

1.0 Allegations that may meet the harms threshold

Allegations that may meet the harms threshold' in part 4 of Keeping Children Safe in Education

1.1 This section applies to all cases in which it is alleged that a current member of staff, volunteer or contractor, has:

- 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 – this includes behaviour taking place both inside and outside of school

1.2 We will deal with any allegation of abuse quickly, in a fair and consistent way that provides effective child protection while also supporting the individual who is the subject of the allegation.

1.3 A 'case manager' will lead any investigation. This will be the Designated Safeguarding Lead (DSL), or another board member where the DSL is the subject of the allegation. The case manager will be identified at the earliest opportunity. Our procedures for dealing with allegations will be applied with common sense and judgement.

2.0 Legal and Statutory Frameworks

This policy should be read alongside:

- Keeping Children Safe in Education (KCSIE) – Part 4 and Part 5.
- Working Together to Safeguard Children.
- Equality Act 2010.
- Health and Safety at Work Act 1974.
- SEND Code of Practice (2015).
- Alternative Provision Statutory Guidance.
- Winchmore Tutors Child Protection and Safeguarding Policy.
- Winchmore Tutors Lone Working Policy.
- Winchmore Tutors Staff Code of Conduct.

3.0 One-to-One Tuition, Lone Working and Alternative Provision

Winchmore Tutors provides educational services through one-to-one tuition, home tuition, online tuition and alternative provision arrangements.

The organisation recognises that these arrangements create additional safeguarding challenges and professional vulnerabilities because tutors may routinely work alone with children and young people in environments where direct managerial oversight is reduced.

Many children receiving tuition may present with:

- SEND.
- SEMH needs.
- Trauma and adverse childhood experiences.
- School refusal or non-attendance.
- Exclusion from mainstream education.

- Complex family circumstances.
- Social care involvement.

Winchmore Tutors recognises that these factors can increase safeguarding risks for both children and staff and therefore requires enhanced professional boundaries, safeguarding oversight and risk management arrangements.

3.1 Allegations Arising During One-to-One Tuition and Lone Working

Winchmore Tutors recognises that allegations may arise within one-to-one tuition environments where interactions between children and adults occur without direct observation.

Examples may include:

- Physical contact allegations.
- Boundary concerns.
- Communication concerns.
- Online tutoring concerns.
- Concerns regarding professional conduct.
- Misinterpretation of actions or language.
- Concerns arising from home visits.

To minimise these risks:

- Tutors must follow the Staff Code of Conduct.
- Tuition should take place in observable environments wherever practicable.
- Session records must be maintained.
- Any safeguarding incident, disclosure or concern must be reported immediately.
- Risk assessments must be completed and reviewed.
- Professional boundaries must be maintained at all times.

The absence of corroborative evidence must never prevent concerns from being reported and investigated.

3.2 Alternative Provision Safeguarding Considerations

Children receiving Alternative Provision may present increased safeguarding vulnerabilities, including:

- Increased risk of exploitation.
- Emotional and mental health difficulties.
- Social isolation.
- Poor attendance histories.
- Challenging behaviour linked to unmet need.
- Trauma-related responses.
- Family instability.
- Increased vulnerability to online harm.

When allegations arise involving pupils receiving Alternative Provision, the case manager must consider the wider safeguarding context and ensure that investigations remain child-centred and trauma-informed.

Safeguarding partners, commissioning schools and relevant agencies should be involved where appropriate.

4.0 Suspension of the accused until the case is resolved

4.1 Suspension of the accused will not be the default position, and will only be considered in cases where there is reason to suspect that a child or other children is/are at risk of harm, or the case is so serious that there might be grounds for dismissal. In such cases, we will only suspend an individual if we have considered all other options available and there is no reasonable alternative.

4.2 If in doubt, the case manager will seek views from Winchmore Tutors personnel/HR adviser and the designated officer at the local authority, as well as the police and children's social care where they have been involved.

5.0 Definitions for outcomes of allegation investigations

Substantiated: there is sufficient evidence to prove the allegation

Malicious: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive, or to cause harm to the subject of the allegation

False: there is sufficient evidence to disprove the allegation

Unsubstantiated: there is insufficient evidence to either prove or disprove the allegation (this does not imply guilt or innocence)

Unfounded: to reflect cases where there is no evidence or proper basis which supports the allegation being made

6.0 Procedure for dealing with allegations

6.1 In the event of an allegation that meets the criteria above, the case manager will take the following steps:

6.2 Conduct basic enquiries in line with Winchmore Tutors procedures to establish the facts to help determine whether there is any foundation to the allegation before carrying on with the steps below.

