St John and St Nicolas Schools Federation

For the good of all through curiosity, creativity and love

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St John and St Nicolas Schools Federation
Disciplinary Procedure

At St John and St Nicolas Schools Federation, our vision is 'For the good of all – through curiosity, creativity and love.' This vision inspires everything that the federation does. It applies equally to all the federation's policies with the intention that our policies impact as fairly and positively as possible to meet the needs of all members of our schools' community.

1. Introduction

1.1. All school governing bodies are required to have a staff disciplinary procedure.
1.2. This procedure has been agreed between the authority and the recognised unions for use in schools in West Berkshire.
1.3. West Berkshire Council strongly recommends that community, voluntary controlled, community special and maintained nursery schools adopt this model disciplinary procedure. Foundation and voluntary aided schools may also choose to adopt it.

2. Purpose

2.1. The Disciplinary Procedure is designed to help and encourage employees to achieve and maintain acceptable standards of conduct.
2.2. It aims to ensure fairness, equity and consistency in the day to day management of employee conduct, the investigation of alleged misconduct, and in applying formal sanctions in cases of misconduct, up to and including dismissal.
2.3. The procedure is based on the ACAS Code of Practice on Disciplinary & Grievance Procedures and is in accordance with legal requirements.

3. Applicability

3.1. This procedure applies to all employees of the school. However, where an employee is subject to a probationary period or a statutory induction period, less serious misconduct should be dealt with under the relevant procedures.

4. Roles and Responsibilities

4.1. The governing body has a statutory obligation to establish procedures relating to the conduct and discipline of staff (School Staffing (England) Regulations 2009), including dealing with disciplinary matters. It is responsible for ensuring that all staff are made aware of the procedures.
4.2. The Headteacher is responsible for the internal organisation, management and control of the school, including the application of the Disciplinary Procedure.
4.3. Where this procedure results in dismissal, the Headteacher (or the governing body, where responsibility has not been delegated to the Headteacher or the disciplinary matter relates to the Headteacher) is responsible for making the decision to dismiss and for informing West Berkshire Council of the decision.
4.4. The Council is responsible for dismissing any employee of a maintained or voluntary controlled school whom the governing body has determined should be dismissed by reason of misconduct.
4.5. Headteachers and line managers are responsible for;

- Managing the conduct of employees in accordance with this agreed procedure.

- Ensuring that employees are aware of the expected standards of conduct and disciplinary rules.

4.6. Employees are responsible for maintaining an acceptable standard of conduct and adhering to rules and regulations, including any reasonable management instructions.

4.7. Schools may ask their Human Resources provider to advise and support managers in the application of the Disciplinary Procedure, including attendance at informal and formal meetings as necessary.

5. Misconduct

5.1. Misconduct occurs when an employee behaves in a way that breaches rules about behaviour or conduct. It is usually wilful. There may be occasions when negligence or failure to act amounts to misconduct.

5.2. Gross misconduct is very serious misconduct that involves a fundamental breach of the contract of employment and will normally lead to dismissal without notice or pay in lieu of notice (summary dismissal).

5.3. The 'Disciplinary Rules' lists examples of both misconduct and gross misconduct and can be found in appendix one of this document.

6. Principles

6.1. Headteachers and line managers will try to resolve issues of minor misconduct informally. However where this approach has been tried and has not worked, or where the misconduct is more serious, formal disciplinary action will be considered.

6.2. Allegations of misconduct will be investigated before any disciplinary action is taken. Exceptionally, the circumstances may be such that an investigation is not required, for example where the employee admits to the misconduct.

6.3. The employee will be advised of the nature of the complaint against him/her and given the opportunity to state their case and present relevant evidence at a disciplinary hearing before any decision is made.

6.4. At all stages of the formal process the employee will have the right to be accompanied by a recognised trade union representative or work colleague.

6.5. Employees will not generally be dismissed for a first incident of misconduct except in the case of gross misconduct. Dismissal for gross misconduct will be without notice or pay in lieu of notice.

6.6. No formal action will be taken against a trade union representative (including school representatives) until, having consulted the employee concerned, the circumstances of the case have been notified to a regional officer of the trade union concerned.

