

Introduction

1. It is necessary to have a minimum number of rules in the interests of the whole organisation.
2. The rules set standards of performance and behaviour whilst the procedures are designed to help promote fairness and order in the treatment of individuals. It is our aim that the rules and procedures should emphasise and encourage improvement in the conduct of individuals, where they are failing to meet the required standards, and not be seen merely as a means of punishment. We reserve the right to amend these rules and procedures where appropriate.
3. Every effort will be made to ensure that any action taken under this procedure is fair, with you being given the opportunity to state your case and appeal against any decision that you consider to be unjust.
4. The following rules and procedures should ensure that:-
 - a. the correct procedure is used when requiring you to attend a disciplinary hearing;
 - b. you are fully aware of the standards of performance, action and behaviour required of you;
 - c. disciplinary action, where necessary, is taken speedily and in a fair, uniform and consistent manner;
 - d. you will only be disciplined after careful investigation of the facts and the opportunity to present your side of the case. On some occasions temporary suspension on contractual pay may be necessary in order that an uninterrupted investigation can take place. This must not be regarded as disciplinary action or a penalty of any kind;
 - e. other than for an "off the record" informal reprimand, you have the right to be accompanied by a fellow employee at all stages of the formal disciplinary process;
 - f. you will not normally be dismissed for a first breach of discipline, except in the case of gross misconduct; and
 - g. if you are disciplined, you will receive an explanation of the penalty imposed and you will have the right to appeal against the finding and the penalty.

Safeguarding and Child Welfare

Winchmore Tutors is committed to safeguarding and promoting the welfare of children and young people. The welfare of children is paramount and will always take precedence over employment or disciplinary considerations. Any concerns regarding the conduct, behaviour or suitability of adults working with children will be considered through a safeguarding lens and managed in accordance with safeguarding legislation and guidance.

We recognise that all adults working with children have a duty to maintain professional boundaries, follow safeguarding procedures and contribute to a culture of vigilance where concerns are identified, reported and addressed promptly.

Legislative and Statutory Framework

This procedure should be read alongside:

- Keeping Children Safe in Education (KCSIE), Part Four: Concerns and Allegations About Adults Working with Children.
- Local Authority Managing Allegations Procedures.
- Equality Act 2010.
- Data Protection Act 2018 and UK GDPR.
- Winchmore Tutors Whistleblowing Policy.
- Winchmore Tutors Safeguarding and Child Protection Policy.
- Winchmore Tutors Staff Code of Conduct.

Designated Safeguarding Lead and LADO

Safeguarding Contacts

Designated Safeguarding Lead

Name: Craig Varney

Deputy Designated Safeguarding Lead

Name: Dan Stagg

The Winchmore Tutor's Child Protection Number is : 01372 940 808

Role of the DSL

The DSL is responsible for:

- Receiving safeguarding concerns involving adults and children.
- Assessing safeguarding risk.
- Providing safeguarding advice to staff and managers.
- Liaising with Children's Social Care, Police and Local Authorities.
- Determining whether the threshold for a LADO referral has been met.
- Supporting risk assessment processes.
- Monitoring safeguarding records and outcomes.
- Ensuring the child's welfare remains central to decision making.

Local Authority Designated Officer (LADO)

The LADO is responsible for overseeing concerns and allegations relating to adults who work with children.

The LADO must be consulted when an adult has:

- Behaved in a way that has harmed a child or may have harmed a child.
- Possibly committed a criminal offence against a child.
- Behaved towards a child or children in a way that indicates they may pose a risk to children.
- Behaved in a way which may impact their suitability to work with children.

Safeguarding Allegations and Concerns

Where concerns are raised regarding a member of staff, volunteer, tutor or contractor, consideration must first be given to whether the matter constitutes a safeguarding concern rather than solely a disciplinary matter.

Safeguarding concerns may include:

- Inappropriate relationships or communications.
- Breaches of professional boundaries.
- Failure to follow safeguarding procedures.
- Failure to report safeguarding concerns.
- Conduct that places a child at risk of harm.
- Physical, emotional or psychological harm to a child.
- Online safety breaches.
- Discriminatory or abusive behaviour towards children.

Such concerns will be managed in accordance with safeguarding procedures and local managing allegations guidance.

Initial Response to Allegations

Upon receiving an allegation or safeguarding concern:

1. A factual written record must be created immediately.
2. The DSL must be informed without delay.
3. Consideration must be given to immediate safeguarding measures.
4. Advice must be sought from the LADO before any internal investigation commences where the threshold may be met.
5. A risk assessment must be completed.

Risk Assessments

Risk assessments should consider:

- The safety and welfare of children.
- The nature of the allegation.
- Access to children.
- Whether supervised working is appropriate.
- Whether duties should be adjusted.
- Whether temporary redeployment is required.
- Whether suspension should be considered.

