




# The LETTA Trust

## Disciplinary Procedure

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<b>Reviewed by:</b>	TB Resources	<b>Signed:</b>	



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## 1. Introduction

The LETTA Trust expects all its employees to be role models to the children in our schools and within the communities we serve. As such, we conduct ourselves in a professional manner at all times.

The Disciplinary Procedure forms a key part of the contract of employment between employees and the Trust. The confidentiality clause applies to all employees involved in the disciplinary process. This procedure applies to all LETTA Trust employees. Employees in probation may be managed under the probationary procedure where appropriate, but allegations of misconduct, gross misconduct, safeguarding concern, discrimination, harassment, whistleblowing detriment or conduct that may lead to dismissal will be handled fairly and in line with ACAS principles.

Cases involving poor performance caused by ill-health or lack of capability are dealt with under separate procedures.

For general rules of conduct, please refer to the Staff Code of Conduct. Appendix A includes misconduct and gross misconduct lists for information. These lists are neither exhaustive nor exclusive.

## 2. Purpose

We aim to provide the highest quality educational provision to the pupils in our schools. We do this by working together in teams. Strong working relationships are key, and the disciplinary procedure should:

- improve conduct by advice and correction rather than by disciplinary measures. It is a corrective rather than a punitive process
- provide a fair method of dealing with alleged breaches in standards of conduct
- ensure acceptable standards of conduct at work
- clarify the rights and responsibilities of employees under the procedure's provisions

Substantiated allegations of gross misconduct may lead to summary dismissal or a determination to dismiss where there is no entitlement to statutory notice.

The Trust Board is responsible for ensuring that a fair and consistent procedure is in place to manage staff discipline. Headteachers are responsible for implementing this procedure within their schools.



### 3. Equality considerations

It is important that we apply the procedure in a fair manner at all times. The Trust opposes discrimination against employees of any kind.

We are committed to ensuring a safe and respectful working environment, free from harassment, bullying, and discrimination. The Trust will treat sexual harassment, failure to report sexual harassment, retaliation against a complainant or witness, and failure by managers to take reasonable preventive or responsive action as potential disciplinary matters.

### 4. Informal action

Less serious breaches of conduct or first breaches of some types of misconduct can be handled informally by talking to the employee. This involves drawing to the employee's attention the unsatisfactory conduct. Then, explaining to the employee the conduct that is required and allowing the employee a reasonable period for improvement.

When managing misconduct, we consider whether the employee is facing any personal difficulties, and if this is the case, we seek advice from the Occupational Health advisor. If mental illness, alcohol or substance misuse is suspected, we also seek advice from Occupational Health.

In some cases, an external mediator is used to resolve conflict in the workplace. Notes of mediation are taken and retained. If the issue cannot be dealt with informally, formal procedures will begin, and the employee will be informed of this by their line manager.

### 5. Disciplinary sanctions

The following formal stages of disciplinary action can be taken for breaches of conduct (see Appendix A: Disciplinary rules).

Warnings are progressive from First to Final except for:

- cases of gross misconduct (which may result in summary dismissal)
- cases which are less serious than gross misconduct but warrant a Final Warning, regardless of prior formal warnings

Disciplinary action	Authority to issue	Duration of warning on personal file
First written warning	Headteacher	12 months
Second written warning	Headteacher	12 months
Final warning	Headteacher	24 months
Dismissal	Disciplinary panel	-



During the term of a disciplinary warning, further misconduct may occur. Where this results in a formal hearing and a further warning, the duration period for both warnings must expire before cancellation takes place. For example, where a second written warning is issued to an employee who has an outstanding first written warning, the period of the second warning (12 months) is added to the remaining period of the first warning.

The total period would have to expire before cancellation of both warnings takes place. An employee must be held accountable for further misconduct if an existing warning is in place at the time the new alleged offence was committed, irrespective of when the offence comes to light or if the Hearing is arranged once the current warning(s) have expired. On expiry, a warning will cease to be active for disciplinary purposes. Records may be retained confidentially where necessary for safeguarding, legal, regulatory, audit, reference, or pattern-analysis purposes, in accordance with the Trust's data-retention schedule, UK GDPR and the Data Protection Act 2018.

An employee with a final written warning on file who is alleged to have committed further misconduct may be invited to a hearing at which dismissal could be an outcome. Letters to the employee will include a warning that dismissal may result.

