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1 INTRODUCTION

Tute has a duty to report and investigate any allegations or concerns highlighted or made against a Tute staff member, this could be either directly from the student, parent, teacher, organisation contact or any other responsible third party acting on behalf of the student and/or child.

2 PURPOSE AND AIMS

The aim of this policy and the procedures within it is to ensure that:

- Children are protected and supported following an allegation that they may have been abused by an adult working for or on behalf of Tute
- There is a fair, consistent and robust response to any safeguarding allegations made, so that any risk posed to other children or adults at risk by an abusive individual is managed effectively
- An appropriate level of investigation into concerns or allegations takes place when the allegation is recent, or at any time the person in question has been employed by Tute
- Tute continues to fulfil its responsibilities towards members of staff who may be subject to such investigations
- Tute acts in accordance with legislation and guidance

3 RELATED POLICIES

- Safer Recruitment Policy
- Safeguarding & Child Protection Policy
- Anti-Bullying and harassment Policy
- Online Safety Policy
- Behaviour Policy
- Whistleblowing Policy
- Serious Incident Policy

4 ROLES AND RESPONSIBILITIES

Any allegations raised by children, parents or clients will be directed to the Designated Safeguarding Lead and an appropriate person will be appointed to investigate the concern. At Tute, the responsibility for overseeing Safeguarding Allegations and appointing an investigating manager lies with the DSL

The Investigating Manager will be a person not directly involved in the allegation and someone who has completed the training on this procedure. Further written guidance on the role of the investigating manager and that of line management will be provided

Should the allegation(s) made be against the Designated Safeguarding Lead or the Deputy Designated Safeguarding Lead, a member of the senior leadership team will conduct the investigation

Should the allegations be of a serious incident then the DSL/DDSL will report the incident to the LADO and/or police

All other allegations will follow the company disciplinary rules and procedures; see Disciplinary Policy

The appropriate contact person acting on behalf of the student (parent/teacher/safeguarding lead) shall be kept informed of the investigation and outcome/findings

Guidance on how to handle allegations made against staff can be found in part four of Keeping Children Safe in Education (2020)

OFG reporting requirements

Tute Education is part of Outcomes First Group and follows the group's managing allegations procedures.

All allegations involving staff must be reported within 24 hours. The reporting route is:

- all allegations relating to staff conduct or suitability are emailed within 24 hours to hroperationsadvice@ofgl.co.uk
- where the allegation involves any safeguarding concern, a copy must also be sent to safeguarding@ofgl.co.uk
- all whistleblowing concerns must follow the same reporting route

This ensures mandatory HR and safeguarding oversight and alignment with group expectations.

5 SAFEGUARDING ALLEGATIONS

A safeguarding allegation is when a person alleges that a Tute member of staff has:

- Behaved in a way that has harmed a child, may have harmed a child, or might lead to a child being harmed
- Possibly committed or is planning to commit a criminal offence against a child or related to a child
- Behaving towards a child in a way that indicates he or she would pose a risk of harm to children at risk
- Behaved towards a child, children in a way that indicates they would be unsuitable to work with children
- Failing to work collaboratively with agencies when issues about care of children, for whom they have responsibilities are being investigated
- Where an allegation of abuse is made against a person closely associated with a member of staff, who puts a child or adult at risk

An allegation or concern can also be made about a member of staff arising from their private life such as perpetration of domestic violence or where inadequate steps have been taken to protect vulnerable individuals from the impact of violence or abuse

This applies if the allegation is about a current incident or has occurred historically

6 HOW TO REPORT A CONCERN/ALLEGATION

The safety of the child, young person or an adult at risk is of paramount importance

Any concern that children, young people or adults may be at risk of harm or abuse, must immediately be reported

6.1 Imminent harm or danger

If a child is in danger or at imminent risk of harm, the employee should inform the DSL immediately

The DSL will contact the emergency contact for the child, the Local Authority Designated Ofccier (LADO – now called Designated Officer, but for clarity this policy will continue to use LADO) or will call the police. If the DSL is not available, the employee must contact the DDSL

The employee should exercise common sense in an emergency situation and contact the police if required

6.2 Non-emergency allegations

Concerns should be reported to the DSL and DDSL via Tute's online form. This enables us to record accurately the concern and provide evidence

7 MANAGING ALLEGATIONS

7.1 Initial actions

If the person who is the subject of the accusation is still working with children, then the concern needs to be discussed immediately with a manager and the Designated Safeguarding Officer. The person under investigation will be suspended form normal duties whilst the investigation is carried out it will be assessed if the allegation is deemed such that the employee be suspended in full

