

HR Education **Specialists**

Supporting schools and
academies with HR



Disciplinary Procedure Teaching and Support Staff

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1. Introduction

- 1.1 A Disciplinary Procedure helps both managers and employees to understand the types of conduct or behaviours which could be seen as a breach of discipline and provides a structure for addressing misconduct.
- 1.2 This Disciplinary Procedure outlines the process which should be followed where there has been a breach of discipline.
- 1.3 Where 'Head Teacher' is referred to in the document, this includes anybody with management responsibilities.
- 1.4 Where the Head Teacher is alleged to have committed an act of misconduct the Chair of Governors (Acting on behalf of the Governing Body) will take the place of the Head Teacher in dealing with the process. Advice from Kirklees HR must be sought in these circumstances.
- 1.5 Schools are obliged by law to adopt a Disciplinary Procedure.
- 1.6 This procedure applies in all Kirklees Maintained Schools and Academies who have adopted this model.
- 1.7 Where reference is made to 'Commissioning Manager' this would include the Head Teacher, Chair of Governors or a representative of the Governing Body.

2. Purpose

- 2.1 Provide a clear process for dealing with allegations of misconduct, to seek to correct inappropriate conduct or behaviour or to take suitable action where this is not appropriate, in line with ACAS requirements.
- 2.2 Ensure that fair, transparent and consistent procedures are applied to all employees when allegations of misconduct are investigated.
- 2.3 Ensure that a fair and consistent approach to decision making is taken which is appropriate to the circumstances of each case where breaches of discipline occur.
- 2.4 Advise employees of the type of conduct and behaviour that may constitute a breach of discipline. Definitions can be found in Appendices 1 and 2.
- 2.5 Provide a means whereby employees can appeal against disciplinary action taken against them.

3. Key Principles

- 3.1 Confidentiality will be respected, and information related to the disciplinary process will be kept secure in line with data protection requirements.
- 3.2 Consider adjustments to support employees in the process, where appropriate.

- 3.3 Informal action to resolve problems will be considered, in the first instance, wherever possible.
- 3.4 If information is provided, or allegations are made, which relate to possible safeguarding concerns it is essential that this information is notified to and shared with the Local Area Designated Officer (LADO), Head Teacher and/or Designated Safeguarding Lead in accordance with the relevant statutory legislation.
- 3.5 If misconduct is related to abuse or misuse of drugs or alcohol, consideration should be given to whether a support contract would be appropriate, before formal disciplinary proceedings commence or at any other stage throughout the process, if this becomes apparent later. Failure to abide by a drugs or alcohol misuse support contract may lead to disciplinary action.
- 3.6 The formal disciplinary procedure will be used where informal attempts to improve conduct are either not appropriate or have failed, or the misconduct is of a serious nature and must be managed formally.
- 3.7 Following assessment, an employee may be suspended on full pay as a precautionary measure where the possibility of dismissal may arise, or where there are grounds to doubt the suitability of the employee continuing to work whilst the disciplinary process is ongoing. Alternatives to suspension should always be considered, as it may be appropriate for the employee to be relocated or take up an alternative role. Any suspension or alternative to suspension, should be reviewed at regular intervals.
- 3.8 An employee will be told what the concerns are and given the chance to respond before a disciplinary decision is made.
- 3.9 A disciplinary decision will only be taken against an employee after a formal Disciplinary Hearing has been held.
- 3.10 If disciplinary action is being considered against an employee who is a trade union representative, then normal disciplinary procedure should be followed. However, it is advisable to discuss the matter at an early stage with an official employed by the union, after obtaining the employee's agreement, to ensure compliance with GDPR.
- 3.11 All employees are required to, and have a responsibility to, co-operate with any investigation into conduct and attend any Disciplinary Hearings they are required to attend. If they refuse, they could be subject to disciplinary action.
- 3.12 An employee subject to disciplinary action will be given the opportunity to be accompanied by a trade union representative or work colleague.
- 3.13 Every effort will be made to progress through this procedure in a timely manner whilst ensuring a thorough approach. Any reason for delay will need to be considered and recorded.
- 3.14 An employee who is required to attend a Disciplinary Hearing will be informed of the full facts of the allegations and given a copy of the evidence 10 working days in advance of a Disciplinary Hearing (unless a shorter period is agreed).

