



# EMPLOYEE DISCIPLINARY POLICY AND PROCEDURES

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## Document Control

Document version numbering will follow the following format. Whole numbers for approved versions, eg 1.0, 2.0, 3.0 etc. Decimals will be used to represent the current working draft version, eg 1.1, 1.2, 1.3 etc. For example, when writing a procedural document for the first time the initial draft will be version 0.1.

The table below provides details of the changes made to this document, to inform those reviewing and approving the document.

Document Edition	Section	Details of Change
1.0	All	Amended to 3 values, staff to employees, removed disciplinary rules. Special cases added.
2.0	All	Approved by Chief Operating Officer (delegated from Board) 12 December 2023

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## 1 Introduction

The Leading Edge Academies Partnership (the 'Trust') is a team of school leaders that aim to be Leading Edge and pioneering in their approach to education and well-being. We are a growing family of like-minded schools that offer a values-based education to the communities we serve and welcome employees, workers, students, parents/carers and volunteers from all different ethnic groups and backgrounds.

The term 'Trust Community' includes all employees, trustees, governors, pupils, parents/carers, volunteers and visitors.

We are a values-based Trust, which means all actions are guided by our three 'Es' as follows:

- **Excellence** – 'Outstanding quality'
- **Evolution** – 'Continuous change'
- **Equity** – 'Fairness and social justice'

This policy is based on the values of '**Excellence**' and '**Equity**'

## 2 Guidance

2.1 Every employee has a role to play in both achieving and sustaining the highest standards of conduct and performance. This procedure is designed to ensure that the conduct of employees meets the standards required of them and to ensure that employees are treated fairly and consistently and in line with the relevant legislation. One of its primary aims is to encourage a permanent improvement in employee conduct.

## 3 Policy Statement

3.1 The aims of the Disciplinary Policy and Procedures are to set out the standards of conduct expected of all employees and to provide a framework within which Leading Edge Academies Partnership can work with employees to maintain satisfactory standards of conduct and to encourage improvement where necessary.

3.2 It is the Trust's policy to ensure that any disciplinary matter is dealt with fairly and that steps are taken to establish the facts and to give employees the opportunity to respond before taking any formal action.

3.3 This policy and its procedures do not form part of any employee's contract of employment, and it may be amended at any time. We may also vary application of the policy, including any time scales for action, as appropriate.

3.4 These disciplinary procedures are based on the [Disciplinary and grievance code of practice from Acas](#).

3.5 The policy and procedures have been agreed and formally adopted by the Board in line with the Scheme of Delegation.

3.6 This policy links to the following other policies:

- Code of Conduct
- Low Level Concerns
- Managing Allegations Against Employees
- Whistleblowing
- Grievance

#### **4 Scope and purpose of policy**

4.1 The policy applies to all employees regardless of length of service excluding those in their probationary period where separate arrangements apply. It does not apply to supply staff, contractors, or volunteers.

4.2 This policy is used to deal with misconduct. It does not apply to cases involving genuine sickness absence, proposed redundancies, or poor performance. In those cases, reference should be made to the appropriate policy or procedure.

4.3 Minor conduct issues can often be resolved informally between employees and their line manager. These discussions should be held in private and without undue delay whenever there is cause for concern. In some cases, an informal verbal warning or instruction may be given, which will not form part of the disciplinary records but may be referred to as part of any future disciplinary proceedings where appropriate. A note of any such informal discussions may be placed, in the form of a letter of concern, on the employee's file. Formal steps will be taken under this procedure if the matter is not resolved, there are repeated or multiple instances of misconduct, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation).

4.4 Employees will not normally be dismissed for a first act of misconduct unless the Trust decides that the conduct amounts to gross misconduct and/ or the employee has not completed their probationary period.

4.5 As recognisable figures in the local community the behaviour and conduct of all employees outside of work can impact on their employment particularly if it may make an individual unsuitable to work with children. This is known as a transferable risk. Therefore, conduct outside work may be treated as a disciplinary matter if it is considered that it is relevant to the employee's employment (see disciplinary rules).