6.3 Discuss the allegation with the designated officer at the local authority. This is to consider the nature, content and context of the allegation and agree a course of action, including whether further enquiries are necessary to enable a decision on how to proceed, and whether it is necessary to involve the police and/or children's social care services. (The case manager may, on occasion, consider it necessary to involve the police before consulting the designated officer – for example, if the accused individual is deemed to be an immediate risk to children or there is evidence of a possible criminal offence. In such cases, the case manager will notify the designated officer as soon as practicably possible after contacting the police).

6.4 Inform the accused individual of the concerns or allegations and likely course of action as soon as possible after speaking to the designated officer (and the police or children's social care services, where necessary). Where the police and/or children's social care services are involved, the case manager will only share such information with the individual as has been agreed with those agencies.

6.5 Where appropriate (in the circumstances described above), carefully consider whether suspension of the individual from contact with children at the school is justified or whether alternative arrangements such as those outlined above can be put in place. Advice will be sought from the designated officer, police and/or children's social care services, as appropriate.

6.6 Where the case manager is concerned about the welfare of other children in the community or the individual's family, they will discuss these concerns with the DSL and make a risk assessment of the situation. If necessary, the DSL may make a referral to children's social care.

6.7 If immediate suspension is considered necessary, agree and record the rationale for this with the designated officer. The record will include information about the alternatives to suspension that have been considered, and why they were rejected. Written confirmation of the suspension will be provided to the individual facing the allegation or concern within 1 working day, and the individual will be given a named contact at Winchmore Tutors and their contact details.

6.8 If it is decided that no further action is to be taken in regard to the subject of the allegation or concern, record this decision and the justification for it and agree with the designated officer what information should be put in writing to the individual and by whom, as well as what action should follow both in respect of the individual and those who made the initial allegation.

6.9 If it is decided that further action is needed, take steps as agreed with the designated officer to initiate the appropriate action and/or liaise with the police and/or children's social care services as appropriate.

6.10 Provide effective support for the individual facing the allegation or concern, including appointing a named representative to keep them informed of the progress of the case and considering what other support is appropriate. The DSL will ensure the individual facing the allegation is given a contact at Winchmore Tutors as a point of contact and to check on wellbeing and this person will also signpost the person to get support from their unions if they belong to one.

6.11 Inform the parents or carers of the child/children involved about the allegation as soon as possible if they do not already know (following agreement with children's social care services and/or the police, if applicable). The case manager will also inform the parents or carers of the requirement to maintain confidentiality about any allegations made against tutors (where this applies) while investigations are ongoing. Any parent or carer who wishes to have the confidentiality restrictions removed in respect of a tutor will be advised to seek legal advice.

6.12 Keep the parents or carers of the child/children involved informed of the progress of the case (only in relation to their child – no information will be shared regarding the staff member).

6.13 Make a referral to the DBS where it is thought that the individual facing the allegation or concern has engaged in conduct that harmed or is likely to harm a child, or if the individual otherwise poses a risk of harm to a child.

6.14 If Winchmore Tutors are made aware that the secretary of state has made an interim prohibition order in respect of an individual, we will immediately suspend that individual from teaching, pending the findings of the investigation by the Teaching Regulation Agency.

6.15 Where the police are involved, wherever possible Winchmore Tutors will ask the police at the start of the investigation to obtain consent from the individuals involved to share their statements and evidence for use in the Winchmore Tutors disciplinary process, should this be required at a later point.

7.0 Additional considerations for all contracted staff

7.1 If there are concerns or an allegation is made against someone not directly employed by Winchmore Tutors, such as a contracted staff member provided by an agency, we will take the actions below in addition to our standard

procedures.

7.2 We will not decide to stop using an individual due to safeguarding concerns without finding out the facts and liaising with the LADO to determine a suitable outcome.

7.3 The management will discuss with the agency whether it is appropriate to suspend the individual while Winchmore Tutors carries out the investigation.

7.4 We will involve the agency fully, but Winchmore Tutors will take the lead in collecting the necessary information and providing it to the LADO as required.

7.5 We will address issues such as information sharing, to ensure any previous concerns or allegations known to the agency are taken into account (we will do this, for example, as part of the allegations management meeting or by liaising directly with the agency where necessary).

