

Child and Vulnerable Adult Protection Policy

Every year Elementa Support Services Ltd place agency workers into a range of education provisions, providing a quality education, for children and vulnerable adults. In addition to this, internal staff at Elementa Support Services Ltd regularly visit schools and complete volunteer school placements as part of our service to schools.

Elementa Support Services Ltd are thoroughly committed to safeguarding and protecting children and vulnerable adults from abuse and harm. We follow all national guidelines to ensure that the highest levels of safeguarding and child and vulnerable adult protection are maintained by all staff.

We do this by:

- Following DfE 'Keeping Children Safe in Education' September 2023 and DBS Guidelines on the recruitment and selection of agency staff including regular Enhanced DBS Disclosure with Children's Barred List checks.
- Ensuring that agency workers confirm they have read part 1 of KCSIE and will keep up to date with any changes and understand their duties and responsibilities to keep children safe.
- Ensuring that all staff are aware of Elementa Support Services Ltd's Child and Vulnerable Adult Protection policy and procedures, and that staff are trained on the issues.
- Ensuring DfE and DBS guidelines on dealing with allegations regarding agency staff are followed.
- Making the company's policies on Child and Vulnerable Adult Protection, Procedures for Managing Allegations and Complaints accessible to all schools and agency workers.
- Regular reminder emails are sent to our agency workers requesting they complete the (free) Safeguarding Children training we offer on an annual basis (level 2, online CPD).
- Ensuring all staff are aware of each settings policy on filtering and monitoring.

Key Principles

- All children and vulnerable adults have a right to protection from abuse
- All allegations of abuse will be taken seriously and responded to swiftly and appropriately within DfE and DBS recommended guidelines.
- Anyone under the age of 18 should be considered as a child for the purposes of this document
- Adults aged 18 and over have the potential to be vulnerable (either temporarily or permanently) for a variety of reasons and in different situations. An adult may be vulnerable if he/she:
 - Has a learning or physical disability
 - Has a physical or mental illness, chronic or otherwise, including an addiction to alcohol or drugs
 - Has a reduction in physical or mental capacity
 - Is in the receipt of any form of healthcare
 - Is detained in custody
 - Is receiving community services because of age, health or disability
 - Is living in sheltered or residential care home
 - Is unable, for any other reason, to protect himself/herself against significant harm or exploitation.

Policy review

The Directors will keep Elementa Support Services Ltd's Child and Vulnerable Adult Protection Policy under annual review and/or if there have been any relevant legislative changes.

Safeguarding Leads:

Elementa Support Services Ltd's designated safeguarding lead is: Sarah Morrison – sarah@elementa.org.uk

The role of the Designated Safeguarding Lead is to take responsibility for any child protection issues which may be raised by the staff of Elementa Support Services Ltd or its temporary workers who are placed in our client settings. All our designated leads have completed relevant DSL/DSO

safeguarding training to undertake the role at, at least Level 4.

Definitions of Abuse, Harm and Neglect

Somebody may abuse or neglect a child or vulnerable adult by inflicting harm, or by failing to act to prevent harm. Children and vulnerable adults may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by a stranger, for example via the internet. They may be abused by an adult or adults, or another child or children. Abuse may be physical, emotional, sexual, domestic or a form of neglect.

Neglect is the persistent failure to meet a child's or vulnerable adults basic physical, educational, emotional or medical needs, likely to result in the serious impairment of the child or vulnerable adult's health or development.

Early Help and Safeguarding issues

All staff should be prepared to identify children who may benefit from early help. Early help means providing support as soon as a problem

Child Sexual Exploitation (CSE) and Child Criminal Exploitation (CCE).

Both CSE and CCE are forms of abuse that occur where an individual or group takes advantage of an imbalance in power to coerce, manipulate or deceive a child into taking part in sexual or criminal activity, in exchange for something the victim needs or wants, and/or for the financial advantage or increased status of the perpetrator or facilitator and/or through violence or the threat of violence. CSE and CCE can affect children, both male and female and can include children who have been moved (commonly referred to as trafficking) for the purpose of exploitation.

Female Genital Mutilation (FGM)

FGM comprises all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs for non-medical reasons. Further guidance and resources can be found on this link

<https://www.gov.uk/government/publications/female-genital-mutilation-resource-pack>

emerges at any point in a child's life, from the foundation years through to the teenage years.