- 3.15 An employee will not be dismissed for a first breach of discipline unless it is for gross misconduct.
- 3.16 Where it is established that an employee has committed misconduct, a disciplinary sanction may be given. In determining an appropriate sanction, the seriousness of the misconduct will be considered, alongside any mitigating factors, live warnings, and the employees general employment record.
- 3.17 Any breaches of professional responsibilities or the law could also result in other proceedings including barring by the Disclosure & Barring Service (DBS) from working in regulated activity, or other Professional bodies e.g. Teaching Regulation Agency (TRA). It therefore maybe appropriate to share disciplinary outcomes and supporting information with appropriate bodies.
- 3.18 An employee has the right to appeal against the disciplinary outcome.
- 3.19 When disciplinary allegations arise, it is possible that a counter allegation could be raised including a grievance or complaint relating to the issues or incidents being investigated. Should this be the case, consideration should be given to the appropriateness of continuing with the investigation or dealing with the issue raised in the complaint before proceeding.
- 3.20 If a grievance is raised during the disciplinary process, it does not mean the investigation will automatically cease or be postponed.
- 3.21 Before disciplinary proceedings begin, discussions should take place with Kirklees HR.

4. Support Available

- 4.1 Any person who may be the subject of a disciplinary process can seek support from:
- a. Professional Associations / Trade Union
 - b. Occupational Healthcare Services
 - c. Head Teacher Support Service (Wellbeing)
 - d. Acas (the Advisory, Conciliation and Arbitration Service) offers free, confidential and impartial advice about all employment rights issues.
Acas helpline:
Telephone: 0300 123 1100
Textphone: 18001 0300 123 1100
 - e. **Citizens Advice:** Your [local Citizens Advice](#) can also give free and impartial advice.
 - f. **Equality Advisory Support Service:** Contact the Equality Advisory Support Service for advice about discrimination, equality and human rights in the following website [Equality Advisory Support Service](#) website.

5. Establishing whether Informal Resolution is appropriate

- 5.1 When a concern regarding an employee's conduct is raised, advice should initially be sought from Kirklees HR and/or in cases of safeguarding allegations, the LADO.
- 5.2 The Head Teacher may be advised to carry out a fact-finding exercise to gain further

information regarding the concerns raised. This may not always be appropriate, for example, in case of safeguarding concerns or where there is police involvement. During a fact-finding exercise, an employee does not have the right to representation.

- 5.3 After conclusion of the fact-finding exercise, it may be appropriate to consider informal resolution which could include, additional training, coaching, relationship resolution, or advice on future conduct/behaviour which may be enough to resolve concerns. Brief notes should be kept of informal action for reference purposes.
- 5.4 If informal resolution does not bring about a change in conduct/behaviour or the issue is considered too serious to resolve in this way, then formal proceedings must be taken.
- 5.5 Where the concerns are considered serious enough for formal proceedings, consideration will also need to be given to whether a precautionary suspension from duty for the employee is appropriate.

6. Suspension

- 6.1 The decision to suspend an employee from work may be needed where:
 - a. There are safeguarding concerns.
 - b. There is a reasonable concern that evidence has, or may be, tampered with or destroyed.
 - c. Witnesses may be placed under considerable pressure or there is a risk to others.
 - d. Dismissal is a possibility.
- 6.2 The list is not exhaustive; however, the decision to suspend should only be taken after careful consideration.
- 6.3 Suspension should be undertaken by the Head Teacher.
- 6.4 Suspension must not be automatic. There should be an assessment of the circumstances to support the rationale for this decision.
- 6.5 The Head Teacher is expected to consider if alternative arrangements could be made. Alternatives could include relocating the employee to a different place of work, supervision, limiting their duties or allowing them to undertake an alternative role.
- 6.6 Suspension is not considered a disciplinary sanction. If an employee is suspended they will receive full pay.
- 6.7 It is recommended that advice is sought from Kirklees HR prior to making the decision to suspend an employee.
- 6.8 Suspension should be for as short a period as possible and regularly reviewed to make sure it is still necessary. The employee should be provided with regular updates if the suspension continues. The decision to lift the suspension can be taken at any time. If the decision is taken to lift suspension, this should also be confirmed in writing.