6.7. If there are any disability or language issues affecting the employee or their representative these will be reasonably addressed so that any formal proceedings can take place fairly.

6.8. Information relating to formal proceedings will be kept confidential where appropriate.

6.9. The time-scales within this procedure may be amended by mutual consent.

6.10. If an employee resigns when an investigation or formal disciplinary process is being considered or has commenced, the proceedings may continue to an appropriate conclusion, at the discretion of management. Where the allegations relate to the safeguarding of children the process must be concluded in order to comply with the statutory guidance Keeping Children Safe in Education. This applies even where the police decide not to pursue a prosecution and/or where the employee resigns during the investigation or formal proceedings. The outcome will be used to inform potential

referral to the Disclosure and Barring Service (DBS), and the Teacher Regulation Agency (TRA) and will be included in job references where appropriate.

6.11. Where a hearing is convened to consider an allegation of gross misconduct where the outcome of the disciplinary hearing could result in a permanent ban on the employee working in their profession (because a dismissal would result in a referral to the Disclosure and Barring Service), the school should consider carefully any request of the employee to be represented by a lawyer at the hearing. This is not an automatic right, and the school should take advice from HR if such a request is made.

6.12. The school will comply with regulations that require it to refer relevant formal disciplinary action taken under this procedure to the Disclosure and Barring Service, the Teacher Regulation Agency (TRA), or any other relevant professional body as appropriate. The school may be required to refer cases of dismissal or suspension on the grounds of misconduct or incompetence, or where the employee resigns or leaves the school's employment in circumstances where dismissal would otherwise have been considered.

7. Authority to act under this procedure

Suspension

7.1. Only the Headteacher or the Chair of Governors is authorised to suspend an employee of the school. Only the Chair of Governors is empowered to end a suspension. If the Chair of Governors ends a suspension they must immediately inform the Headteacher and the local authority. This is in line with the West Berkshire model terms of reference for governing bodies

7.2. In the absence of the Headteacher, their designated deputy may carry out the suspension, or the Chair of Governors (or a designated member of the governing body in their absence).

7.3. Absence of the Headteacher or Chair of Governors would not include a school trip, or training. Absence would include:

- Sudden resignation of Headteacher or Chair of Governors
- Long term illness of the Headteacher or Chair of Governors
- Maternity leave of the Headteacher or Chair of Governors
- Compassionate leave and/or family bereavement of the Headteacher or Chair of Governors

Dismissal decisions

7.4. The governing body has the statutory authority to decide to dismiss staff. However, under the School Staffing (England) Regulations 2009, it is expected to **delegate dismissal decisions for all staff (apart from the Headteacher) to the Headteacher**, unless it considers this inappropriate.

7.5. Where the Headteacher has delegated authority to make dismissal decisions, they should not normally conduct the investigation into the allegation of misconduct.

7.6. Where the Headteacher does not have delegated powers, or has investigated the allegations, or has otherwise been significantly involved in the case, three governors not previously involved in the case (either as a witness or Investigating Officer) will conduct the formal disciplinary hearing and decide the outcome of the hearing, including any decision to dismiss.

Advice to governing body panel

7.7. Where the Headteacher is not presenting the case, they may attend such a hearing for the purposes of offering advice, in front of all parties, which the governors must consider before making a decision.

7.8. The Executive Director (People), or their appointed representative has the right to attend, for the purposes of providing advice[1] at;

[1]This applies to foundation and voluntary aided schools where the governing body has given the LA/Diocese such rights

- a disciplinary hearing where the outcome could result in dismissal; or
- a disciplinary appeal hearing against dismissal;

7.9. Advice will be given to the panel privately (in the same way that the employee and the management representative may each receive their own advice) and must be considered by the disciplinary panel before making a decision.

Disciplinary action against the Headteacher

7.10. Where there is alleged misconduct on the part of a Headteacher, the chair of governors will inform the Executive Director (People) before any action is taken.

7.11. Where disciplinary proceedings are taken against a Headteacher, three governors not previously involved in the case will conduct the formal disciplinary hearing and decide the outcome, including any decision to dismiss.