7.6 When using an agency, we will inform them of our process for managing allegations, and keep them updated about our policies as necessary, and will invite the agency's HR manager or equivalent to meetings as appropriate.

8.0 Timescales

8.1 We will deal with all allegations as quickly and effectively as possible and will endeavour to comply with the following timescales, where reasonably practicable:

- Any cases where it is clear immediately that the allegation is unsubstantiated or malicious should be resolved within 1 week.
- If the nature of an allegation does not require formal disciplinary action, appropriate action should be taken within 3 working days
If a disciplinary hearing is required and can be held without further investigation, this should be held within 15 working days.

8.2 However, these are objectives only and where they are not met, we will endeavour to take the required action as soon as possible thereafter.

Specific actions

9.0 Action following a criminal investigation or prosecution

9.1 The case manager will discuss with the local authority's designated officer whether any further action, including disciplinary action, is appropriate and, if so, how to proceed, taking into account information provided by the police and/or children's social care services.

10.0 Conclusion of a case where the allegation is substantiated

10.1 If the allegation is substantiated and the individual is dismissed or Winchmore Tutors ceases to use their services, or the individual resigns or otherwise ceases to provide their services, Winchmore Tutors will make a referral to the DBS for consideration of whether inclusion on the barred lists is required.

10.2 If the individual concerned is a tutor, Winchmore Tutors will consider whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching.

11.0 Individuals returning to work after suspension

11.1 If it is decided on the conclusion of a case that an individual who has been suspended can return to work, the case manager will consider how best to facilitate this.

11.2 The case manager will also consider how best to manage the individual's contact with the child or children who made the allegation, if they are still receiving tuition from Winchmore Tutors.

12.0 Unsubstantiated, unfounded, false or malicious reports

12.1 If a report is:

Determined to be unsubstantiated, unfounded, false or malicious, the DSL will consider the appropriate next steps. If they consider that the child and/or person who made the allegation is in need of help, or the allegation may have been a cry for help, a referral to children's social care may be appropriate.

Shown to be deliberately invented, or malicious, Winchmore Tutors will consider whether any disciplinary action is appropriate against the individual(s) who made it.

13.0 Confidentiality and information sharing

13.1 Winchmore Tutors will make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

13.2 The case manager will take advice from the LADO, police and children's social care services, as appropriate, to agree:

- Who needs to know about the allegation and what information can be shared
- How to manage speculation, leaks and gossip, including how to make parents or carers of a child/children involved aware of their obligations with respect to confidentiality
- What, if any, information can be reasonably given to the wider community to reduce speculation
- How to manage press interest if, and when, it arises

14.0 Record-keeping

14.1 The case manager will maintain clear records about any case where the allegation or concern meets the criteria above and store them on the individual's confidential personnel file for the duration of the case.

14.2 The records of any allegation that, following an investigation, is found to be malicious or false will be deleted from the individual's personnel file (unless the individual consents for the records to be retained on the file).

14.3 For all other allegations (which are not found to be malicious or false), the following information will be kept on the file of the individual concerned:

- A clear and comprehensive summary of the allegation

- Details of how the allegation was followed up and resolved
- Notes of any action taken, decisions reached and the outcome
- A declaration on whether the information will be referred to in any future reference

14.4 Where records contain information about allegations of sexual abuse, we will preserve these for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. We will retain all other records at least until the individual has reached normal pension age, or for 10 years from the date of the allegation if that is longer.

15.0 References

15.1 When providing employer references, we will:

- Not refer to any allegation that has been found to be false, unfounded, unsubstantiated or malicious, or any repeated allegations which have all been found to be false, unfounded, unsubstantiated or malicious
- Include substantiated allegations, provided that the information is factual and does not include opinions

16.0 Learning lessons

16.1 After any cases where the allegations are substantiated, the case manager will review the circumstances of the case with the local authority's designated officer to determine whether there are any improvements that we can make to Winchmore Tutors procedures or practice to help prevent similar events in the future.

This will include consideration of (as applicable):

- Any weaknesses in safeguarding arrangements.
- Any lone-working risks.
- Any training needs.
- Any policy improvements required.
- Any additional support required for individual tutors.
- Issues arising from the decision to suspend the member of staff
- The duration of the suspension
- Whether or not the suspension was justified
- The use of suspension when the individual is subsequently reinstated. We will consider how future investigations of a similar nature could be carried out without suspending the individual

16.2 For all other cases, the case manager will consider the facts and determine whether any improvements can be made.

17.0 Non-recent allegations

17.1 Abuse can be reported, no matter how long ago it happened. We will report any non-recent allegations made by a child to the LADO in line with our local authority's procedures for dealing with non-recent allegations. Where an adult makes an allegation to the school that they were abused as a child, we will advise the individual to report the allegation to the police.

