

# Allegations of abuse against teachers and non-teaching staff

York Consulting LLP

The views expressed in this report are the authors' and do not necessarily reflect those of the Department for Education.

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## EXECUTIVE SUMMARY

### Introduction

1. The Department for Education (DfE) commissioned York Consulting LLP in 2011 to conduct research into the scale and nature of allegations of abuse made against school teachers and non-teaching staff in schools and the processes for handling these at the local authority and school level. This report presents findings of the research based on evidence from a census survey of LADOs in 2011 and qualitative work in 34 schools and 20 Local Authority (LA) areas.

### Background

2. It is essential that any allegation of abuse made against a teacher or other member of staff is dealt with properly and promptly. This means quickly, fairly and consistently, and in a way that provides effective protection for the child whilst protecting the rights and livelihood of the person accused. In *The Coalition: our programme for government*, the government made a commitment to give anonymity to teachers accused by pupils and take other measures to protect against false allegations. The Education Act 2011 contains measures to introduce reporting restrictions preventing the publication of a teacher's identity when accused by, or on behalf of, a pupil until the point that they are charged with an offence or until the Secretary of State or the General Teaching Council for Wales publishes information about an investigation or decision in a disciplinary case arising from the allegation. Restrictions would also lift if the individual to whom the restrictions apply publicly put forward their side of the story or gave their written consent for another to do so.
3. There has been no centralised national data collection on the number and nature of allegations of abuse referred to Local Authority Designated Officers (LADOs) since a 2007 Department for Children, Schools and Families (DCSF) survey<sup>1</sup>.

### Quantitative Findings from the Survey of LADOs

4. The total number of allegations of abuse referred to LADOs (from schools and other agencies) from the 116 LAs responding to the survey in the reporting period (April 2009 to March 2010) was 12,086.
5. The number of allegations made against school teachers was 2,827. This constitutes almost a quarter of the total number of allegations referred to LADOs. The number of allegations made against non-teaching school staff was 1,709, constituting 14% of the total number of allegations referred to LADOs. The number of allegations made against FE teachers was 106, constituting 1% of the total number referred.
6. The majority of allegations of abuse made against school teachers and non-teaching staff were physical in nature (56% and 49% respectively). Allegations made against FE teachers were most frequently in relation to sexual abuse (49%) although this figure should be interpreted with caution, given the low base of allegations against FE teachers reported.
7. Almost a fifth of school teachers (18%) were suspended whilst the allegation was being investigated. For non-teaching school staff and FE teachers the figures for suspension were 29% and 36% respectively.

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<sup>1</sup> *Review of Implementation Guidance on Handling Allegations of Abuse Against Those who Work with Children and Young People*; DCSF; 2007. This exercise captured data on all allegations of abuse referred to LADOs over a six month period.

8. According to LADOs over a tenth of allegations against school teachers (12%) and nearly one-fifth (19%) of allegations against non-teaching school staff were subject to a criminal investigation. For FE teachers, this figure was higher, at 31%, which is likely to be a reflection of the higher number of allegations that were sexual in nature.
9. The majority of investigations into allegations (74%) were concluded within three months or less; 12% extended beyond 12 months. This is below DfE guidelines which set a target of 80% completion at three months and all but the most exceptional cases should be completed in 12 months.
10. Almost one-third of allegations against teachers were found to be substantiated<sup>2</sup>. Approximately one-fifth (19%) were considered to be unfounded (no evidence or proper basis which supports the allegation being made); 2% deemed malicious; and around one quarter were determined to be unsubstantiated (not implying guilt or innocence). The outcome of 21% of cases referred to LAs was unknown.