Investigation of allegations

7.12. Headteachers may delegate the investigation, normally to a member of the school management team. Where the allegations are against a Headteacher, the investigation will be carried out by a governor supported by a professional expert or by an independent investigator appointed by the governing body.

7.13. A meeting will normally be held to inform the employee of the allegations and that an investigation will be conducted. This may be varied where it is necessary to conduct an initial investigation without informing the employee (e.g. potential fraud).

Appeals

7.14. A panel of three governors, who were not involved in the initial decision, will consider any appeal.

Governing body panels

7.15. If there are insufficient eligible governors to hear the matter fairly, school governing bodies may choose to collaborate in accordance with the School Staffing (England) Regulations 2009.

8. Investigation

8.1. Generally, no disciplinary action will be taken against an employee until a reasonable investigation to establish the facts of the case has taken place.

8.2. The purpose of the investigation is to;

- Establish the facts whilst they are still clear in the minds of those involved; and
- Decide what further action, if any, to take

9. Suspension

9.1. Only those authorised to suspend may suspend an employee (see section 7 above for the authority to act under this procedure).

9.2. Individuals should only be suspended where one or more of the following apply;

- An allegation of potential gross misconduct is being investigated
- An allegation of misconduct is being investigated where there is a danger that the alleged misconduct may be committed again; or
- The investigation into an allegation of misconduct could be compromised by the continuing presence of the employee at work

9.3. Where an allegation of gross misconduct has been made suspension should not be automatic; a preliminary investigation may be carried out to determine whether there is a prima facie case before suspension.

9.4. This preliminary investigation should be as short as possible, and not normally longer than two school working days. If appropriate the employee may be asked to work at home or be temporarily re-deployed during this period.

9.5. Where an employee objects, declines to co-operate with or unreasonably obstructs a preliminary investigation he/she will normally be suspended on full pay and a full investigation will commence.

9.6. If, having considered the above, suspension is considered to be the appropriate course of action, suspension will occur.

9.7. The individual will be suspended on full contractual pay. Suspension should be for the minimum period necessary and will be kept under review. Only the Chair of Governors is empowered to end a suspension and must inform the employee, Headteacher and local authority immediately.

9.8. If an employee is suspended the person carrying out the suspension will confirm the suspension in writing to the employee stating:

- The reasons why the individual has been suspended
- Why they consider the suspension to be appropriate

9.9. Where suspension occurs in a community, voluntary controlled, community special or maintained nursery school the Headteacher/governing body should inform the local authority of the suspension.

9.10. A decision to suspend is not penalty disciplinary sanction and does not predetermine the outcome of the investigation.

9.11. If appropriate, suspended employees may be asked to return property belonging to the school and to refrain from contacting other employees about their case without first speaking to their line manager/Headteacher.

9.12. A suspended employee must make themself available in accordance with their contract of employment for interviews under the procedure and must not undertake alternative employment while the contract of employment still applies.

10. Allegations of harm to children and/or vulnerable adults

10.1. Where the allegations are of child abuse and the alleged behaviour might be criminal, involve harm to a child or put a child at risk of harm, the Head of Education must be notified immediately.

10.2. Where appropriate, a strategy meeting attended by relevant local authority officers, the police, Children's Services and the Headteacher (or designated governor where the allegation is against the Headteacher) will be convened.

10.3. No disciplinary investigation should be started by the school until the strategy meeting has made its recommendations with regard to next steps. To do so could potentially compromise investigations by the police or Children's Services.
10.4. If appropriate the employee may be asked to work at home or be temporarily re-deployed until the strategy meeting has made recommendations.
10.5. Where an employee has been suspended pending the outcome of a police investigation into a safeguarding issue, and no further action will be taken by them, a risk assessment will be carried out before lifting the suspension. The assessment will consider:
- Any evidence provided by the police/LADO/CAAS/safeguarding team
- Whether any further investigation can/should be carried out by the authority
- The potential for reputational risk to the school
- Present and future risks of the employee returning to their job (even if this is not a job working with children or vulnerable adults) or to another job in the school
- Any other implications of the case