### **5.1 Warnings without a hearing**

Where the investigation substantiates an allegation of misconduct, the employee (or their trade union representative) can formally request the issuing of a First Written Warning without the need for a hearing. The employee must confirm in writing that they admit the misconduct or agree to the warning being issued without a hearing, that they have seen the relevant evidence, and that they have been offered the opportunity to seek representation. The employee will retain the right of appeal. If the headteacher agrees that the sanction is appropriate, they may give a first written warning to remain on the employee's record for 12 months from the date of issue.

It is only appropriate for issues which would warrant a first written warning. If the headteacher judges that it is not a minor incident of misconduct or if the employee has current warnings on file, the matter must be dealt with at a full disciplinary hearing.

## **6. Disciplinary investigations**

### **6.1 The investigating officer (IO)**

The headteacher, COO or CEO appoints the investigating officer. Where the headteacher carries out the investigation, any disciplinary hearing must be heard by the CEO and trustees/members of the local governing board (LGB). The headteacher will only investigate in exceptional circumstances. Advice must be sought from the COO before an investigation begins.

All members of staff acting in the capacity of an Investigating Officer will receive the relevant training and support. Investigations will normally be carried out by the immediate line manager. If this is neither practical nor appropriate, another investigating officer will be chosen. Alternatives to the line manager could include an employee of equal or more senior



status within the Trust or from a partner school. Advice should be sought from the COO on the appropriateness of the investigating officer. Where the investigation is of a safeguarding nature the school's DSL will not take on the role of Investigating Officer.

Where an external investigation is required or desirable, the CEO/COO will commission an investigator. A list of independent external investigators is held by the Trust.

## **6.2 The investigation**

The case must be thoroughly investigated, clearly written up and supported by evidence. Care must be taken to avoid assumptions or stereotypical attitudes prejudicing decisions. The investigating officer will investigate the alleged misconduct. They will get balanced evidence of innocence as well as guilt and any evidence of mitigation. The investigating officer may appoint any other person to assist in the investigation.

The investigation may include a face-to-face interview with the employee. This is not mandatory. The employee may provide a written statement or response to the investigating officer.

The employee has to cooperate with the investigation to ensure that it is completed as swiftly and as thoroughly as possible.

Where pupils may be interviewed, the process will be agreed with the DSL, and where applicable the LADO, police or children's social care. The employee or their representative will not normally attend pupil interviews. Any support for the pupil, parental involvement, recording method and information-sharing will be determined in line with safeguarding procedures and the child's welfare.

Any investigation involving school staff will take place within the working days for those staff. Timetabling should take into account school closure periods.

The investigating officer will produce an investigation report setting out:

- evidence gathered

a decision that either:

- there should not be a formal disciplinary meeting to consider imposing a formal disciplinary sanction
- there should be a formal disciplinary meeting to consider imposing a formal disciplinary sanction

If a disciplinary meeting is required:

- the specific allegations to be considered at the meeting
- a statement about whether dismissal may or may not be an appropriate sanction at the end of the disciplinary meeting, subject to mitigation

The investigation report and its supporting documentation are confidential documents.



If the decision is that there is a formal disciplinary meeting, the employee will receive the investigation report. This includes all supporting documentation and witness statements.

If the decision is not to have a formal disciplinary meeting, the investigation report, supporting documentation and witness statements will not be shared.

### **6.3 Timescales for investigations**

We must investigate all allegations and complaints against employees. This is particularly important in cases of potential gross misconduct. The Investigating Officer will need reasonable time off normal duties to carry out the investigation.

The Investigating Officer should finish the report within 20 working days from the time they begin the investigation. This applies to allegations of misconduct and other instances where fact-finding is relatively straightforward. For allegations of gross misconduct or more complex cases, the investigation process should take no longer than 30 working days (unless agreed in advance). Where an investigation is likely to take longer (through unexpected delays or school closure periods), all parties must be kept informed.

### **6.4 Allegations against headteachers & executive leaders**

Where allegations of misconduct involve a headteacher, the CEO or designated trustees will replace the headteacher in initiating any action. The powers for suspension will rest with the CEO and/or trustees. Investigations of allegations against headteachers will be carried out by a nominated trustee or an external investigating officer.

