

Lightwoods School

Policy Library

TITLE:

Disciplinary & Behaviour Procedure for School Based Staff

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Approved by:	Signature:	Role within School:	Date:

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1.0 Introduction

- 1.1 This document sets out a framework for implementing the Schools' Model Disciplinary Policy and must be applied in conjunction with the Policy as it provides information, practical hints and tips around the Local Authority's approach to handling disciplinary matters.

Why have a Disciplinary Policy?

- 1.2 The Disciplinary Policy has been developed to help and encourage all employees to achieve and maintain the required standards of conduct. It helps to encourage consistent and fair treatment, resolve disciplinary issues as quickly as possible and provide a clear framework for Schools to follow.

What is the Designated Person(s) role in ensuring employees know how to behave at work?

- 1.3 The Designated Person is the Headteacher; however the Governing Body may agree that the Deputy Headteacher may also take informal action. If the matter concerns a Headteacher then the Designated Person is the Chair of Governors and, in such circumstances, further advice and guidance must be sought from the School's HR provider before any action is taken.

- 1.4 The Designated Person's role is to:

- ensure employees know the standards required of them, for example, work objectives and behaviour
- give clear feedback and support to employees
- treat employees as individuals. Sometimes a "one size fits all" approach is not appropriate
- hold difficult conversations promptly.

Issues for a Designated Person to consider before deciding whether to take formal disciplinary action:

- is the employee new in the post?
- is the Headteacher expecting the same standards from other employees in the same role?
- have there been significant changes in the employee's workload?
- is the employee's conduct out of character?
- could there be factors affecting the employee's conduct?
- was the employee following an instruction?
- what are the implications of the employee's actions? Were they reasonable in the circumstances?

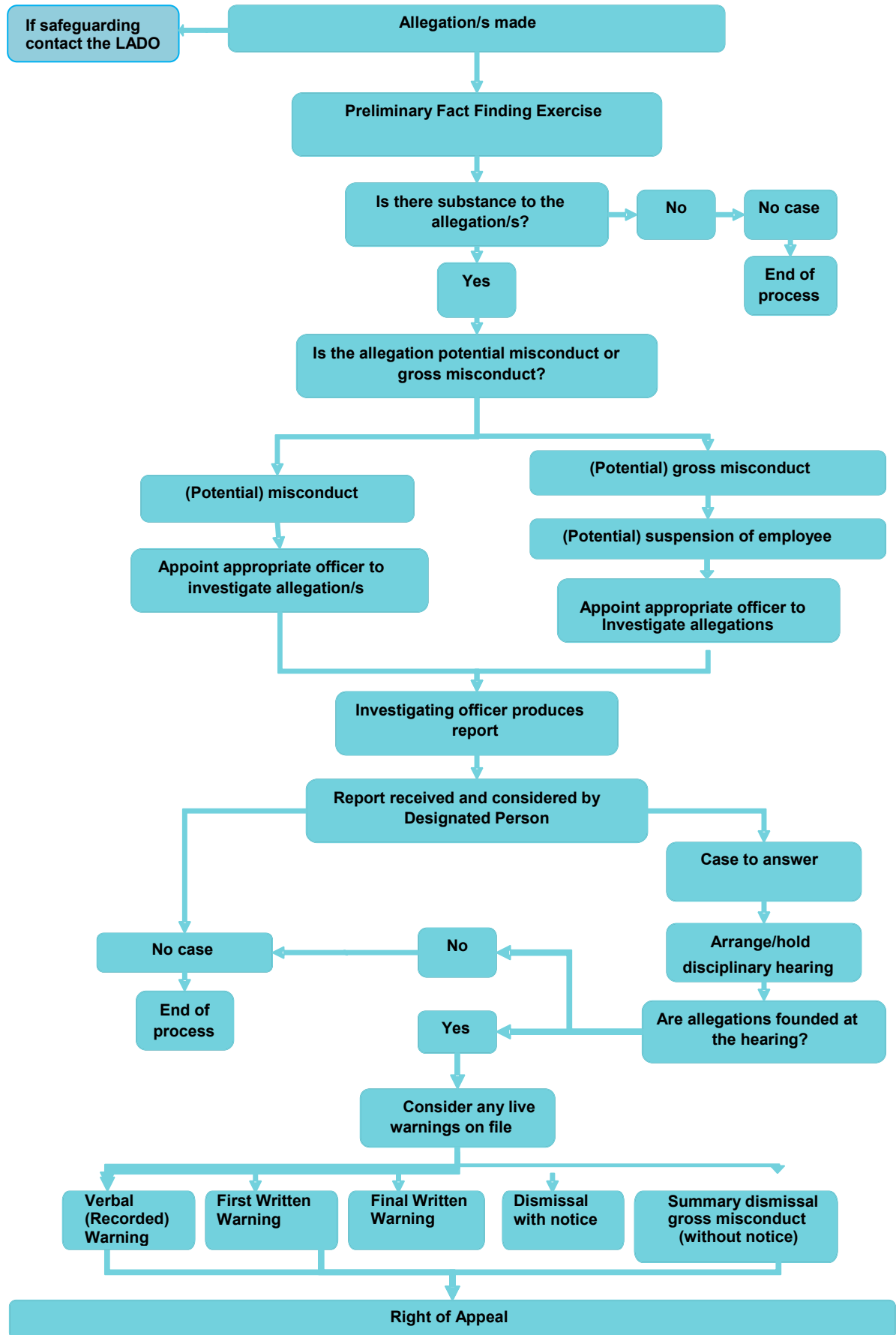
- 1.5 If the Designated Person believes an employee has committed a disciplinary offence, they will need to refer to the Disciplinary Rules and make a reasoned judgement on what course of action is appropriate in the circumstances.