4.6 Leading Edge Academies Partnership, through our Employee Assistance Programme, offers access to confidential counselling should you require it, which is available on request. The details to access this service (24/7) are as follows:

Education Support

08000 562 561

## **5 Confidentiality and data protection**

- 5.1 It is the aim of the Trust to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat any information communicated to them in connection with an investigation or disciplinary matter as confidential during and/or after an investigation into allegations.
- 5.2 Any breach of confidentiality will be taken seriously and may warrant its own investigation.
- 5.3 Employees, and anyone accompanying them (including witnesses), must not make electronic recordings of any meetings or hearings conducted under these procedures, unless agreed by all participating parties.
- 5.4 Employees will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against them, unless there is good reason that a witness's identity should remain confidential.
- 5.5 The amended Education Act 2002 introduced reporting restrictions, in respect of any allegations made against a teacher, preventing the publication of any material that may lead to the identification of a teacher in a school who has been accused by or on behalf of, a student from the same school. This applies to parents and carers as well as the press. If for any reason the Academy needs to make parents aware of any allegations, they should equally make them and others aware there are restrictions on publishing information.
- 5.6 During informal action, formal investigation and any subsequent stages of the procedure, the Trust will collect, process and store personal data in accordance with our data protection policy. The data will be held securely and accessed by, and disclosed to, individuals only for the purposes of completing the disciplinary procedure. Records will be kept in accordance with our Data Protection Policy and in line with the requirements of **Data Protection Legislation** (being (i) the General Data Protection Regulation ((EU) 2016/679) (in any form retained by the UK, unless and until the GDPR is no longer directly applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998, including the Data Protection Act 2018). Any breach of data protection may constitute a disciplinary offence and be dealt with under this procedure.

## **6 Allegations**

- 6.1 Allegations may be brought to the Trust's attention in several ways and through a variety of sources. As with disclosures made by children and young people, adults need to be aware that in making an allegation or raising a concern it is not always possible to keep the matter confidential. The Headteacher will need to decide upon the most appropriate course of action and may choose to proceed with an investigation even if the person making the allegation does not want them to, or even if the allegation is withdrawn.
- 6.2 Allegations which involve issues of child protection and/or abuse of children by employees should be referred to the LADO (Local Authority Designated Officer) within 24 hours of the allegation made. See the Allegations of Abuse Against Employees Policy for further guidance on the

management of this type of allegation. No further action under this procedure will usually be taken until the Local Authority Designated Officer (LADO) has been consulted.

## **7 Suspension**

- 7.1 In some circumstances it may be necessary to suspend the employee from work, particularly where there are either reasonable grounds to suspect an employee, child or other children at School are at risk of harm or the case is so serious that it might be grounds for dismissal. The suspension will be for no longer than is necessary to investigate the allegations and conclude the disciplinary process.
- 7.2 The employee will be informed of the suspension in a face-to-face meeting, held in person or over video conferencing, if necessary, followed by a notification in writing.
- 7.3 Suspension is not a disciplinary penalty and does not imply that any decision has already been made about the allegations. Employees will continue to receive normal salary and benefits during the period of suspension and appointed a named contact within the Trust who will provide welfare support.
- 7.4 Alternatives to suspension will be considered before a decision is made. An employee will only be suspended where it is deemed that there are no other suitable actions.
- 7.5 The suspension will be kept under review as the investigation progresses. As information is gathered it may become appropriate to lift the suspension during the course of the investigation or prior to any disciplinary hearing.
- 7.6 The Trust will not prevent social contact with work colleagues and friends during the suspension unless there is evidence to suggest this may prejudice the gathering of evidence.
- 7.7 The decision to suspend an employee is made in accordance with the Scheme of Delegation.

## **8 Investigations**

### **8.1 Preliminary investigation**

- 8.1.1 Upon receiving any allegations against an employee(s), it is likely that further information will be required to establish what the next course of action should be. The Headteacher or a member of SLT will seek to establish the basic facts of the situation; this may involve looking at records, speaking to witnesses, reviewing CCTV etc.
- 8.1.2 A preliminary investigation meeting may be held with the employee to establish the basic facts of the circumstance and to enable the Headteacher to determine whether further investigation is required. Such a meeting can sometimes give a reasonable explanation in response to allegations which then enables the matter to be concluded. A preliminary meeting will not be required in all cases, and it is for the Headteacher to decide if this is appropriate.

