for example, where the establishment is small and a member of the Senior Management Team is not available or, where the Senior Management Team has had prior involvement. Where the Headteacher is the subject of the allegations, the Chair of the Governing Body, a Governor or, where the employer deems necessary, an external person may be appointed as the Investigating Officer.
- 4.4. Employees must co-operate fully and promptly in any investigation. This will include informing the Investigating Officer of any relevant witnesses, disclosing any relevant documents and attending investigative interviews if required. Where limited facts are provided, it can mean that decisions about possible disciplinary action are reached on the basis of partial information. If the employee has been suspended and requires access to the site in order to collate documentation s/he should inform the Investigating Officer. Should the employee wish to provide a written submission or submit any related evidence to assist with the investigation in advance of (or during) the meeting, they may usually do so.

- 4.5. Whilst the interview will be informal and thus there is no right of representation, the individual undertaking the investigation should normally permit the employee to be accompanied by a trade union representative or a work colleague. Such requests should be submitted to the Investigating Officer, along with the proposed individual's name/designation, in good time prior to any investigative interview.
- 4.6. On completion of the investigation, the Investigating Officer will, in usual circumstances, prepare a report for the Senior Manager and where the Senior Manager considers there are grounds for disciplinary action, the employee will be required to attend a disciplinary hearing.
- 4.7. It may not always be appropriate to undertake/complete an investigation, for example in less serious misconduct where an employee admits to having committed an act of misconduct. In such circumstances there may be no need for an investigative interview and the matter may proceed to a disciplinary hearing. Where this is the case the employee will be made fully aware of the status of the meeting and the possible outcome.

## **5 Suspension**

- 5.1. In some circumstances the Headteacher may need to suspend the employee from work.

Where the Headteacher is the subject of allegations, the Chair of Governors should suspend. Care will be taken to ensure the suspension will be for no longer than is necessary and the arrangements will be confirmed in writing to the employee. While suspended the employee should not visit the premises or contact any members of the Governing Body, staff, pupils or parents, unless authorised to do so by the Headteacher, or Chair of Governors in the case of the Headteacher. The employee must remain available and contactable during their normal working hours.

- 5.2. Any decision to suspend an employee or transfer him/her to another School/Academy site (if more than one site) must be kept under review and, appropriate contact should be maintained with the employee during the period of suspension by a nominated member of the Senior Management Team/Governing Body.

- 5.3. Suspension is not a disciplinary penalty and does not imply that any decision has already been made about the allegations. The employee will continue to receive his/her full pay and benefits during the period of suspension.
- 5.4. Where a suspension has taken place that suspension may only be lifted by the Chair of Governors acting on behalf of the Governing Body or, by the Chair of the Governors Dismissal Appeal Committee or, where the Headteacher is the subject of suspension, the Chair of the Governor's Staff Disciplinary Committee.

## **6 Criminal Charges**

- 6.1. Where the employee's conduct is the subject of a criminal investigation, charge or conviction the Senior Manager will, in normal circumstances, investigate the facts before deciding whether to take formal disciplinary action.
- 6.2. The circumstances of each case will be assessed but, in normal circumstances the outcome of any prosecution will not be waited for before deciding what action, if any, to take. Where the employee is unable to or, has been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, a decision may have to be taken based on the available evidence.
- 6.3. A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if it is considered relevant to the employee's employment.

## **7 Representative**

- 7.1. The employee may bring a representative of a trade union or work place colleague ('Companion') to any disciplinary [investigation,] hearing or appeal hearing under the Disciplinary Procedure. The employee must tell the Senior Manager who his/her chosen Representative is in good time before the hearing.
- 7.2. A work place colleague is allowed reasonable time off from duties without loss of pay to accompany an employee to a formal hearing. No-one is obliged to act as a work place colleague if they do not wish to do so. If the Representative is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, the employee may be asked to choose someone else. The employee may, at the Senior Manager's discretion, be allowed to bring a representative who is not a colleague or a trade union representative (for example a member of family) if this will help the employee to overcome a disability or, if the employee has difficulty understanding English.
- 7.3. A Representative may attend the [investigation], disciplinary hearing or appeal hearing to support the employee and to assist him/her in stating

his/her case. The Representative can address the hearing but is not allowed to answer a question on the employee's behalf. The Representative must respect the confidential nature of the investigation/hearing.