11. Disciplinary hearing

11.1. Following the investigation, a disciplinary hearing may be convened. The disciplinary hearing will decide what, if any, action should be taken in respect of the alleged misconduct.
11.2. The investigating officer/chair of the panel holding the disciplinary hearing will write to the employee, at least 10 working days before the hearing, to;
- Confirm the allegations against them
- Inform them of the date, time and venue for the disciplinary hearing
- Inform the employee of the potential outcome of the hearing
- Remind the employee of their right to be accompanied by a trade union representative or a work colleague

11.3. The employee will be given copies of documents that will be used to support the management case at the hearing.
11.4. The employee will be informed if the outcome of the hearing could be dismissal (normally where the allegation is one of gross misconduct or is subject to a final written warning that had not expired at the time of the alleged misconduct).
11.5. The employee will be expected to provide the investigating officer/chair of the hearing with a copy of the documents that they will be relying upon and the names of any witnesses that they will be calling at the hearing, at least 5 school working days before the hearing. In exceptional circumstances an alternative time-scale may be agreed.
11.6. At the hearing each side will be entitled to present their case and call witnesses. Each party will be able to ask questions and comment on the case presented by the other side.
11.7. The hearing will be adjourned whilst a decision is made. If a decision cannot be made within a reasonable time, the meeting will be closed and the decision notified to the employee in writing, normally within 5 school working days of the hearing.

12. Postponements

12.1. If the employee's representative is unable to attend on the proposed date, the employee can propose another date so long as it is reasonable and is no more than 5 school working days after the date originally proposed. An extension to this time limit can be made by mutual agreement.

12.2. If an employee, or their representative, is unable to attend a hearing for reasons that were unforeseeable at the time the hearing was arranged (e.g. illness) then the school will arrange another hearing date. If the employee is unable to attend a second time, the hearing will normally convene, as arranged, and a decision taken in the employee's absence.

13. Disciplinary decisions and sanctions

13.1. The disciplinary panel will consider all the evidence before it and determine whether, on the balance of probabilities, the alleged misconduct occurred. If it finds that misconduct was committed, it will consider the seriousness and the impact of the misconduct, and any mitigating factors, in reaching a decision about what, if any, sanctions should be applied.

13.2. Where an employee is found to have committed misconduct the following actions may be taken:

- No action
- First written warning
- Final written warning
- Dismissal (with notice)
- Dismissal (without notice – only in cases of gross misconduct)

13.3. A **first written warning** will:

- Set out the nature of the misconduct
- Specify the improvement that is required
- Inform the employee that failure to improve, or any repetition, within the specified timescale could lead to more serious formal action being taken, including dismissal; and
- Refer to the right to raise an appeal within 5 school working days of notification of the outcome of the hearing

13.4. A note of the first written warning will be kept on the personal file. The warning will normally be disregarded for disciplinary purposes after 12 months. (For further information see the section 'Disregarded warnings and indefinite warnings'.)

13.5. The **final written warning** will:

- Set out the nature of the misconduct
- Specify the improvement that is required
- State that failure to improve behaviour or conduct, or a further allegation of misconduct, could lead to further formal action being taken, including dismissal; and
- Refer to the right to raise an appeal within 5 school working days of notification of the outcome of the hearing

13.6. A final written warning will be issued where there is a failure to improve or change behaviour in the timescale set at the first formal stage, or where the offence is very serious but does not warrant dismissal. It may also be issued where an allegation of gross misconduct is upheld, but there are significant mitigating factors which the disciplinary hearing considers sufficient to reduce the sanction to a warning.

13.7. A copy of the final written warning will be kept on the personal file. This will normally be disregarded for disciplinary purposes after 2 years. (For further information see the section 'Disregarded warnings and indefinite warnings').

