Guidelines on conduct for employees G303c

Contents

(Click on the headings below to jump to the relevant section)

1. Introduction....1
2. Misconduct....1
3. Gross misconduct....1
4. General misconduct....5
Appendix 1 – Table of changes....9

1. Introduction

1.1 These guidelines, with examples, set out the types of conduct which would be considered unacceptable for employees. These constitute the "Disciplinary Rules" which the Governing Board has adopted.

1.2 There are several rules dealing with particular situations (for example, reporting sickness and taking leave) and some particular types of work also have special rules applying to them. All employees are expected to know and to follow rules which apply to them. If an employee is unsure which rules apply to them or are unclear about the meaning of any rule, they should seek clarification from the Headteacher (or the Chair of Governors/CEO where the employee is the Headteacher).

2. Misconduct

There are two categories of misconduct - gross misconduct and general misconduct, which are described in greater detail below.

3. Gross misconduct

This means that the employee does something that the Governing Board is entitled to regard as a fundamental breach of the employee's contract of employment. If an employee did something like this, the Governing Board could not allow them to remain at work.

Any employee suspected of committing an act of gross misconduct may be suspended, with full pay (making the decision to suspend is subject to considerations by the Headteacher/decision maker to determine if suspension is necessary). If, after proper investigation, under the disciplinary procedure, it was decided that the employee had committed an act of gross misconduct, they would be summarily dismissed without further warning, unless there were exceptional mitigating circumstances.

3.1 Examples of gross misconduct

The list below is not intended to be exhaustive and offences of similar seriousness would receive the same treatment:

© 2025 Norfolk County Council

- Failure to comply with the duty to report known cases of Female Genital Mutilation (FGM) in under 18 year old girls. Read procedural information on Mandatory reporting of female genital mutilation on gov.uk.

- Serious breach of the '*Guidance for safer working practice for those working with children and young people in education settings'*. Read the guidance document.

  Examples include:
  - abusing the position of trust, such as using status and standing to form or promote relationships which are of a sexual nature or may become so.
  - sexual contact, such as any form of communication with a child or young person which could be interpreted as sexually suggestive or provocative.
  - physical contact, such as assault on a pupil.
  - accessing inappropriate images using the school's equipment or misuse of images of pupils.

- Dishonesty

  Examples include:
  - theft of property belonging to the school, contractor, partner organisation, other employees, parents/carers, pupils or persons in the school's care during the course of their employment. This could include abuse of a position of trust by receiving money or gifts from vulnerable service users.
  - deliberate falsification of timesheets, expense claims, claims for financial gain.
  - demanding or accepting monies or other consideration as an inducement for the use of the school's property, placing of orders/contracts contrary to established financial procedures or the showing of favour on behalf of the school.
  - acceptance of any gift or reward for the performance of official duties unless specifically authorised by the Headteacher or regarded by them as appropriate in the circumstances.
  - false, malicious or frivolous allegations or disclosures (whistleblowing).
  - false statements made when applying for appointment, especially, but not exclusively, in respect of qualifications which are a stated requirement of employment or which result in financial gain.
  - false statements made or failing to declare information that is required by statute and, through that, gaining an advantage e.g. shared parental leave and pay, childcare (disqualification) regulations 2009 etc.
  - failure to disclose unspent criminal convictions (or, in respect of posts exempt under the terms of the Rehabilitation of Offenders Act 1975, any conviction, irrespective of whether spent or not and whether incurred before or after appointment). This could include police cautions which form part of a criminal record.
  - failure to notify the Headteacher of a criminal charge or conviction that happens while employed by the school, irrespective of whether it occurs on or off duty. This will not normally affect employment unless the offence could damage public confidence in the school or make employment unsuitable or untenable.
  - covert recording of any meetings or proceedings, including disciplinary and grievance hearings and appeals.

- Deliberate and significant refusal to carry out a reasonable, lawful, and safe instruction or the normal duties of the post which constitute a fundamental feature

© 2025 Norfolk County Council

of the job particularly, but not exclusively, where this causes a risk to the safety of others or has a negative impact on the education of pupils.

