1. Introduction

1.1 These guidelines, with examples, set out the types of conduct which would be considered unacceptable for school-based employees. These constitute the "Disciplinary Rules" which the Governing Body has adopted.

1.2 There are several rules dealing with particular situations (for example, reporting sickness and taking leave) and some particular types of work also have special rules applying to them. All employees are expected to know and to follow rules which apply to them. If an employee is unsure which rules apply to them or are unclear about the meaning of any rule, they should seek clarification from the Headteacher (or the Chair of Governors where the employee is the Headteacher).

2. Misconduct

There are two categories of misconduct - gross misconduct and general misconduct. These are outlined below.

3. Gross misconduct

This means that the employee does something that the Governing Body is entitled to regard as a fundamental breach of the employee's contract of employment. If an employee did something like this, the Governing Body could not allow them to remain at work.

Any employee suspected of committing an act of gross misconduct would be suspended with full pay whilst an investigation is carried out. If, after proper investigation, under the disciplinary procedure, it was decided that the employee had committed an act of gross misconduct, they would be summarily dismissed without further warning, unless there were exceptional mitigating circumstances.

The list of examples below is not intended to be exhaustive and offences of similar seriousness would receive the same treatment:-

- Failure to comply with the duty to report known cases of Female Genital Mutilation (FGM) in under 18 year old girls. '*Mandatory Reporting of Female Genital Mutilation – procedural information*', which can be found via the web link on Schools' PeopleNet under *Standards of conduct and behaviour*.

- Serious breach of the '*Guidance for safer working practice for those working with children and young people in education settings'*. This can be accessed via the web link on Schools' PeopleNet under *Standards of conduct and behaviour*.

  Examples of which would include: -

  - Abusing the position of trust, such as using status and standing to form or promote relationships which are of a sexual nature or may become so.

  - Sexual contact, such as any form of communication with a child or young person which could be interpreted as sexually suggestive or provocative.

- Physical contact, such as assault on a pupil.
- Accessing inappropriate images using the School's equipment or misuse of images of pupils.

- Dishonesty

  Examples of which would include: -

  - theft of property belonging to the School, contractor, partner organisation, client, other employees, pupils or persons in the School's care during the course of their employment. This could include abuse of a position of trust by receiving money or gifts from vulnerable service users.
  - deliberate falsification of timesheets, expense claims, claims for financial gain.
  - demanding or accepting monies or other consideration as an inducement for the use of the School's property, placing of orders/contracts contrary to established financial procedures or the showing of favour on behalf of the School.
  - acceptance of any gift or reward for the performance of official duties unless specifically authorised by the Headteacher or regarded by them as appropriate in the circumstances.
  - false statements made when applying for appointment, especially, but not exclusively, in respect of qualifications which are a stated requirement of employment or which result in financial gain.
  - false statements made or failing to declare information that is required by statute and, through that, gaining an advantage e.g. shared parental leave and pay, childcare (disqualification) regulations 2009 etc.
  - failure to disclose unspent criminal convictions (or, in respect of posts exempt under the terms of the Rehabilitation of Offenders Act 1975, any conviction, irrespective of whether spent or not and whether incurred before or after appointment). This could include police cautions which form part of a criminal record.

- Deliberate and significant refusal to carry out a reasonable, lawful, and safe instruction or the normal duties of the post which constitute a fundamental feature of the job particularly, but not exclusively, where this causes a risk to the safety of others or has a negative impact on the education of pupils.

- Gross negligence – a serious failure to exercise proper skill and/or care, for example misconduct undertaken with actual appreciation of the risks involved and/or serious disregard of or indifference to an obvious risk, bordering on recklessness. An example of this could be where an individual employed in a management position fails to fulfil their specific duties as outlined in the school Health and Safety Policy to ensure the safety of others.

- Infringements of safety rules or other negligent actions, which place the health and safety of the employee or other persons at serious risk.