- 6.9 Sometimes the need to suspend an employee only becomes apparent once the investigation is in progress. The same process of informing the employee and keeping it under review should be followed.
- 6.10 If a decision is taken not to suspend, the Head Teacher will still need to continue to monitor and re-assess the potential risk to the employer, school, pupils, or other employees as they may need to justify the rationale to others, such as part of a multi-agency safeguarding process.

7. Formal Investigation

- 7.1 A Commissioning Manager will need to approve the formal investigation and agree the content of the Terms of Reference with Kirklees HR. The timescale for the investigation to commence may be influenced by other factors e.g. in cases of a criminal investigation, police involvement. When appropriate to do so, an Investigating Officer will be appointed to conduct the investigation.
- 7.2 Terms of reference are normally provided to guide the Investigating Officers' lines of enquiry and set a timescale for completion. The purpose of the investigation should be to:
- a. Find out more about the alleged misconduct, by gathering information, which may include taking statements from relevant parties.
 - b. Analyse and consider information.
 - c. Complete a report to be considered as part of the decision-making process.

Step 1: The Investigation Meeting

- 7.3 As part of the disciplinary investigation process, the employee under investigation will be notified in writing of the allegations of misconduct raised against them. They will usually be asked to attend a meeting. The purpose of which is to allow the employee to respond to the allegation against them. The employee has a right to be accompanied by a trade union representative or work colleague.
- 7.4 It may also be necessary for others to participate in the disciplinary process to provide a written statement and / or be a witness at a Disciplinary Hearing. Other participants have no right of representation.
- 7.5 The Investigating Officer must provide all participants with the 'Information for Investigation Participants'. This is important so that participants understand the process and how the information they share could be used.
- 7.6 Additional note: It may at times be appropriate to speak to pupils as part of a fact find / formal investigation process. HR would not be involved in this element of the process. This would usually be undertaken by an appropriate, suitably qualified professional.

Step 2: Report and Decision Making

- 7.7 Once the Investigating Officer has completed the investigation, a written report will be issued to the Commissioning Manager who will need to consider if there is evidence to substantiate the allegations and/or other reasonable explanations or mitigating factors.

- 7.8 Before deciding next steps, it would be expected that advice is sought from Kirklees HR. Based on the findings of the investigation, the following may be decided:
- a. No further action.
 - b. Training, advice or guidance is required.
 - c. A formal management meeting will be conducted.
 - d. A formal Disciplinary Hearing will be arranged.
 - e. Other procedures may be followed e.g. the Capability Procedure.

8. Preparing for and Conducting a Formal Disciplinary Hearing

Step 1: Preparing for the Hearing

- 8.1 Consideration should be given to who has authority to hear the case. In most cases this will be the Schools Staffing Dismissals Committee, which must be a panel of 3 Governors, who are representatives of this committee and who are not staff members of the school.
- 8.2 Where employee witnesses are to be called, arrangements should be made to ensure they receive appropriate support, and they understand their level of involvement. The employee subject to disciplinary action should also be told of management's intention to call witnesses.
- 8.3 Sometimes the employee subject to disciplinary action wants to call witnesses. They would need to identify this in advance of the Hearing and a deadline should be given to confirm this. There may also be a need to assess whether it is appropriate for the witness to attend.
- 8.4 The employee subject to disciplinary action must be notified in writing at least 10 working days in advance, the date, time and venue of the Hearing and what the allegations are that they will need to respond to at the Hearing. They must also be advised of their right to be accompanied by a Trade Union representative or work colleague. It may be possible to proceed to the Hearing in a shorter timescale by mutual agreement.
- 8.5 The Investigation Report and any Appendices, which will be considered at the Disciplinary Hearing, should be given to the employee at the same time they receive written notification of the Hearing.
- 8.6 It is expected that consideration is given to whether any adjustments may be needed to support an employee at the Hearing.
- 8.7 Arrangements will need to be made for a Note Taker to be present at the Hearing.