Where allegations involve the CFO, COO, Director of SIT or another executive leader, the CEO will initiate any action with appropriate HR advice. The investigation will normally be carried out by a suitably senior manager, trustee or external investigating officer.

Where allegations involve the CEO, the Chair of Trustees will initiate any action with appropriate independent HR advice. The investigation will normally be carried out by a nominated trustee or external investigating officer.

## **7. Disciplinary hearings**

The person who has commissioned the investigation will send the employee a letter with the date, time and place of the disciplinary hearing. The employee will also get a copy of the investigating officer's report and all relevant documentation. The employee will have 5 working days' notice to provide copies of any written evidence to be presented at the hearing.

The date of the hearing will be postponed by up to 5 working days if the employee's representative is unable to attend on the specified date. If the employee's representative will not be available for more than 5 working days afterwards, the employee may be asked to choose someone else.



Employees must take all reasonable steps to attend a hearing. Failure to attend without good reason may be treated as misconduct in itself. Good reasons may include, for example, disability-related reasons, pregnancy or maternity-related reasons, sickness absence, or issues relating to the availability of a trade union representative or companion. If an employee fails to attend without good reason or is persistently unable to do so (for example, for health reasons), a decision may have to be taken regarding the sanction based on the available evidence without the employee being present. If an employee is unable to attend for good reason, they may present a written submission to the hearing. They can also request that their chosen companion represent them at the hearing in their absence. Separate advice should be sought in respect of employees absent from work due to pregnancy or maternity leave.

A disciplinary hearing will be arranged if the results of the investigation state that there are reasonable grounds to suggest misconduct or gross misconduct. The hearing will be within 4 working weeks of completion of the investigation. Reasons for a delay in convening a hearing will be communicated to all parties.

In all cases where dismissal may result, the COO, CEO, or an appointed HR adviser will attend or advise the hearing, unless they are the subject of the allegation or have a conflict of interest. Where required, independent HR advice will be obtained.

### **7.1 Composition of the panel**

The headteacher can hear allegations of misconduct. If this is not appropriate, a disciplinary panel will hear the case. Where the allegations are of gross misconduct or other misconduct which could result in the dismissal of the employee, a disciplinary panel will hear the case.

The disciplinary panel will usually comprise the headteacher (who will chair the hearing) and the CEO or a trustee/member of the Local Governing Board. Appeals against decisions made by the disciplinary panel must be considered by an appeal committee, which consists of two trustees who have had no prior involvement in the case.

In cases of gross misconduct, the clerk to the Trust Board must attend to take minutes of proceedings. It is their role to minute the significant points of the hearing and the decision of the panel. They do not produce a verbatim record.

For allegations involving headteachers or executive leaders other than the CEO, the panel will normally include the CEO and a trustee. For allegations involving the CEO, the panel will comprise trustees who have had no prior involvement, supported by independent HR advice.

## **8. Conducting the hearing**

At the hearing, all parties present will have an opportunity to ask questions. They may challenge the reports/evidence submitted and question all witnesses.

The panel should inform the employee of the decision of the hearing immediately. If there is an adjournment to clarify any facts, this time frame can change. The Chair, hearing the



allegation, will confirm the decision in writing within **10 working days**. The letter must also confirm the individual's right of appeal.

## 9. Outcome of disciplinary process

Where possible, a decision will be given verbally at the end of the hearing to the employee. If a longer adjournment is required, the hearing will be concluded, and arrangements made to notify the employee (in person or by telephone) of the outcome within 5 working days.

In either case, the outcome will be confirmed in writing to the employee, along with the right of appeal, within 10 working days of the hearing.

The outcome of the hearing can be one of the following:

- allegation not proven
- revert back to informal management processes;
- written warning (remaining on file for 12 months)
- final written warning (remaining on file for 24 months)
- summary dismissal without notice (immediate, without pay in lieu)
- dismissal with notice (remaining on file for the duration of the notice period)

The last option is only applicable where an allegation of misconduct, not amounting to gross misconduct, has been proven and there is a final written warning in effect, with dismissal being the next level of disciplinary sanction.

Where an existing warning is already in place, the level of sanction imposed on a new occasion will be the same or higher than the one already in effect.

## 10. Appeals procedure

Employees have the right of appeal against all formal disciplinary action. In submitting an appeal, employees are asking the Trust Board disciplinary appeal panel to consider the fairness and reasonableness of any disciplinary measures taken at the original hearing.