18.0 Concerns that do not meet the harm threshold

Concerns that do not meet the harm threshold' in part 4 of Keeping Children Safe in Education.

18.1 This section applies to all concerns (including allegations) about members of staff, volunteers and contractors, which do not meet the harm threshold set out in section 1.0 above.

18.2 Concerns may arise through, for example:

- Suspicion
- Complaint
- Disclosure made by a child, parent or other adult within or outside the school
- Pre-employment vetting checks

18.3 We recognise the importance of responding to and dealing with any concerns in a timely manner to safeguard the welfare of children.

19.0 Definition of low-level concerns

19.1 The term 'low-level' concern is any concern – no matter how small – that an adult working in or on behalf of Winchmore Tutors may have acted in a way that:

19.2 Is inconsistent with the staff code of conduct, including inappropriate conduct outside of work, and does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the designated officer at the local authority.

19.3 Examples of low-level concerns may include:

- Unnecessary one-to-one contact outside agreed arrangements.
- Contact through personal phones, messaging services or social media.
- Failure to follow lone-working procedures.
- Conducting tuition behind closed doors without visibility.
- Over-familiar relationships.
- Excessive communication with pupils or families.
- Sharing personal information.
- Failing to maintain professional boundaries.
- Transporting pupils without authorisation and risk assessment.
- Breaches of online safety procedures.

20.0 Sharing low-level concerns

20.1 We recognise the importance of creating a culture of openness, trust and transparency to encourage all staff to share low-level concerns so that they can be addressed appropriately.

20.2 We will create this culture by:

- Ensuring staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others
- Empowering staff to share any low-level concerns as per section 7.7 of this policy

- Empowering staff to self-refer
- Addressing unprofessional behaviour and supporting the individual to correct it at an early stage
- Providing a responsive, sensitive and proportionate handling of such concerns when they are raised
- Helping to identify any weakness in the Winchmore Tutors safeguarding system
- Joint meetings and analysis of actions and responses by DSL and DDSL
- Peer review of reporting systems

21.0 Responding to low-level concerns

21.1 If the concern is raised via a third party, the DSL will collect evidence where necessary by speaking:

- Directly to the person who raised the concern, unless it has been raised anonymously
- To the individual involved and any witnesses

21.2 The DSL will use the information collected to categorise the type of behaviour and determine any further action, in line with Winchmore Tutors Staff Code of Conduct

22.0 Professional Boundaries

Maintaining professional boundaries is a key safeguarding responsibility.

Tutors must:

- Maintain professional relationships with pupils and families.
- Avoid dual relationships.
- Avoid communication outside authorised channels.
- Avoid dependency-forming relationships.
- Avoid favouritism.
- Follow all safeguarding and lone-working procedures.

Failure to maintain professional boundaries may result in disciplinary action and could lead to referral to the LADO, DBS or Teaching Regulation Agency where appropriate.

23.0 LADO Referral Procedure

Where an allegation meets the harm threshold, the Designated Safeguarding Lead (DSL) or nominated case manager must:

- Secure an immediate written record.
- Assess any immediate safeguarding risks.
- Ensure the child is safe.
- Consult the Local Authority Designated Officer (LADO) within one working day.
- Follow advice from the LADO regarding next steps.
- Record all decisions and rationale.
- Inform relevant agencies where required.
- Maintain confidentiality throughout the process.

24.0 Training

All tutors must complete and maintain:

Mandatory Training:

- Safeguarding and Child Protection.
- Annual KCSIE update.
- Prevent Duty Awareness.

25.0 Record keeping

25.1 All low-level concerns will be recorded in writing. In addition to details of the concern raised, records will include the context in which the concern arose, any action taken and the rationale for decisions and action taken.

26.2 Records will be:

- Kept confidential, held securely and comply with the DPA 2018 and UK GDPR
- Reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, we will decide on a course of action, either through our disciplinary procedures or, where a pattern of behaviour moves from a concern to meeting the harms threshold as described in section 1 of this appendix, we will refer it to the designated officer at the local authority
- Retained at least until the individual leaves employment at Winchmore Tutors

26.3 Where a low-level concern relates to a contractor, we will notify the individual's employer, so any potential patterns of inappropriate behaviour can be identified.