It should then be explained to the person, there has been a complaint made against him/her, although the details of the complaint should not be given at this stage. The person should be informed that further information will be provided as soon as possible but that, until further review and discussion have taken place with the relevant organisation, they should not be working with children

The information provided to him/her at this stage will need to be very limited as discussions will need to take place first with other organisations who may need to be involved, local authority designated officer and potentially the police

7.2 Informing the school

Tute will inform the school that an allegation has been made and will commit to keeping the school informed

Tute expects the school to support and to cooperate at all stages of managing an allegation. This includes informing the LADO

If the allegation is made by or reported by the school, Tute will cooperate and support the school and will conduct its own investigation, assuming that this is not being undertaken by the LADO/police

7.3 Informing the LADO

Tute expects that the school informs the LADO within one working day if the allegation meets the threshold. If this does not happen, Tute will inform the LADO of the school's local authority

If Tute learns of an allegation from the LADO Tute will cooperate and support the school and will conduct its own investigation, assuming that this is not being undertaken by the LADO/police

7.4 Informing the police

The senior staff member managing the allegation will inform the police if the child is in imminent danger and if a criminal offence has been committed. The Designated Safeguarding Officer will need to keep in close communication with the local authority designated officer and police in order to manage the disclosure of information appropriately

7.5 Investigation

The following information should be collated at the start of the investigation:

- Name of the individual who the allegation is about and any other identifying information
- Name of any children/adult at risk involved
- Date and time of the allegation
- Name and contact details of the person making the allegation
- Exact information about the nature of the safeguarding allegation

If the person who is the subject of the concern is a Designated Safeguarding Officer, the matter should be reported to the designated officer's manager

Speaking to the person who is the subject of the allegation:

If the allegation does not involve a criminal offence, then full disclosure of the allegation should be given to the individual and a signed statement along with any evidence they may disclose at the time will be taken from them

The employee under investigation will be suspended from normal duties whilst the investigation is carried out it will be assessed if the allegation is deemed such that the employee be suspended in full

The Designated Safeguarding Officer or appointed person investigating will then follow the company disciplinary rules after the initial investigation is concluded as detailed below

- If the allegation is founded, then appropriate disciplinary action will be taken
- If the allegation is not found proven by the investigation, then provided the allegation was not malicious, no action will be taken against that employee
- If the allegation was made due to a genuine misunderstanding, the individual(s) who have been the subject of the investigation will be expected to bear no malice or ill-feeling towards their accuser
- If the allegation is found to be groundless, Management will take reasonable actions, including any suggestions from the person accused of malpractice, to remedy any adverse consequences arising from the investigation

Any child found guilty of making malicious allegations against teachers will be the subject of serious discussion with the commissioning body and depending upon the severity of the allegation, may ultimately be excluded from accessing Tute's services

Tute recognises its duty as an employer and service provider to report any concerns to the Disclosure and Barring Service (DBS).

During the investigation process we will ensure that those who are the subject of allegations will be treated fairly and those who are subject of the allegations will be fully supported and have access to the Peninsula EAP (Employee Assistance Programme)

7.6 Outcome definitions

The below definitions will be adhered to when an investigation is carried out to reach an outcome:

- **Substantiated** - sufficient or ample evidence to prove the allegation made
- **Malicious**- sufficient evidence to disprove the allegation and there has been a deliberate act to deceive
- **False** - sufficient evidence to disprove the allegation
- **Unsubstantiated** - Insufficient evidence to either prove or disprove the allegation. This term, therefore, does not imply guilt or innocence
- **Unfounded** - no evidence which supports the allegation being made

8 DISCIPLINARY

8.1 Introduction

- 1) It is necessary to have a minimum number of rules in the interests of the whole Company
- 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

9 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

9.1 Serious Misconduct

- 5) 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
- 6) 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.

9.2 Rule Covering Gross 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

- 7) 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

9.3 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

9.4 Associated links

Public Concern at Work www.pcaw.co.uk Tel: 020 7404 6609

Public Concern at Work is a registered charity which is the independent authority on public interest whistleblowing. Its lawyers can give free, confidential advice at any stage about raising a concern about serious wrongdoings or malpractice at work

10 RECORD KEEPING

The staff member managing the allegation will have the responsibility for ensuring the following records are kept:

- The nature of the allegation/concern
- Who was spoken to as part of the process and what statements/notes were taken and when?
- Any records that were seen and reviewed
- What actions were considered and justification for specific decisions, including suspension and any actions taken under the disciplinary procedure?
- What alternatives to actions were explored?
- Minutes and actions of all meetings that take place.
- A record will be kept in a secure online folder accessed only by those managing the allegation.

11 ANNUAL REVIEW

The Managing Allegations policy will be review on an annual basis