All staff should have an awareness of safeguarding issues that can put children at risk of harm. Behaviours linked to issues such as drug taking and or alcohol misuse and children who are absent from education for prolonged periods and/or repeated occasions could be signs that children are at risk.

Professional curiosity

All staff should be aware that children may not feel ready or know how to tell someone that they are being abused, exploited, or neglected, and/or they may not recognise their experiences as harmful. For example, children may feel embarrassed, humiliated, or being threatened. This could be due to their vulnerability, disability and/or sexual orientation or language barriers. This should not prevent staff from having a professional curiosity and speaking to the DSL if they have concerns about a child. It is also important that staff determine how best to build trusted relationships with children and young people which facilitate communication.

All staff should be aware that children can abuse other children (often referred to as peer on peer abuse). And that it can happen both inside and outside of school or college and online. It is important that all staff recognise the indicators and signs of peer on peer abuse and know how to identify it and respond to reports.

Peer on peer abuse is most likely to include, but may not be limited to bullying, physical abuse, sexual violence, sexual harassment, consensual and non-consensual sharing of nudes and semi nudes images/videos and up-skirting. Educators should recognise that it is more likely that girls will be victims and boys' perpetrators, but that all child-on-child abuse is unacceptable and will be taken seriously.

There should be zero-tolerance approach to abuse, and it should never be passed off as 'banter', 'just having a laugh', 'part of growing up', or 'boys being boys' as this can lead to a culture of unacceptable behaviours and an unsafe environment for children.

If staff have any concerns regarding peer on peer abuse, they should speak to their designated safeguarding lead in school/college.

Domestic Abuse

Domestic abuse can encompass a wide range of behaviours and may be a single incident or a pattern of incidents. That abuse can be, but is not limited to, psychological, physical, sexual, financial or emotional. Children can be victims of domestic abuse. They may see, hear, or experience the effects of abuse at home and/or suffer domestic abuse in their own intimate relationships (teenage relationship abuse). All of which can have a detrimental and long-term impact on their health, well-being, development, and ability to learn.

Mental Health

All staff should be aware that mental health problems can, in some cases, be an indicator that a child or vulnerable adult has suffered or is at risk of suffering abuse, neglect or exploitation.

Only appropriately trained professionals should attempt to make a diagnosis of a mental health problem. Education staff, however, are well placed to observe children and vulnerable adults regularly and identify those whose behaviour suggests that they may be experiencing a mental health problem or be at risk of developing one.

All staff should be aware of the indicators, which may signal children are at risk from, or are involved with, serious violent crime. These may include increased absence from school or college, a change in friendships or relationships with older individuals or groups, a significant decline in educational performance, signs of self-harm or a significant change in wellbeing, or signs of assault or unexplained injuries. Unexplained gifts or new possessions could also indicate that children have been approached by, or are involved with, individuals associated with criminal networks or gangs and may be at risk of criminal exploitation.

More information can be found at <https://www.gov.uk/government/publications/mental-health-and-behaviour-in-schools--2>

Children with special educational needs, disabilities or health issues

Children with special educational needs or disabilities (SEND) or certain medical or physical health conditions can face additional safeguarding challenges both online and offline. Governing bodies and proprietors should ensure their child protection policy reflects the fact that additional barriers can exist when recognising

abuse and neglect in this group of children. These can include:

- assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the child's condition without further exploration
- these children being more prone to peer group isolation or bullying (including prejudice-based bullying) than other children
- the potential for children with SEND or certain medical conditions being disproportionately impacted by behaviours such as bullying, without outwardly showing any signs
- communication barriers and difficulties in managing or reporting these challenges
- cognitive understanding – being unable to understand the difference between fact and fiction in online content and then repeating the content/behaviours in schools or colleges or the consequences of doing so.

Any reports of abuse involving children with SEND will therefore require close liaison with the designated safeguarding lead (or deputy) and the SENCO or the named person with oversight for SEND in a college.

Serious Violence

There are a number of indicators, which may signal children are at risk from, or are involved with, serious violent crime. These may include:

- increased absence from school
- a change in friendships or relationships with older individuals or groups
- a significant decline in performance
- signs of self-harm or a significant change in wellbeing, or signs of assault or unexplained injuries
- unexplained gifts or new possessions could also indicate that children have been approached by, or are involved with, individuals associated with criminal networks or gangs and may be at risk of criminal exploitation.

The likelihood of involvement in serious violence may be increased by factors such as:

- being male
- having been frequently absent, or permanently excluded, from school
- having experienced child maltreatment and having been involved in offending, such as theft or robbery.