- 1.6 In normal circumstances, disciplinary action will relate to the employee's conduct at work. However, in some cases, disciplinary action may be taken

in relation to an employee's behaviour outside of work, where it affects an employee's suitability for continued employment, or where the behaviour brings the Local Authority/School into disrepute.

- 1.7 A Designated Person should not ignore incidents of unsatisfactory conduct. They should use the Policy to encourage the employee to achieve and maintain the required standards of conduct.

Disciplinary Flowchart



2.0 Allegations

- 2.1 The employee will be informed of the complaint against them before being formally interviewed.
- 2.2 Where it is alleged that an employee has committed an offence of gross misconduct the Headteacher should suspend the employee on full pay, to enable investigations to take. Suspension is without prejudice and is not a disciplinary penalty. See Section 7 - Suspension.
- 2.3 In cases where allegations are made against the Headteacher, the role normally undertaken by them will be carried out by a nominated governor (usually the Chair of Governors). References to the Headteacher in this policy guidance should be adjusted accordingly

Allegations against Trade Union Officials

- 2.4 Where it is alleged that an official of a trade union or professional association has committed a breach of discipline, he/she shall be informed of the complaint against him/her. The Designated Person taking disciplinary action shall notify the Director of Children's Services who shall inform the appropriate senior representative or full-time official of that trade union or professional association of the allegations before any further action is taken against the official.

Allegations of a Criminal/Child Protection Nature

- 2.5 Where allegations may concern criminal action, for example physical/sexual abuse or financial irregularities, it may be appropriate to involve the Police and/or other agencies. In these cases the School's investigation should be held in abeyance until the external investigation has been completed or until agreement is given for the internal investigation to commence to ensure that the external investigation is not compromised.
- 2.6 In cases with allegations of a child protection/safeguarding nature the Designated Person must seek advice from the Local Authority Designated Officer (LADO). In addition, further guidance can be found in the Sandwell Safeguarding Children Board (SSCB) Manual and also the Department for Education's document "Dealing with allegations of abuse against teachers and other staff".
- 2.7 Where allegations are made relating to financial irregularities or fraud the Designated Person must make contact with the Council's Audit Department.

Sickness Absence after Allegations

- 2.8 If sickness absence occurs following the commencement of the disciplinary procedure the case will be dealt with in accordance with the Management of Absence Procedure. However, the employee will be referred to the Occupational Health Unit to assess his/her health and fitness to engage in the disciplinary process.

3.0 No Action

- 3.1 If there is no case to answer or no further action is required then the employee will be informed verbally and in writing.

