



SMART EDUCATION RECRUITMENT LIMITED

Allegations/Misconduct Policy

Date:21/01/2020

This policy will be reviewed every 12 months.

Review Date:21/01/2021

Smart Education Recruitment Limited follow stringent quality guidelines and takes every reasonable precaution to ensure that all candidates deployed to it's Client schools maintain the highest standards of professional and personal conduct. Our stringent vetting procedures ensure that any candidate found to have a history of unacceptable conduct or practice, will not be offered work through us. Through our continuous and active monitoring, any difficulties our candidates may be experiencing are promptly highlighted, enabling us to step in and pre-empt potential issues. However, despite our stringent quality procedures, and the vulnerable position that supply staff often find themselves in, occasionally difficult or sensitive issues do arise. Both Client and candidate feedback is essential to us in order to ensure we continually work towards improving our service.

In the event of more serious allegations, for example:

- Physical assault
- A verbal offence
- Discrimination

Smart Education Recruitment has set out the following procedures which **MUST** be adopted by staff when dealing with incidents of this nature as well as the responsibilities of Smart Education Recruitment Limited with regard to Child Protection/Safeguarding issues. Any candidate who has a complaint made against them is automatically suspended and not placed in another school until the matter has been fully resolved.

Procedure:

Smart Education has a central Incident File in which staff can record the details of any allegation or complaint against a candidate, together with a detailed account of all actions taken in the course of any investigation. All staff have access to a candidate and client incident form and are required to keep copies of statements and all correspondence are kept as well as a chronological sequence of events. This is stored in accordance with GDPR.

Following the receipt of a complaint or report of an incident, we would explain that we have certain procedures for handling incidents which can be actioned immediately.

In deciding how far to pursue the investigation, we are usually guided by the school's attitude to the incident. If the incident is considered by either the school or a parent serious enough to warrant further investigation, we adopt the following procedure:

Stage 1.

- Suspend candidate from duty (pending investigation) and inform them that an allegation has been made (confirm if the nature of the incident requires reporting to the local safeguarding authority and if the school have done this)
- Request candidate and client to complete our incident form and provide each party with a copy to assess the severity of the allegation.

Stage 2.

- If further action is required, we inform the client that we will conduct our own investigation of the incident by interviewing the candidate in the presence of their Union representative/Colleague/Independent representative

Stage 3.

We contact the school informing them of the steps we have taken and ask the school to confirm the stage of their own internal investigation. We are usually led by the school's procedures and timescales. Offer to the school to arrange a meeting with candidate if required.

If the candidate accepts responsibility for their actions and expresses regret, we give advice as to the dangers of laying himself/herself open to allegation. We also draw attention to our Code of Conduct and explain that the future of the candidate as a member of our temporary staff will be dependant on his/her acceptance of and adherence moving forward to the Code. If, however, the candidate denies the charge, we simply note his/her comments and say that we will report these back to the school. We inform them that following this meeting, the school may or may not wish to pursue matters and that we will keep them informed of further developments.

Stage 4.

Following the meeting we will then write to the school to report on the outcome of our investigation. The school is advised that if the matter cannot be resolved and that the seriousness of the allegation warrants further action, to adopt whatever measures would normally come into force to meet legal requirements. During the course of any such proceedings a Director of Smart Education Recruitment Limited will be available to attend, if requested, any meetings to share information and co-operate fully with the Authority pending a final decision. All internal paperwork will also be made available. Following the outcome of any such investigation, we are guided by the Authority's decision when considering the candidate's future as a member of our temporary staff.

Post-Registration:

If Smart Education Recruitment Limited receives information following registration of a candidate which may be relevant to his/her suitability for a post within a school, we would first assess its severity. If it is apparent that the information is of a serious nature and this could be child protection issue, then we would notify all relevant parties immediately and implement the following procedure:

- Managers will immediately make their Director and Company Safeguarding officer aware of any candidate having serious allegations made against them.
- Any serious acts of misconduct will be dealt with by the company's Child Protection officer.