## 8.2 Further investigation

- 8.2.1 After a preliminary investigation, where it is determined that there is a need for investigation, or if the concerns are serious enough to warrant a full investigation immediately, the Headteacher will usually appoint an Investigating Officer to carry out the investigation. This will be an appropriate person to the nature of the allegations and the role of the employee. In the case of allegations made against the Headteacher the CEO will be responsible for the management of the procedure and determining an appropriate investigating officer, either internally or externally.
- 8.2.2 The investigating officer will gather the facts of the case and evidence. The investigating officer will, if necessary, hold investigatory meetings (in person or over video conferencing).
- 8.2.3 Investigation meetings are solely for the purpose of fact-finding and no decision on formal disciplinary action will be taken until after a disciplinary hearing has been held, should the evidence lead to this decision. A record of the investigation meetings will be made, and all employees interviewed will have the opportunity to review the record, make amendments for clarification purposes (without changing the content) and sign and date the record.
- 8.2.4 Employees must co-operate fully and promptly in any investigation. This will include providing the names of any relevant witnesses, disclosing any relevant documents or information, and attending investigative interviews if required. As each investigation will vary in length and complexity it will be completed in as short a time frame as possible.
- 8.2.5 There is no legal right to be accompanied to an investigation meeting, however the employee(s) may bring an official trade union representative or work colleague to the investigation meeting if one is available. No rearrangements will be made to the time and date of the investigation meeting to enable a companion to attend.
- 8.2.6 If an employee does not attend an arranged investigation meeting, the person investigating should rearrange the meeting. The employer or person investigating should see if it would help to make other arrangements. For example, if the employee is off with stress and is worried about coming to the workplace, they could hold the meeting somewhere else. If the employee is too sick or continues to be not able or not willing to attend, the person investigating will need to look at all other evidence and make a reasonable decision.
- 8.2.7 Following the conclusion of the investigation, the investigating officer may give recommendations for next steps. If it is determined that the matter move forward to a formal disciplinary hearing, a disciplinary officer will be appointed. This will be a person independent from the investigating officer.



## 9 Giving recommendations

If the person investigating is to give recommendations at the end of the investigation, they should recommend one of the following:

- formal action
- informal action
- no further action

### Formal action

Formal action could be:

- to initiate a disciplinary hearing,
- changes to an organisation's policy or procedure,
- further investigation into other matters that were found.

### Informal action

Informal action could be:

- training or coaching for parties involved,
- counselling for parties involved,
- mediation for parties involved,
- notification that further similar action might end in disciplinary action.

### No further action

The person investigating might still suggest anything that could help the workplace and the people involved, for example:

- counselling
- mediation
- another form of support

## 10 Notification

10.1 If it is decided that there is a disciplinary case to answer, 10 working days written notice of the date, time and place of the disciplinary hearing will be given to provide the employee with a reasonable amount of time to prepare their case based on the information that they have been provided with. The hearing will be arranged as soon as is practicably possible. Less notice can be given if all parties are agreeable, and/ or the nature of the allegation is of a sensitive nature.

The notification will include:

- Details of the alleged misconduct and its possible consequences.
- Copies of any written evidence, including witness statements.
- The time, date and location of the disciplinary meeting (including the details if the meeting is to be held over video conferencing, if relevant).

- A statement that the employee has the right to be accompanied by a colleague or a trade union representative.
- The names of the Panel conducting the hearing.
- Notification that the employer intends to call witnesses (if relevant).
- If the employee intends to call a witness, they should notify the employer.

## **11 Criminal charges**

- 11.1 Where conduct is the subject of a criminal investigation, arrest, charge, or conviction the facts will be investigated before deciding whether to take formal disciplinary action. Disciplinary action will not be automatic and will depend upon the circumstances. Employees should inform their Headteacher immediately if they are involved in a criminal investigation, arrest, or are subject to a charge or conviction. Failure to notify their line manager may result in disciplinary action.
- 11.2 The Trust will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where employees are unable or have been advised not to attend an investigation meeting or disciplinary hearing or say anything about a pending criminal matter, a decision may have to be made based on the available evidence.
- 11.3 A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if it is considered that it is relevant to the employee's employment.
- 11.4 Where a criminal investigation relates to allegations of abuse of children or young people the Trust will co-operate and share information about the employee with other relevant agencies as appropriate following advice from the Local Authority Designated Officer (LADO).