13.8. Written confirmation of **dismissal** will include;

- The nature of the misconduct

- A summary of the evidence presented to the disciplinary hearing
- The conclusion of the disciplinary hearing with respect to the allegation(s)
- The reasons for the decision to dismiss
- Whether the dismissal is with or without notice

13.9. **Dismissal will be the outcome where;**

- The misconduct occurred during the period of a previous final written warning, in which case the employee will be dismissed with notice; or
- The misconduct is so serious that it is appropriate to dismiss even where it was a first offence (gross misconduct). In cases of gross misconduct the employee will be liable to summary dismissal, which is without notice or pay in lieu of notice

13.10. The person chairing the hearing will write to the employee, within 5 school working days of the decision giving reasons for the decision to dismiss, and notifying them that the local authority[2] will dismiss the employee in writing, and advising the employee of the right of appeal.

[2]In the case of voluntary aided or foundation schools, the governing body is the employer, and will dismiss the employee directly.

[3]Governing bodies of foundation or voluntary aided schools are responsible for making such referrals as the direct employers.

13.11. The local authority will write to the employee within 2 working days of receipt of the instruction from the governing body to notify that the employment is terminated and the date on which it is terminated (including notice if the termination is not summary).

13.12. If the employee has not been dismissed for gross misconduct they will be given the appropriate period of notice or pay in lieu of notice.

14. Referrals to external bodies

14.1. There is a statutory requirement for the Council to apply the provisions of the Safeguarding Vulnerable Groups Act 2006 when dismissing a member of staff working with children or vulnerable adults, where dismissal has occurred on grounds of misconduct which harmed, or placed at risk of harm, a child or vulnerable adult.

14.2. Where an individual is dismissed in the above circumstances (or would have been dismissed had they not resigned, retired, been made redundant or transferred to post not involving regulated activity) and where the circumstances of the case meet the relevant thresholds, the details of the case must be referred by the employer3 to the Disclosure and Barring Service (DBS).

14.3. In certain circumstances it may be appropriate to refer the individual to the DBS before the disciplinary hearing has taken place. Further guidance can be found in the DBS Referral Guidance on the Home Office website, or seek advice from your Human Resources advisers.

14.4. Teachers who are dismissed on the grounds of misconduct relating to;

- unacceptable professional conduct
- conduct that may bring the profession into disrepute; or
- a conviction, at any time, of a relevant criminal offence

must be referred, by the employer, to the Teacher Regulation Agency (TRA) who will consider whether a prohibition order is appropriate. Referral also applies where a teacher would have been dismissed (on the basis of the evidence gathered in the investigation) had they not resigned, retired, or otherwise left their post first.

15. Disregarded warnings and indefinite warnings

15.1. Warnings will normally be disregarded after one year in the case of a first written warning, and two years in the case of a final written warning. However where statutory regulations apply (for example, where the employee works with children and/or vulnerable adults) warnings will stay live indefinitely, or as required by the regulations.

16. Disciplinary appeals

16.1. An employee is entitled to appeal against the formal decision taken by the disciplinary hearing.

16.2. Appeals will be heard by a panel of three governors not previously involved in the matter.

16.3. The appeal must be made in writing, addressed to the Clerk to the Governors, stating the grounds for the appeal, within 5 school working days of being advised in writing of the decision of the disciplinary hearing.

16.4. The disciplinary appeal will be heard as soon as possible and not normally later than 6 school weeks after being received.

16.5. The employee will normally be given 10 school working days' notice, in writing, of the date of the disciplinary appeal hearing. This notification will give the name of the person chairing the hearing, the names of panel members, and the name of the Human Resources adviser who will advise the panel on procedural matters. It will remind the employee of their right to be accompanied at the hearing by a trade union representative or work colleague.

16.6. Both parties must indicate at least 5 school working days in advance of the disciplinary appeal hearing which, if any, witnesses they wish to call and provide copies of any documentation that will be relied upon at the hearing. In exceptional circumstances an alternative time-scale may be agreed.

16.7. The Headteacher/ chair of the disciplinary hearing will attend the appeal and may be accompanied by a Human Resources adviser. The employee will attend the appeal and has the right to be accompanied, normally by a work colleague or a trade union representative.

16.8. The employee will be able to present evidence that is directly relevant to the grounds of the appeal. The investigating officer will have the opportunity to respond.