Risk assessments should be reviewed regularly throughout the process.

Alternative Safeguarding Measures

Prior to suspension, consideration should be given to whether alternative arrangements can safely manage risk, including:

- Increased supervision.
- Restriction of duties.

- Removal from specific cases.
- Temporary redeployment.
- Additional management oversight.
- Supported home working.

These arrangements should only be implemented where children can continue to be safeguarded effectively.

Welfare Support During Investigations

Winchmore Tutors recognises that safeguarding investigations can be stressful for all parties.

Support for Children

Children involved in safeguarding concerns should receive:

- Appropriate safeguarding support.
- Opportunities to have their voice heard.
- Access to trusted adults.
- Emotional and pastoral support.

Support for Staff

Staff should receive:

- A named point of contact.
- Information regarding the process.
- Access to welfare support where appropriate.
- Fair and impartial treatment throughout.

Support for Families

Families will receive information and support appropriate to the circumstances and in line with safeguarding requirements.

Whistleblowing

All staff have a professional responsibility to raise concerns regarding:

- Poor safeguarding practice.
- Unsafe conduct.
- Professional misconduct.
- Policy breaches.
- Conduct that may place children at risk.

No employee will suffer detriment for reporting concerns in good faith.

Concerns may be raised through safeguarding procedures or the Whistleblowing Policy.

Equality Act

Equality and Fair Treatment

All disciplinary and safeguarding investigations will be conducted fairly and in accordance with the Equality Act 2010.

Consideration will be given to:

- Disabilities.
- Cultural needs.
- Neurodiversity.
- Mental health.
- Communication needs.

Reasonable adjustments will be made where appropriate to enable participation in the process.

Information, Evidence and Record Keeping

All records relating to disciplinary proceedings, safeguarding concerns and allegations will:

- Be factual, accurate and contemporaneous.
- Clearly separate fact, opinion and professional judgement.
- Be signed and dated.
- Be stored securely.
- Be retained in accordance with retention requirements.

Evidence may include:

- Witness statements.
- Safeguarding records.
- Risk assessments.
- Emails and electronic communications.
- CCTV where applicable.
- Meeting notes.
- Incident reports.

Information will be managed in accordance with:

- Data Protection Act 2018.
- UK GDPR.
- KCSIE.
- Safeguarding record keeping requirements

Access will be restricted to those with a legitimate professional need to know.

Confidentiality is important but is not absolute. Where safeguarding concerns exist, information will be shared with relevant agencies, including Children's Social Care, Police and the LADO, when necessary to protect children.

Disciplinary Rules

It is not practicable to specify all disciplinary rules or offences that may result in disciplinary action, as they may vary depending on the nature of the work. In addition to the specific examples of unsatisfactory conduct, misconduct and gross misconduct shown in this handbook, a breach of other specific conditions, procedures, rules etc. that are contained within this handbook or that have otherwise been made known to you, will also result in this procedure being used to deal with such matters.

Rules Covering Unsatisfactory Conduct and Misconduct

(These are examples only and not an exhaustive list.)

You will be liable to disciplinary action if you are found to have acted in any of the following ways:-

- a. failure to adhere to general safeguarding guidelines
- b. failure to adhere to Winchmore Tutors Child Protection Policy
- c. failure to abide by the general health and safety rules and procedures;
- d. smoking in designated non smoking areas;
- e. consumption of alcohol on the premises;
- f. persistent absenteeism and/or lateness;
- g. unsatisfactory standards or output of work;
- h. rudeness towards customers, members of the public or other employees, objectionable or insulting behaviour, harassment, bullying or bad language;
- i. failure to devote the whole of your time, attention and abilities to our business and its affairs during your normal working hours;
- j. unauthorised use of E-mail and Internet;
- k. failure to carry out all reasonable instructions or follow our rules and procedures;
- l. unauthorised use or negligent damage or loss of our property;
- m. failure to report immediately any damage to property or premises caused by you;
- n. if your work involves driving, failure to report immediately any type of driving conviction, or any summons which may lead to your conviction;
- o. loss of driving licence where driving on public roads forms an essential part of the duties of the post.

Serios Misconduct

1. Where one of the unsatisfactory conduct or misconduct rules has been broken and if, upon investigation, it is shown to be due to your extreme carelessness or has a serious or substantial effect upon our operation or reputation, you may be issued with a final written warning in the first instance.
2. You may receive a final written warning as the first course of action, if, in an alleged gross misconduct disciplinary matter, upon investigation, there is shown to be some level of mitigation resulting in it being treated as an offence just short of dismissal.

