

Procedure for Managing Concerns, Allegations, and Unsuitability Policy

The following document outlines Protocol Education's procedures for managing concerns/allegations against educators.

A safeguarding concern/allegation refers to: a claim that a person of trust has acted in a way that may be harmful to a child.

It is important that any concern/allegation brought to Protocol Education's attention is taken seriously and dealt with sensitively and promptly, regardless of the setting.

1. General principles

1.1 All concerns/allegations are managed in line with [Keeping Children Safe in Education](#).

1.2. Each step and action will be taken without unreasonable delay.

1.3. Protocol Education may suspend educators without pay while an investigation into the concern/allegation takes place.

1.4. If appropriate, we'll work with the Hirer to determine if they can facilitate an educators' redeployment to another part of the education setting.

1.5. Whilst investigations are taking place, Protocol Education may cease to offer the educator any further assignments until the investigation comes to a close and a decision is made regarding the educator's contract.

1.6. A suspension will be reviewed as soon as possible and will not normally exceed 20 working days. However, this cannot always be guaranteed, especially where there are multiple organisations involved.

1.7. In line with Keeping Children Safe in Education, please note Protocol Education will fully co-operate with any enquiries from the LADO (where a referral is made), Police and/or Local Authority Children's Social Care. The school or college will usually take the lead because agencies do not have direct access to children or other school or college staff, so they will not be able to collect the facts when an allegation is made, nor do they have all the relevant information required by the LADO as part of the referral process.

1.8. It should be recognised that lists of concerns/allegations cannot be regarded as complete to meet every case, and also that any action described as general misconduct may amount to, and be treated as, gross misconduct if the circumstances or the manner of the misconduct are

such as to warrant serious action. These lists should be regarded therefore as being illustrative rather than exhaustive.

1.9. All records of action taken will be held centrally by the Safeguarding Team and a record of the action taken will be held on the educator's file as required by recording keeping guidance from Keeping Children Safe in Education.

2. Procedures

2.1. The steps set out below are a guide and will not be followed in full in every case. The point at which the procedure is entered or the omission of any of the stages will depend entirely on the seriousness of the concern/allegation. Thus, a series of minor concerns/allegations or a repetition of one such concern/allegation may involve the entire procedure whilst a more serious concern/allegation may well call for an immediate dismissal. Previous concerns/allegations will also be taken into account to determine patterns of behaviour and potential risk. Gross misconduct will immediately result in Protocol Education ceasing to use an educator's services.

Where Protocol Education are made aware of a concern/allegation, the following steps will be followed.

2.2. The first stage of an investigation will involve the gathering and assessment of the information surrounding the concern/allegation. This is ordinarily undertaken by the Hirer.

2.3. The educator will receive contact from their point of contact at Protocol Education explaining a concern/allegation has been made regarding them. The nature of the concern/allegation will be disclosed to the educator, unless advised otherwise.

2.4. The educator will be asked to provide a written response to the concern/allegation which should be sent to their point of contact at Protocol Education.

2.5. A decision may be made to refer the concern/allegation to LADO (Local Authority Designated Officer) if it is believed, following the immediate fact-finding process, the educator may have:

- a. Behaved in a way that has harmed/may have harmed a child
- b. Possibly committed a criminal concern/allegation against or related to a child
- c. Behaved towards a child or children in a way that indicates they may pose a risk of harm to children
- d. Behaved or may have behaved in a way that indicates they may not be suitable to work with children

2.6. These 4 points above are known as the 'harm threshold'.

2.7. LADO will determine whether the concern or allegation meets the harm threshold and will provide next steps to those involved in the investigation process. More information on the LADO managing allegations procedure is detailed further on in this document.

2.8. Where LADO decide that the concern/allegation does not meet the harm threshold, or where a decision is made not to refer to LADO, the concern/allegation will be managed under the Tier 2 process (more information below).

3. Types of concerns/allegations

3.1. **Tier 1 concerns/allegations:** The concern/allegation is one that the LADO believes to meet the harm threshold, and the managing allegations process will begin.

3.2. **Tier 2 concerns/allegations:** Low level concerns – a concern/allegation is not referred to the LADO or the LADO have confirmed it does not meet the harm threshold.