Appeals against disciplinary action will only be considered on one or more of the following grounds:

- The **procedure** – the grounds of appeal should detail how procedural irregularities prejudiced the disciplinary decision
- The **facts** – the grounds of appeal should detail how the facts do not support the decision or were disregarded, misinterpreted or considered not relevant. They should also detail any new evidence to be considered



- The **decision** – the grounds of the appeal should state how the act(s) of misconduct did not justify the level of disciplinary action taken, or the act was one of misconduct rather than gross misconduct

Appeals should normally be submitted to the Chair of the Trust Board within 10 working days from the date of the disciplinary outcome. Late appeals may be accepted where there is a reasonable explanation, including disability-related, medical, maternity-related or other exceptional circumstances.

The appeal will concentrate on the area(s) of dispute only and will not be a re-run of the whole disciplinary hearing. It is important that the employee (or their representative) is explicit about the grounds for appeal. They must provide clear and specific reasons in writing. Written notice of appeal must include reference to any new facts the appellant intends to raise at the appeal.

Employees must present any new evidence which was unavailable at the time of submission of the appeal documentation at least 3 working days before the appeal hearing. This is so that managers have an opportunity to respond.

We will organise appeals as soon as possible, and the appellant will have 5 working days' notice of the time and venue of the appeal hearing.

The result of the appeal and the reasons for the decision will be conveyed to the appellant immediately after the hearing. The Chair of the appeal panel will confirm the decision in writing within 5 working days.

There will be no further right of appeal.

## 11. Employee representation

Employees have a right to be accompanied by a fellow worker, a trade union representative, or an official employed by a trade union at all formal stages of this procedure. We will inform the employee of this right in advance of meetings and give them reasonable time to contact a representative. If the employee's chosen companion is not available at the time of the meeting, it will be rescheduled to accommodate the availability of the companion, as long as a reasonable alternative date is offered within 5 working days of the originally proposed date.

The companion may be a fellow worker, a trade union representative, or an official employed by a trade union, in accordance with the statutory right to be accompanied. Legal representatives will not normally be permitted unless required by law or agreed exceptionally.

Employees are responsible for arranging their representation. They may not choose someone who may prejudice the fairness of the disciplinary process or who may have a conflict of interest. Where disciplinary allegations involve a trade union representative, no action should be taken until the case can be discussed with a senior trade union representative. In cases of alleged gross misconduct by a representative of a recognised professional association or



trade union, the representative may be suspended on full pay until such consultations can take place.

## 12. Suspension

Authority to suspend begins at the headteacher level. The headteacher, the COO, the CEO and the trustees have the right to suspend an employee. Suspension is on full contractual pay. It includes suspension from all duties where, in their opinion, exclusion from the school is required.

Suspension for alleged misconduct should only occur:

- where the suspected offence may amount to gross misconduct
- in a situation when it is in the best interests of the investigation that the employee is away from the school, e.g. the investigation could be compromised by the continued presence of the employee in school;
- there is a serious risk to the pupils, other employees or the school resources or property
- the allegations relate to a safeguarding issue
- the reputation of the school could be compromised by keeping the employee at work

Suspension is not a disciplinary sanction. It does not imply 'guilt' or that any decision has already been made. Suspension may involve a total suspension from work, suspension of part of the employee's normal duties, transfer to alternative work or transfer to a different workplace. The alternative options should be considered before implementing a total suspension from work.

Wherever possible, the COO should be consulted before action to suspend is taken.

If necessary, a less senior manager can send a member of staff home pending ratification by the headteacher the following day.

Where the employee is a union member, the local trade union representative can be asked to attend the suspension meeting if practicable. Where suspension occurs, this should be confirmed in writing, giving broad details of the allegation. In all cases, the CEO needs to be informed.

The employee will be informed immediately if the suspension is lifted. This could be at any stage during or at the end of the investigation, or at any stage of the disciplinary procedure. Whilst suspended, the employee must make themselves available for meetings on request.

Suspension from duty is a 'working arrangement' whereby the employee must not enter the school or any Trust building. They must not contact any Trust employee without the permission of the headteacher or the Investigating Officer. They must not contact pupils, parents and carers with whom they would come into contact during the course of their duties. Failure to observe this requirement may render them liable to further disciplinary action.