Step 2: Conducting the Hearing

- 8.8 The purpose of the Disciplinary Hearing is to decide on the balance of probabilities whether the employee in question has committed misconduct and whether a disciplinary sanction is appropriate.
- 8.9 The Chair of the Panel should:

- a. Invite both the management representatives and the employee with their representative into the room at the same time.
- b. If the employee appears without representation, check their understanding about their rights to representation.
- c. Confirm that notes of the meeting will be taken.
- d. Ensure that everyone is introduced by name, job title and to explain their role in the Hearing.
- e. Explain the purpose of the Hearing, what the allegations are and the possible outcomes.
- f. Set any time limits for the Hearing.
- g. Confirm any witnesses to be called and record who they are.
- h. Check that everyone understands the procedure.
- i. Check whether there are any other matters which should be dealt with before the Hearing starts.
- j. Explain that reasonable requests for adjournments will be allowed.
- k. Explain how the Hearing will be conducted, in line with 8.10 below.

8.10 The format of the Hearing should be:

- a. Management representatives will present details of the investigation.
- b. The employee will then be given the opportunity to raise any questions about the investigation.
- c. Governors and the HR Advisor may then ask any questions about the investigation.
- d. Witnesses, if needed, would then be called. (Sometimes it may be agreed to see the witness at an appropriate point during the Investigating Officers presentation). Witnesses are normally only brought in for their particular piece of evidence and they would leave the Hearing after answering any questions.
- e. The employee will then be invited to respond to the allegations.
- f. Management representatives will be given the opportunity to ask questions of the employee or witnesses.
- g. Governors and the HR Advisor may then ask questions of the employee.
- h. Management representatives and employee will then be given the opportunity to sum up their cases if they wish. No new evidence should be included at the summing up stage. An adjournment to prepare the summing up may be required.
- i. After summing up, the Hearing will be adjourned for the Panel to consider the evidence and make a decision.
- j. All parties will leave the room at the same time and will be called back at the same time to be informed of the decision.
- k. The intention should be to reach a decision that day but if this is not possible, a discussion will need to take place to determine likely timescales for a decision and how the outcome will be communicated.

8.11 The format of the Hearing will allow the opportunity for the presentation and questioning of the evidence or witnesses and allow the employee to respond to the issues and allegations.

8.12 It is not necessary to always follow the format described rigidly if it prevents relevant information being identified or issues being explored. Where there are a number of allegations and the case is complex, it may be more appropriate for the evidence, questions, and responses for each allegation to be considered in sequence.

9. Deciding the Sanction

- 9.1 To decide whether an employee has committed misconduct the Panel will consider whether on the balance of probabilities there are reasonable grounds to hold the belief that the employee did what is alleged or not. Balance of probabilities means, is it more likely than less likely that the events occurred. The Panel is entitled to prefer one version of events, if they believe it is more likely to another.
- 9.2 Where it is established that an employee has committed misconduct a disciplinary sanction may be given. In determining an appropriate sanction, the seriousness of the misconduct will be considered, alongside any mitigating factors, live warnings, and the employees general employment record.
- 9.3 Current live warnings in place at the time the misconduct took place may be taken into account when deciding the disciplinary sanction. This could result in a higher sanction.

