



**Bassingbourn**  
Community Primary School

## **Bassingbourn Community Primary School**

### **DISCIPLINARY RULES OF ALL EMPLOYEES**

This policy was ratified on: Spring 2024

Implemented on: Spring 2024

Review date: Spring 2025

Signed by the Headteacher:

A handwritten signature in black ink, appearing to be 'A.J. England', written over a horizontal line.

Signed by the Chair of Governors

A handwritten signature in black ink, reading 'A.J. England'.

## 1. 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. 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. Allegations of Gross misconduct will be dealt with under our Disciplinary Procedure and, if upheld, 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 affect 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.

- 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 is 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, bind over 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 bind over 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.
- 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, 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, 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, e.g. 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. **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.

## Appendix A: Procedure for Disciplinary Hearing

### 1. Presentation of the Management Case

- a) The management representative\* may make an opening address outlining the case.
- (b) The management representative calls each witness in turn so that:
  - [i] The witness is asked questions.
  - [ii] The employee's companion\* has the opportunity to ask the witness questions.
  - [iii] The management representative may ask the witness questions of clarification.
  - [iv] The Senior Manager/Headteacher/Disciplinary Committee has the opportunity to question the witness.
- (c) Each witness withdraws after giving evidence, except the management representative who is a witness and presents the outcome of the disciplinary investigation.

\*Management representative will usually be the Investigating Officer.

\*Companion will be defined in the School's Disciplinary Procedure. Legally it may be a workplace colleague or trade union representative.

### 2. Presentation of the Employee's Case

- (a) The employee's companion may make an opening address outlining the employee's case.
- (b) The employee's companion calls each witness in turn so that:
  - [i] The witness is asked questions.
  - [ii] The management representative has the opportunity to ask the witness questions.
  - [iii] The employee's companion may ask the witness questions of clarification.
  - [iv] The Senior Manager/Headteacher/Disciplinary Committee has the opportunity to question the witness.
- (c) Each witness withdraws after giving evidence except the employee who has been a witness to his/her own case, who has the right to remain throughout the hearing procedure.

### **3. Summing Up**

- (a) The management representative and then the employee's companion shall have the opportunity to sum up their case if they so wish.
- (b) Both parties then withdraw.

### **4. The Headteacher/Disciplinary Committee's Decision**

- (a) The Headteacher/Disciplinary Committee, together with an appointed adviser(s), is to deliberate in private, only recalling the parties to clarify points of uncertainty on evidence already given. If recall is necessary both parties are to return, notwithstanding that only one may be concerned with the point under clarification.
- (b) The Headteacher/Disciplinary Committee is to announce its decision to both parties at the close of the proceedings whenever possible. The decision will be confirmed in writing soon afterwards. Where the decision is to dismiss or to give a disciplinary warning, the employee will be advised of his/her right of appeal against the decision of the Headteacher/ Disciplinary Committee.

#### **Notes on the Procedure**

1. The management case may be presented by someone other than the Investigating Officer and the Investigating Officer may remain in the hearing throughout as or with the management representative. If the employee is the Headteacher, the management case will be brought by the Chair of Governors who may remain throughout the hearing if someone other than the Chair of Governors presents the case.
2. The employee may choose to represent him/herself. In such a situation the employee may be questioned as a witness.
3. The Headteacher/Disciplinary Committee will normally have access to an adviser to advise him/her on the law and on procedures in a community school, or in a foundation or aided school where advisory rights have been granted by the governing body to the Local Authority (LA). If dismissal may be an outcome, the LA is also entitled to have a representative present to advise the Disciplinary Committee. The Headteacher/ Disciplinary Committee will make the decision. No adviser shall vote on the matter being considered by the Headteacher/ Disciplinary Committee.