A fuller list of risk factors can be found in the Home Office's Serious Violence Strategy: <https://www.gov.uk/government/publications/serious-violence-strategy>

Professionals should also be aware that violence can often peak in the hours just before or just after school, when pupils are travelling to and from school. These times can be particularly risky for young people involved in serious violence.

Radicalisation and Extremism

Radicalisation is defined as the act or process of making a person more radical or favouring of extreme or fundamental changes in political, economic or social conditions, institutions or habits of the mind.

Extremism is defined as the holding of extreme political or religious views. Staff have a duty to report concerns about pupils in line with the Prevent guidance, if they suspect that a child is at risk of radicalisation. These concerns should be passed to the Designated Safeguarding Lead in the school.

The Home office has produced key resources, workshops and training programmes to help you understand Prevent and how to keep students safe from extremism and radicalisation this can be found on the following link:

<https://educateagainsthate.com/teachers/prevent-training/> and <https://www.support-people-vulnerable-to-radicalisation.service.gov.uk/prevent-duty-training-learn-how-support-people-vulnerable-radicalisation>

Elementa Support Services Ltd will refer any member of its workforce who they believe has attempted to radicalise pupils or preach extremist ideals to either the Local Authority or the Police.

Online Safety

The breadth of issues classified within online safety is considerable, but can be categorised into four areas of risk:

- *content*: being exposed to illegal, inappropriate or harmful content, for example: pornography, fake news, racism, misogyny, self-harm, suicide, anti-Semitism, radicalisation and extremism.
- *contact*: being subjected to harmful online interaction with other users; for example: peer to peer pressure, commercial advertising and adults posing as children or young adults with the intention to groom or exploit them for sexual, criminal, financial or other purposes'.
- *conduct*: personal online behaviour that increases the likelihood of, or causes, harm; for example, making, sending and receiving explicit images (e.g. consensual and non-consensual sharing of nudes and semi-nudes and/or pornography, sharing other explicit images and online bullying); and
- *commerce* - risks such as online gambling, inappropriate advertising, phishing and or financial scams. If you feel your pupils, students or staff are at risk, please report it to the Anti-Phishing Working Group (<https://apwg.org/>).

Agency workers should ensure that they establish safe and responsible online behaviours, working to local and national guidelines.

Contact with children and vulnerable adults both in the 'real' world and through web based and telecommunication interactions should take place within explicit professional boundaries. This includes the use of computers, tablets, phones, texts, e-mails, instant messages, social media such as Facebook, Instagram, Twitter, TikTok, OnlyFans, chatrooms, forums, blogs, websites, gaming sites, digital cameras, videos, webcams and other handheld devices. (Given the ever changing world of technology it should be noted that this list gives examples only and is not

exhaustive.)

Agency workers should not request or respond to any personal information from children and vulnerable adults other than which may be necessary in their professional role. They should ensure that their communications are open and transparent and avoid any communication which could be interpreted as 'grooming behaviour'.

Agency workers should not give their personal contact details to children and vulnerable adults, for example; e-mail address, home or mobile telephone numbers, social media account details etc. If children and vulnerable adults locate these by any other means and attempt to contact or correspond with the Agency workers, they should not respond and must report the matter to their line manager. The child or vulnerable adult should be firmly and politely informed that this is not acceptable.

The UK Safer Internet Centre has produced some further information about Online Safety
<https://www.saferinternet.org.uk/advice-centre/teachers-and-school-staff>

The Elementa Support Services Ltd [Online Tutoring Policy and Guidance](#) contains relevant information and various links to other resources which Educators should familiarise themselves with.

Student Attendance

Every year Elementa Support Services Ltd place thousands of Educators / Tutors into schools, colleges, nurseries and alternative provisions to assist schools and Local Authorities in providing a quality education, for children and vulnerable adults.

Elementa Support Services Ltd are thoroughly committed to safeguarding and protecting children and vulnerable adults. We have this Policy in place to support schools and local authority services to monitor attendance. Elementa Support Services Ltd Educators / Tutors should also follow the schools/services attendance policy in the first instance and TP Tutors will support the Educators / Tutors where required. Educators / Tutors should also follow additional guidance from their dedicated Consultant at TP Tutors and/or the school/service on how best to record and track attendance.

Use of LEAP In addition to following the school/service policy, tutors will have access to LEAP.

