



ALLEGATIONS POLICY

Date of policy: 02/09/2025

This policy will be reviewed every 12 months (as a minimum).

Review Date: 02/09/2026

Introduction

This policy follows the AP Education Safeguarding Policy, emphasising that all adults including temporary staff and volunteers are responsible for protecting learners from harm, with the child's welfare as the top priority.

AP Education adheres to strict standards to ensure that all staff provided to our learners meet required professional and personal criteria. In line with our procedures, we implement Safer Recruitment guidance prior to employing any staff, particularly for roles involving children or adults at risk.

AP Education takes any allegations received against their workforce very seriously and should be referred immediately to our Designated Safeguarding Team to agree further action to be taken in respect of the learner and staff member.

This policy outlines the procedures we will follow when such concerns are brought to our attention. It should be considered in conjunction with our Safeguarding Policy, Complaints Policy, and Whistleblowing Policy.

Scope of the Policy

This policy applies to anyone employed by AP Education including our Directors, internal staff, and our further workforce.

The legislation and statutory guidance used to draft this policy covers England and where staff are located elsewhere in the UK, additional guidance may need to be considered. The main statutory guidance for organisations working in the education sector is Keeping Children Safe in Education 2025. For all other sectors, it is Working Together to Safeguard Children 2023.

Staff members who have general concerns about their working conditions or related matters are advised to follow the procedures outlined in the Complaints Policy or the Whistleblowing Policy. Clients, organisations, or services that wish to submit a general complaint regarding our services or workforce suitability should refer to the Complaints Policy, which is accessible on our website.

1. Criteria for reporting concerns that meet the harm threshold

A concern may be raised against an adult which suggests that they may be a risk to a child.

This includes people who may have:

- Behaved in a way that has harmed a child, or may have harmed a child, and/or
- Possibly committed a criminal offence against or related to a child, and/or
- Behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children, and/or
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children.

Where concerns are raised about someone who works with children, it will be necessary for AP Education to assess any potential risk to other children who may have contact with the person against whom the allegation has been made. This includes the person's own children and family members.

2. Who is responsible for investigating an allegation against a staff member?

AP Education work in line with Keeping Children Safe in Education (KCSIE) 2025 when an allegation is received. We liaise with all professionals involved within the tuition of the learner from the onset and throughout the duration of the investigation.

Where an allegation is raised and other professionals take the lead on the investigation, AP Education will assist, including attendance at meetings and sharing any relevant information requested. We do however reserve the right to conduct our own investigation where we are not satisfied with the outcome; where we either believe that a staff has been unfairly treated; that the guidance in KCSIE 2025 has not been followed; or where we continue to have concerns about the suitability of the staff member to work with children/adults at risk.

Regardless of who takes the lead in the investigation, AP Education recognises the importance of also providing relevant support to the staff member concerned, and of reviewing any systems or processes at AP Education which may require improvement.

The following sections of this policy outline the procedures to be observed when AP Education assumes primary responsibility for an investigation.

Procedure for Handling Allegations

There may be up to three strands in considering a concern or an allegation:

- A police investigation of a criminal offence, and/or
- Enquiries and assessment by Children's Social Care to ascertain whether a child or young person needs protection or needs services, and/or
- Consideration by an employer of disciplinary action in respect of the individual.

AP Education Responsibilities and Multi-Agency Partnerships

AP Education policies and processes ensure that all staff understand that it is their responsibility to protect children and adults who are considered vulnerable because they have care or support needs from abuse or neglect. AP Education code of conduct gives guidance on what behaviour is expected from staff when on placement to fulfil that responsibility.

All agencies have a joint responsibility to ensure that they work together to protect children and adults from harm. If AP Education gives a Local Authority information that suggests an adult may be a risk to children or adults, the Local Authority should give careful consideration as to what information should be shared with AP Education to enable a comprehensive risk assessment to be conducted.

Allegations against people who work with children and adults who may be at risk must not be dealt with in isolation. Any corresponding action necessary to address the welfare of other children or adults with care and support needs should be taken without delay and in a coordinated manner, to prevent the need for further safeguarding in future.

Any allegation which arises in relation to historical abuse by a member of staff or other member of staff, should be responded to in the same way as a current concern. In such cases, it is imperative to ascertain whether the person concerned is still working with adults and/or children and if so, to inform their current employer/organisation.