Rules Covering Groos Misconduct

Occurrences of gross misconduct are very rare because the penalty is dismissal without notice and without any previous warning being issued. It is not possible to provide an exhaustive list of examples of gross misconduct. However, any behaviour or negligence resulting in a fundamental breach of contractual terms that irrevocably destroys the trust and confidence necessary to continue the employment relationship will constitute gross misconduct. Examples of offences that will normally be deemed as gross misconduct include serious instances of:-

- a. Serious breaches of safeguarding responsibilities, professional boundaries, child protection procedures, online safety requirements, or conduct that places a child at actual or potential risk of harm will normally be regarded as gross misconduct and may result in referral to the LADO, Police, Children's Social Care, DBS or other relevant regulatory bodies in addition to disciplinary action.
- b. failure to adhere to Winchmore Tutors Child Protection Policy
- a. theft or fraud;
- b. physical violence or bullying;
- c. deliberate damage to property;
- d. deliberate acts of unlawful discrimination or harassment;
- e. possession, or being under the influence, of drugs at work *For this purpose, the term 'drugs' is used to describe both illegal drugs and other psychoactive (mind-altering) substances which may or may not be illegal.;
- f. breach of health and safety rules that endangers the lives of, or may cause serious injury to, employees or any other person.

(The above examples are illustrative and do not form an exhaustive list.)

DISCIPLINARY PROCEDURE

1. Disciplinary action taken against you will be based on the following procedure:-

OFFENCE	FIRST OCCASION	SECOND OCCASION	THIRD OCCASION	FOURTH OCCASION
UNSATISFACTORY CONDUCT	Formal verbal warning	Written warning	Final written warning	Dismissal
MISCONDUCT	Written warning	Final written warning	Dismissal	
SERIOUS MISCONDUCT	Final written warning	Dismissal		
GROSS MISCONDUCT	Dismissal			

2. We retain discretion in respect of the disciplinary procedures to take account of your length of service and to vary the procedures accordingly. If you have a short amount of service you may not be in receipt of any warnings before dismissal but you will retain the right to a disciplinary hearing and you will have the right of appeal.
3. If a disciplinary penalty is imposed it will be in line with the procedure outlined above, which may encompass a formal verbal warning, written warning, final written warning, or dismissal, and full details will be given to you.
4. In all cases warnings will be issued for misconduct, irrespective of the precise matters concerned, and any further breach of the rules in relation to similar or entirely independent matters of misconduct will be treated as further disciplinary matters and allow the continuation of the disciplinary process through to dismissal if the warnings are not heeded.

DISCIPLINARY AUTHORITY

The operation of the disciplinary procedure contained, in the previous section, is based on the following authority for the various levels of disciplinary action. However, the list does not prevent a higher or lower level of seniority, in the event of the appropriate level not being available, or suitable, progressing any action at whatever stage of the disciplinary process.

Formal verbal warning	Area Manager and Director
Written warning	Area Manager and Director
Final written warning	Director
Dismissal	Director

PERIOD OF WARNINGS

1. Formal verbal warning

A formal verbal warning will normally be disregarded for disciplinary purposes after a three month period.

2. Written warning

A written warning will normally be disregarded for disciplinary purposes after a six month period.

3. Final written warning

A final written warning will normally be disregarded for disciplinary purposes after a twelve month period.

GENERAL NOTES

1. If you are in a supervisory or managerial position then demotion to a lower status at the appropriate rate may be considered as an alternative to dismissal except in cases of gross misconduct.
2. In exceptional circumstances, suspension from work without pay for up to five days as an alternative to dismissal (except dismissal for gross misconduct) may be considered by the person authorised to dismiss.
3. Gross misconduct offences will result in dismissal without notice.
4. You have the right to appeal against any disciplinary action.
5. We reserve the right to allow third parties to chair any formal hearings. You agree to permit us to share any relevant sensitive data where it is necessary for the purposes of that hearing.

CAPABILITY/DISCIPLINARY APPEAL PROCEDURE

1. You have the right to lodge an appeal in respect of any capability/disciplinary action taken against you.
2. If you wish to exercise this right you should apply either verbally or in writing to the person indicated in your individual Statement of Main Terms of Employment.
3. An appeal against a formal warning or dismissal should give details of why the penalty imposed is too severe, inappropriate or unfair in the circumstances.
4. The appeal procedure will normally be conducted by a member of staff not previously connected with the process so that an independent decision into the severity and appropriateness of the action taken can be made.
5. If you are appealing on the grounds that you have not committed the offence, then your appeal may take the form of a complete re-hearing and reappraisal of all matters so that the person who conducts the appeal can make an independent decision before deciding to grant or refuse the appeal.
6. You may be accompanied at any stage of the appeal hearing by a fellow employee of your choice. The result of the appeal will be made known to you in writing, normally within five working days after the hearing.
7. We reserve the right to allow third parties to chair any formal hearings. You agree to permit us to share any relevant sensitive data where it is necessary for the purposes of that hearing.

Issue Date: August 2025

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Review Date: August 2026

Signed:



Craig Varney : Winchmore Tutors Director