- Any candidate who presents false documentation or has a serious allegation made against them is referred to The National College for Teaching and Leadership, acting on behalf of the Secretary of State. This department is responsible for investigating allegations of serious misconduct against teachers and Head teachers in schools in England. If appropriate, the National College for Teaching and Leadership can prohibit the teacher, meaning the person concerned is not allowed to teach in schools, relevant youth accommodation and children's homes in England.

- If an allegation is of a less serious nature and does not require referring to the above department, we will suspend the candidate and require them to attend an interview with Smart Education Recruitment Limited about the incident as previously described. The National College for Teaching and Leadership, acting on behalf of the Secretary of State, is responsible for investigating allegations of serious misconduct against teachers and Head Teachers in schools in England. If appropriate, the National College for Teaching and Leadership can prohibit the teacher, meaning the person concerned is not allowed to teach in schools, relevant youth accommodation and children's homes in England. How are cases referred? Allegations of serious misconduct against a teacher may be referred to the National College for Teaching and Leadership by any of those listed below:

- A teacher's employer, including an employment or supply agency, has a legal duty to consider whether to refer a case to the National College for Teaching and Leadership when they have dismissed a teacher for misconduct, or would have dismissed them had they not resigned first

- Members of the public who think that a case of misconduct by a teacher is serious enough to warrant a prohibition order, although the National College for Teaching and Leadership will expect local procedures to have been exhausted before it will consider investigating the case

- The police, the Disclosure and Barring Service (DBS) and other regulators who are aware of relevant information. A referral is appropriate if the alleged misconduct is so serious that it warrants a decision on whether the teacher should be prevented from teaching again. Cases of less serious misconduct, and all cases of incompetence, should be dealt with locally by employers. If an allegation is deemed to be such that the teacher should be prevented from teaching until their case has been fully investigated, the National College for Teaching and Leadership can impose an interim prohibition order until the case is concluded. N.B. Please consult the relevant information on the Department for Education website (under the 'Teacher Misconduct' section at www.education.gov.uk) for full details of the teacher regulation process. The system of teacher regulation: Teaching Agency (TA) receives case from employer, public, police, Disclosure and Barring Service (DAB) or other regulator TA does a formal investigation. They inform the teacher and referrer that they have 28 days to submit evidence; they consider evidence and decide whether to proceed to a hearing. They can seek advice from experts when needed including from teaching, medical, legal professions. They inform the teacher and referrer of outcome.

On receipt of a case the TA will check:

- That it relates to a teacher in England;
- That it is a case of serious misconduct and where a case is referred to a Professional Conduct Panel – teacher and referrer are informed and invited to give any further evidence. A Panel (3 members made up of professional and lay members) hears evidence (teachers and witnesses can present their case) and panel decides whether facts have been proven and whether to recommend to the Secretary of State that a prohibition would be appropriate or not if it is decided not to undertake an investigation –the referrer & teacher are informed and no further action will be taken IPO (Interim Prohibition order) is given. Teacher,

referrer and current employer are informed. The current employer must take action to ensure the teacher is not employed by them as a teacher. IPOs will be reviewed every 6 months where the Secretary of State decides not to prohibit the teacher, the teacher and referrer are informed in writing and this is published on the website. No further action is taken where a person has been prohibited, the Secretary of State may indicate that they can appeal to have their prohibition order reviewed after the minimum period specified in their order has passed (not less than 2 years).

Summary:

It is Smart Education Recruitment Limited's utmost priority that incidents and complaints are dealt with in a fair manner. Our operating system of individually accountable personal consultants for schools and candidates means that a consultant will normally deal with a complaint until its resolution. If at any time a complainant is not satisfied with the treatment of their complaint, then Smart Education Recruitment Limited has a clear line management structure for the complaint to be referred to a more senior level.