The standard of proof for prosecution is 'beyond reasonable doubt'. The standard of proof for internal disciplinary procedures and for discretionary barring consideration by the Disclosure and Barring Service (DBS) is usually the civil standard of '*on the balance of probabilities*.' This means that when criminal procedures are concluded without action being taken this does not automatically mean that regulatory or disciplinary procedures should cease or not be considered. In any event, there is always a legal duty to make a safeguarding referral to DBS if a person is dismissed or removed from their role due to harm to a child or an adult with care and support needs.

If someone is removed from their role providing regulated activity following a safeguarding incident, AP Education has a legal duty to refer them to the DBS. This also applies where a person leaves their role to avoid a disciplinary hearing following a safeguarding incident and AP Education believes they would have dismissed the person based on the information they had.

The Local Safeguarding Partner arrangements/Local Safeguarding Adults Board procedures should specify the timescales, actions and procedures for responding to any allegations or concerns raised.

Procedure to be taken after an allegation involving a candidate or staff member

Any allegation against people who work with children and/or adults with care and support needs should be reported immediately to the Designated Safeguarding Team, our Designated Safeguarding Lead is Sabrina Laverty.

Dependent upon the severity of the allegation, our team should not investigate the matter by interviewing the accused person, the child or potential witness(es), but should only gather sufficient information to establish whether there is enough credible information to proceed further (this is known as a 'fact find'). If they are unclear about this, they should consult with the LADO in the area in which the Organisation is located. A member of the Designated Safeguarding Team will lead the investigation; all members of the team are trained to Designated Safeguarding Lead (DSL) level.

A member of the Designated Safeguarding Team should also:

- Obtain written details of the allegation, signed and dated by the person making the allegation and any other relevant person at the point the allegation has been made.
- Countersign and date the written details.
- Record discussions about the child/adult and/or member of staff, any decisions made, and the reasons for those decisions.
- Decide whether any immediate action needs to be taken to safeguard any child or whether an urgent referral needs to be made to either Children's Social Care and/or the Police.
- Consult the local procedures in the area in which the organisation is based and seek advice from the Local Authority Designated Officer (LADO). The LADO is responsible for dealing with allegations against people who work with children. AP Education should make a clear distinction between an allegation, a concern about the quality of care or a complaint when speaking to the LADO. Contact with the LADO should be made within one working day of the allegation being brought to the attention of the Designated Safeguarding Lead.
- The accused adult must not be informed of the allegations before consideration has been given to the implications this may have on any subsequent investigation.

At an agreed appropriate time, the designated member of the Safeguarding Team leading the investigation should also make the person concerned aware of their rights under employment legislation and any internal processes.

After consulting with the LADO and, if necessary, the police or children's social services, inform the individual concerned of the issues or allegations and the expected next steps as soon as possible. When police and/or children's social care services are involved, designated member of the Safeguarding Team will only share information with the individual as permitted by those agencies.

Whilst any allegation is being investigated and until the outcome is decided, staff against whom there is an allegation, should always be treated fairly and respectfully, helped to understand the concerns expressed and processes involved, and supported through the process.

If it is decided that no further action is to be taken in regard to the subject of the allegation or concern, once agreed with the DSL, this decision will be recorded on the Single Central Register alongside the justification. This will be followed up in writing to all necessary parties.

If it is decided that further action is needed, further steps will be taken in line with the below policy until the matter is concluded.

It is the responsibility of the professionals leading the investigation to ensure that there are appropriate arrangements in place to effectively liaise with the police and other agencies, to monitor the progress of cases and ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process.

Individuals to Receive Initial Notification

Any concerns should be shared with the DSL. A plan of action should be agreed including who needs to be notified and by whom and consider whether any action needs to be taken to preserve evidence or prevent further harm.

The designated member of the Safeguarding Team leading the investigation must inform the LADO of the allegation, for the area in which AP Education provision is based.

Where it is suspected that a criminal offence may have been committed, the designated member of the Safeguarding Team should also inform the police.

If the person against whom the allegation has been made has contact with other children (for example, children in their own family), a referral should also be made to Children's Social Services within the borough that the family reside.

Enquiries

The DSL should refer to Safeguarding Children Partnership or Local Safeguarding Adult Board procedures (for the area where AP Education is based) which should specify:

- Action to be taken pending the outcome of the police investigations,
- Action to be taken following a decision to prosecute an individual,
- Action to be taken following a decision not to prosecute,
- Action to be taken pending a trial,
- Responses to both acquittal and conviction.

