



## **Disciplinary Rules Relating To Misconduct**

### **For All Employees**

**June 2022**

**Review June 2023**

## **1. Gross Misconduct**

Gross misconduct is the committing of an act which renders it inadvisable for the employee to be allowed to remain at work. Any employee suspected of committing an act of gross misconduct, as indicated in the list below, will be suspended with full pay pending investigation. If after proper investigation it is decided that the employee has committed an act of gross misconduct or if the act is admitted by the employee, s/he will be dismissed without further warning, unless there are mitigating circumstances. The disciplinary procedure must be followed in all cases. The list of examples below is not intended to be exclusive or exhaustive and offences of a similar gravity will receive the same treatment.

- 1.1 Dishonesty associated with place of work or job being undertaken.
  - (a) Theft of property belonging to the Centre, contractor, an employee or pupil, or member of the public.
  - (b) Deliberate falsification of timesheets or expenses claims for pecuniary advantage.
  - (c) Demanding or accepting monies or other considerations as a bribe for the use of Centre property, provision of Centre service or the showing of favour on behalf of the Centre.
  - (d) Falsification of any information given on an application form for a post to gain advantage whether pecuniary or otherwise.
  - (e) Failure to disclose criminal convictions cautions bind overs or warnings.
  - (f) Falsification of registration of children for pecuniary gain.
- 1.2 Deliberate refusal to carry out a reasonable, lawful and safe instruction or the normal agreed defined duties of the post.
- 1.3 Gross negligence in failing to attend to or carry out the agreed duties of the post.
- 1.4 Wilfully ignoring responsibilities/instructions thus placing other employees/pupils or students in danger, e.g. ignoring handling instructions/safety regulations in respect of chemicals, machinery, equipment, food.
- 1.5 Being unfit to perform duties associated with the post as a result of taking drugs, other than in accordance with medical advice, or taking alcohol.
- 1.6 Wilful unauthorised disclosure of information (classified as confidential), by employees who, in the course of their duties, have access to such information

which, by its release, could be harmful to children, other employees, directors or the reputation of the Centre.

- 1.7 Acts of violence or vandalism in the course of employment.
  - (a) Malicious damage to Centre /contractor/other employees/children's property.
  - (b) Physical violence towards children/staff/directors/parents/volunteers/members of the public.
- 1.8 Sexual misconduct at work.
  - (a) Sexual misconduct whether criminal or not.
  - (b) Sexual behaviour towards or relations with children.
- 1.9 Off-duty misconduct.
  - (a) An act of criminal sexual misconduct by an employee.
  - (b) Drug offences committed by employees whose job brings them into contact with young people.
  - (c) Sexual behaviour towards or relations with children, or young persons.
- 1.10 The Centre's internet or email or phone facilities are for professional use only.
  - (a) Using the internet to access unseemly or sexually explicit material.
  - (b) Using email for communicating unseemly or sexually explicit material
  - (c) Using phones for communicating unseemly or sexually explicit material

## **2. Misconduct**

Misconduct is of a degree less serious than that which would warrant immediate suspension from duty for a first offence but which could nevertheless lead to dismissal if persistent. The disciplinary procedure must be followed when dealing with misconduct. Some more serious acts of misconduct might justify omitting the first stage of disciplinary procedures by issuing a final warning in the first instance, if there is no satisfactory explanation. Only when it can be shown that the warnings have not been heeded will misconduct lead to action being taken which will lead to an employee's dismissal. The list of examples below is not intended to be exclusive or exhaustive and offences of a similar gravity will receive the same treatment.

- 2.1 Absenteeism and lateness, for example:
  - (a) failure to remain at the place of work during normal working hours without permission or sufficient cause for absence;
  - (b) frequent failure to attend work punctually;
  - (c) failure to comply with the sickness absence reporting procedure;
- 2.2 Dishonesty - petty wrongs, for example:
  - (a) making unauthorised private telephone calls and/or sending personal mail at the Centre's expense;
  - (b) failure to report any loss and/or damage to any property issued to or by the employee in connection with his/her employment.

- (c) using the Centre's telephone, computer, email or internet for unauthorised personal purposes.
- 2.3 Neglect of duty, for example:
- (a) failure to adopt safe working practices/use protective equipment where required by law or management;
  - (b) negligent use of Centre property in such a way as is likely to cause serious damage or loss;
  - (c) failure to discharge without sufficient cause the obligations which statute or the contract of employment places on the employee
  - (d) insubordination;
  - (e) failure to exercise proper control or supervision of children.
- 2.4 Abusive behaviour/offensive language which arises directly out of or in connection with work and which is directed at pupils, colleagues, directors, contractors, volunteers or members of the public.
- 2.5 Bullying harassment or victimisation of children, other employees, volunteers, directors or contractors in the course of duty.
- 2.6 Unlawful discrimination against children, other employees, volunteers, directors, or contractors in the course of duty.
- 2.7 Discrimination, whether unlawful or not, in the course of duty against children, other employees, volunteers, directors or contractors on the grounds of age, sex, marital or civil partnership status, race, disability or sexual orientation, gender reassignment, pregnancy or maternity, religion, faith or belief.
- 2.8 Undertaking additional employment outside normal working hours which would be detrimental to the work to be performed as a full-time employee of the Centre.

<b>This policy was adopted on</b>	<b>Signed on behalf of the nursery</b>	<b>Date for review</b>
<i>January 22</i>	<i>Lorna Hodgett</i>	<i>January 23</i>