## **12 Disciplinary hearing**

- 12.1 The Headteacher is responsible for ensuring that all the arrangements for the hearing are made and that the employee receives the appropriate paperwork and notice of the hearing.
- 12.2 If the employee and/or their companion cannot attend the hearing they should inform the Headteacher/ HR Support immediately and consideration will be given to arranging an alternative time. Employees must make every effort to attend the hearing and failure to attend without good reason may be treated as misconduct. Failure to attend without good reason, or persistent inability to do so (for example for health reasons), may lead to a decision being taken in their absence, based on the available evidence.
- 12.3 If the employee chooses not to attend the hearing, they may choose to send a written statement for consideration at the hearing or their trade union representative may attend on their behalf.
- 12.4 At the hearing, the Chair will explain the case against the employee and go through the evidence that has been gathered. The person may choose to have the investigating officer present the management's case.
- 12.5 The employee will be given the opportunity to set out their case and answer any allegations that have been made. The employee will also be given a reasonable opportunity to ask questions and

present evidence and call relevant witnesses. They will also be given an opportunity to raise points about any information provided by witness statements.

- 12.6 The employee has the right to be accompanied by a colleague or a trade union representative. Employees must make the request in advance of the meeting, to allow the Trust to prepare and to ensure the employer knows who the companion will be.
- 12.7 The Trust may, at their discretion, allow the employee to bring a companion who is not a colleague or union representative (for example, a member of family) as a reasonable adjustment if the employee has a disability.
- 12.8 If an employee's chosen companion is not be available to meet at the proposed time, the hearing may be postponed to a time proposed by the employee, as long as the alternative time is reasonable and not more than 5 working days after the original date.
- 12.9 The companion can address the hearing to put forward and sum up the employee's case, respond on behalf of the employee to any views expressed at the hearing and confer with the employee during the hearing. The companion does not, however, have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.
- 12.10 The Chair may adjourn the disciplinary hearing if there is a need to carry out any further investigations such as re-interviewing witnesses in the light of any new points that have been raised at the hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.
- 12.11 The employee will be informed in writing of the decision and the reasons for it, usually within 5 working days of the disciplinary hearing. Where possible this information will also be explained to the employee in person.

### **13 Taking appropriate action**

- 13.1 The usual penalties for misconduct are set out below. In most cases, no penalty should be imposed without a hearing. In some cases where the employee accepts responsibility for the misconduct, they may elect to forego the formal disciplinary hearing and accept the sanction.
- 13.2 The Trust aims to treat all employees fairly and consistently, and a penalty imposed on another employee for similar misconduct may be considered but will not be treated as a precedent. Each case will be assessed on its own merits.
- 13.3 Any disciplinary warning, dismissal or alternatives to dismissal is authorised as per the Trust's Scheme of Delegation.

### **14 Penalties**

#### **14.1.1 Letter of Concern**

Where it is decided that the action was not serious enough to warrant a formal written warning, a letter of concern may be issued. This may be accompanied by a notification that arrangements will be put in place to improve the employee's behaviour, such as a training course or occupational health support.

#### **14.1.2 First written warning**

A first written warning will usually be appropriate for a first act of misconduct where there are no other active written warnings on the employee's disciplinary record.

A first written warning will usually remain active for six months.

#### **14.1.3 Final written warning**

A final written warning will usually be appropriate for:

- misconduct where there is already an active written warning on the employee's record; or
- misconduct that is considered sufficiently serious to warrant a final written warning even though there are no other active warnings on the record.

A final written warning will usually remain active for 12 months.

In exceptional cases verging on gross misconduct, or where a final written warning has been issued as an alternative to dismissal, a final written warning may state that it will remain active indefinitely.

A further instance may result in demotion or dismissal.

#### **14.1.4 Dismissal**

Dismissal will usually only be appropriate for:

- any misconduct during the probationary period,
- further misconduct where there is an active final written warning on the record; or
- any gross misconduct regardless of whether there are active warnings on the record. Gross misconduct will usually result in immediate dismissal without notice or payment in lieu of notice (summary dismissal).

