



Allegations & Misconduct Policy (Candidates and Clients)

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Allegations & Misconduct Policy

Coyle Personnel Ltd's aim is to protect the personal conduct of our candidates & clients as well as the safeguarding of children. We follow stringent vetting procedures which are followed up every 12 weeks to ensure that the high-quality candidates we provide to our clients do not have a history of unacceptable conduct or practice.

The following are examples of matters that will normally be regarded as misconduct:

- Minor breaches of the client's policies.
- Minor breaches of your contract.
- Damage to, or unauthorised use of, the client's property.
- Poor timekeeping.
- Time wasting, including but not limited to when working from home or as part of a hybrid working arrangement.
- Unauthorised absence from work.
- Working from home contrary to the terms of your employment contract and without the prior written approval from the client.
- Refusal to follow instructions.
- Excessive use of the client's telephones or other information and communication systems for personal calls and messages.
- Excessive personal email or internet usage.
- Failure to provide completed time sheets or comply with other instructions, whether in writing or otherwise, or requirements to account for your working time and activities, including but not limited to in respect of time spent working from home or as part of a hybrid working arrangement.
- Failure to attend the client's workplace or other reasonably accessible location for meetings, training courses or other events when you would otherwise be working from home.
- Obscene language or other offensive behaviour (including sexual harassment).
- Negligence in the performance of your duties.
- Smoking in no-smoking areas.
- Failure to comply with any reasonable instructions or measures that we implement in response to an emergency or other critical situation.

This list is intended as a guide and is not exhaustive.

If you report a minor misconduct issue, we will attempt to investigate and resolve the allegation/complaint informally within 3 business days of receipt. We will arrange a meeting with the candidate to discuss the allegation made against them and what actions will be taken to ensure it does not happen again. This will be reviewed on the last working day of every week for 12 weeks. If no or little improvement is made after the 12 week deadline, a second meeting will be held to make the candidate aware that we have escalated the allegation to 'serious misconduct'. The same process will be repeated over an additional 12 weeks and if no or little improvement is made, the candidate will be asked to attend a final meeting to discuss dismissal.

Gross misconduct, however, is a very serious matter and we have set out strict guidelines that must be adopted by candidates when working with Coyle Personnel Ltd. We will immediately remove candidates from working in a regulated activity if a gross misconduct allegation arises during our vetting checks or whilst working with us. Gross misconduct will be dealt with under our Complaints Procedure.

The following are examples of matters that are normally regarded as gross misconduct:

- Theft, or unauthorised removal of the client's property or the property of a colleague, contractor, customer or member of the public

- Fraud, forgery or other dishonesty, including fabrication of time sheets
- Actual or threatened violence, bullying or behaviour which provokes violence
- Deliberate damage to the client's buildings, fittings, property or equipment, or the property of a colleague, contractor, customer or member of the public
- Serious misuse of the client's property or name
- Deliberately accessing internet sites containing pornographic, offensive or obscene material
- Repeated or serious failure to obey instructions, or any other serious act of insubordination
- Unlawful discrimination, harassment or victimisation
- Serious sexual harassment
- Bringing the client into serious disrepute
- Serious incapability at work brought on by alcohol or illegal drugs
- Causing loss, damage or injury through serious negligence
- Serious or repeated breach of health and safety rules or serious misuse of safety equipment
- Unauthorised use or disclosure of confidential information or failure to ensure that confidential information in your possession is kept secure
- Accepting or offering a bribe or other secret payment or other breach of our Anti- corruption and bribery policy
- Conviction for a criminal offence that may affect our reputation or our relationships with our staff, customers or the public, or otherwise affects your suitability to continue to work with us
- Possession, use, supply or attempted supply of illegal drugs
- Serious neglect of duties, or a serious or deliberate breach of your contract or operating procedures
- Knowing breach of statutory rules affecting your work
- Unauthorised use, processing or disclosure of personal data contrary to our Data Protection Policy
- Harassment or victimisation of, or discrimination against, employees, contractors, clients or members of the public, related to gender, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, disability, religion or belief or age
- Refusal to disclose any of the information required by your employment or any other information that may have a bearing on the performance of your duties
- Giving false information as to qualifications or entitlement to work (including immigration status) in order to gain employment or other benefits
- Knowingly taking parental, shared paternity, paternity or adoption leave when not eligible to do so or for a purpose other than supporting a child
- Making a disclosure of false or misleading information under our Whistleblowing Policy maliciously, for personal gain, or otherwise in bad faith
- Making untrue allegations in bad faith against a colleague
- Serious misuse of the client's information technology systems (including misuse of developed or licensed software, use of unauthorised software and misuse of email and the internet) contrary to the client's Information and Communications Systems Policy.
- Undertaking unauthorised paid or unpaid employment during your working hours
- Unauthorised entry into an area of the premises to which access is prohibited.