4. Tier 1 – concerns/allegations that meet LADO’s ‘harm threshold’

4.1. A LADO is an individual appointed by the Local Authority who is responsible for managing concerns/allegations regarding adults who work with children. They do not conduct investigations directly, but rather oversee and direct them to ensure thoroughness, timeliness, and fairness. The LADO will liaise with all relevant organisations involved in the investigation such as: Protocol Education, the Hirer, and Children’s Social Care and the Police where necessary.

4.2. Where necessary an Allegation Management Meeting will be chaired by LADO who will ensure that all relevant agencies/organisations are invited. The purpose of the meeting is to share information about the educator who is subject to the concern/allegation, the alleged child victim, and plan the investigation/enquiries.

4.3. An educator will not attend an Allegations Management Meeting in order for the investigation to be impartial, however the educator will be given a right to respond to the concern/allegations through Protocol Education. This will be done through a written statement and an option will be offered to the educator to meet with their point of contact at Protocol Education. The responses are always fed back in full to ensure the voice of the educator is considered as part of the investigation.

4.4. The LADO will then regularly monitor and record the progress of any case, convening additional Allegation Management Meetings if necessary.

4.5. Investigations should be undertaken with a focus on establishing and evidencing one of the following outcomes:

- a. **Substantiated** – sufficient evidence to prove the allegation.

- b. **Unsubstantiated** – insufficient evidence to either prove or disprove the allegation. This outcome is not implying innocence or guilt.
- c. **Unfounded** – There is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances.
- d. **Malicious** – sufficient evidence to disprove the allegation and there has been a deliberate act to deceive.
- e. **False** – sufficient evidence to disprove the allegation.

4.6. Some Local Authorities have different approaches, thus there may be slight variations to the points above in terms of procedure. However, the outcomes are the same across all.

5. Substantiated concerns/allegations

5.1. Where there is sufficient evidence to prove the concern/allegation, Protocol Education will review whether this amounts to gross misconduct.

5.2. In all cases of gross misconduct, an educator will cease to be engaged with any recruitment business under the Supporting Education Group.

5.3. Where the concern/allegation does not amount to gross misconduct, a review of the case will take place, and it will be determined whether it is suitable for the educator's services to continue being used.

6. Unsubstantiated, Unfounded, Malicious, or False concerns/allegations

6.1. Where the concern/allegation is unsubstantiated, unfounded, malicious, or false a review of the case will take place, and it will be determined whether it is suitable for the educator's services to continue being used.

7. Ceasing to use an educator's services

7.1. In line with Protocol Education's Contract for Services: 9.1. *Any of the Employment Business, the Agency Worker or the Hirer may terminate the Agency Worker's Assignment at any time without prior notice or liability.* Therefore, Protocol Education are within their rights to end the working relationship if they deem that is the best course of action.

7.2. Where an outcome has been reached under a LADO process, Protocol Education are unable to overturn this outcome. This is because an investigation overseen by LADO is based on information shared between all involved organisations, and thus is a multi-agency investigation. Information to aid an investigation is gathered by the Hirer and/or other organisations as Protocol Education do not have direct access to children or other school or college staff, so are unable to collect the facts when a concern/allegation is made.

7.3. Every outcome decision is made under the guidance of the LADO. Therefore, any concerns about the investigation and information sharing must be sent to them directly.

8. Tier 2 – concerns/allegations that have not been referred to LADO or that LADO have stated does not meet their harm threshold

8.1. A concern/allegation that has not been referred to LADO or that LADO have stated does not meet their harm threshold is also known as a 'low-level concern' in line with Keeping Children Safe in Education. A low-level concern is any concern that:

- Is inconsistent with Protocol Education and the Hirer's Code of Conduct/Educator Behaviour policy.
- Does not meet the harm threshold or is otherwise not serious enough to consider a referral to the LADO.

8.2. This does not mean that low-level concerns are insignificant, and they should be dealt with effectively.

Protocol Education aim to:

8.3. Ensure all educators are clear about what appropriate behaviour is in line with the Educator Behaviour policy. This includes educator's being confident in distinguishing expected and appropriate behaviour from inappropriate, problematic or concerning behaviour, in themselves and others.

8.4. Address unprofessional behaviour and support the individual to correct it at an early stage.

8.5. Handle and respond to such concerns sensitively and proportionately when they are raised.

The procedure for managing low-level concerns is as follows.