Examples of which would include: -

- smoking in identified 'no smoking' areas containing combustible, inflammable or explosive materials.
- driving a School vehicle in a reckless manner that leads, or could have led to otherwise avoidable serious injury or death of other persons.
- being unfit to perform duties satisfactorily as a result of taking alcohol or drugs not in accordance with medical advice. This would particularly relate to: -
    - employees while in charge of machinery, vehicles etc.
    - employees who are responsible for clients, school pupils, persons in care or members of the public.

- Wilful unauthorised disclosure of information or misuse of a position of trust in a manner which could be harmful to the School, its pupils, or employees, or for financial or other gain.

  Examples of which would include: -

  - the misuse of personal information on employees, school pupils or their families, clients etc.
  - a failure to disclose a personal interest where an employee in a position of trust could enable a third party to make gain as a result of the employee's influence.

- Serious misuse of the School's property, including computers, telephones.

  Examples of which would include: -

  - inappropriate use of the Internet - see **G319 Internet and email usage in schools – model guidance for schools** on Schools' PeopleNet for use of the Internet and social media available on the intranet or on request from the Headteacher. Examples of this would include excessive use, accessing, posting (i.e. on Facebook) or downloading pornographic or other unsuitable material, publishing anything that may breach the equality act e.g. anything considered sexist, racist, ageist, homophobic or anti-faith, conducting bullying, harassment and victimisation via social networking channels, e.g. posting photographs or offensive or threatening comments about colleagues.
  - unauthorised use of software e.g. uploading software in violation of copyright or downloading any software or electronic files.
  - unauthorised access or allowing others unauthorised access.
  - abuse of the facility to use computers for private purposes.
  - sending emails that could be reasonably construed by the recipient as offensive.
  - inappropriate use or excessive use of texts, mobile telephones.

- Acts of violence or vandalism in the course of employment directed towards members of the public, clients, contractors, partner organisations, school pupils or employees.

  Examples of which would include: -

  - malicious damage to property belonging to others.
  - actual physical violence to or assault of others.
  - physically or verbally abusive or threatening behaviour towards others.

- Sexual misconduct at work, or sexual relationships with people for whom the School has a responsibility of care, by those who have contact with them, in the course of work.

  Examples of which would include: -

  - School employees having sex on school premises.

- Unlawful discrimination or acts of victimisation or harassment on grounds of race, gender, disability, sexual orientation, age, religion or any other grounds. When investigating a racist incident, the Governing Body will take as its starting point the Home Secretary's recommendation in the MacPherson report (1999) for such an investigation; detailed as follows: *"A racist incident is any incident which is perceived to be racist by the victim or any other person."*

- Off-duty misconduct

  This is behaviour, which in context of the nature of the employment fundamentally undermines the Governing Body's confidence or trust in the employee or where there is a real risk of the School being brought into disrepute. This does not relate solely to the reputation of the School but also to the suitability of the employee continuing in their job if the misconduct relates directly to employment.

  Examples of which would include: -

  - any conviction involving drugs or sex
  - a conviction for theft where the employee's job involves handling cash or valuable goods, entering clients' homes or access to sensitive information.
  - any conviction for violent behaviour, for example affray, harassment, assault or criminal damage.
  - inappropriate use of personal web pages and blogs, for example making defamatory remarks about the School, colleagues, pupils, governors or parents, misrepresenting the School, by posting false or inaccurate statements about the work of the School, including any information, sourced from the School, which breaches copyright, publishing any material or comment that could undermine public confidence in them as employees of the School and/or in position of trust within the community,

- revealing any information that is confidential to the School or any third party or disclosing personal data or information about any individual, colleague or pupil, which could be in breach of the Data Protection Act or for a purpose not originally intended or without permission of the individual (or parent/carer of the individual) to whom it relates. Disclosure of personal details by a colleague who has information committed to memory (e.g. names of family members, phone number, car registration) may fall outside the Data Protection Act but not be common knowledge. Detriment may occur if such information were to fall into the wrong hands and determination as to whether the act constitutes gross or general misconduct may hinge on the impact or potential impact on the data subject.

