



The Southfield Trust

Staff Disciplinary Rules

To be read in conjunction with East Sussex Disciplinary Policy

Introduction

Certain types of misconduct are so unacceptable that the employee's continued presence at work, even whilst the matter is being investigated, cannot be countenanced. Such misconduct falls within the term "gross misconduct" and examples are set out below. It is particularly important that staff at the Trust schools are aware of the examples of gross misconduct given. It is essential that all concerned are aware of the standards of behaviour expected both insofar as their own employment is concerned and for the overall good of the Trust schools.

Examples of other types of misconduct, not sufficiently serious to warrant consideration of summary dismissal, are set out under the heading "Other Misconduct" below. Some examples of misconduct referred to in this section are more serious than others. A single incident of misconduct in some cases may not warrant immediate formal disciplinary action but may, more appropriately, be remedied by discussion and counselling sessions. In others it will warrant a first warning. Other instances of misconduct may be regarded as sufficiently serious to warrant a disciplinary warning at intermediate or final level even where the employee does not have any other disciplinary warnings on record. It is not possible to identify within the examples of misconduct, what Employee Relations Policies at East Sussex County Council level of sanction, if any, would be appropriate in each case. Much will depend on the particular circumstances of the case.

Disciplinary Rules

Gross Misconduct

The following are examples of behaviour that could lead to summary dismissal. The list is not exhaustive, and it is acknowledged that it will be necessary to exercise judgement in specific cases to determine whether particular misconduct is to be regarded as gross misconduct. Any decision to dismiss an employee must be fair and reasonable in all the circumstances:

- a) Any form of physical violence towards students. Please refer to the Code of Conduct for employees whose work brings them into contact with young people.
- b) Physical violence, actual or threatened towards other staff or visitors to the Trust schools.
- c) Any sexual approach or response to a student or the development of an intimate relationship with a student, whatever the provocation. Please refer to the Code of Conduct referred to at (a) above.
- d) Sexual offences, sexual insults, sexual harassment or sexual discrimination against students, other staff or visitors to the Trust schools.
- e) Racial offences, racial insults, racial harassment or racial discrimination against students, other staff or visitors to the Trust schools.
- f) Theft of County Council monies or property and of monies or property of colleagues, students or visitors to the Trust schools. Removal from Trust schools premises of property which is not normally taken away without the express authority of the Executive Head Teacher or Head of School Teacher or of the owner of the property may be regarded as gross misconduct.
- g) Deliberate falsification of documents such as time sheets, bonus sheets, subsistence and expense claims for the purpose of gain.
- h) Acceptance of bribes or other corrupt financial practices.
- i) Wilful damage of County Council property or of property belonging to other staff, students or visitors to the Trust schools.
- j) Wilful disregard of safety rules or policies affecting the safety of students, other staff or visitors to the Trust schools.
- k) Any wilful act that could result in an action for negligence against the County Council or the Trust schools.
- l) Refusal to comply with reasonable instructions given by staff with a supervisory responsibility.
- m) Gross neglect of duties and responsibilities.
- n) Unauthorised absence from work.
- o) Being untruthful and/or engaging in deception in matters of importance within the Trust schools community.
- p) Deliberate breaches of confidentiality particularly on sensitive matters.

q) Being incapable by reason of alcohol or drugs (not prescribed for a health problem) from fulfilling duties and responsibilities of employment. (The County Council has produced advice that Employee Relations Policies at East Sussex County Council would need to be taken into account in the case of staff who may be dependent on alcohol.)

r) Conduct which substantially brings the name of the Trust schools into disrepute or which seriously undermines confidence in the employee.

s) Any admitted offence or police caution of a sexual child abuse nature.

t) Any admitted offence or police caution relating to a serious physical abuse of a child.

Other Misconduct

The following are examples of behaviour that could lead to formal disciplinary warnings:

a) Unsatisfactory timekeeping without permission.

b) Neglect of safety rules and procedures. Some offences of wilful neglect may be regarded as gross misconduct.

c) Breaches of confidentiality. Deliberate breaches on sensitive matters may be regarded as gross misconduct.

d) Failure to comply with reasonable work related requirements or lack of care in fulfilling the duties of the post.

e) Behaviour towards other employees, students and visitors that gives justifiable offence. Certain behaviour giving rise to offence may be regarded as gross misconduct.

f) Acting in a manner that could reasonably be regarded as rude, impolite or contemptuous. In certain circumstances such behaviour may be regarded as gross misconduct.

g) Conduct that it is considered adversely affects either the reputation of the Trust schools or affects confidence in the employee.