10. Disciplinary Sanctions

- 10.1 If a disciplinary sanction is appropriate, the following may be imposed:

A Verbal Warning. This is normally given for a minor offence. The warning is still recorded in writing. **This sanction is live for 6 months.**

A Written Warning. This is normally given for repetition of a concern, or for a more serious offence. **This sanction is live for 12 months.**

A Final Written Warning. Repetition of misconduct following a written warning, or a first offence which is considered serious misconduct, but not gross misconduct would normally result in this sanction. **This sanction is live for 18 months.**

Dismissal. Where there has been repetition of an offence, or misconduct of a different nature, following a final written warning, this would normally result in the dismissal of the employee. **This dismissal would be immediate but could be with pay in lieu of notice.**

Summary Dismissal. This sanction is normally imposed when an employee commits an act of gross misconduct. **This dismissal is with immediate effect and without notice or pay in lieu of notice.**

- 10.2 No employee will normally be dismissed for a first breach of discipline, except in the case of gross misconduct.
- 10.3 If the Panel believe dismissal is appropriate and Kirklees Council are the employer of the employee subject to disciplinary action, they will make their recommendation for dismissal to the Local Authority. The appropriate Local Authority representative will consider the recommendation and confirm the decision.

Depending on the circumstances of the case, alternative employment by a variation of contract may be offered as an alternative to dismissal. This may involve:

- a. Demotion to a lower graded post; and/or
- b. Transfer to another department or location

Either option would be accompanied by a Final Written Warning. In imposing this sanction, it is important to bear in mind that it is not a negotiation. Employees should be given time to think about the option. If they are represented, a brief adjournment should suffice. If they are not represented, or request more time, a postponement to the next day would be reasonable.

Careful consideration should be given to the reasonableness and feasibility of a contract variation and whether it is practically possible to implement. **If the employee accepts the variation of their contract, they will have no right of appeal against the decision. If the employee does not accept the alternative offer of variation to contract** the dismissal will take effect and the employee has the usual right of appeal.

- 10.4 When communicating the outcome at the Hearing, the Chair of the Panel should clearly identify which allegations have been substantiated or not and what the rationale is for the decision, including what factors have been taken into consideration.
- 10.5 An outcome letter must always be sent as soon as reasonably possible. When a disciplinary sanction has been imposed, the outcome letter must inform the employee they have the right to appeal the action taken (except where there is a variation of contract).
- 10.6 Where dismissal is deemed appropriate and Kirklees Council are the employer, the Chair of the Panel should inform the employee, subject to disciplinary action, that they are making a recommendation for dismissal to the Local Authority, who will then issue the outcome letter. If Kirklees Council are not the employer, the Chair of the Panel will confirm the decision in writing.
- 10.7 If an employee has a live sanction on their record and they take up employment at another school with Kirklees Council or an Academy, where the employer is the same, the sanction transfers with the employee until it has expired.

For example, moving from one school to another school where Kirklees Council is the employer or moving between schools in the same Multi Academy Trust.

11. Appeal

- 11.1 The purpose of the Appeal Hearing is to examine the grounds of appeal made by the employee and decide whether the outcome of the case was justified. Its purpose is not to re-hear the case.
- 11.2 An employee has the right to appeal against disciplinary action taken. The Appeal must be received within 15 working days of receipt of the decision letter.

- 11.3 To submit an Appeal the employee must put this in writing, by completing the Appeal Proforma, attached to the outcome letter and specify:
- a. Their job title, place of work and the school in which employed.
 - b. The decision being appealed against and the grounds for the appeal.
 - c. The name of their trade union representative or work colleague supporting them.
- 11.4 If insufficient information is provided to understand the grounds of appeal, then an Appeal Hearing might not proceed. Any vexatious or misconceived grounds will be rejected.