- Gross negligence – a serious failure to exercise proper skill and/or care, for example misconduct undertaken with actual appreciation of the risks involved and/or serious disregard of, or indifference to, an obvious risk, bordering on recklessness. An example of this could be where an individual employed in a management position fails to fulfil their specific duties as outlined in the Health and Safety Policy to ensure the safety of others.

- Infringements of safety rules or other negligent actions, which place the health and safety of the employee or other persons at serious risk.

  Examples include:
  - smoking in identified 'no smoking' areas containing combustible, inflammable or explosive materials.
  - driving a school vehicle in a reckless manner that leads or could have led to, otherwise avoidable serious injury or death of other persons.
  - being unfit to perform duties satisfactorily as a result of taking alcohol or drugs, not in accordance with medical advice. This would particularly relate to: -
    - employees while in charge of machinery, vehicles etc.
    - employees who are responsible for pupils, parents/carers or members of the public.

- Wilful unauthorised disclosure of information or misuse of a position of trust in a manner which could be harmful to the school, its pupils, or employees, or for financial or other gain.

  Examples include:
  - the misuse of personal information on employees, pupils or their families etc.
  - a failure to disclose a personal interest where an employee in a position of trust could enable a third party to make gain as a result of the employee's influence.

- Serious misuse of the school's property, including computers, telephones.

  Examples include:
  - inappropriate use of the Internet - see the Social media and electronic communications policy for use of the Internet and social media. Examples of this would include excessive use, accessing, posting (i.e. on Facebook) or downloading pornographic or other unsuitable material, publishing anything that may breach the Equality Act e.g. anything considered sexist, racist, ageist, homophobic or anti-faith, conducting bullying, harassment and victimisation via social networking channels, e.g. posting photographs or offensive or threatening comments about colleagues. Further information can be found in the Discrimination, bullying and harassment policy
    Strategy consideration - *Social media and electronic communications model policy P319 and Discrimination, bullying and harassment policy P308 can be found on InfoSpace,*
  - unauthorised use of software e.g. uploading software in violation of copyright or downloading any software or electronic files.
  - unauthorised access or allowing others unauthorised access.

© 2025 Norfolk County Council

- abuse of the facility to use computers for private purposes.
- sending emails that could be reasonably construed by the recipient as offensive.
- inappropriate use or excessive use of texts, mobile telephones.

- Acts of violence or vandalism in the course of employment directed towards members of the public, contractors, partner organisations, pupils, parents/carers or employees.

  Examples include:
  - malicious damage to property belonging to others.
  - actual physical violence to or assault of others.
  - physically or verbally abusive or threatening behaviour towards others.

- Sexual misconduct at work, or sexual relationships with people for whom the school has a responsibility of care, by those who have contact with them, in the course of work.

  Examples include:
  - Employees having sex on school premises.

- Unlawful discrimination or acts of victimisation or harassment on grounds of race, gender, disability, sexual orientation, age, religion or any other grounds. When investigating a racist incident, the Governing Board will take as its starting point the Home Secretary's recommendation in the MacPherson report (1999) for such an investigation; detailed as follows: *"A racist incident is any incident which is perceived to be racist by the victim or any other person."*

- Acts contravening data protection laws e.g. revealing any information that is confidential to the school or any third party or disclosing personal data or information about any individual, colleague or pupil, which could be in breach of the data protection laws or for a purpose not originally intended or communicated or without permission of the individual (or parent/carer of the individual) to whom it relates, where consent is the legal basis for processing. Disclosure of personal details by a colleague who has information committed to memory (e.g. names of family members, phone number, car registration) may fall outside Data Protection law but not be common knowledge. Detriment may occur if such information were to fall into the wrong hands and determination as to whether the act constitutes gross or general misconduct may hinge on the impact or potential impact on the data subject. Both data processors and data controllers can be held accountable.

  All employees are expected to report suspected data breaches using the breach reporting procedures.

- Abuse of office – Senior employees may have specific contractual obligations to comply with fiduciary duties. Where this is the case, failure to follow these obligations may constitute gross misconduct.