This list is intended as a guide and is not exhaustive.

Our aim is to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All parties must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.

You, and anyone accompanying you (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure, whether these meetings or hearings are conducted in person, by telephone, or using remote working platforms or technologies.

You will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against you, unless we believe that a witness's identity should remain confidential.

Allegation Procedure

If you have a misconduct issue that you would like to report, please contact the Education Compliance Manager. You will be asked to complete an allegation form which requires details of who you are reporting an allegation about together with the nature of the allegation.

All allegations will be thoroughly investigated and documented with all parties involved. Receipt of the allegation form will be acknowledged immediately pending investigation.

The purpose of an investigation is for us to establish a fair and balanced view of the facts relating to any disciplinary allegations against you, before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case.

Senior managers and the directors will investigate the allegation and interview individual parties as appropriate. We aim to hold interviews within 48 working hours of receipt unless there are extenuating circumstances. Written statements will be obtained from those interviewed and a summary report will be written.

Investigative interviews are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held.

You must co-operate fully and promptly in any investigation. This will include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending investigative interviews if required.

Notification of Hearing

Following any investigation, if we consider there are grounds for disciplinary action, you will be required to attend a disciplinary hearing. We will inform you in writing of the allegations against you, the basis for those allegations, and what the likely range of consequences will be if we decide after the hearing that the allegations are well-founded.

We will give you written notice of the date, time and place of the disciplinary hearing. The hearing will be held as soon as reasonably practicable, but you will be given a reasonable amount of time (usually two to seven days) to prepare your case based on the information we have given you. If there are reasons for conducting any hearing remotely (for example, by using remote working platforms or technologies), we will provide these reasons to you and notify you of the relevant arrangements and instructions for joining the hearing. If you have any questions regarding how to join the hearing remotely, you should let us know before the hearing date. We recognise that, in some cases, the use of remote working platforms or technologies may not be appropriate (for example, where an employee has a hearing condition or does not have access to relevant equipment or software). In these cases, the hearing will take place in person where possible.

The right to be accompanied

You may bring a companion to any disciplinary hearing or appeal hearing under this procedure. The companion may be either a union representative or a colleague. You must tell the manager chairing the hearing who your chosen companion is, in good time before the hearing.

A companion is allowed reasonable time off from duties without loss of pay but no-one is obliged to act as a companion if they do not wish to do so.

If your companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, we may ask you to choose someone else.

We may, at our discretion, allow you to bring a companion who is not a colleague or union representative (for example, a member of your family) if this will help to overcome any disability-related disadvantage, or if you have difficulty understanding English.

Procedure and Disciplinary Hearings

If you or your companion cannot attend the hearing, you should inform us immediately and we will arrange an alternative time. You must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct in itself. If you fail to attend without good reason or are persistently unable to do so (for example for health reasons), we may have to take a decision based on the available evidence including any written representations you have made.

The hearing will be chaired by a manager. You may bring a companion with you to the disciplinary hearing (see above).

At the disciplinary hearing we will go through the allegations against you and the evidence that has been gathered. You will be able to respond, ask questions and present any evidence of your own. Your companion may make representations to us and ask questions, but should not answer questions on your behalf. You may confer privately with your companion at any time during the hearing.

You may ask relevant witnesses to appear at the hearing, provided you give us sufficient advance notice to arrange their attendance. You will be given the opportunity to respond to any information given by a witness.

We may adjourn the disciplinary hearing if we need to carry out any further investigations such as re-interviewing witnesses in the light of any new points you have raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

We will inform you in writing of our decision and our reasons for it, usually within two weeks of the disciplinary hearing. Where possible we will also explain this information to you in person.