## **8 Disciplinary Hearing**

- 8.1. The disciplinary hearing will normally be conducted during normal working hours at a suitable location, normally the School/Academy's premises. If governors are involved, then it may be necessary to hear the case outside of the employee's working time because of governors' time constraints.
- 8.2. The employee must make every effort to attend the hearing without unreasonable delay. If the employee or his/her Representative cannot attend the hearing the employee should inform the Senior Manager immediately who will arrange an alternative time. If the Representative cannot attend on the proposed date, the employee may suggest an alternative date as long as this is reasonable and is not more than 5 working days after the date originally proposed. If the employee fails to attend without good reason, or is unlikely to be able to do so within a reasonable timeframe (for example for health reasons), the hearing may take place in the employee's absence and a decision taken based on the available evidence. The employee will normally be required to produce evidence as to the reason for his/her non-attendance.
- 8.3. Ahead of the hearing and in good time the employee should:
- Advise the Senior Manager of his/her Representative (if the employee wishes to be accompanied);
  - Advise the Senior Manager of any special requirements (e.g. disability, language requirements);
  - Provide a copy of any written documentation to be considered; and
  - Advise the Senior Manager of any witnesses that s/he wishes to call

8.4. At the hearing the employee may:

- Have reasonable adjustments if s/he is disabled or has other special requirements
- Rely on a written statement of case (a brief summary of the most important points that the panel should consider, including special circumstances); and call witnesses in support of his/her case
- Ask for an adjournment at any time during the hearing. Where possible, a nearby room will be made available for the employee and his/her Representative should an adjournment be requested by any party

## **9 Confidentiality and Data Protection**

9.1. All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.

9.2. The employee and anyone accompanying him/her (including witnesses), must not make electronic recordings of any meetings or hearings conducted under the Disciplinary Procedure. An individual will usually be present to take a note of the salient points of the meeting/hearing.

9.3. A copy of such notes will usually be provided to the employee and the employee may, where necessary, attach his/her own note of the meeting/hearing where any items are not agreed and these will be kept as an addendum to the note.

9.4. The employee will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against him/her, unless it is believed that a witness's identity should remain confidential.

## **10 Disciplinary Action/Sanction Without a Hearing**

10.1. In exceptional circumstances, where the facts are not in dispute and the employee has admitted the misconduct and, accepts and agrees that a disciplinary sanction up to and including a final written warning is appropriate s/he may elect to accept a disciplinary sanction without proceeding with a disciplinary hearing or appeal as set out in the Disciplinary Procedure. The warning will remain on file for the time periods as set out in paragraph 4, appendix 1, of the procedure. The employee will have been advised to consult a Representative prior to the Senior Manager accepting the employee's request.

## 11 Action Short of Dismissal

11.1. There may be some circumstances where other action short of dismissal may be considered, which will usually be accompanied by a final written warning including, for example:

- Demotion
- Transfer to another department or job
- A period of suspension without pay
- Loss of seniority
- Reduction in pay
- Loss of future pay increment or bonus
- Loss of overtime

## 12 Support during disciplinary proceedings

12.1. It is recognised that being involved in a formal disciplinary procedure may be a difficult time for the employee however there are sources of confidential support which are available should the employee wish to use them. The employee should notify the Senior Manager if support is required and further information will be provided.

## 13 Reasonable adjustments

13.1. Employees are encouraged to raise any queries they may have relating to disability, a difficulty in understanding English or other needs at the earliest opportunity. This will enable the Senior Manager to accommodate a request, where reasonably possible to ensure that employees and their representatives do not experience any disadvantage.

### **Useful links and recommended additional reading for managers:**

- EPM's Investigating Managers Guide
- EPM's Guidance and Advice on Misconduct and Disciplinary Hearings
- ACAS Code of Practice on Disciplinary and Grievance Procedures
- ACAS Guide: Discipline and Grievances at Work
- ACAS Guide: Conducting Workplace Investigations

## APPENDIX 2

### DISCIPLINARY RULES FOR ALL EMPLOYEES

#### 1 Purpose

The Disciplinary Rules should be read in conjunction with our Disciplinary Procedure. The Disciplinary Rules are intended to give examples of the type of conduct that is considered to be misconduct or gross misconduct, and which could lead to action under our Disciplinary Procedure.

#### 2 Gross Misconduct

Gross Misconduct is a serious breach of contract and includes misconduct which, in our opinion, is likely to prejudice our organisation or reputation or irreparably damage the working relationship and trust between us. If you are suspected of committing an act of gross misconduct, you may be suspended with full pay pending investigation. Gross misconduct will be dealt with under our Disciplinary Procedure and will normally lead to dismissal without notice or pay in lieu of notice (summary dismissal). The following are examples of matters that are normally regarded as gross misconduct. This list is intended as a guide and is not exhaustive:

- 2.1 Behaviour that has or may have harmed a child\* or, behaviour towards a child or children that indicates you would pose a risk of harm to children, for example:
- Sexual behaviour towards or relations with a pupil or child
  - Physically harming a pupil or child
  - Criminal offences related to or against a child
- 2.2 Criminal activities or offences, whether committed at work or not, that may affect the School/Academy's reputation, the relationship with a pupil, an employee or other worker, a governor, a member of the public, or otherwise affects an employee's suitability and/or ability to continue in their employment.
- 2.3 Sexual misconduct, whether at work or not and, whether criminal or not.
- 2.4 Acts of physical or threatened violence, vandalism, bullying or, behaviour which provokes violence.
- 2.5 Possession, use, supply or attempted supply of illegal drugs or any other inappropriate substances, whether illegal or not.
- 2.6 Being under the influence of alcohol, or illegal drugs during working hours or, other substances that make you unfit to perform your duties.