### **Qualitative Feedback from LADOs and Schools**

11. There is variability in the way in which LADOs categorise and report the number and nature of allegations and also in the proportions of allegations reported and recorded by schools. This is due to a range of factors including:
  - the culture of the LA and the processes of reporting;
  - school practice in distinguishing between what is an 'allegation of abuse' and what is a 'parental complaint'.
12. Feedback from headteachers demonstrated that the LADO role was highly valued. Stakeholders greatly respected the expertise and support provided and, in particular, the transparency, objectivity and credibility they brought to the investigation process. However the LADO is variable in its approach amongst LAs. This often reflects levels of LA resourcing.
13. LADOs are actively involved in supporting schools to try and prevent allegations arising. A number of LAs reported undertaking regular training sessions with schools and other professionals about how to deal with allegations of abuse.
14. In the main, allegations are resolved within a short timescale; however, in some cases, resolution can take longer than the recommended timescales set out in government guidance. Where allegations take a long time to conclude, this is generally because the allegation is subject to a police investigation.
15. Suspension is generally not an automatic response to an allegation and headteachers do assess all the facts before making a decision. Other alternatives such as adjusting timetables and redeploying teaching staff around are considered and deployed where feasible. Where suspension is used, headteachers, in the main, take advice from their LADO or LA Human Resources (HR) Department to affirm their decision making.

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<sup>2</sup> **Substantiated:** sufficient identifiable evidence to prove or disprove the allegation. **Malicious:** there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false. **Unfounded:** there is no evidence or proper basis which supports the allegation being made, or there is evidence to prove that the allegation is untrue. 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. It simply means that there is insufficient identifiable evidence to prove the allegation. The term, therefore, does not imply guilt or innocence.

16. For staff accused of abuse, there was evidence of support structures within schools, from LADOs, HR and from their trade union; however there were concerns that this support was not necessarily sufficient. There was a lack of consensus about what additional support should comprise and whose responsibility it was to provide it.
17. LADOs in particular felt that the number of allegations could be reduced through improved staff training around conduct issues, particularly related to befriending pupils and use of social media. It was thought that this might limit potential exposure to an allegation.
18. It was considered that the legislation on anonymity should be extended to others who work with children. However, several stakeholders interviewed felt that the legislation in and of itself would do little to alleviate the playground gossip which is what has the profoundly negative effect on the members of staff's position in school.

### **Conclusions**

19. A quantitative assessment of allegations of abuse against teachers and non-teaching staff has been constrained by a combination of variable LA recording systems, and the classification inconsistencies in trend data from successive survey tools. The research has however reported on areas of observed consistency and results can therefore be regarded as robust.
20. The numbers of allegations made are relatively small in relation to those working in the sector as a whole. However, qualitative information collected from LADOs suggests that the number of allegations recorded annually by LAs against teachers and non-teaching staff is on a rising trend. This is thought to be due more to better recording and increased school referral of cases to LAs rather than an increase in the volume of incidents, although this cannot be proven.
21. Overall the number of allegations of abuse referred to LADOs against teachers and non-teaching staff is thought to be lower than the total number of incidents occurring within schools each year. This is because some schools conduct their own investigations without reference to the LADO. The decision by headteachers regarding whether to deal with an allegation themselves, or to progress it through the LADO reflects the severity of the incident, the relationship with the LADO, and the views/experience of the headteacher.
22. The qualitative research indicates that processes for handling allegations are broadly consistent across LAs and schools where the allegation is of a serious nature and/or where there is a clear child protection concern. Processes for handling allegations that are of a less serious nature or less obvious as to their outcome are much more varied across schools and LAs.
23. Over half of allegations against teachers and non-teaching staff are physical in nature. Some schools have responded by increasing the levels of staff restraint training. LADOs have also on occasion participated on the same training to better understand the issues and thus improve their advice to schools.
24. Interpretation of allegation outcomes following investigation is clouded by both recording and definitional issues. In 21% of cases LADOs recorded the outcome of an allegation as 'unknown'. This reflects deficiencies in tracking systems. Schools also appear to have a poor awareness of what constitutes a malicious, unfounded or unsubstantiated outcome. In conducting their own investigations schools are more likely to adopt a binary approach: either an allegation is substantiated or it is not.