Disciplinary Penalties

The usual penalties for misconduct are set out below. No penalty should be imposed without a hearing. We aim to treat all candidates fairly and consistently, and a penalty imposed on another candidate for similar misconduct will usually be taken into account but should not be treated as a precedent. Each case will be assessed on its own merits.

You will not normally be dismissed for a first act of misconduct, unless we decide it amounts to gross misconduct.

Stage 1 - First written warning. A first written warning may be authorised by a manager and will usually be appropriate for a first act of misconduct where there are no other active written warnings on your disciplinary record.

Stage 2 - Final written warning. A final written warning may be authorised by a manager and will usually be appropriate for:

- (a) misconduct where there is already an active written warning on your record; or
- (b) misconduct that we consider sufficiently serious to warrant a final written warning even though there are no other active warnings on your record.

Stage 3 - Dismissal. Dismissal may be authorised by a manager and will usually only be appropriate for:

- (a) further misconduct where there is an active final written warning on your record; or
- (b) any gross misconduct regardless of whether there are active warnings on your record. Gross misconduct will usually result in immediate dismissal without notice.

The Effect of a Warning

Written warnings will set out the nature of the misconduct, the change in behaviour required, the period for which the warning will remain active, and the likely consequences of further misconduct in that active period.

A first written warning will usually remain active for six months and a final written warning will usually remain active for 12 months. In exceptional cases verging on gross misconduct, a final written warning may state that it will remain active indefinitely. Your conduct may be reviewed at the end of a warning's active period and if it has not improved sufficiently we may decide to extend the active period.

After the active period, the warning will remain permanently on your personnel file but will be disregarded in deciding the outcome of future disciplinary proceedings.

Appeals

If you feel that disciplinary action taken against you is wrong or unjust you should appeal in writing to the Human Resources team, stating your full grounds of appeal, within one week of the date on which you were informed of the disciplinary decision.

If you are appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if your appeal is successful, you will be reinstated with no loss of continuity or pay.

If you raise any new matters in your appeal, we may need to carry out further investigation. If any new information comes to light, we will provide you with a summary including, where appropriate, copies of additional relevant documents and witness statements. You will have a reasonable opportunity to consider this information before the hearing, and you or your companion may comment on any new evidence arising during the appeal before any decision is taken.

We will give you written notice of the date, time and place of the appeal hearing. This will normally be two to seven days after you receive the written notice. As detailed above, there may be circumstances in which it is appropriate for a hearing to be conducted remotely.

The appeal hearing may be a complete re-hearing of the matter or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may

have come to light. This will be at our discretion depending on the circumstances of your case. In any event the appeal will be dealt with as impartially as possible.

Where possible, the appeal hearing will be conducted impartially by a manager who has not been previously involved in the case. You may bring a companion with you to the appeal hearing (see above).

We may adjourn the appeal hearing if we need to carry out any further investigations in the light of any new points you have raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

Following the appeal hearing we may:

- (a) confirm the original decision;
- (b) revoke the original decision; or
- (c) substitute a different penalty.

We will inform you in writing of our final decision as soon as possible, usually within two weeks of the appeal hearing. Where possible we will also explain this to you in person. There will be no further right of appeal.

Further Escalation to APSCo

All APSCo members are bound by APSCo's code of conduct. Any complaint that a member has breached the standards contained within this Code of Conduct shall be dealt with in accordance with the APSCo complaints procedure. More information on the code of conduct and how to complain can be found at: <https://uk.apsco.org/courses/apsco-uk-trusted-partners-code-of-conduct-33403588835>

APSCo ensures that all allegations received are properly investigated and a decision taken in good time as to whether the complaint, in whole or part, should be upheld or rejected.

Complaints must be made to APSCo no more than 3 months after the date of the alleged breach of the conduct.

Further Escalation to the Teacher Regulation Agency

Allegations of serious misconduct may be referred to the Teacher Regulation Agency (formerly known as the National College for Teaching & Leadership).

We will only refer a case to the Teacher Regulation Agency if the alleged misconduct is serious enough to prevent the candidate from teaching again.

If we believe the candidate should be removed from working in a regulated activity until a full investigation is carried out, the Teacher Regulation Agency can impose an interim prohibition order until we have closed the investigation.