

DISCIPLINARY POLICY AND PROCEDURE

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APPENDIX 1

MISCONDUCT AND GROSS MISCONDUCT – INDICATIVE EXAMPLES

It is important that employees are aware of the standards of conduct expected of them. The following lists provide a guide as to the type of conduct which is likely to be considered by (enter name of school) as misconduct and/or gross misconduct and which may lead to formal disciplinary action being taken.

Misconduct

Examples of offences which will be regarded as misconduct and will be fully investigated and considered at a Disciplinary Hearing include:

- strictly minor, first-time breaches of children's safeguarding policies
- poor time keeping or lateness
- unauthorised absence from work
- time wasting
- minor safety offences
- unauthorised use of school facilities or systems e.g. telephone, internet
- disruptive behaviour
- contravention of the school's No Smoking Policy
- refusal or failure to carry out reasonable management instruction(s)
- inappropriate behaviour towards others (e.g. deliberate rudeness)
- disobedience of instructions (verbal or written)
- abuse of authority e.g. when an employee's conduct towards a fellow employee or a member of the public is threatening or abusive
- neglect of duty e.g. when an employee: -
 - without sufficient cause, fails to discharge the obligations which statute or contract of employment places on them
 - fails to report any matter which it is his/her duty to report
 - fails to make an entry which it is a duty to make, in any book or document
 - fails properly to account for, or to make a prompt return of, any money or property which comes into their possession in the course of their duties.
- deliberate falsehood e.g. when an employee knowingly or through neglect makes any false, misleading or inaccurate oral or written statement or entry in any record or document made, kept or required for the purposes of the school
- deliberate damage to school property
- corrupt or improper practice e.g. when an employee improperly uses, or attempts to use, their official position for their own private/personal advantage or for the private/personal advantage of some other person
- bringing the school into disrepute
- inappropriate disclosure of information e.g. when an employee without proper authority communicates to any person information which is given to him/her in confidence as an employee of the school
- misconduct in relation to official documents e.g. when an employee without sufficient cause destroys or mutilates any record or document made, kept or required for the purpose of the school, or alters or erases or adds to any entry in such a record or document

- being under the influence of alcohol or drugs
- conduct likely to offend decency
- sleeping on duty
- criminal / illegal conduct
- discrimination
- harassment/bullying
- being an accessory to a disciplinary offence
- wilful neglect of the staff member's own health and safety or negligence towards the health and safety of other members of the school community

(This list is indicative only and is not intended to be exhaustive).

Gross Misconduct

Examples of offences which will be regarded as gross misconduct and will be fully investigated and considered at a Disciplinary Hearing include:

- any serious breach of children's safeguarding regulations or policies
- fighting or physically assaulting a person
- violent, abusive or intimidating conduct
- serious acts of discrimination in breach of the school's Equality Policies, including acts of incitement or actual acts of discrimination on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation
- deliberate inappropriate use of the internet or the email systems
- serious bullying or harassment
- serious breach of the school's rules relating to electronic systems, computers, mobile phones and other similar equipment
- serious instances of inappropriate behaviour towards others
- failure to comply with relevant statutory or regulatory requirements
- sexual misconduct at work
- serious incapability through being under the influence of drugs or alcohol
- serious infringement of health and safety rules and / or serious negligence towards the health and safety of other members of the school community
- serious negligence which causes unacceptable loss, damage or injury
- rudeness to students or parents or other members of the public
- deliberate damage to school property
- unauthorised removal of school property
- providing false sickness or absence information
- theft from the school, students, staff or the public, and any other act of dishonesty
- reckless or serious misuse of a school vehicle
- falsification of qualifications which are a stated requirement of employment or which resulted in financial gain
- theft, fraud, deliberate falsification of records
- accepting a gift which could be construed as a bribe
- bringing the school into serious disrepute
- malicious damage to school property/equipment

- misuse of the school's property, equipment or name
- serious breach of the Data Protection Act 1998
- failure to inform your manager in the event of being cautioned or arrested on suspicion of a criminal offence
- being imprisoned for a serious criminal offence while an employee of the school.

(This list is indicative only and is not intended to be exhaustive).

Employees should be aware that gross misconduct is misconduct which is serious enough to immediately destroy the relationship of mutual confidence and trust between the school and the employee. If an allegation of gross misconduct is upheld at a Disciplinary Hearing, the result will normally be summary dismissal without notice or payment in lieu of notice.

All our policies and guidance can be found at <http://www.supportservicesforeducation.co.uk>