© 2025 Norfolk County Council

- Off-duty misconduct

  This is behaviour, which in context of the nature of the employment, fundamentally undermines the Governing Board's confidence or trust in the employee or where there is a real risk of the school being brought into disrepute. This does not relate solely to the reputation of the school, but also to the suitability of the employee continuing in their job if the misconduct relates directly to employment.

  Examples include:
  - any conviction involving drugs or sex
  - a conviction for theft where the employee's job involves handling cash or valuable goods, entering pupils homes or access to sensitive information.
  - any conviction for violent behaviour, for example affray, harassment, assault or criminal damage.
  - inappropriate use of personal web pages and blogs, for example making defamatory remarks about the school, colleagues, pupils, governors or parents, misrepresenting the school by posting false or inaccurate statements about the work of the school, including any information sourced from the school which breaches copyright, publishing any material or comment that could undermine public confidence in them as employees of the school and/or in position of trust within the community,
  - Acts contravening data protection laws: see para above 'off-duty misconduct' for further detail.

All employees are expected to notify their Head of School (or EHT where the employee is the Head of School) of any convictions incurred whilst employed, whether the offence occurred on or off duty.

4. General misconduct

Although this would be regarded as serious, it would not be seen as a major breach in employment relationship, and, for a first offence, a warning would normally be sufficient. Some more serious acts of misconduct might justify the issuing of a final warning in the first instance. The main purpose of any action taken by the Governing Board would be to ensure the employee modifies their future behaviour. Dismissal would normally only be appropriate where further substantial misconduct occurs beyond a final warning.

4.1 Examples of general misconduct

The list of examples below is not intended to be exhaustive and offences of similar seriousness would receive the same treatment:

- Less significant breaches of the '*Guidance for safer working practice for those working with children and young people in education settings'*. Read the guidance document.

  Examples include:
  - Physical contact, which is non-sexual, non-violent but unnecessary and beyond insignificant.

© 2025 Norfolk County Council

- Dress and appearance, such as presenting for work dressed in an inappropriate manner.

- Absenteeism and lateness:

  Examples include:
  - failure to remain at the place of work during school sessions or working hours without sufficient cause for absence (e.g. attendance at official meetings off-site would be justified whilst going to the shops during working hours for a non-work related reason may be deemed misconduct).
  - failure to comply with sickness reporting and absence regulations.
  - failure to attend punctually at school or other place of work.

- Dishonesty:

  Examples include:
  - abuse of the facility to make private telephone calls.
  - sending personal mail at the school's expense.
  - failure to report loss or damage to any property connected with the employment.
  - failure to declare any financial, personal or social interests that could conflict with the school's interests. This includes improper use of position to gain an advantage or to disadvantage the school or any other individual or organisation.
  - failure to report driving offences where such offences may impact on the employment, particularly where driving is a requirement of the job.
  - failure to report a potential conflict of interest, e.g. where there is cohabitation and/or an intimate personal relationship between a manager and an employee who sits under them in the structure, or cohabitation and/or an intimate personal relationship between an employee and anyone with caring responsibilities for a pupil at the school which could result in accusations such as nepotism or favouritism being levelled

- Off-duty misconduct

  Examples include:
  - less significant off-duty misconduct, i.e. that which impacts on the employment relationship but does not fundamentally undermine it, for example, inappropriate use of social networking websites that directly affects the employment relationships.
  - establishing or seeking to establish social contact with students for the purpose of establishing a friendship, relationship or strengthening a relationship through social media or any other means of communication.
  - acting in an inappropriate manner towards children to such an extent that it could affect an employee's suitability to work with children, for example, physical violence against children.

- Misconduct which raises safeguarding concerns

  This includes allegations of abuse that may relate to a person who works/volunteers with children who has: -
  - behaved in a way that has harmed a child, or may have harmed a child and/or;

© 2025 Norfolk County Council

- possibly committed a criminal offence against or related to a child and/or;
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children; and/or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

Where allegations of abuse are made or safeguarding concerns are raised, which meet the harm threshold, the Norfolk Local Safeguarding Board 'Allegations against persons who work with children' procedure (Section 8.3 of the NSCB policies and procedures manual on the NSCB website) should be followed.