### **13. Child protection legislation**

The Trust will follow the Safeguarding and Child Protection Policy, KCSIE Part 4, local LADO arrangements, and any police/children's social care strategy process before deciding the HR route for allegations that are made against staff which involve child protection issues. Suspension is not a default response, including in safeguarding cases. The case manager will consider alternatives to suspension, consult the LADO where required, and record the rationale for any decision to suspend, redeploy, restrict duties or take no interim action. If the relevant child protection agencies decide not to pursue formal action against the employee, the matter will be referred back to the school for consideration under the appropriate HR procedure.

Action under the relevant procedure will begin once the matter has been referred back to the school. The fact that external agencies have not pursued formal action should not be taken as a presumption of innocence or guilt on behalf of the employee.

### **14. Referring conduct issues to external organisations**

Where it is required to do so, the Trust will refer conduct issues or allegations to the appropriate external professional, public and statutory bodies. This includes referrals to the Disclosure and Barring Service and/or the Teaching Regulation Agency in relevant circumstances. Resignation, settlement, sickness absence or expiry of a fixed-term contract will not prevent the Trust from completing a disciplinary/safeguarding process or making required DBS, TRA, LADO, police or other regulatory referrals.

### **15. Criminal offences**

Charges or criminal offences committed outside of the employment/working hours with the Trust shall not be treated as an automatic reason for disciplinary action. However, employees are required to inform the Trust of any such criminal charges or convictions in order that the Trust can consider whether any disciplinary proceedings will be taken against the employee, up to and including summary dismissal.

Where a police investigation or a charge is pending, it may be necessary to delay investigations, however this is not in itself a reason for delaying or withholding disciplinary action, if the alleged offence is relevant to the employment, and enough evidence is available to enable the person hearing the complaint to be reasonably satisfied as to the relevant facts, it may be possible to continue.

Where there is misconduct at work and this is also the subject of a criminal investigation, the Trust should apply the disciplinary procedure in the normal way. However, in carrying out a disciplinary investigation, it will need to exercise caution to ensure that it does not impede police enquiries.

An employee shall not be disciplined solely because a charge is pending or because of absence through having been remanded in custody. Trust leaders will involve the COO in



these cases. In addition, the Trust should attempt to establish if the employee involved is in a trade union and make contact with the appropriate Branch Secretary to discuss the situation.



## Appendix A: Disciplinary offences

### Gross misconduct

The following are examples of conduct that may constitute gross misconduct. The list is not exhaustive. Gross misconduct is conduct so serious that it may fundamentally undermine the employment relationship and may result in summary dismissal following a fair process, consideration of evidence and mitigation.

1. Theft, attempted theft, fraud, attempted fraud, deliberate falsification of records, or collusion in any such act, including falsification of timesheets, invoices, receipts, accounts, expenses, overtime claims, application forms, qualifications, sickness absence or leave records.
2. Improper, corrupt or dishonest use of the employee's position, including seeking personal, financial or other advantage for themselves or another person or organisation, or failing to disclose a conflict of interest.
3. Serious breach of the Trust's financial regulations, procurement rules, anti-bribery expectations, gifts and hospitality rules, or declaration-of-interest requirements.
4. Serious, deliberate or reckless damage to, misuse of, or unauthorised use of Trust, school, public, pupil, staff or third-party property, systems, equipment or resources.
5. Serious breach of safeguarding duties, including failure to report a safeguarding concern, allegation against an adult, low-level concern, child-on-child abuse concern, or any matter affecting the welfare or safety of a pupil.
6. Conduct inside or outside work that causes the Trust reasonably to question the employee's suitability to work with children, including conduct that may meet the harm threshold or indicate a risk to children.
7. Inappropriate conduct towards, contact with, communication with, or behaviour in relation to pupils, including breaches of professional boundaries, grooming-type behaviours, inappropriate favouritism, inappropriate physical contact, or inappropriate use of electronic communication or social media.
8. Maltreatment, abuse, neglect, wilful neglect, humiliation, exploitation or discriminatory treatment of pupils or others for whom the Trust has a duty of care.
9. Serious breach of the Staff Code of Conduct, Safeguarding and Child Protection Policy, safer working practice expectations, Keeping Children Safe in Education requirements, Prevent duty, or any statutory safeguarding requirement.
10. A repeated pattern of low-level concerns, failure to self-report a low-level concern where required, or failure to report a low-level concern about another adult where this raises concerns about professional judgement, integrity or suitability.
11. Serious acts of discrimination, harassment, sexual harassment, victimisation, bullying, intimidation or abuse towards pupils, colleagues, parents, carers, governors, trustees, contractors, visitors or members of the public.
12. Sexual misconduct or sexual harassment, including unwanted conduct of a sexual nature, sexualised comments, inappropriate sexual communication, abuse of power, retaliation against a complainant or witness, or failure by a manager to take reasonable action in response to known concerns.
13. Victimisation, detriment or retaliation against anyone who has raised concerns, made a complaint, made a protected disclosure, given evidence, supported another



