



DISCIPLINARY RULES FOR ALL EMPLOYEES

**Presented to
Full Trustees
5 October 2023**

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Linked to other policies:	KCSIE Policy Disciplinary Procedure Relating to Misconduct Policy Bullying and Harassment Policy Grievance Policy Whistleblowing Policy Equality and Diversity Policy Public Sector Equality Duty Statement

Footnote:

- Headteacher also means Head of College and Principal
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DISCIPLINARY RULES FOR ALL EMPLOYEES

1.0 PURPOSE

The Disciplinary Rules should be read in conjunction with our Disciplinary Procedure. The Disciplinary Rules are intended to give examples of the type of conduct that is considered to be misconduct or gross misconduct, and which could lead to action under our Disciplinary Procedure.

2.0 GROSS MISCONDUCT

Gross Misconduct is a serious breach of contract and includes misconduct which, in our opinion, is likely to prejudice our organisation or reputation or irreparably damage the working relationship and trust between us. If you are suspected of committing an act of gross misconduct, you may be suspended with full pay pending investigation. Gross misconduct will be dealt with under our Disciplinary Procedure and will normally lead to dismissal without notice or pay in lieu of notice (summary dismissal). The following are examples of matters that are normally regarded as gross misconduct. This list is intended as a guide and is not exhaustive:

- 2.1 Behaviour that has or may have harmed a child* or, behaviour towards a child or children that indicates you would pose a risk of harm to children, for example:
 - a) Sexual behaviour towards or relations with a pupil.
 - b) Physically harming a pupil.
 - c) Criminal offences related to or against a child.
- 2.2 Criminal activities or offences, whether committed at work or not, that may affect our reputation or otherwise affects your suitability and/or ability to continue in employment.
- 2.3 Sexual misconduct, whether at work or not and, whether criminal or not.
- 2.4 Acts of physical or threatened violence, vandalism, bullying or, behaviour which provokes violence.
- 2.5 Possession, use, supply or attempted supply of illegal drugs or any other inappropriate substances, whether illegal or not.
- 2.6 Being under the influence of alcohol or other substances that make you unfit to perform your duties during working time, or illegal use of drugs at any time.
- 2.7 Deliberately accessing internet sites containing pornographic, offensive or obscene material on our equipment or during working time.
- 2.8 Communicating offensive, obscene or unauthorised sexually explicit material whether verbally, written, in electronic communication, or by social media.

* Child/children relates to anyone under the age of 18.

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- 2.9 Serious negligence, serious neglect of duties or, a serious or deliberate breach of your conditions of employment, operating procedures, public examination rules, DfE statutory requirements, statutory rules affecting your work or, Health and Safety rules, for example:
- a) Failure to comply with the Prevent Duty.
 - b) Failure to report safeguarding concerns.
 - c) Failure to exercise proper control or supervision of pupils.
 - d) Disclosure of restricted public examination material or content.
 - e) Falsifying sickness absence.
 - f) Taking leave when permission denied.
 - g) Ignoring handling instructions/responsibilities/safety regulations to include those in relation to chemicals, machinery, equipment or food.
- 2.10 A serious breach of our Code of Conduct.
- 2.11 A serious act of insubordination.
- 2.12 Dishonesty associated with place of work or job being undertaken, for example:
- a) Theft or unauthorised removal or misuse of property.
 - b) Fraud, forgery or other dishonesty, including fabrication of expense claims, time sheets, qualifications, application forms, public examination forms and any other forms or records in use, falsification of any information given on your application form for a post, entitlement to work (including immigration status) in order to gain employment or other benefits or falsification of registration of pupils.
 - c) Demanding or accepting monies or other considerations as a bribe for the use of our property or provision of our service.
 - d) Failure to disclose criminal convictions, cautions, bindover orders reprimands or warnings (except those which are 'protected' under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended from time to time) or, failure to disclose during the course of your employment an arrest or summons for an offence, a conviction, a bindover order, a reprimand or a warning given by a police force.
 - e) Undertaking unauthorised paid or unpaid employment during working hours, including during periods of sickness absence.
- 2.13 Unauthorised use or disclosure of confidential information (or information which is of a confidential nature) or failure to ensure that such information in your possession is kept secure.

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- 2.14 Making statements that are or could be damaging, slanderous or libellous whether verbally, written, in electronic communication or by social media, which could be harmful to a pupil, an employee or other worker, a Governor/Trustee, a member of the public, or our reputation.
- 2.15 Unlawful harassment or victimisation of, or unlawful discrimination against, a pupil, an employee or other worker, a Governor/Trustee, or a member of the public.
- 2.16 Victimising a person who has raised concerns, made a complaint, given evidence or information under our policies, eg Grievance Procedure, Disciplinary Procedure or otherwise.
- 2.17 Making a disclosure of false or misleading information under our Whistleblowing Policy maliciously, for personal gain, or otherwise in bad faith against a person or, making untrue allegations in bad faith against a person.
- 2.18 Bringing the organisation into serious disrepute.

3.0 MISCONDUCT

Misconduct is unacceptable behaviour that is of a degree less serious than gross misconduct. The following are examples of matters that will normally be regarded as misconduct and will be dealt with under our Disciplinary Procedure. This list is intended as a guide and is not exhaustive.

- 3.1 Absenteeism and lateness, for example:
 - a) Unauthorised absence or leaving your job during working hours without permission or sufficient cause for absence.
 - b) Frequent failure to attend work punctually.
 - c) Failure to comply with our sickness absence reporting procedure.
- 3.2 Neglect of duty, for example:
 - a) Failure to adopt safe working practices/use protective equipment where required by law or management.
 - b) Damage to, or unauthorised use of our property or contractors property.
 - c) Insubordination.
- 3.3 Obscene language or other offensive behaviour.
- 3.4 Undertaking additional employment outside normal working hours without authorisation.
- 3.5 Breaches of our policies.
- 3.6 Breaches of your contract.

4.0 REVIEW

- 4.1 The Trust Board (or responsible committee) will review this policy in line with the procedure for policy review.
- 4.2 Date for Review
If no other reason for review (see policy review procedure) this policy will be reviewed in 3 years.

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