4.0 Informal Action

- 4.1 An informal approach is a key part of good management and generally involves the appropriate Designated Person discussing the matter with the employee outside of the formal disciplinary policy.
- 4.2 Less serious breaches of conduct or addressing an isolated incident can be resolved through normal supervision and management conversations by drawing to the employee's attention the unsatisfactory conduct/behaviour, explaining what conduct is expected and setting clear and reasonable timescales for the employee's conduct/behaviour to improve. It may also be appropriate to consider additional support, e.g. coaching, training or counselling depending on the circumstances of the case. A brief record of the discussion should be made and retained for future reference as necessary.
- 4.3 Informal Action is not formal disciplinary action taken under the procedure but the employee shall be informed that if they fail to learn from the informal action or if any further breaches of discipline occur or if the employee fails to attain the required standard, formal disciplinary action may be taken against him/her.
- 4.4 The Designated Person should:
- use team meetings and general communication to establish or clarify their expectations of conduct and behaviour as necessary
 - “nip issues in the bud” before they escalate
 - remember that an informal chat may help clarify and resolve the issue
 - ensure that any evidence gathered is stored confidentially
 - seek extra information if necessary.

5.0 An Employee's Right to Representation

- 5.1 At all Formal Stages the employee must be informed of their right to be accompanied by a work colleague or a trade union representative.
- 5.2 Employees attending investigation interviews can be supported by a trade union representative or a work colleague. However, it is not appropriate for the representative to be someone who might have a conflict of interest or who may be called as a witness.
- 5.3 Representatives do have the right to put forward representations on behalf of the employee and/or sum up the case, should the employee wish them to do so. However, the representative cannot answer questions put to the employee. The employee must answer any questions that are directed at them.

- 5.4 Representatives can bring additional and/or mitigating circumstances to the attention of the Designated Person or the Investigating Officer.
- 5.5 Employees attending investigation interviews as a witness can be supported by a work colleagues or trade union representative providing this does not unreasonably delay the investigation.

6.0 The Investigation Process

- 6.1 When an incident is brought to the Designated Person's attention or an allegation is made, a preliminary fact-finding exercise should be considered immediately in order to establish whether there are reasonable grounds for a full investigation of the allegation/s. An outcome of the fact-finding exercise may result in the suspension of the employee (see Section 7).
- 6.2 Before the full investigation commences the Headteacher should advise the employee of the allegation(s) made against them and that an Investigating Officer has been appointed to investigate the matter, which may result in the need for a disciplinary hearing. The employee must also be informed of their entitlement to be accompanied to meetings in accordance with the Policy. This should be confirmed in writing.
- 6.3 The investigation is a crucial activity and will help the Designated Person decide if the issue should be progressed to a formal disciplinary hearing.
- 6.4 The Investigating Officer will gather evidence and produce a report. The Investigating Officer should be a person with no involvement in the matter under investigation. Where the Designated Person is likely to hear the case, the investigation and presentation of the case should be carried out by an appropriate person nominated by the Designated Person. Where there is a conflict of interest alternative investigation arrangements must be made to retain the integrity of any investigation.
- 6.5 The Investigating Officer must:
- establish clearly what they need to investigate
 - keep in mind the original allegation(s)
 - not make the investigation too wide. If further allegation/s come to light then the employee should be notified separately in writing and before any subsequent investigation interview
 - ensure that additional information which comes to light is dealt with appropriately
 - collect evidence such as witness statements
 - ensure any evidence collected is stored in a confidential place and filed in order of events
 - be impartial throughout
- 6.6 As part of the investigation, an interview should be arranged with the employee as soon as possible, giving a minimum of five working days' notice. The employee under investigation may be accompanied by a trade union representative or work colleague at any investigation interview.

- 6.7 The Investigating Officer should present the allegation(s) to the employee who should be invited to respond in full. If any new allegations emerge during the course of the investigation, it will be necessary to re-interview the employee. Full notes should be taken and the employee invited to read and sign them as an accurate reflection of the interview.
- 6.8 The investigation should be conducted as soon as possible. Every attempt should be made to complete the investigation in a timely manner. The Investigating Officer should provide the employee with regular updates on a 4-weekly basis on how the investigation is progressing if it goes beyond 4 weeks.
- 6.9 Following the investigation, the Designated Person will receive the investigation report and if they consider the employee has a case to answer, evidence gathered during the investigation will be used at the hearing. The Investigating Officer should take no part in reaching the decision at a disciplinary hearing.