Safeguarding concerns that do not meet this threshold are considered 'low-level' concerns. The term 'low-level' concern does not mean that it is insignificant, it means that the behaviour towards a child does not meet the thresholds as stated above. In Norfolk, the 'low level' concern process is to consult with the Local Authority Education Duty Desk on 01603 307797.

Further information regarding the steps that should be taken in relation to low-level concerns can be found in the *Allegations made against school staff guidance G319a.*

- Other misconduct

  Examples include:
  - failure to wear protective clothing, use protective equipment or adopt safe working practices where required by law or the Governing Board and where this impacts on the employee only (as any failure that impacts on others would be considered as negligence or gross negligence).
  - negligent use of school's property in such a way as is likely to cause serious damage or loss.
  - unauthorised use of protective clothing, uniform, or other comparable items of the school's property while off duty.
  - employees must not gain personally from business transactions e.g. using a supermarket rewards card to receive points while using a school fuel card.
  - failure to comply with the school's policy, procedure and guidance e.g. 'no smoking', 'use of resources e.g. telephones (including mobile), printers, Internet (including Facebook), e-mails, iPods, etc.
  - failure to carry out, without good reason, the obligations which the law or the contract of employment place on the employee.
  - failure to comply with security guidelines e.g. computers, laptops, memory sticks.
  - insubordination and/or failure to carry out a reasonable, lawful, and safe instruction or the normal duties of the post where the impact of the failure is relatively minor.
  - negligence – general neglect of duty falling short of gross negligence.
  - allowing prejudice or bias to influence decision-making.
  - promoting personal political or religious views whilst teaching.

- Inappropriate behaviour towards other people, whether members of the public, pupils, partner organisations, other employees or members of the Governing Board/Trust.

© 2025 Norfolk County Council

Examples include:
- adopting persistently uncooperative or unhelpful attitudes, rudeness, abusive behaviour or offensive language and behaviour involving elements of discrimination, harassment or victimisation.

In certain circumstances this may constitute gross misconduct.

- Undertaking additional employment, which would be detrimental to the interests of the employer and/or would conflict with the employee's own position, for example the Working Time regulations.

These guidelines do not try to cover every situation. They are an attempt to give an indication of the standards of behaviour or conduct that the Governing Board expects of employees. Offences of similar seriousness would receive the same treatment.

The Disciplinary procedure should be referred to when dealing with any allegations of misconduct to ensure the process is handled in a way that is fair and consistent. **Strategy consideration** - *The Discipline model procedure for schools P303 and Disciplinary model procedure for Multi-Academy Trusts P303a* are available on InfoSpace.

NOTE: Employees who raise concerns in good faith about work via the Whistleblowing policy are protected from detrimental treatment or victimisation from their employer.

© 2025 Norfolk County Council

Appendix 1 – Table of changes

Date of change	Paragraphs affected	Summary of update
10/03/2025	All 4.1	Review of whole document and terminology to ensure consistency across all policies and procedures. Inclusion of "failure to disclose an intimate personal relationship with anyone with caring responsibilities for a pupil at the school".
02/05/2024	Title	Document title changed and references to other documents updated.
10/07/2023	3	Updated reference to Internet, social media and email use model policy P319 to Social media and electronic communications model policy P319.
28/11/2022	1, page 2	Updated weblink to the Guidance for safety working practice for those working with children and young people in education settings.
04/10/2021	4	KCSE 2021 update – Paragraph inserted regarding low-level safeguarding concerns
18/05/2021	All	Updated to include new examples of misconduct and dishonesty.
16/11/2020	3	Covert recording of meetings added to the list under dishonesty amounting to gross misconduct.
17/09/2019	3 & 4	Hyperlinks changed from the 2015 version of the guidance for safer working practice for those with children and young people in education settings to the 2019 version.
20/07/2018	3	Information added about making false allegations or disclosures.
26/01/2018	5	Updated to include a breach of data protection law and also a breach of fiduciary duties.
09/11/2017	3	Updated to reference that the decision to suspend will be considered by the Headteacher/decision maker to determine if it is necessary or not before making the decision to suspend.
01/03/2017	All	New formatting due to launch of new HR website, HR InfoSpace – no change to content.

© 2025 Norfolk County Council