8.6. In the first instance of a low-level concern, an informal conversation had between the educator and their point of contact at Protocol Education to address the concern and how Protocol Education can support the educator to ensure corrective action is taken.

8.7. Where there is a second occurrence, a letter of guidance will be sent to the educator.

8.8. Where Protocol Education receive a third low-level concern, it will be determined whether it is suitable for the educator's services to continue being used.

8.9. There may be instances where Protocol Education make the decision that an educator does not meet their standards and thus will cease to use an educator's services. This will not affect future references provided for the educator, but it will mark the end of an educator's working relationship with Protocol Education.

9. Instances of gross misconduct

9.1. Protocol Education will cease to use an educator's services where it is considered that they have acted in a way that amounts to gross misconduct. The following list should be regarded as an illustrative, rather than exhaustive list of actions which constitute gross misconduct.

9.2. Theft, either from Protocol Education, its employees, clients, school staff, parents, or pupils, including the unauthorised possession of any of Protocol Education's goods, materials, products or produce.

9.3. Fraud, any deliberate falsification of records or any deliberate attempt to defraud Protocol Education or its employees. Fraud can include falsification of time sheets, travel claims, self-certification forms, registration documentation, career history etc.

9.4. Unauthorised use or disclosure of confidential information or business matters relating to Protocol Education, its clients, temporary workers or applicants.

9.5. Violence, any fighting or violence which takes place on Protocol Education's premises or whilst at an assigned school.

9.6. Indecency which is related to employment with Protocol Education.

9.7. Deliberate damage to Protocol Education's property, or to the property of fellow employees or to the property of an assigned school.

9.8. Intoxication or the bringing of intoxicants or illegal drugs at any time onto Protocol Education's premises or onto the premises of an assigned school.

9.9. Gross carelessness or negligence: including any action or failure to act which threatens the health or safety of any pupils, parents, school staff, or Protocol Education employees. This includes any disregard of safety rules on Protocol Education's premises or the premises of an assigned school.

9.10. Failure to comply with the provisions of Protocol Education's Safety Policy or that of an assigned school.

9.11. Any conduct which does or may bring Protocol Education's business into disrepute, or which results in the loss of custom of a client, loss of business, loss of temporary applicant and/or educator. This also includes any conduct in which by continuing to use the educator's services will bring Protocol Education's business or reputation into disrepute.

9.12. Breach of contract of employment: any fundamental breach of contract which renders continuation of employment impossible including failure to meet statute related provisions.

9.13. Harassment of parents, pupils, school staff, Protocol Education employees, or others, whether the harassment is sexual, racial or of any other kind.

9.14. Discrimination against parents, pupils, school staff, Protocol Education employees, or others which is on grounds of sex, gender, marital status, race, colour, religion, ethnic origin, nationality or disability.

9.15. Obtaining unauthorised access to, making unauthorised use of, or making unauthorised amendments to information stored on computers, computer software or computer hardware.

9.16. Inappropriate social, physical or sexual contact and/or language with parents, pupils, school staff, Protocol Education employees, or others.

9.17. Refusal to carry out reasonable instructions from a superior.

9.18. Failure to disclose information that may be relevant to Protocol Education's assessment of an educator's suitability to work. This can include (but is not limited to) previous safeguarding concerns/allegations, a criminal concern/allegation, disciplinary information, employment history thus reference information etc.

9.19. Failure to comply with Protocol Education's safeguarding procedures, including any conduct during a safeguarding investigation that is deemed inappropriate such as harassment, aggression, or threatening language/behaviour.

9.20. A criminal offence committed inside or outside of work, which is incompatible with the educator remaining in employment.

9.21. Refusal to obey a lawful instruction in connection with the employment.

9.22. Disclosing details of his/her salary and remuneration to other educators of Protocol Education.

10. Referrals to relevant authorities

10.1. Where the conditions have been met, Protocol Education have a legal obligation to refer the educator to the Disclosure and Barring Service, and (where applicable) the Teaching Regulation Agency or Education Workforce Council for Welsh educators.

For more information, please visit the following websites:

[DBS Referral Information](#)

[TRA Referral Information](#)

[EWC Referral Information](#)

11. References

11.1. Substantiated concerns/allegations and instances of gross misconduct will be provided in references.