7.0 Suspension

- 7.1 In certain cases, a period of suspension from work may be considered whilst the allegations are being investigated or before a disciplinary hearing is held, especially where the allegation, if proven, could constitute gross misconduct.
- 7.2 Suspension from duty shall be with full pay and without prejudice. Suspension is precautionary, is not disciplinary action or a punishment, and should be as short a period as possible.
- 7.3 Suspension is not a decision that should be taken lightly particularly when there is a possibility that the suspended employee could subsequently be proved innocent of all allegations. Therefore, suspension should only be imposed after careful consideration, where gross misconduct is alleged and/or where temporary alternative arrangements are not appropriate or cannot be accommodated.
- 7.4 The employee will have the right to be accompanied by a trade union representative or work colleague at the suspension meeting so long as their availability does not unreasonably delay the convening of the meeting.
- 7.5 The employee will receive written confirmation of the suspension, which will include the reason(s) for suspension, the date from when the suspension will take effect and details of any restrictions. The employee will be provided with a contact point during their suspension who will provide information regarding the progress of the investigation and an update on School matters. The employee will also be reminded of the availability of other support such as counselling.
- 7.6 Where an employee has been suspended, the Designated Person must keep this under review to determine whether necessary action is required. There should also be careful consideration of how the impact of the decision is

managed within the School with due regard to the duty of care and sensitivity of the suspended employee.

- 7.7 The authority to suspend lies with the Headteacher (or with the Chair of the Governing Body if the allegation is against the Headteacher). If after the necessary investigations, the Headteacher considers that the employee does not have a case to answer he/she shall consult the Chair of the Governing Body who shall end the suspension and the employee shall return to his/her normal duties. When ending a suspension, the Governing Body must immediately inform the Headteacher and the Director of Children's Services.

8.0 Consideration of Evidence

- 8.1 On completion of the investigation the Designated Person will consider the investigation report, statements and supporting documentation. The Designated Person will:

- review the allegations against the standards set out in the disciplinary rules/professional standards/local custom and practice, Job Descriptions and Personnel Specifications;
- consider whether the allegation is misconduct or gross misconduct;
- decide whether to progress to a formal disciplinary hearing.

- 8.2 If disciplinary action is to be taken, the report and supporting documentation shall be sent to the employee with the disciplinary hearing calling letter.

- 8.3 The Investigating Officer must not be involved in the decision making at any subsequent disciplinary hearing.

9.0 Decision Makers

- 9.1 For clarification, transparency and for the purposes of continuity, certain decisions may be delegated to the Headteacher or the Deputy Headteacher (or equivalent) as agreed by the Governing Body. For all intents and purposes the key decision maker will be the Headteacher although additional authority may be delegated as below:

- A Headteacher may issue a Verbal (Recorded) Warning and a First Written Warning.
- In addition, where Governors have delegated Dismissal decisions to a Headteacher, the Headteacher may also issue a Final Written Warning.
- If Governors have delegated Dismissal decisions this must be clearly minuted and the School Policy amended to make this transparent.
- A Deputy Headteacher or equivalent may be able to take Informal Action if agreed by the Governing Body. This must also be clearly minuted in the amended School Policy.

- 9.2 Where a decision is not made to delegate Dismissal authority to the Headteacher, and the Headteacher believes that, if the substantiated allegations would warrant a Final Written Warning or Dismissal, the matter will be referred to a hearing of the appropriate Committee of the Governing Body. A representative of the Director of Children's Services shall be present at hearings where dismissal is a possible outcome.
- 9.3 The Committee may find the employee blameless or may choose to impose a lesser sanction as provided for in the procedure.
- 9.4 All appeals will be heard by the Appeals Committee of the Governing Body. A representative of the Director of Children's Services shall be present at appeals against a dismissal decision.
- 9.5 **The Formal Sanctions available are:**
- Verbal (Recorded) Warning live for up to 4 months
 - First Written Warning live for up to 8 months
 - Final Written Warning live for up to 12 months
 - Dismissal (misconduct dismissal with notice or gross misconduct i.e. summary dismissal without notice)
- 9.6 The Headteacher/Committee must not make judgements about the employee's conduct prior to any formal hearing. They must remain impartial.