Where the LADO, in conjunction with the police as appropriate, decides that the information gathered requires further discussion, the factors below should be considered. These may be considered as part of a strategy discussion or meeting, depending on the circumstances of the case and what decisions are made, if any, Section 47 (child protection) enquiry is instigated.

The LADO Strategy Discussion should:

- Consider the three possible strands set out earlier in this policy,
- Review any previous concerns or allegations about conduct of the accused person
- Decide whether there should be a Section 47 Enquiry and/or Police investigation and consider the implications
- Consider whether any parallel disciplinary process should take place
- Consider whether a complex abuse investigation is applicable
- Scope and plan enquiries
- Allocate tasks
- Set timescales
- Decide what information can be shared, with whom and when
- Ensure that arrangements are made to protect the child/ren involved and any other child/ren affected, including taking emergency action where needed
- Consider what support should be provided to all children who may have been affected directly and indirectly
- Consider what support should be provided to the person against whom the complaint or allegation has been made and others who might have been affected
- Ensure that investigations are sufficiently independent

- Make arrangements to inform the child's parents, and consider how to provide them with support and information during enquiries
- Identify a lead contact manager within each agency
- Agree protocols for reviewing investigations and monitoring progress by the LADO, noting the target timescales
- Agree dates for future LADO Strategy Meetings
- Consider obtaining consent from the individuals concerned by the Police and the Children's Services Trust to share the statements and evidence they obtain with AP Education and/or regulatory body for disciplinary purposes.

Potential risk to others

The possible risk of harm to other adults or children should be assessed and managed including those adults or children who may be at risk in the accused's home, work or community life.

Where necessary, action should be taken, using the Safeguarding Children Partnership and Safeguarding Adults Board procedures as appropriate to protect children and adults from abuse or neglect.

Information Sharing

Unless it puts the child in danger, risks harm to others, or raises the possibility of evidence being destroyed, the individual concerned should be informed that the information regarding the allegation against them will be shared, and with whom. Each case must be assessed individually as there may be rare cases where informing the person about details of the allegations may increase the risks to the child. Decisions on sharing information must be justifiable and proportionate, based on the potential or actual harm to children at risk and the rationale for decision making should always be recorded. This decision should always be made in consultation with the LADO.

The person with the allegation against them should be offered a right to reply, and wherever possible given the opportunity to consent to the information being shared.

The DSL should be advised as to what information (whether fully or partial) can be shared, and when, with the child and their parents (where applicable). The LADO and the police should discuss with the DSL and decide what information they can share with the candidate or member of staff to whom the allegation relates, including being kept updated about any investigation which is undertaken, any disciplinary or related actions. Ofsted/CQC should be informed of any allegation or concern made against a

person who works with children or adults with care and support needs. They may also be invited to take part in a related strategy meeting or discussion.

When an allegation is made against a member of staff, it can be a challenging and emotive situation for all those involved, but also for colleagues and family of the accused person. Every effort should be made to maintain confidentiality in relation to the child, their parents and the member of staff. All members of staff should be reminded that the allegation must not be discussed outside of formal meetings with approved personnel, and no comment regarding it should be made on social media. It should be made clear that breach of this would result in disciplinary action being taken against the person concerned.

Media Strategy

Until a person is charged, the police should not normally provide the media with any identifying information, for example a public appeal to trace a suspect. In such cases, reasons for the publicity should be recorded with prior consultation of involved partner agencies.

Any media interest whilst an allegation is being investigated or considered should be handled very carefully, and a media strategy agreed by a multi-agency strategy meeting, including the AP Education where appropriate.

Support for the Child/Adult and Family

The person who is the main point of liaison with the child and their parents should keep them up to date, as far as possible, with the progress of the investigation whilst not breaching confidentiality in relation to the accused person.

Other professionals providing care and support to the child and their parents should remain impartial throughout the process. Whilst they should provide support specific to their role, they should refrain from offering opinion on the case and in particular, not be seen to favour either side. This duty applies to all those involved, including the placement agency.

Support for the Accused Person

As soon as possible after an allegation has been received, the member of staff should be advised to contact their union or professional association if they have one. The DSL will liaise with the Director on how they can be supported if an investigation takes place. This may be via a named person in the organisation or via external agencies.

Following the outcome of the investigation, if the member of staff returns to work after a period of suspension, the DSL and Director should consider what help and support might be appropriate. This may include a phased return to work or deciding on what information to give to other professionals.

Suspension

Suspension should not be automatic when an allegation is received. It should be considered when:

- There is concern that a child/adult is suffering or likely to suffer abuse or neglect,
- The allegation has resulted in an investigation by the police,
- The allegation is so serious there may be grounds for dismissal.