25. School awareness of the new DfE guidance with regard to allegations of abuse is low. There is a strong reliance on LADO information and advice. As a result recording by schools of allegation outcomes on staff files is highly variable and generally not consistent with guidance. There is a tendency to record everything.
26. Timescales for investigating allegations are influenced strongly by the complexity of the case and whether or not there is a police investigation. Over half are dealt with within one month. Survey findings however show timescales to be below the target guidelines in the government guidance.
27. The support available to members of staff subject to allegations is varied. There is evidence to suggest that some teachers and non-teaching staff accused of an allegation receive limited appropriate support.
28. LADOs were generally of the view that the right to anonymity would deliver minimal benefit to those subject to allegation investigations as they felt that they already had procedures in place to safeguard anonymity as far as possible.
29. With a rising number of Academies and Free Schools it is likely that a higher proportion of schools will increasingly sit outside the LADO support system. The majority of schools who have become heavily reliant on LADO support may struggle to deal with allegations in the future if the gap in service support between schools and LAs continues to widen.

## **Implications**

### ***Standardisation of Reporting and Outcomes***

30. More could be done to standardise processes and systems for recording allegations of abuse. Guidance could be provided to better standardise how information is recorded by schools. Improved and consistent processes for reporting allegations would enable analysis of the impact of new policies and guidance on the number of allegations.

### ***Timescales***

31. Discussions could be held with the police to consider ways in which prolonged timescales linked to criminal investigations might be reduced.

### ***Learning, Training and Support***

32. Post allegation review meetings involving schools and LAs should be encouraged with information circulated on the lessons learned. Additional training/guidance could be provided to teaching staff on appropriate conduct with pupils and use of social media to minimise the potential for accusations to be made. Headteachers may find useful opportunities for training or to discuss the processes for handling allegations.

### ***Suspension***

33. Examples of how to deal with staff suspension could be provided together with illustrations of alternative approaches in different types of schools.

### ***Anonymity***

34. Feedback from the qualitative interviews was that the anonymity provisions introduced for school teachers should be extended to other professionals working with children and young people. The Government has made a commitment to review the effect of the anonymity provisions in the Education Act 2011 in 2 years time.

# 1 INTRODUCTION

- 1.1 This report presents the findings from the research into the scale and nature of allegations of abuse made against school teachers and non-teaching school staff and the processes for handling these at the Local Authority (LA) and school level. The research was undertaken by York Consulting LLP on behalf of the Department for Education (DfE).

## Background and Context

- 1.2 It is essential that any allegation of abuse made against a teacher, or other member of staff is dealt with properly and promptly. The means quickly, fairly and consistently, and, in a way that provides effective protection for the child, whilst protecting the rights and livelihood of the person accused. In *The Coalition: our programme for government*, the government made a commitment to give anonymity to teachers accused by pupils and to take other measures to protect against false allegations. There is a wealth of evidence to suggest that being falsely accused of mistreating pupils causes severe emotional distress and long-term damage to a person's career. Being falsely accused has also been linked to teachers leaving the profession.
- 1.3 The Education Act 2011 contains measures to introduce reporting restrictions preventing the publication of a teacher's identity when accused by, or on behalf of, a pupil, until the point that they are charged with an offence, or until the Secretary of State or the General Teaching Council for Wales publishes information about an investigation. Restrictions would also lift if the individual to whom the restrictions apply publicly put forward their side of the story or gave their written consent for another to do so.

## Processes for Handling Allegations

- 1.4 There is no single investigatory process for allegations of abuse. Different types of allegation are handled by different bodies (police, social services, LA, employer). In 2007, the former Department for Children, Schools and Families (DCSF), which is now the DfE, produced guidance which sets out how schools and LAs should handle allegations of abuse made against those who work with children and young people<sup>3</sup>. This guidance, which has recently been revised for those working in schools<sup>4</sup> sets out the criteria for cases which should be referred to the Local Authority Designated Officer (LADO), who is responsible for providing advice and monitoring referrals of allegations across the children's workforce.