#### **14.1.5 Alternatives to dismissal**

At our discretion, in some cases alternatives to dismissal may be considered, and will usually be accompanied by a final written warning. Examples include:

- Demotion,
- Transfer to another department or job,

- Loss of seniority, or
- Reduction in pay.

## **15 Appeals process**

- 15.1 The employee has the right to appeal against the disciplinary action taken against them. This must be in writing, stating the full grounds of appeal and sent to the Headteacher/HR Support within 5 working days of the date on which the employee was informed of the decision.
- 15.2 If the employee is appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if the appeal is successful, they will be reinstated with no loss of continuity or pay.
- 15.3 If any new matters are raised in the appeal hearing further investigation may need to be carried out. The Chair may adjourn the appeal hearing if there is a need to carry out any further investigations such as re-interviewing witnesses in the light of any new points that have been raised at the hearing. If any new information comes to light this will be provided to the employee with a summary including, where appropriate, copies of additional relevant documents and witness statements. The employee will have a reasonable opportunity to consider this information before the hearing is reconvened.
- 15.4 The employee must be given written notice of the date, time, and place of the appeal hearing. This will normally be no less than 5 working days. The employee may bring a companion (Union Representative or Work Colleague) to the appeal hearing.
- 15.5 Where possible, the appeal hearing will be conducted by a nominated person(s) not been previously involved in the case. The hearing may be a complete re-hearing (which would follow the format for hearings) or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light (in which case the format would be reversed so that the appellant would present their appeal first). This will be at the discretion of the nominated person(s) and may be dependent on the circumstances of the case. In any event the appeal will be dealt with as impartially as possible.
- 15.6 Following the appeal hearing the Nominated Person(s) may:
- 15.6.1 confirm the original decision,
  - 15.6.2 revoke the original decision, or
  - 15.6.3 substitute a different penalty. Ordinarily a penalty will not be increased on appeal unless there is new information or evidence being available that requires further investigation
- 15.7 The employee will be informed in writing of the decision and the reasons for it, usually within 5 working days of the appeal hearing. Where possible this information will also be explained to the employee in person. There is no further right to appeal.

## **16 Referrals to external bodies**

In cases where employees in regulated activity are dismissed, or removed due to safeguarding concerns or would have done had they not resigned during a disciplinary process, a referral should be made as soon as possible to the Disclosure and Barring Service (all staff) and Secretary of State (teachers only), where the thresholds for referral are met. This could also include when an individual is suspended and redeployed into work that is not regulated activity. A failure to do so when the criteria is met is a criminal offence.

## **17 Special cases**

If the employee involved in a disciplinary procedure is also the trade union representative, The Academy will notify the union and discuss the matter with an official employed by the union before action is taken, after obtaining the employee's agreement. The procedure will continue as normal.

If the employee who is subject to disciplinary procedures raises a grievance about the disciplinary allegations or the procedure itself, the grievance procedure will run concurrently.

If the employee who is subject to disciplinary procedures raises a grievance about something unrelated to the disciplinary, consideration will be given to pausing the disciplinary while the grievance is addressed.

We will disclose any proven disciplinary offences by a staff member if a reference is requested by a future employer.

## **Appendix 1 - Definitions**

### **1 Misconduct**

- 1.1 The following are examples of matters that will normally be regarded as misconduct and will be dealt with under the Disciplinary Procedure:
- 1.1.1 Minor breaches of any of the Trust policies,
  - 1.1.2 Minor breaches of an employee's contract of employment,
  - 1.1.3 Damage to, or unauthorised use of, the Academy/ Trust's property,
  - 1.1.4 Poor timekeeping or time wasting,
  - 1.1.5 Unauthorised absence from work,
  - 1.1.6 Refusal to follow instructions,
  - 1.1.7 Excessive use of the Academy/Trust's telephones, email, or internet usage for personal reasons,
  - 1.1.8 Inappropriate or other offensive behaviour, including using obscene language, victimisation or harassment of other employees or students,
  - 1.1.9 Negligence in the performance of duties,
  - 1.1.10 Smoking in no-smoking areas, which applies to anything that can be smoked and includes, but is not limited to, cigarettes, electronic cigarettes, pipes (including water pipes such as shisha and hookah pipes), cigars and herbal cigarettes; or
  - 1.1.11 Poor attendance.
- 1.2 This list is intended as a guide and is not exhaustive.