10.0 The Disciplinary Hearing Process

- 10.1 After investigation, where it is reasonably believed there is a case to answer, the Headteacher or Clerk to Governors will write to the employee requiring them to attend a disciplinary hearing by providing the appropriate notice.
- 10.2 The employee shall receive written notice of any formal hearing not less than five working days before the date of the hearing (or not less than 10 working days for a hearing with the Committee). Notification i.e. 'the calling letter' will set out the specific nature of the allegation/s, and where appropriate the possibility that the hearing could result in dismissal. Copies of the disciplinary investigation report and any evidence to be presented at the hearing must be supplied with the notification.
- 10.3 **The calling letter will include:**
- details of the alleged offence(s) (and the possible consequences if dismissal is likely);
 - copies of any relevant evidence intended to support the allegation(s), including the investigation report;
 - the employee's right to be accompanied by a trade union representative or work colleague;

- confirm that the employee will be given the opportunity to respond to the allegation(s);
 - details of any witnesses due to be in attendance;
 - advice as to how the employee may submit further written evidence or details of any witnesses to be called no later than three working days before the hearing.
- 10.4 Where a disciplinary hearing needs to be rescheduled, it can normally only be rescheduled once and a new date must be agreed within 5 working days of the original date. The actual meeting date need not be within those 5 days but should be as soon as possible.
- 10.5 If an employee cannot attend the hearing due to sickness absence then they should be referred to the Occupational Health Unit to assess his/her health and fitness to engage in the disciplinary process.
- 10.6 If an employee does not attend the hearing then the Chair can choose to hold the hearing in their absence providing the Chair is assured that previous, reasonable attempt/s have been made to convene the hearing.
- 10.7 An employee with special requirements can ask for assistance. For example, they may ask for an interpreter if English is not their first language.
- 10.8 **Preparing for the disciplinary hearing (Headteacher/Committee):**
- inform the employee of their right to be accompanied
 - arrange a reasonable time for everyone involved (usually during the employee's working time)
 - organise a private place so there are no interruptions
 - consider whether all parties have had enough time to prepare
 - arrange for a note taker or Clerk to Governors to attend
- 10.9 The hearing should take place in private and all parties be reminded that the issues discussed shall be treated as confidential. The employee (or their representative) should be given an opportunity to respond to the allegations, challenge any evidence and offer mitigation.
- 10.10 The procedure for the Disciplinary Hearing is detailed in **Appendix 1**.
- 10.11 **What to consider before making a decision (Headteacher/Committee):**
- Has all the evidence been heard?
 - Have all the available witnesses been called?
 - Has all the information needed to make a decision been obtained e.g. employment history, previous live disciplinary warnings?
 - Has sufficient time been allowed to deliberate? A spur of the moment decision may be difficult to justify as reasonable.
 - Is the decision fair not only to the employee, but also to the School?
 - On the balance of probability is there a genuine belief that the allegations are considered to be proven? Are there reasonable

grounds for that belief? Has as much investigation as is reasonable been carried out given the circumstances of the case?

- Should the case be dismissed if the allegation(s) are not proven?

10.12 Communicating the decision

10.13 The hearing should be adjourned to reach a decision. Once the decision has been made the hearing should be reconvened as soon as possible. The Headteacher/Chair of the Panel will advise the employee (and their representative) of the decision and their right of appeal as appropriate.

10.14 The Headteacher/Committee should keep notes of any key points and the reasoning behind their decision. These notes may be needed if an appeal is lodged or if the case is referred to an Employment Tribunal.

10.15 The written notification to the employee will include:

- Details of the misconduct as identified at the hearing;
- The reasoning for the decision;
- The level of warning and the period it shall remain live;
- The consequences of further breaches of discipline;
- The right of appeal to the Governing Body and details as to how to appeal and by when.

10.16 The Headteacher/Chair of the Panel should ensure that a copy of the notification is retained on the employee's personal file. The Headteacher/Line Manager has a responsibility to monitor the employee's future conduct following the outcome of the hearing.