12. Appeal Hearing

Step 1: Preparing for the Appeal Hearing

- 12.1 Consideration should be given to who has authority to hear the case. This is a Panel of three Governors, who are part of the Schools Staffing Appeals Committee, who are not staff members of the school and have had no previous involvement in the case.
- 12.2 When arranging the appeal date, at least 20 working days' notice will be provided of the time, date and place of the Appeal Hearing. The employee must also be advised of their right to be accompanied by a Trade Union representative or work colleague. It may be possible to agree a shorter timescale for the Appeal Hearing by mutual agreement.
- 12.3 Both parties will be required to prepare a written statement of case. Management's statement would normally consist of all documentation used as part of the Disciplinary Hearing, the outcome letter and a short report which states what their response is to the employee's grounds of appeal. The employee's statement of case normally does not include additional information given that the correspondence is already within managements statement, but typically it might contain more details about why the employee is unhappy and considers why the sanction applied was inappropriate.
- 12.4 Both management and the employee are expected to provide their statement of case at least 10 working days in advance of the Appeal Hearing. Arrangements would be made for simultaneous exchange between the parties. The timescales for arranging an appeal and exchange of papers may be less if agreed by all parties.
- 12.5 It is expected that consideration is given to whether any adjustments might be needed to support an employee at the Appeal Hearing.
- 12.6 Arrangements will need to be made for a Note Taker to be present at the Appeal Hearing.

Step 2: Conducting the Appeal Hearing

- 12.7 The format for conducting the appeal is reversed to that of the Disciplinary Hearing (please see Section 8.10), in that the employee presents the grounds for their Appeal first.

- 12.8 No new evidence should be introduced which has not been subject to prior discussion or agreement.
- 12.9 The Appeal may have the following outcomes:
- a. The original decision is confirmed.
 - b. It is found that no offence was committed and the disciplinary sanction is withdrawn.
 - c. The sanction is reduced to a lesser one.
- 12.10 An appeal process should not be used as an opportunity to deter individuals from appealing, therefore should not result in any increase to the sanction.
- 12.11 The decision of the Appeal Panel is final.

13. Sickness absence during the disciplinary process

- 13.1 Where an employee goes off sick at any point during the disciplinary process it does not automatically mean that they are unable to attend meetings or need additional support. Sickness does not always mean that the process should be deferred. It is important to understand the reasons for absence and not assume absence is due to the disciplinary process.
- 13.2 The process can be stressful for employees, and it is therefore important to progress the process in a timely manner, as delays in attending meetings, reaching a resolution and not knowing an outcome can add to this. Employees are always signposted to support during the process.
- 13.3 If significant doubts are raised about whether or not an employee is well enough to attend meetings then medical advice could be beneficial.
- 13.4 If the employee is not well enough to take part in the proceedings, their absence should continue to be managed in accordance with the Attendance Management procedure.
- 13.5 After seeking medical advice, if the employee is unable to attend, it may be appropriate for them to submit a written submission for consideration as part of the process. At the Hearing stage their nominated representative may present their case on their behalf.
- 13.6 If medical opinion is that the employee is fit to participate the disciplinary process should be continued, with consideration of any additional medical advice including reasonable adjustments.

Appendix 1. Circumstances that could warrant Disciplinary Action

Although not intended to be an exclusive or exhaustive list, some examples of misconduct which are considered by the School/Council as sufficiently serious to render the employee liable to disciplinary action are as follows:

- Persistently failing to be in attendance at the place of work at the required time.
- Being absent from work without prior permission being given for the absence or failing to obtain the necessary permission.
- Failure to report absence from work on the first day of such absence.
- Failure to report arrival and departure from work by the means required by the School.
- Refusing to carry out a reasonable instruction.
- Failure to comply with the School / Council policies and procedures e.g. Code of Conduct, Safeguarding.
- Breach of professional standards e.g. Teaching Standards.
- Acting in any way prejudicial to the School/ Council's interests in dealing with children, members of the public, parents, suppliers, or other outside contacts.
- Unauthorised use of the School / Council property, goods, vehicles or resources.
- Failure to take reasonable care of the School / Council property.
- Failing to maintain an acceptable standard or level of performance*.
- Using threatening or abusive language or conduct.
- Acting in any way which would constitute a risk to the health or safety of the employee concerned, pupil or any other person, whilst on the School / Council premises or on School / Council business.
- Communicating confidential information, without permission, to any person not entitled to receive it.
- Bullying or harassment of other employees, recipients of School/ Council services, pupils, or members of the public.
- Discrimination or victimisation of other employees, recipients of the School / Council services, pupils, or members of the public, in such a way which contravenes the Equality Act 2010 or any anti-discrimination legislation, or any of the Council policies on equal opportunities.

