

## 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,

If 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,

(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

(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 in danger, e.g. ignoring handling instructions/safety regulations in respect of radioactive materials.

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 the Centre, other employees or children.

1.7 Acts of violence or vandalism in the course of employment.

(a) Malicious damage to Centre/Contractor/other employees/pupils' property.

(b) Actual physical violence towards, members of the centre, staff/Governors/parents/pupils/other members of the public.

1.8 Sexual misconduct at work.

(a) Sexual misconduct whether criminal or not.

(b) Sexual relations with students.

1.9 Off-duty misconduct.

(a) An act of criminal sexual misconduct by an employee who, in the course of duty, has contact with young people.

(b) Drug offences committed by employees whose job bring them into contact with young people.

(c) Sexual relations with students, or young persons.

## 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 notify the school immediately or as soon as reasonably practicable when absence is due to sickness;
- (d) Failure to provide medical certificates in accordance with the Conditions of Service

### 2.2 Dishonesty - petty wrongs, for example:

- (a) Making unauthorised private telephone calls and/or sending personal mail at the establishment'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 school's telephone, fax, email or internet for unauthorised personnel 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 LA 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, e.g. failure to act in accordance with the requirements placed on the school by the Special Education Needs Discrimination Act.
- (d) Insubordination;
- (e) Failure to exercise proper control or supervision of pupils or students.

2.4 Abusive behaviour/offensive language which arises directly out of or in connection with work and which is directed at Senior Staff, colleagues, Governors, pupils or members of the public.

2.5 Victimisation of other employees in the course of duty.

2.6 Unlawful discrimination against other employees, pupils or members of the public in the course of duty.

2.7 Discrimination, whether unlawful or not, in the course of duty against other employees, pupils or members of the public on the grounds of sex, marital status, ethnic origin, disability or sexual orientation.

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 Birth and Beyond

Dependence on investigatory procedures whether staff member is suspended from the centre or not whilst the following is implemented, investigation must commence within 24 hours of suspicion of raised allegations.

1. Respond to information of Gross - Misconduct/Misconduct or failure to comply with Centre Policies and Staff Handbook.
2. Collation of evidence - witness statements, CCTV footage, Complaint forms, Observation and assessment feedback.
3. Meeting with Centre Manager
4. Action Plan implemented - this may be course of targets via set time scales with series of observations and assessment
5. In Series instances of Mis conduct their may be no need for action plan and position is terminated