- person, or participated in a grievance, safeguarding, whistleblowing, disciplinary, discrimination or harassment process.
14. Fighting, physical violence, serious threatening behaviour, serious abusive behaviour, or conduct that creates a serious risk to the safety, dignity or wellbeing of others.
  15. Serious breach of health and safety rules, including conduct that endangers pupils, staff, visitors or members of the public, or serious misuse, neglect or damage of safety equipment.
  16. Ignoring or seriously breaching handling instructions, risk assessments, operating procedures, safety regulations or responsibilities relating to chemicals, machinery, equipment, medication, food, premises, educational visits or supervision of pupils.
  17. Being incapable of performing duties safely or effectively because of alcohol, illegal drugs, misuse of medication or other substances, subject to consideration of any health, disability or safeguarding issues and the need to protect pupils, staff and others.
  18. Serious negligence, serious neglect of duties, gross professional misjudgement, or deliberate failure to carry out duties where this causes, or could cause, serious harm, serious financial loss, safeguarding risk, reputational damage or loss of trust and confidence.
  19. Failure to exercise proper control or supervision of pupils, where this causes, or could cause, serious risk, harm or safeguarding concern.
  20. Serious breach of confidentiality, UK GDPR, data protection requirements or information security, including unauthorised access to, disclosure of, alteration of, deletion of, or sharing of pupil, staff, parent, financial, safeguarding or commercially sensitive information.
  21. Serious misuse of the Trust's IT systems, internet, email, devices, online platforms, social media, artificial intelligence tools, filtering and monitoring systems, photographs, videos or digital communications.
  22. Deliberately accessing, creating, storing, transmitting or sharing pornographic, racist, extremist, discriminatory, offensive, obscene, violent, illegal or otherwise inappropriate material using Trust systems or in a way connected to work.
  23. Serious breach of public examination rules, assessment arrangements, confidentiality of examination materials, maladministration rules, or any conduct that could compromise the integrity of an examination or assessment.
  24. Failure to disclose relevant information that the employee is required to disclose, including a relevant arrest, charge, conviction, caution, safeguarding allegation, professional restriction, prohibition, barring issue, disqualification issue or other matter that may affect suitability for the role, subject to applicable filtering and protected-conviction rules.
  25. Criminal conduct, whether inside or outside work, that is relevant to the employee's role, suitability, safeguarding responsibilities, professional standing, working relationships, trust and confidence, or the reputation of the Trust.
  26. Prolonged unauthorised absence, normally at least 10 working days without contact, or deliberate abandonment of duties.
  27. Engaging in unauthorised employment, private business or other work during contracted working time, sickness absence, study leave, suspension or other paid absence.
  28. Serious refusal to obey a reasonable management instruction, particularly where the refusal creates safeguarding, safety, operational, legal, financial or reputational risk.



29. Making false, malicious, vexatious or bad-faith allegations, complaints or disclosures, including under the Trust's whistleblowing, grievance, safeguarding or disciplinary procedures.
30. Making statements, including verbally, in writing, online, through electronic communication or on social media, that are seriously damaging, defamatory, discriminatory, abusive, misleading or likely to bring the Trust, a school, a pupil, an employee, a trustee, a governor or the wider community into disrepute.
31. Serious failure to cooperate with a reasonable management, safeguarding, LADO, DBS, TRA, police, statutory, regulatory, disciplinary or investigation process, provided the request is lawful and reasonable.
32. Obtaining employment, promotion, pay, benefits, leave or any other advantage through deception, omission, false statements or misleading information.
33. Repeated acts or a pattern of behaviour that destroys, or seriously undermines, trust and confidence in the employment relationship.
34. Serious or deliberate breach of the employee's contract of employment, professional standards, statutory rules affecting the employee's work, DfE requirements, Trust policies or school procedures.