10.17 Lifting a suspension and return to work arrangements:

10.18 The decision to lift a suspension should be confirmed in writing including the date on which the employee is expected to return to work and details of any arrangements to facilitate that return such as a 'return to work' meeting.

10.19 In planning a return to work after a period of suspension (or following a disciplinary hearing as appropriate), consideration should be given to any reasonable needs of the employee and the specific issues raised. For example:

- has the workplace/structure or any work practices changed?
- specific recommendations from the disciplinary hearing
- an action plan for any learning points and/or training needs
- relationships with colleagues
- counselling support (if not already accessed)
- mentoring from a senior colleague or other relevant staff member

11.0 The Appeals Process

- 11.1 An employee who wishes to appeal any formal disciplinary decision must do so in line with the appeals process. Employees must lodge an appeal within 10 working days of the date of the disciplinary hearing decision, stating in writing the grounds for appeal, which should be one or more of the following;
- The **decision**: the grounds for appeal should state why the finding or sanction is unfair/discriminatory;
 - The **facts**: the grounds for appeal should state where new evidence has come to light that was not available at the original hearing;
 - The **procedure**: the grounds for appeal should state how the disciplinary procedure was not used correctly, thereby prejudicing the disciplinary sanction.
- 11.2 Upon written notification that an employee wishes to exercise his/her right to appeal, the Appeals Committee shall acknowledge receipt of this notification. The appeal shall be heard as soon as practically possible after the written notification of the appeal.
- 11.3 The employee and his/her representative shall be given not less than five working days notice of the date, time and place of the hearing of the Appeals Committee.
- 11.4 The appeal will be dealt with impartially by Governors who have not previously been involved in the case. The appeal will not normally be a full re-hearing, but will focus on the grounds of appeal set out in the letter from the employee. A representative of the Director of Children's Services shall be present at appeals against a dismissal decision.
- 11.5 The Chair of the disciplinary hearing will present the management case at the appeal, explaining the reasons why they took their decision.
- 11.6 The procedure for the Appeals Committee to hear the appeal is detailed in **Appendix 2**.
- 11.7 The results of the appeal should be communicated by the Chair in writing within 3 working days of the hearing and a copy of the letter shall be retained on the employee's personal file. The final appeal hearing exhausts the internal process.

12.0 Records

- 12.1 In order that comprehensive records are maintained, copies of all minutes and correspondence arising out of the operation of this procedure shall be retained on the employee's personal file.
- 12.2 A copy of the warning will be placed on the employee's personal file, but will be disregarded for disciplinary purposes at the expiry of that warning unless

further breaches occur or there is insufficient improvement before its expiry.

- 12.3 Where an employee is subject to disciplinary action or appeals against disciplinary action being taken, he/she may request to have sight of or copies of any documents relating to that decision contained in his/her personal file. Such a request shall be made in writing to the Director of Children's Services.

12.4 **Records Related to Child Protection Allegations**

Where there is an allegation of a child protection nature against a member of staff, including where the allegation is unfounded, records must be kept until the person's normal retirement age, or 10 years from the date of the allegation whichever is the longer. Details of allegations that are found to have been malicious should be removed from the employee's personal file.

13.0 **Confidentiality**

- 13.1 All investigations and any subsequent disciplinary/appeal hearings will be dealt with in the strictest of confidence. The employee and any other individuals involved in this process (including witnesses) must adhere to this.
- 13.2 Any documents relating to disciplinary proceedings must be kept secure at all times.
- 13.3 All matters will remain confidential in accordance with the data protection principles, except in circumstances where there is a legal obligation to disclose such information.