This is TP Tutors own platform to record attendance, assessments, attainment, and progress. Tutors record the attendance directly on to LEAP, which can be reviewed anytime by running attendance reports. This is a self service report for schools/services. It can also be exported should it be required and/or helpful. If a learner is marked as absent, there is an automated email notification that will go out to TP Tutors and the school/service. The school/service can select which email is best for this notification. If regular absence for sessions the tutor will contact TP Tutors to agree next steps. Regular absence could highlight a safeguarding concern and the tutor will respond accordingly and promptly.

Identifying Abuse

The following list outlines ways in which abuse may be identified. It is not intended that this is an exhaustive list and it is not the agency workers sole responsibility to determine if abuse is occurring, but to report their concerns:

- Changes in behaviour; immediate or over a length of time
- Increased absence
- A change in friendships or relationships with older individuals
- A significant decline in performance
- Signs of self-harm
- Bruises and injuries that do not reflect the activity the child is involved in and there the explanation does not confirm with the injuries
- Fear of certain adults
- Being involved in offending
 - o Unexplained gifts or new possessions could also indicate that a child has been approached by or involved with individuals associated with criminal networks or gangs
- Use of sexually explicit language and actions
- The child or vulnerable adult tells you that they are being abused
- A third party tells you that the child or vulnerable adult is being abused

- A child or vulnerable adult seems to be a loner and does not integrate with the group
- A child or vulnerable adult whose appearance deteriorates hygienically and or physically

Some disabled, young children or vulnerable adults may feel more vulnerable in making others aware of the abuse due to them relying on the abuser.

Whilst it is important that a partnership approach is adopted to ensure that safety and the welfare of children and vulnerable adults, it is of equal importance that all concerned are confident that the information they provide will only be disclosed where it is in the best interests of the child or vulnerable adult to do so.

General conduct when working with young people and vulnerable adults:

Elementa Support Services Ltd expects its agency workers to fulfil their duty to keep children and vulnerable adults safe and to protect them from physical, emotional, and sexual harm.

All agency workers are expected to contribute to:

- providing a safe environment for children to learn in education settings, and identifying children and young people who are suffering or likely to suffer significant harm and taking appropriate action with the aim of making sure they are kept safe both at home and in the education setting.

All Elementa Support Services Ltd staff are encouraged to demonstrate exemplary behaviour in order to safeguard Children and to protect themselves from allegations of abuse. Stated below are the standards of behaviour required of Elementa Support Services Ltd staff in order to fulfil their roles to ensure that a positive culture and climate is created during all activities involving contact with young people and vulnerable adults.

- Always work in an open environment (e.g. avoiding private or unobserved situations and encouraging an open environment e.g. no secrets)
- Treat all young people and vulnerable

adults with respect and dignity

- Maintain a safe and appropriate distance from young people and vulnerable adults.
- Build balanced relationships based on mutual trust
- Ensuring that during any residential events, adults do not enter young people and vulnerable adults rooms or invite young people and vulnerable adults to their rooms unless there are exceptional reasons for doing so
- Be an excellent role model – this includes not smoking or drinking alcohol in the company of young people and vulnerable adults or using inappropriate language
- Give enthusiastic and constructive feedback rather than negative criticism
- To refrain from taking any photographs, videoing or audio recording of pupils or vulnerable adults without prior written consent.

Unacceptable practices

The following should never be sanctioned:

- Spending excessive amounts of time alone with young people or vulnerable adults away from others
- Making personal contact with young people or vulnerable adults by email, telephone, post or any means without parental consent
- Taking young people or vulnerable adults to your home where they will be alone with you
- Allowing young people or vulnerable adults to travel on their own with you in a vehicle
- Engaging in rough, physical or sexually provocative games including horseplay
- Sharing a room with a young person or vulnerable adult
- Engaging a toilet with young people or vulnerable adult unless another adult is present

or permission is given. Agency staff should avoid using toilets that are used by school pupils or vulnerable adults.

