

**No: HR02**

**THE THOMAS AVELING SCHOOL**  
**POLICY**

for

**DEALING WITH ALLEGATIONS OF ABUSE**  
**against teachers and other staff**

December 2012 – Headteacher  
Ratified by Governing Body: 24 Jan 2013  
Reviewed by Headteacher – Sept 2014  
Reviewed by Headteacher – June 2015

## Introduction:

Governors, in line with statutory guidance, will apply the following procedure when handling allegations against teachers and other staff, including all adults working with children whether in a paid or voluntary position and including those who work with children on a temporary or supply basis. The policy shall be applied in all cases where the following criteria have been met, ie where it is alleged that a member of staff has:

- Behaved in a way that has harmed, or may have harmed a child
- Possibly committed a criminal offence related to a child
- Behaved towards a child or children in a way that indicated he or she would pose a risk of harm if they worked regularly or closely with children

Allegations will be categorised in the following ways:

- **Substantiated:** where there is sufficient identifiable evidence to prove the allegation
- **False:** where there is sufficient evidence to disprove the allegation
- **Malicious:** where there is clear evidence that there has been a deliberate act to deceive and the allegation is entirely false
- **Unfounded:** where there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances
- **Unsubstantiated:** (not the same as a false allegation) where there is insufficient evidence to prove or disprove the allegation. Does not, therefore, imply guilt or innocence.

## Dealing with allegations:

- All allegations should be reported immediately to the Headteacher, or in the absence of the Headteacher, the Deputy Headteacher. Should either of these persons be the subject of the allegation or concern, it should be reported immediately to the Chair of Governors.
- If an allegation is made against a teacher, the Headteacher will endeavour to avoid unnecessary delays and will aim to reach a quick resolution.
- Common sense and judgement will be applied when dealing with all allegations.
- Allegations that do not meet the above criteria, or may do so without warranting external investigation, will be dealt with locally and resolved without unnecessary delay.
- In the first instance, the Headteacher or Chair of Governors (hereafter known as the case manager) will inform the LADO of all allegations reported to the school that appear to meet the above criteria and will discuss the allegation to consider and agree a course of action, which may result in the need for consultation with external agencies if appropriate.
- The case manager may decide to contact the police immediately if the allegation places an immediate risk to children, or if there is evidence of a criminal offence. Where there is no such evidence, he will discuss the allegation with the LADO to determine whether police involvement is necessary.
- The case manager will inform the accused person about the allegation as soon as possible following consultation with the LADO. However, in cases where there is cause to suspect that a child is suffering, or is likely to suffer significant harm, or where police or external agencies have been involved, the case manager will wait until those agencies have been consulted and agreement reached on the information that can be disclosed to the accused.
- In cases where initial sharing of information determines that no further action is necessary, the decision and justification will be recorded by both the case manager and LADO, who will agree on a written response to the individual concerned and what action should follow in respect of the individual and those who made the initial allegation.

- Allegations relating to physical contact will, when discussing these allegations, take into account that teachers and staff are entitled to use reasonable force to control or restrain pupils in certain circumstances, including dealing with disruptive behaviour.
- Allegations that do not require investigation by police or external agencies will be discussed and evaluated between the school and the LADO and action taken will be dependent on the nature and circumstances of the allegation, and the evidence and information available. This may mean that no further action is taken, that a decision is made not to use the person's services in the future, suspension or dismissal. Suspension will only be considered if there is no reasonable alternative, and if deemed appropriate, the individual will be notified of the reasons, and these reasons and justification will be recorded. Consideration may be given, if appropriate, to redeployment to a different role or location, in order to avoid suspension.
- Unless advised otherwise by police or external agencies, individuals will be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action.
- The school will ensure that effective support is offered to anyone facing an allegation, including advice with regard to welfare counselling or Occupational Health.
- Individuals will be advised of their right to contact their professional association or trade union representative, or a workplace colleague for support.
- In cases of suspension, the individual will be provided with a named contact.
- Allegations found to be malicious will be removed from personnel records.
- Allegations that are unsubstantiated, unfounded or malicious will not be referred to in employer references.
- The school will consider applying an appropriate sanction for any pupil found to have made a malicious allegation that is likely to have breached school behaviour policies. This may include fixed or permanent exclusion, or referral to the police if there are grounds for believing a criminal offence may have been committed.