16.9. The hearing will review the earlier decision, taking into account the grounds for appeal. The appeal can overturn the earlier decision, confirm it or impose a lesser sanction.

16.10. The employee will be informed of the disciplinary appeal decision in writing, normally within 5 school working days.

17. Data protection

17.1. The school processes personal data collected during the investigation stage and any subsequent stages of the disciplinary procedure in accordance with data protection legislation. In particular, data collected as part of the investigation stage and any subsequent stages of the disciplinary procedure is held securely and accessed by, and disclosed to, individuals for the purpose of completing the disciplinary process.

17.2. Where allegations relate to the safeguarding of children and/or vulnerable adults personal data will be shared as part of a strategy/safeguarding meeting, this will often include representatives from the police (see section 10 for further information).

17.3. Where alleged misconduct may be criminal, personal data will be passed to the police.
17.4. Where there are regulations that require the school to refer formal disciplinary action under this procedure to an external body, personal data will be passed to the appropriate external body (for more information see section 14).
17.5. Inappropriate access to, or disclosure of, employee data constitutes a data breach and should be reported to the school's Data Protection Officer immediately. It may also constitute a disciplinary offence, which will be handled under this disciplinary procedure.

Appendix One – Disciplinary Rules

1. Principles

1.1. The Disciplinary Rules are intended to give examples of the type of conduct that could be considered as misconduct or gross misconduct, and which could lead to action under the model Disciplinary Procedure for schools.
1.2. Misconduct may take the form of either an act or an omission, including negligence.
1.3. The Disciplinary Rules should be read alongside the school's Disciplinary Procedure.
1.4. The Disciplinary Rules do not constitute an exclusive or exhaustive list.

2. Applicability

2.1. The procedure applies to all permanent and temporary employees of the school.

3. Roles and Responsibilities

3.1. All employees are required to adhere to the Disciplinary Rules and any local standards, rules and instructions.
3.2. In addition, line managers are responsible for ensuring that employees are aware of the standards and rules which apply to them.

4. Examples of Misconduct

4.1. In certain circumstances the examples below may be considered to constitute gross misconduct)
4.2. Failure to comply with any specific professional code of conduct and/or local working arrangements.
4.3. Failure to meet the requirements of a relevant professional governing body.
4.4. Smoking on school premises (including grounds and vehicles used to transport children and/or other members of staff)
4.5. Persistent poor timekeeping.
4.6. Unauthorised absence from work.
4.7. Failure to comply with a reasonable management instruction.
4.8. Failure to comply with sickness absence procedures
4.9. Acting in an aggressive or threatening manner or using foul or abusive language towards children, parents, colleagues or managers
4.10. Misuse or unauthorised use of school resources, school vehicles, equipment, facilities etc., including reckless or unsafe driving while on school business.
4.11. Inappropriate use of school working time, e.g. excessive use of time for personal conversations, correspondence, telephone calls, emails/internet use etc.
4.12. Failure to observe school ICT standards, policies and guidance on the use of ICT facilities.

4.13. Being unfit for duty due to the use of alcohol or other intoxicants, or consuming these while at work.
4.14. Sleeping whilst on duty (unless undertaking paid sleeping-in duties).
4.15. Knowingly being an accessory to, condoning or failing to report a serious disciplinary offence.
4.16. Data protection breaches, for example unauthorised use or disclosure of confidential information gained through employment with the school or failure to protect such information.
4.17. Failure to disclose an outside interest, gift, benefit or hospitality which would cause loss of confidence in the employee or the school.
4.18. Unlawful discrimination against a pupil, another employee or member of the public in the course of duty.
4.19. Failure to observe Health and Safety rules by act or omission, or negligence that threatens health and safety.
4.20. General conduct in the workplace that has a negative impact on the work of colleagues and/or the school.
4.21. Failure to declare any other work undertaken while being employed by the school. (For members of the school management team, this is a requirement for all outside work. For other staff this could apply where the work may conflict with the interests of the school or weaken the community's confidence in the school).
4.22. Breaching use of social media rules at or outside work, for example:
4.22.1. Breaching any school policy or procedure
4.22.2. Befriending/following pupils on social media
4.22.3. Subjecting the school to legal challenge or potential legal challenge
4.22.4. Compromising the privacy or dignity of pupils or colleagues
4.22.5. Disclosing confidential information gained through employment by the school
4.22.6. Cyber bullying of colleagues, pupils, parents/carers or others associated with the school; for example posting, commenting or liking information or images about/of them that is intimidating, hostile, abusive, degrading, humiliating or offensive
4.22.7. Criticising school employees, pupils or parents/carers
4.22.8. Showing a lack of respect for the opinions and beliefs of others
4.22.9. Implying that the personal views of the employee are an expression of the views of the school.