Although those involved in the investigation can discuss views on suspension, only the DSL and Director have the power to suspend a member of staff. The service cannot be required to suspend an employee by the local authority or the police. Suspension may be considered when there is no other way to prevent the person concerned having contact with children or adults with care and support needs while the investigation is ongoing.

Outcomes

The following definitions should be used when determining the outcome of allegation investigations:

- **Substantiated:** there is sufficient identifiable evidence to prove the allegation,
- **False:** there is sufficient evidence to disprove the allegation,
- **Malicious:** there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false,
- **Unsubstantiated:** this is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation. The term therefore does not imply guilt or innocence.
- **Unfounded:** to reflect cases where there is no evidence or proper basis to support the allegation made.

If it is established that an allegation has been deliberately invented, the police should be asked to consider if any action may be appropriate. AP Education should also consider whether there is any appropriate action they can take, including giving advice to other members of staff, risk assessments or changes to working practices.

Disciplinary Process

The DSL should decide, in conjunction with the LADO, whether disciplinary action is required. The disciplinary procedures of the organisation should be followed in such circumstances. In the case of staff, they should decide whether it is appropriate to use/employ them in the future, and whether a referral to the DBS is warranted. Referrals to other regulatory bodies (such as Teacher Reference Number) may also be required.

Wherever possible and necessary during the disciplinary process, consent should be obtained from the relevant people to share information with required organisations/bodies.

Where there are prosecutions, the police should inform the DSL and the LADO of the outcome immediately, to enable them to act as required in relation to the person's future employment and any required DBS referral.

Terminating Employment

Wherever possible a conclusion to the investigation should be achieved, even if:

- The employee does not cooperate with the investigation,
- Disciplinary sanctions are not possible because the employee terminates their employment before the process has been completed.

In cases where an employer has a duty to refer an employee to Disclosure and Barring Service, as the criteria for referral are met, agreements that enable the employee to resign with no disciplinary action and provision of future references should not be made.

Where AP Education dismisses an individual from work with children/adults (or would have, had the person not left first) because they pose a risk of harm, it must make a referral to the DBS. It is an offence to fail to make a referral without good reason. Where in doubt, advice should be sought from the DBS.

Record Keeping

The DSL should keep a clear and comprehensive record of the allegation on a Single Central Register, decisions reached, and actions taken on the person's personnel file, a copy of which should be given to them.

The record should include details of how the allegation was followed up and resolved, the decisions reached, and the action taken. It should be kept at least until the person reaches normal retirement age or for 10 years if longer.

The record will provide accurate information for any future reference and provide clarification if a future DBS disclosure reveals an allegation that did not result in a prosecution or a conviction. It will prevent unnecessary re-investigation if the allegation should resurface.

Details of allegations that are found to be malicious should be removed from personnel records.

Each agency/organisation must take great care to ensure that the records they keep respect the confidentiality of the alleged victim and/or the accused adult.

References

Cases in which an allegation was proven to be false, unsubstantiated or malicious should not be included in employer references. A history of repeated concerns or allegations which have all been found to be false, unfounded, unsubstantiated or malicious, should also not be included in any reference.

Unsubstantiated or False Allegations

Where it is decided there is not enough evidence to substantiate an allegation, the person undertaking the investigation should inform the DSL in writing.

If it is established that an allegation has been deliberately invented, the police should be asked to consider if any action may be appropriate. The DSL should also consider whether there is any appropriate action they can take, including giving advice to the family with whom the child/adult is living, and obtaining additional support and mentoring for any child/adult who made a false allegation.

Referral to the Disclosure and Barring Service

Where allegations are substantiated, and in observance with our legal responsibilities, AP Education will report candidates to the Disclosure and Baring Service (DBS) where appropriate and seek advice where there is uncertainty.

Improvement Areas

At the conclusion of an investigation, AP Education and the LADO, and any other relevant parties, should undertake a review of the case.

This should ascertain whether there are lessons to be learned for the organisation, which would result in improvements to procedures or practice, in relation to the circumstances which led to the allegation.

The process of investigating the allegation should also be evaluated, to decide if there are also recommendations for improvements.

Where changes to policy are recommended, this should be implemented as soon as possible and communicated to all staff.

Consideration should be given by AP Education regarding how lessons learned can best be communicated to staff – whether this be by internal communication, supervision, staff meetings or training events.