- Allowing or engaging in any form of inappropriate contact
- Allowing or encouraging abusive peer activities
- Allowing young people to use inappropriate language unchallenged
- Making sexually suggestive comments to or within hearing of a young person or vulnerable adult
- Reducing a young person or vulnerable adult to tears as a form of control
- Allowing allegations made by a young person or vulnerable adults to go unchallenged, unrecorded or not acted upon
- Doing things of a personal nature for young people or vulnerable adult that they can do for themselves
- Physically restraining a young person or vulnerable adults unless the restraint is to:
 - o prevent the injury of the young person/vulnerable adult/ other young person/yourself
 - o prevent damage to any property
 - o prevent or stop the commission of a criminal offence

Reporting Safeguarding Concerns, Allegations and Disclosures

- The following guidelines should be used when reporting any safeguarding concern or if an allegation is disclosed by a young person to a member of Elementa Support Services Ltd staff:

- Listen and reassure
 - o Maintain confidentiality but do not make promises that you cannot keep, and explain that the information will have to be passed on and what action you will be taking in this regard
 - o Be calm
 - o Be reassuring and make it clear that you are glad that they have told you
 - o Show that you are taking the child or vulnerable adult seriously and that you understand and believe them
 - o Keep questions to a minimum; if you have to ask questions keep them open and not leading
- Points to note when dealing with a disclosure
 - o Try not to display any kind of shock or disapproval
 - o Do not jump to conclusions
 - o The young person or vulnerable adult may regard the experience as either bad or painful, they may not feel guilty or angry
 - o Be aware of your own feelings which may be different to those of the young person or vulnerable adult
 - o Take care of yourself by ensuring that you have an opportunity to discuss your feelings with someone at a later stage
 - o Do not destroy any evidence as it may be used later in a court of law
 - o Initial disclosure even if retracted must still be referred

In an emergency (i.e. a serious incident, the child

is in need of medical attention or a crime may have occurred) call 999.

1. Recording Information

It is essential that the details of the alleged abuse be recorded correctly and legibly as this will be critical later on in the proceedings. This should be done immediately and certainly within 24 hours.

2. Informing the appropriate contacts

If abuse has been disclosed to you or you suspect that it is happening OR if you have any type of safeguarding concern- you must inform the relevant Designated Safeguarding Officer within a school/organisation and the DSL for Elementa Support Services Ltd (for agency workers) or to the internal Designated Safeguarding Officer (for internal Elementa Support Services Ltd staff).

3. Referral to Relevant Authorities

Cases where Elementa Support Services Ltd have ceased to use the services of an educator or might have ceased to use those services had the educator not ceased to provide them, for reasons of child and vulnerable adult protection, will be referred to the Disclosure and Barring Service and the Teaching Regulation Agency or Education Workforce Council (for those working in Wales) where necessary.

Referrals will be made by the Designated Safeguarding Leads.

Other relevant policies and guidance may include:

[Online Tutoring Policy and Guidance](#), [Lone Working Policy](#), [Educator Behaviour Policy](#), [Student Behaviour Policy](#), [Procedures for Managing Allegations Against Agency Workers](#), [Equal Opportunities and Diversity Policy](#), [Child Protection Information](#), [Recruitment and Selection Policy](#), [Guidance for Safer Working Practice for Adults who work with Children and Young People in Education 2019](#), [Keeping children safe in out-of-school settings: code of practice](#) and DFE [Keeping Children Safe in Education](#).

Coronavirus (COVID-19) Addendum:

Although Coronavirus is not prevalent as it once

was, we still need to be mindful that the situation can change. To keep up to date with the latest government guidance on Coronavirus (COVID-19): <https://www.gov.uk/coronavirus> and <https://www.gov.uk/coronavirus/education-and-childcare>

Procedures for Elementa Support Services Ltd staff dealing with a disclosure of abuse

A disclosure of abuse is received by an educator or a member of Elementa Support Services Ltd internal staff

Contact emergency services if there is an immediate need

Full details of the disclosure should be recorded by the recipient.

The recipient informs the designated Child Protection Officer at the school and/or the Designated Safeguarding Lead of Elementa Support Services Ltd of their concerns.

The Designated Safeguarding Lead will then decide on the next appropriate action to be taken. This may include a referral to local social services department.

Procedures for managing allegations made against Agency Workers

The following document outlines Elementa Support Services Ltd'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.
- Elementa Support Services Ltd 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 Elementa Support Services Ltd and the agency worker to explain their case.
- Whenever Elementa Support Services Ltd 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.
- Elementa Support Services Ltd will follow the Keeping Children Safe in

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:

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

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.

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.

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.
- 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 or Elementa Support Services Ltd employees.
- Refusal to carry out reasonable instructions from a superior.
- Failure to inform Elementa Support Services Ltd 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 the Head of Quality and Compliance 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 Elementa Support Services Ltd 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 Elementa Support Services Ltd 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

A Director will keep Elementa Support Services Ltd's procedures for managing allegations under annual review and/or if there have been any relevant legislative changes.

October 2023

To be reviewed: September 2024