*\*Child/children relates to anyone under the age of 18.*



- 2.7 Deliberately accessing internet sites containing pornographic, offensive or obscene material.
- 2.8 Communicating offensive, obscene or unauthorised sexually explicit material whether verbally, written, in electronic communication, or by social media.
- 2.9 Serious negligence, serious neglect of duties or, a serious or deliberate breach of your conditions of employment, operating procedures, public examination rules, DfE statutory requirements, statutory rules affecting your work or, Health and Safety rules, for example:
- Failure to comply with the Prevent Duty.
  - Failure to report safeguarding concerns.
  - Disclosure of restricted public examination material or content.
  - Smoking anywhere on the School/Academy site other than in any designated and/or signposted smoking areas.
  - Unauthorised absence without justification.
  - Falsifying sickness absence.
  - Taking leave when permission denied
  - Ignoring handling instructions/responsibilities/safety regulations to include those in relation to chemicals, machinery, equipment or food.
- 2.10 A serious breach of our Code of Conduct.
- 2.11 A serious act of insubordination.
- 2.12 Dishonesty associated with place of work or job being undertaken, for example:
- Theft or unauthorised removal or misuse of property belonging to the School/Academy, contractor, an employee or pupil, or member of the public.
  - Fraud, forgery or other dishonesty, including fabrication of expense claims, time sheets, qualifications, application forms, public examination forms and any other forms or records in use at the School/Academy, falsification of any information given on your application form for a post, entitlement to work (including immigration status) in order to gain employment or other benefits or falsification of registration of pupils.
  - Demanding or accepting monies or other considerations as a bribe for the use of School/Academy property, provision of School/Academy service or the showing of favour on behalf of the School/Academy.
  - Failure to disclose when employed criminal convictions, cautions, bind over orders reprimands or warnings (**except** those which are 'protected' under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended from time to time) or, failure to disclose during the course of your employment an arrest or summons for an

- offence, a conviction, a bind over order, a reprimand or a warning given by a police force
- Undertaking unauthorised paid or unpaid employment during working hours, including during periods of sickness absence.
- 2.13 Unauthorised use or disclosure of confidential information (or information which is of a confidential nature) or failure to ensure that such information in your possession is kept secure.
- 2.14 Making statements that are or could be damaging, slanderous or libellous whether verbally, written, in electronic communication or by social media, which could be harmful to a pupil, an employee or other worker, a governor, a member of the public, or the reputation of the School/Academy.
- 2.15 Unlawful harassment or victimisation of, or unlawful discrimination against, a pupil, an employee or other worker, a governor, volunteer, contractor or a member of the public.
- 2.16 Victimising a person who has raised concerns, made a complaint or given evidence or information under our policies, Grievance Procedure, Disciplinary Procedure or otherwise.
- 2.17 Making a disclosure of false or misleading information under our Whistleblowing Policy maliciously, for personal gain, or otherwise in bad faith against a person or, making untrue allegations in bad faith against a person.
- 2.18 Bringing the organisation into serious disrepute.

### **3 Misconduct**

The following are examples of matters that will normally be regarded as misconduct and will be dealt with under our Disciplinary Procedure. This list is intended as a guide and is not exhaustive.

3.1 Absenteeism and lateness, for example:

- Unauthorised absence or leaving your job during working hours without permission or sufficient cause for absence.
- Frequent failure to attend work punctually.
- Failure to comply with our sickness absence reporting procedure.

3.2 Dishonesty, for example

- Excessive or unauthorised use of our facilities for personal use, such as School/Academy telephones, computers, email or internet.

3.3 Neglect of duty, for example:

- Failure to adopt safe working practices/use protective equipment where required by law or management.
- Damage to, or unauthorised use of, School/Academy or contractors' property.
- Conducting personal business other than in emergencies during working hours.
- Insubordination.
- Failure to exercise proper control or supervision of pupils.

3.4 Obscene language or other offensive behaviour.

3.5 Undertaking additional employment outside normal working hours without authorisation.

3.6 Minor breaches of our policies.

3.7 Minor breaches of your contract.