Appendix 1 - Procedure for the Disciplinary Hearing

Action	Person
<ul style="list-style-type: none"> • Introductions and explanation of the process to be followed • That an adjournment may be requested at any time during the hearing 	The Chair
<ul style="list-style-type: none"> • Outline of reasons for the hearing 	Investigating Officer (*and Headteacher where they are <u>not</u> the Chair)
Presentation of management case, including the calling of their witness/witnesses	Investigating Officer*
Questions to Investigating Officer* (and their witnesses)	Employee or trade union representative/work colleague
Questions to Investigating Officer* (and their witnesses)	The Chair/Committee, and HR Consultant/ Legal Advisor/ representative of the Director of Children's Service (as appropriate)
Presentation of employee's case, including the calling of their witnesses	Employee or trade union representative/work colleague
Questions to the employee (and their witnesses)	Investigating Officer*
Questions to the employee (and their witnesses)	The Chair/Committee, and HR Consultant/ Legal Advisor/ representative of the Director of Children's Service (as appropriate)
Summing up of the management case (no new evidence can be introduced at this stage)	Investigating Officer*
Summing up of the employee's case (no new evidence can be introduced at this stage)	Employee or trade union representative/work colleague
Investigating Officer*, the employee and their representative withdraw from the hearing whilst the case is being considered	Investigating Officer*, Employee, trade union representative/work colleague
If the Chair requires further clarification on a point of fact, both parties will be asked to return even if the question is to be put to one side only, so that the other side can hear what is being said	The Chair
The Chair/Committee makes the decision	The Chair/Committee, and HR Consultant/ Legal Advisor/ representative of the Director of Children's Service (as appropriate)
Hearing reconvened all parties return and employee informed of the decision and right of appeal	The Chair
Formal letter confirming decision and right of appeal	The Chair

NB (*and Headteacher where they are not the Chair)

Appendix 2 - Procedure for the Appeals Committee

Action	Person
<ul style="list-style-type: none"> • Introductions and explanation of the process to be followed • That an adjournment may be requested at any time during the hearing 	The Appeals Chair
Presentation of employee's case, including the calling of their witnesses	Employee or trade union representative/work colleague
Questions to the employee (and their witnesses)	Headteacher (*or Chair of Disciplinary Committee, if applicable)
Questions to the employee (and their witnesses)	The Appeals Chair/Committee, and HR Consultant/ Legal Advisor/ representative of the Director of Children's Service (as appropriate)
Presentation of management case, including calling of their witnesses	Headteacher*
Questions to the Headteacher* (and their witnesses)	Employee or trade union representative/work colleague
Questions to the Headteacher* (and their witnesses)	The Appeals Chair/Committee, and HR Consultant/ Legal Advisor/ representative of the Director of Children's Service (as appropriate)
Summing up of the employee's case (no new evidence can be introduced at this stage)	Employee or trade union representative/work colleague
Summing up of the management case (no new evidence can be introduced at this stage)	Headteacher*
Headteacher*, the employee and their representative withdraw from the hearing whilst the case is being consider	Headteacher*, employee, trade union representative/work colleague
If the Appeals Chair requires further clarification on a point of fact, both parties will be asked to return even if the question is to be put to one side only, so that the other side can hear what is being said	The Appeals Chair
The Appeals Chair/Committee makes the decision	The Appeals Chair/Committee, and HR Consultant/ Legal Advisor/ representative of the Director of Children's Service (as appropriate)
Hearing reconvened all parties return and employee informed of the decision	The Appeals Chair
Formal letter confirming decision	The Appeals Chair

NB (*or Chair of Disciplinary Committee, if applicable)

Disciplinary Rules

1.0 Introduction

- 1.1 Disciplinary action will be taken in accordance with the Disciplinary Policy and the disciplinary rules will form part of an employee's contract of employment.
- 1.2 These rules should also be read in conjunction with the Council's Code of Conduct for employees.
- 1.3 The public is entitled to demand of a local government officer conduct of the highest standard.
- 1.4 The following lists provide examples of misconduct/gross misconduct; they are neither exclusive nor exhaustive.