5. Examples of Gross Misconduct
5.1. The following acts, and offences of a similar nature, will be regarded as gross misconduct. Gross misconduct is an act or omission that is of such a nature or so serious that, if proven, the continued presence of the employee at work cannot be tolerated, and which could lead to summary dismissal (dismissal without notice).
5.2. Breach of Trust
5.2.1. Omission or conduct liable to lead to serious loss of confidence in the employee.
5.2.2. Criminal offences committed at work or considered relevant to their position at work.
5.2.3. Conduct that is a serious abuse of position – e.g. entering into a personal relationship with a pupil.
5.3. Misuse of Property
5.3.1. Theft, or attempted theft, from the school, its employees, pupils, visitors or from premises being visited during the course of employment.

5.3.2. Unauthorised possession of, and/or use of school property, or the property of its employees.
5.3.3. Malicious damage to or any other unlawful act which involves the property of the school, its employees or pupils.
5.4. Dishonesty and Fraud
5.4.1. Failure to disclose material information (e.g. convictions) or knowingly making a false statement or omission when applying for an appointment.
5.4.2. Falsification of time sheets, expense claim forms etc.,
5.4.3. Deliberate disregard of the school's Financial Procedures and Rules or Contracting Procedures or general instructions concerning the collection, transfer, security and paying in of monies.
5.4.4. Undertaking other paid employment whilst receiving sick pay or other benefits from the school during a period of sickness or unauthorised absence, without prior management agreement.
5.5. Health and Safety
5.5.1. Deliberate action or omission which endangers life or limb including deliberate damage to, neglect of, or misappropriate use of, safety equipment and any violations of safety rules and codes of practice which could give rise to serious consequences.
5.6. Unacceptable behaviour at work
5.6.1. Physical violence (e.g. fighting), whether actual or threatened.
5.6.2. Sexual misconduct.
5.6.3. Deliberate harassment on the grounds of race, sex, disability, religion or belief, sexual orientation, gender reassignment, marital/civil partnership, pregnancy or maternity, or age.
5.6.4. Deliberate bullying or intimidation, including inciting racial hatred.
5.7. Alcohol and Drug Use
5.7.1. Consumption of alcohol or the taking of drugs or intoxicating substances in circumstances where it could constitute a health and safety hazard, where it would be in breach of a position of responsibility and trust, or where it contravenes specific school rules.
5.8. Confidentiality
5.8.1. Unauthorised disclosure of confidential and personal information including that which may be of use to a competitor within a tendering situation or quotation procedure. (See Confidential Reporting Code).
5.9. Use of Information Communication Technology systems
5.9.1. Serious breach of the school's ICT Policy (e.g. accessing internet sites containing pornographic material, loss of confidential or sensitive data through negligence, loss of important or expensive equipment though negligence).
5.10. Misconduct Outside of Work
5.10.1. Criminal offences and other conduct outside employment could cause an employee's position at the school to become untenable particularly in circumstances where the conduct or offence is unacceptable to colleagues, management or parents or where the conduct or offence has the potential to affect the reputation of the school.
5.11. Social Media
5.11.1. Serious breach of social media rules at or outside of work
5.12. Defamation
5.12.1. Making defamatory statements in the course of employment (e.g. making statements that are or could be slanderous or libellous) whether orally, written, or in electronic communication. (A defamatory statement is a statement that will injure the reputation of another in the estimation of society generally).