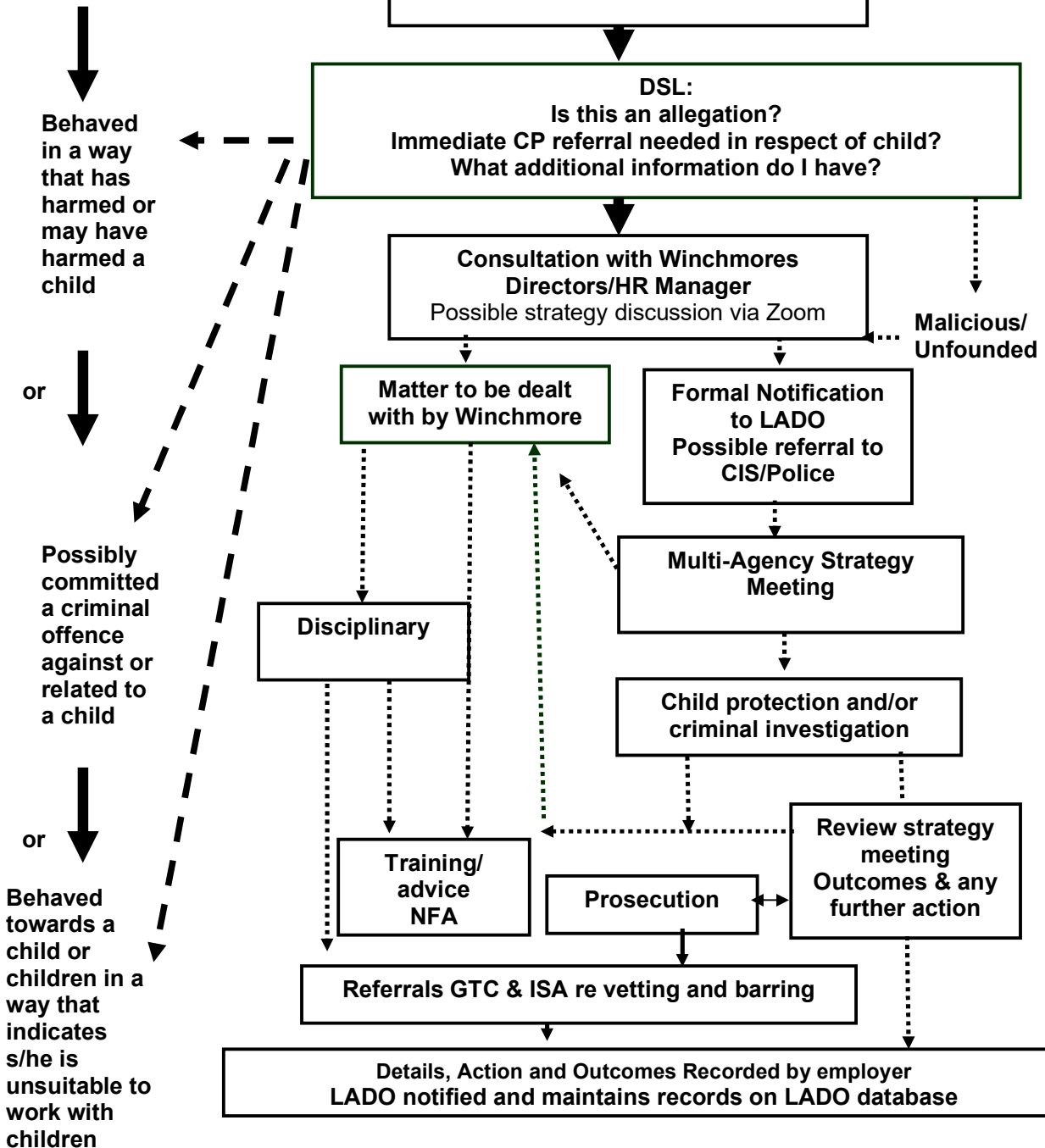
27.0 References

27.1 We will not include low-level concerns in references unless:

- The concern (or group of concerns) has met the threshold for referral to the designated officer at the local authority and is found to be substantiated; and/or
- The concern (or group of concerns) relates to issues which would ordinarily be included in a reference, such as misconduct or poor performance

What is an Allegation?

When a person who works with children has



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Signed:



Craig Varney : Winchmore Tutors DSL