2.0 Misconduct

- 2.1 Please note, in some instances, the misconduct detailed below may be considered sufficiently serious to constitute gross misconduct.
 - Absence - including unauthorised absence and unsatisfactory attendance
 - Abuse of authority e.g. when an employee's conduct towards a colleague or a member of the public is oppressive or abusive
 - Being an accessory to misconduct
 - Conflict of personal/work interest (The Council/School does not prevent employees from undertaking additional employment, with prior permission)
 - Damage to, or destruction of, Council/School property, equipment or official documents
 - Disobedience to reasonable orders/ instructions, including failure to observe operational regulations and standing orders
 - Falsehood e.g. making false, misleading or inaccurate statements
 - Improper or unauthorised disclosure of information
 - Improper or unauthorised use of council resources including the excessive use of telephone, email or internet or accessing inappropriate material on the internet
 - Neglect of Duty - failure to perform the duties of the job
 - Neglect of health or personal hygiene
 - Obscene language or behaviour

- Poor time-keeping
- Refusal to carry out a reasonable instruction, including insubordination
- Sleeping on duty (except when expressly permitted)
- Smoking in non smoking areas
- Unauthorised use, processing or disclosure of personal data contrary to the Data Protection Principles

3.0 Gross Misconduct

3.1 For offences of suspected or alleged gross misconduct, immediate suspension on full pay will normally apply, followed by summary dismissal (without notice or pay in lieu of notice) if the gross misconduct is established and there are no acceptable mitigating circumstances.

3.2 Examples of offences which will normally be considered gross misconduct include:

- Being under the influence of drink, non prescribed drugs, illegal drugs and substances, or in possession of or supplying drugs
- Breach of rules for Professional Bodies or recognised standards applying to trade bodies or professionals
- Bringing the Council/School into serious disrepute in both work and/or the employee's own time
- Corrupt, fraudulent or improper practice including the inappropriate acceptance of gifts and hospitality, the falsification of claims and bribery
- Conduct or conviction that weakens public confidence in the Council/School
- Discrimination or harassment/bullying against an employee or member of the public on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and/ or sexual orientation
- Fighting or physical assault
- Knowingly taking parental, paternity or adoption leave when not eligible to do so for the purpose other than supporting a child
- Making a false disclosure or giving false or misleading information under the Whistleblowing Policy
- Making malicious allegations

- Malicious damage to the Council's/School's property
- Other offences of dishonesty, including the falsification (or aiding and abetting the falsification) of subsistence and expenses claims, timesheets, etc. and the falsification of qualifications or entitlement to work (including immigration status) which are a stated requirement of employment or which result in financial gain
- Serious breaches of safe working practices, regulations or procedures endangering other people including deliberate damage to, neglect of, or misappropriation of safety equipment
- Serious misuse of information technology systems
- Sexual misconduct
- Stealing from the Council/School, Council members/School Governors, its employees or the public
- Unauthorised entry into an area on the premises to which access is prohibited
- Unauthorised removal, use or non-return of Council/School property

Annex 1 – Schedule of Designated Persons (Schools)

General Principles

- Where a matter concerns the Headteacher’s conduct substitute “Headteacher” for the Chair of Governors.
- Appeals can be raised against any formal sanction issued or dismissal. These will be heard by the Appeals Committee of the Governing Body.
- The Committee of the Governing Body may issue any level of sanction.
- *Amend as per the delegations agreed by the Governing Body (this delegation must be formally minuted)

Informal Action	Formal (Recorded) Verbal Warning	First Written Warning	Final Written Warning	Dismissal	Appeal
Headteacher <i>[and the Designated Person *where the authority has been delegated to the Deputy Headteacher or equivalent]</i>	Headteacher	Headteacher	The appropriate Committee of the Governing Body [<i>*or Headteacher where authority has been delegated</i>]	The appropriate Committee of the Governing Body [<i>*or Headteacher where authority has been delegated</i>]*	Appeals Committee of the Governing Body

Annex 2 – Schedule of Designated Persons (Unattached Teachers)

General Principles

- The pay bands identified in the table below represent the **minimum** level of supervisor/manager with the authority to action the appropriate stage of the policy.
- Action can only be taken by a supervisor/manager who is at least one pay band (or equivalent) above the employee being taken through the policy.
- Appeals at any stage of any policy may only be carried out by a supervisor/manager at an equivalent or higher grade to the supervisor/manager taking the action, except the Final Appeal, which must be heard by a Director.
- Where Band I or above have authority to action dismissal decisions these would be expected to be 4th tier managers.

Informal Action	Formal (Recorded) Verbal Warning	First Written Warning	Final Written Warning	Dismissal	Appeal
Band D	Band E	Band E	Band E	(incl suspension and gross misconduct) Band I	Director