

## Procedures for managing allegations made against Agency Workers

The following document outlines Protocol Education's procedures for managing allegations made against agency workers.

### General Principles

The following general principles will apply:

- Each step and action will be taken without unreasonable delay.
- Protocol Education may suspend agency workers without pay while an investigation takes place. Such a suspension will be reviewed as soon as possible and will not normally exceed 20 working days
- If a review meeting is required, the agency worker will have the right to be accompanied by a trade union representative or a work colleague of their choice. If an agency worker is unable to attend any such meeting, an alternative meeting date may be suggested, provided it is within 5 working days of the original date.
- Timing and location of meetings must be reasonable.
- If a meeting is needed it will be conducted in a manner that enables both Protocol Education and the agency worker to explain their case.
- Whenever Protocol Education or the agency worker is required to send the other a statement, the original or a copy will suffice.
- No action will be taken against an agency worker until the case has been fully investigated
- An agency worker's contract or services will not be terminated for a first offence except in the case of gross misconduct.
- It should be recognised that lists of offences cannot be regarded as complete to meet every case, and also that 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.
- All records of action taken will be held centrally by the Safeguarding Team and a record of the action will be held on the agency worker's file.
- Protocol Education will follow the Keeping Children Safe in Education guidance (part 4) in relation to allegations against supply staff. We will work closely with the Hirer, LADO, police and/or children social services where necessary.

## Procedures

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 offence. Thus, a series of minor offences or a repetition of one such offence may involve the entire procedure whilst a more serious offence may well call for a final warning. Gross misconduct will lead to instant termination of a contract.

### Offences other than gross misconduct

The following are examples of offences other than gross misconduct for which contract termination may be appropriate if corrective action is not taken after the issue of a written warning:-

- Unauthorised absence: including unauthorised absenteeism or unauthorised absence from the work place.
- Poor standard of work; or inadequate attention to work.
- Poor timekeeping or attendance
- Provocative, abusive or truculent behaviour
- Inappropriate language or phrases
- Sexist or racist conduct or behaviour of any kind.

The procedures for dealing with offences other than gross misconduct are:

- |                       |   |   |
|-----------------------|---|---|
| Formal Review         | - | A Formal Review will take place in the light of any allegation. This review may involve taking written statements from relevant parties or a formal review meeting or both. Written notice of meetings will be given in all cases and agency workers are entitled to suggest an alternative date where relevant within 5 working days of the original meeting date. |
| Verbal Warning        | - | (For Minor Offences) In the case of minor offences the agency worker will be given a formal verbal warning.   |
| First Written Warning | - | (For Repeated Minor Offences or a More Serious Offence) If a more serious offence occurs or another minor offence occurs after the issue of a formal verbal   |

warning the agency worker will be given a first written warning.

Final Written Warning - (For Repeated Minor Offences and Very Serious Offences) If another offence occurs after the issue of a first written warning or if there is an action which the Company considers is a very serious offence a final written warning will be given to the agency worker.

Dismissal - is regarded as the ultimate step and in cases other than gross misconduct will take place where the agency worker on a former occasion has been issued with a final written warning in respect of a similar matter or other cause of complaint.

Where a decision to dismiss has been taken the agency worker will be informed that he/she will receive a formal written notice of this decision, together with a clear statement of the reasons for dismissal.

### Suspension

At each stage the Company reserves the right to suspend the agency worker without pay whilst an investigation is ongoing. In all cases we will endeavour to work within DfE guidelines on timescales. Suspension will apply where:

- The actions complained of require the immediate removal of the agency worker from their place of work pending a decision concerning any action to be taken.
- The action complained of/alleged requires investigation and it is considered by the Company that it is undesirable for the agency worker to remain on duty.

### Offences involving gross misconduct

The Company will terminate the contract of any agency worker considered to be guilty of gross misconduct.

The following are examples of actions which constitute gross misconduct:-

- Theft, either from the Company, its employees, clients, assigned schools or agents, including the unauthorised possession of any of the Company's goods, materials, products or produce.
- Fraud: any deliberate falsification of records or any deliberate attempt to defraud the Company or fellow employees. Fraud can include falsification of time sheets, travel claims, self-certification forms, registration documentation, career history etc.

# Protocol Education

- Unauthorised use or disclosure of confidential information or business matters relating to the company, its clients, temporary workers or applicants.
- Violence: any fighting or violence involving any fellow employee or any other person which takes place on the Company's premises or whilst at an assigned school.
- Indecency which is related to employment with the Company.
- Deliberate damage to Company's property, or to the property of fellow employees or to the property of an assigned school.
- Intoxication on the Company's premises or the bringing of intoxicants or illegal drugs onto the Company's premises at any time or onto the premises of an assigned school.
- Gross carelessness or negligence: including any action or failure to act which threatens the health or safety of any fellow employee or school, pupil or teacher including any disregard of safety rules which jeopardises the safety of those on the Company's premises or the premises of an assigned school.
- Failure to comply with the provisions of the Company's Safety Policy or that of an assigned school.
- Any conduct which does or may bring the Company's business into disrepute or which results in the loss of custom of a client, temporary or applicant or a loss of business.
- Breach of contract of employment: any fundamental breach of contract which renders continuation of employment impossible including failure to meet statute related provisions.
- Harassment of other members of staff or of others, whether the harassment is sexual, racial or of any other kind.
- Discrimination against other members of staff, applicants for employment or others which is on grounds of sex, marital status, race, colour, religion, ethnic origin, nationality or disability.
- Obtaining unauthorised access to, making unauthorised use of or making unauthorised amendments to information stored on computers, computer software or computer hardware.
- Inappropriate social, physical or sexual contact with school staff, pupils and young people or Protocol Education employees.



- Refusal to carry out reasonable instructions from a superior.
- Failure to inform Protocol Education of any relevant disciplinary matters arising from alternative employment that may be relevant to our assessment of your suitability to work.
- A criminal offence committed at work other than a minor road traffic offence committed in the course of the employment, or an offence committed outside work which is incompatible with the employee remaining in employment.
- Refusal to obey a lawful instruction in connection with the employment.
- Disclosing details of his/her salary and remuneration to other agency workers of the company.

### Appeals

The agency worker has the right to appeal against any action taken against him/her. The wish to appeal should be notified in writing to [safeguardingPE@protocol-education.com](mailto:safeguardingPE@protocol-education.com) and the appeal should be made in writing within 2 weeks. Unless the appeal is made within five days of the review, it will be assumed that the agency worker accepts the action taken.

### **Referral to Relevant Authorities**

Misconduct (not Child and Vulnerable Adult Protection related) / Incompetence

Cases where Protocol Education have ceased to use the services of an agency worker or might have ceased to use those services had the educator not ceased to provide them, for misconduct or incompetence reasons the matter will be referred to the Teaching Agency (NCTL) or the Education Workforce Council for Welsh Educators.

### Safeguarding

Cases where Protocol Education have ceased to use the services of an agency worker or might have ceased to use those services had the agency worker not ceased to provide them, for reasons of a safeguarding nature, will be referred to the Disclosure and Barring Service.

Referrals will be made by the Safeguarding Team DSO or Managing Director.

### **Review**

The Head of Vetting Solutions will keep Protocol Education's procedures for managing allegations under annual review and/or if there have been any relevant legislative changes.