### **Other misconduct**

The following are examples of misconduct that may result in formal disciplinary action. Repeated misconduct, misconduct while a warning is active, or misconduct that is sufficiently serious may result in a final written warning or dismissal following a fair process.

1. Unauthorised absence from work, including failure to attend work without acceptable reason or failure to follow absence reporting procedures.
2. Regular lateness, poor timekeeping, leaving work early without permission, or failing to be available for work during contracted hours.
3. Failure to follow reasonable employment rules, school procedures, reporting arrangements, notification requirements or management instructions.
4. Refusal or failure to obey a reasonable instruction from a line manager or other authorised leader.
5. Unprofessional behaviour that undermines expected standards of conduct, respect, courtesy, teamwork or confidence, where the matter is not serious enough to amount to gross misconduct.
6. Improper, disorderly, disrespectful or unacceptable conduct at work, when arriving for work, during work-related activities, or when representing the Trust.
7. Inappropriate communication style or conduct towards pupils, parents, carers, colleagues, governors, trustees, contractors, visitors or members of the public.
8. Isolated or less serious breach of the Staff Code of Conduct, professional boundaries, safeguarding expectations or safer working practice.
9. Failure to report or record a low-level concern, safeguarding matter, health and safety issue, data breach, conflict of interest or other matter that the employee is required to report, where the circumstances do not amount to gross misconduct.
10. Failure to maintain appropriate professional boundaries, or conduct that could be misinterpreted, where the circumstances do not amount to gross misconduct.



11. Negligence, carelessness or neglect of duty causing, or risking, loss, damage, injury, disruption, safeguarding concern or reputational harm, where the matter does not amount to gross misconduct.
12. Deliberately inadequate work performance, refusal to engage with required work, or deliberate failure to follow agreed work standards, where the issue relates to conduct rather than capability.
13. Abusive, rude, aggressive, threatening or inappropriate behaviour towards colleagues, pupils, parents, carers or members of the public, where the matter does not amount to gross misconduct.
14. Inappropriate drinking of alcohol at work, during work-related activities, or before work where it affects conduct, judgement or performance.
15. Breach of health and safety rules, risk assessments, supervision requirements, site security arrangements or safe working procedures.
16. Failure to follow safeguarding, online safety, filtering and monitoring, data protection, confidentiality, record-keeping, information-sharing or reporting requirements.
17. Improper use of Trust or school email, internet, telecommunications, devices, online platforms, social media, artificial intelligence tools or other digital systems.
18. Unauthorised use of, or minor damage to, Trust, school, public, pupil, staff or third-party property, equipment, records or resources.
19. Breach of the Trust's financial procedures, purchasing rules, expenses rules, cash-handling expectations or authorisation arrangements.
20. Failure to notify the headteacher, CEO, COO or other relevant senior leader of any gift, hospitality, benefit, private interest, outside commitment or other advantage where required by Trust policy.
21. Engaging in other employment, business activity or private work without required consent, or where it creates a conflict of interest or affects the employee's duties.
22. Making inaccurate, misleading or incomplete oral or written statements to leaders, trustees, governors, colleagues, parents, pupils, external agencies or members of the public, where the matter does not amount to gross misconduct.
23. Failure to cooperate reasonably with management enquiries, investigations, audits, safeguarding processes or formal procedures.
24. Smoking, vaping or using prohibited substances in non-smoking or unauthorised areas, or otherwise breaching site rules.
25. Persistently failing to follow the Trust's or school's standards of appearance, identification, conduct or professional presentation.
26. Minor or first breach of confidentiality, data protection, information security or record-handling rules, where no serious harm results and the matter does not amount to gross misconduct.
27. Minor or first breach of examination, assessment, curriculum, trip, supervision, premises, medication, food, equipment or operational procedures.
28. Failure to attend training, briefings, meetings, supervision, appraisal, occupational health appointments or other required work-related activities without reasonable explanation.
29. Failure to treat colleagues, pupils, parents, carers or others with dignity and respect, including inappropriate jokes, comments, exclusionary behaviour or insensitive conduct.
30. Any other breach of Trust policy, school procedure, contractual obligation or professional expectation that is not sufficiently serious to amount to gross misconduct.