All employees are expected to notify their Headteacher (or Chair of Governors where the employee is the Headteacher) of any convictions incurred whilst employed, whether the offence occurred on or off duty.

4. General misconduct

Although this would be regarded as serious, it would not be seen as a major breach in employment relationship, and, for a first offence, a warning would normally be sufficient. Some more serious acts of misconduct might justify the issuing of a final warning in the first instance. The main purpose of any action taken by the Governing Body would be to ensure the employee modifies their future behaviour. Dismissal would normally only be appropriate where further substantial misconduct occurs beyond a final warning.

Examples of which would include: -

- Less significant breaches of the '*Guidance for safer working practice for those working with children and young people in education settings'*. This can be accessed via the web link on Schools PeopleNet under *Standards of conduct and behaviour*

  - Physical contact, which is, non-sexual, non-violent but unnecessary and beyond insignificant.

  - Dress and appearance, such as, presenting for work dressed in an inappropriate manner.

- Absenteeism and lateness: -

  - failure to remain at the place of work during school sessions or working hours without sufficient cause for absence (e.g. attendance at official meetings off-site would be justified whilst going to the shops during working hours for a non-work related reason may be deemed misconduct)

  - failure to comply with sickness reporting and absence regulations

  - failure to attend punctually at school or other place of work.

- Dishonesty: -

  - abuse of the facility to make private telephone calls.

- sending personal mail at the School's expense.
- failure to report loss or damage to any property connected with the employment
- failure to report driving offences where such offences may impact on the employment, particularly where driving is a requirement of the job.
- failure to report a potential conflict of interest, e.g. where there is cohabitation and/or an intimate personal relationship between a manager and an employee who sits under them in the structure, which could result in accusations of nepotism or favouritism being levelled..

- Off-duty misconduct
  - less significant off-duty misconduct, i.e. that which impacts on the employment relationship but does not fundamentally undermine it, for example, inappropriate use of social networking websites that directly affects the employment relationships.

- Other misconduct:-
  - failure to wear protective clothing, use protective equipment or adopt safe working practices where required by law or Governing Body and where this impacts on the employee only (as any failure that impacts on others would be considered as negligence or gross negligence).
  - negligent use of School's property in such a way as is likely to cause serious damage or loss.
  - unauthorised use of protective clothing, uniform, or other comparable items of the School's property while off duty
  - employees must not gain personally from business transactions e.g. using a supermarket rewards card to receive points while using a school fuel card
  - failure to comply with the School's policy, procedure and guidance e.g. 'no smoking', 'use of resources e.g. telephones (including mobile), printers, Internet (including Facebook), e-mails, iPods, etc.
  - failure to carry out, without good reason, the obligations which the law or the contract of employment place on the employee.
  - failure to comply with security guidelines e.g. computers, laptops, memory sticks.
  - insubordination and/or failure to carry out a reasonable, lawful, and safe instruction or the normal duties of the post where the impact of the failure is relatively minor.
  - negligence – general neglect of duty falling short of gross negligence.

- Inappropriate behaviour towards other people, whether members of the public, school pupils, partner organisations, other employees or members of the Governing Body.

  Examples of which would include:-

  - adopting persistently uncooperative or unhelpful attitudes, rudeness, abusive behaviour or offensive language and behaviour involving elements of discrimination, harassment or victimisation.

  In certain circumstances this may constitute gross misconduct.

- Undertaking additional employment, which would be detrimental to the interests of NCC and/or would conflict with the employee's own position, for example the Working Time regulations.

These guidelines do not try to cover every situation. They are an attempt to give an indication of the standards of behaviour or conduct that the Governing Body expects of employees. Offences of similar seriousness would receive the same treatment.

P303 Employee discipline model procedure for schools should be referred to when dealing with any allegations of misconduct to ensure the process is handled in a way that is fair and consistent. A copy can be obtained from the Headteacher or on the Norfolk School website.

Reviewed Nov 2024

To be reviewed Nov 2025

Signed – *P Kossowicz* (Headteacher)
Signed - K Jackson (Chair of Governors)