- Failure to comply with the School/ Council procedures on the use of electronic communications, information security, data protection.
- Failure to report malpractice or misconduct by employees or contractors.

** Competence or capability which is dealt with under the capability policy, unless it is clear that the employee is capable of reaching the required standard and has actively not done so.*

Appendix 2. Circumstances that could warrant dismissal

The following list gives examples of misconduct which could warrant dismissal without notice or previous warnings because they constitute gross misconduct. It should be clearly understood that the list is not exclusive or exhaustive and all the circumstances of each particular case must be taken into account.

- Serious or persistent failure to comply with the school's recognised policies and procedure
- Contravened or has continued to contravene any safe practice guidance given by their organisation or regulatory body.
- Exploited or abused a position of power.
- Acted in an irresponsible manner which any reasonable person would find alarming or questionable given the nature of work undertaken.
- Demonstrated a failure to understand or appreciate how their own actions or those of others could adversely impact upon the safety and well-being of a child.
- Demonstrated an inability to make sound professional judgements which safeguard the welfare of children.
- Failed to follow adequately policy or procedures relating to safeguarding and promoting the welfare of children.
- Failed to understand or recognise the need for clear personal and professional boundaries in their work.
- Behaved in a way in their personal life which could put children at risk of harm.
- Become the subject of criminal proceedings not relating to a child.
- Become subject to enquiries under local child protection procedures.
- Behaved in a way, in or outside of the workplace, which seriously undermines the trust and confidence placed in them by the employer.
- Sexual misconduct whilst working or on school property or with any person in or under the schools care, including professional misconduct or sexual offences.
- The theft of, unauthorised possession of, or wilful damage to property belonging to the School/Council, its suppliers, members of the public or any other employee.
- Fraudulent timekeeping, abuse of leave entitlement, the School/Council sick pay scheme, expenses or similar procedure.
- Deliberate falsification of School/Council or Local Authority documents or records, e.g. Student information, test results, attendance sheets.

- The fraudulent obtaining of money, property or resources from the School/Council, its suppliers or members of the public.
- Physical violence on any person or indecent behaviour by an employee in a professional or personal capacity.
- Being under the influence of alcohol or illegal drugs whilst at work or on School/Council's premises, which reduces the ability of the employee to work with due regard for the safety and welfare of themselves and others.
- Being in possession or control of alcohol or illegal drugs on the school premises.
- Failure to protect confidential or sensitive information held electronically or in paper format, in the workplace, in transit, offsite or at home.
- Communicating or releasing confidential information, without permission, to any person not entitled to receive it.
- The commission of a criminal offence which renders the employee unsuitable or unable to carry out the duties for which they are employed.
- The persistent and wilful refusal to carry out a reasonable instruction, despite warnings of the consequences of continued refusal.
- The commission of a serious breach of duty prejudicial to the School's/Council's relations, reputation or interests with members of the public or other outside contacts.
- Bullying or harassment of other employees, recipients of the School/Council or members of the public.
- Discrimination or victimisation of other employees, pupils, recipients of the School/Council or members of the public, in such a way which contravenes related legislation or policy.
- Action or conduct which could be considered as gross negligence.
- Serious misuse or consistent failure to comply with the School's/Council's policies and procedures on the use of computers, related systems and information technology e.g. email and internet facilities.
- Failure to comply with the duty to report, to an appropriate person or body, knowledge of physical or sexual abuse of a child or vulnerable adult by a member of staff, or other person having contact with the child or vulnerable adult.
- Downloading and/or circulating inappropriate, offensive, defamatory and/or illegal material.