### **2 Gross misconduct**

- 2.1 Gross misconduct is a serious breach of contract and includes misconduct which, in the opinion of the Trust is likely to prejudice its business or reputation or irreparably damage the working relationship and trust between the Trust and the employee. Gross misconduct will be dealt with under the Disciplinary Procedure and may lead to dismissal without notice or pay in lieu of notice (summary dismissal).
- 2.2 The following are examples of matters that are normally regarded as gross misconduct:
- 2.2.1 Theft, or unauthorised removal of property or the property of a colleague, contractor, student, or member of the public,

- 2.2.2 Fraud, forgery, or other dishonesty, including fabrication of expense claims and time sheets, students' work, examinations or assessments,
- 2.2.3 Actual or threatened violence, or behaviour which provokes violence,
- 2.2.4 Deliberate damage to the buildings, fittings, property or equipment of the Trust or the property of a colleague, contractor, student, or member of the public,
- 2.2.5 Inappropriate conduct with children or young people, including failing to maintain appropriate professional boundaries,
- 2.2.6 Serious failure to follow the Trust's child protection procedures,
- 2.2.7 Behaving in a way, either inside or outside of work, which could cause harm to a child, or could indicate that you pose a risk of harm to children/may not be suitable to work with children,
- 2.2.8 Making a false declaration or failing to disclose information in relation to the disqualification from childcare requirements, or becoming disqualified from providing childcare,
- 2.2.9 Serious misuse of the School's/Academy's/Trust's property or name,
- 2.2.10 Deliberately accessing internet sites at work or at home, using School equipment, which contain pornographic, offensive or obscene material,
- 2.2.11 Repeated or serious failure to obey instructions, or any other serious act of insubordination,
- 2.2.12 Bringing the Trust into serious disrepute,
- 2.2.13 Being under the influence of alcohol, illegal drugs or other substances during working hours or not being capable of fulfilling your duties because of the effects of alcohol or illegal drugs or other substances,
- 2.2.14 Causing loss, damage or injury through serious negligence,
- 2.2.15 Serious or repeated breach of health and safety rules or serious misuse of safety equipment,
- 2.2.16 Unauthorised access, use or disclosure of confidential information or failure to ensure that confidential information in your possession is kept secure,
- 2.2.17 Acceptance of bribes or other secret payments,
- 2.2.18 Conviction or caution for a criminal offence that in the opinion of the Trust may affect our reputation or our relationships with our employees, students, parents, or the public, or otherwise affects your suitability to continue to work for us,
- 2.2.19 Possession, use, supply, or attempted supply of illegal drugs,



- 2.2.20 Serious neglect of duties, or a serious or deliberate breach of your contract or operating procedures,
  - 2.2.21 Unauthorised use, processing, or disclosure of personal data contrary to our Data Protection Policy,
  - 2.2.22 Harassment of, or discrimination against, employees, students, parents, or members of the public, related to any of the protected characteristics,
  - 2.2.23 Refusal to disclose any of the information required by your employment or any other information that may have a bearing on the performance of your duties,
  - 2.2.24 Giving false information as to qualifications or entitlement to work (including immigration status),
  - 2.2.25 Making a disclosure of false or misleading information under our Whistleblowing Policy maliciously, for personal gain, or otherwise in bad faith,
  - 2.2.26 Making untrue allegations in bad faith,
  - 2.2.27 Victimising a colleague who has raised concerns, made a complaint or given evidence information under the Whistleblowing policy, Anti-harassment and Bullying policy, Grievance Procedure, Disciplinary Procedure or otherwise,
  - 2.2.28 Serious misuse of our information technology systems (including misuse of developed or licensed software, use of unauthorised software and misuse of email and the internet),
  - 2.2.29 Undertaking unauthorised paid or unpaid employment during your working hours,
  - 2.2.30 Unauthorised entry into an area of the premises to which access is prohibited,
  - 2.2.31 Making covert recordings of colleagues or managers.
- 2.3 This list is intended as a guide and is not exhaustive.
- 2.4 In some instances, offences which would normally constitute gross misconduct may be considered as misconduct because of mitigating circumstances. Similarly, issues which would normally be treated as misconduct may, in certain circumstances, be considered so serious that they constitute gross misconduct.