## Scale

- 1.5 There has been no centralised national data collection on the number and nature of allegations of abuse referred to LADOs since the 2007 DCSF review. In 2007 a survey of LADOs provided detail on the total number of allegations referred to LAs and by the different sectors working with children and young people. The survey presented information for the Education Sector as a whole and did not disaggregate as we have in this exercise by school teachers, non-teaching staff in school and Further Education (FE) teachers. The 2007 survey identified 4,069 allegations of abuse referred to the LADOs in a six month period. Of these, 47% (1,912) were from employers within the education sector.

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<sup>3</sup> *Review of Implementation Guidance on Handling Allegations of Abuse Against Those who Work with Children and Young People*; DCSF; 2007. This exercise captured data on all allegations of abuse referred to LADOs over a six month period.

<sup>4</sup> *Dealing with Allegations of Abuse Against teachers and Other Staff: guidance for Local Authorities, Headteachers, School Staff, Governing Bodies and Proprietors of Independent Schools*; DfE; 2011.



- 1.6 The 2007 DCSF figures suggest that it is rare for allegations to be deliberately false<sup>5</sup>, with 13% of allegations proved to be unfounded and just 3% malicious. Other professional bodies and teaching unions have expressed concern regarding the growing number of teachers and non-teaching staff who report having been subject to a false allegation.

### **Anonymity**

- 1.7 The arguments for and against legislation for anonymity remain finely balanced. Some consider the legal right to anonymity as vital to protecting teachers. Others feel it may prevent potential witnesses coming forward, will do little to stop playground rumours circulating, or that current procedures for maintaining confidentiality are working well and are therefore sufficient.

### **Research Aims**

- 1.8 In 2011, the government commissioned this research project to provide an up-to-date picture on the scale and nature of allegations of abuse against teachers and non-teaching staff in schools and how these were dealt with at the LA and school level. The research focused on the teaching profession specifically and other support staff in schools. It placed particular emphasis on the LA and school investigatory processes.

- 1.9 The aims of the research were to:

- gather up-to-date evidence on the number and nature of allegations of abuse made against education staff, including school teachers, non-teaching staff in schools and FE teachers;
- establish relative volumes of allegations dealt with at LA and school level;
- examine how allegations processes are handled in LAs and schools.

### **Methodology**

- 1.10 The methodology employed to meet the aims of the research was:

- a scoping exercise with 17 schools and trade union representatives;
- a census survey of LADOs across England;
- qualitative interviews with 20 LADOs and 34 school headteachers.

### **Scoping Exercise with Schools and Trade Unions**

- 1.11 Government guidance suggests that allegations of abuse should be referred to the appropriate local authority, which formally records the number of allegations that are referred to them. There is some anecdotal evidence to suggest that schools may be dealing with a greater proportion of allegations than LADOs know about. Thus, an initial scoping exercise was undertaken to determine the feasibility of collecting robust data on the number of allegations dealt with by schools that had not been referred to the LADO. From the outset it was clear that obtaining robust data from schools on the number and nature of allegations not referred to the LADO would be difficult.

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<sup>5</sup> *Children, Schools and Families Select Committee Inquiry into Allegations against School Staff*; NASUWT; 2009.

1.12 The scoping exercise with schools and trade unions revealed a range of issues in relation to collecting data on the number of allegations dealt with at a school level:

- **Definition of the term 'abuse':** schools defined and interpreted the term 'abuse' in very different ways. For example, for some schools it had connotations of incidents where there is a potential significant risk to the child. As such, lower level allegations may not be considered by the school to be an allegation of abuse. It was therefore felt that unless the term 'abuse' was clearly defined, there was a strong risk that schools would not provide accurate or consistent data;
- **Sensitive nature of the subject area:** this is a highly sensitive issue for schools. The scoping exercise highlighted issues regarding gaining access to schools and a reluctance by some to provide quantitative figures on allegations that had not been referred to the LADO;
- **Recording of allegations of abuse:** Whilst the scoping exercise showed that it was common for schools to have a central record of allegations for 'serious' cases, less serious cases were not always recorded formally. This meant that collating the data required for a survey would be onerous, not necessarily accurate and time-consuming, and may require reference to paper-based information held in a variety of places.

1.13 Due to the subtleties in how schools define, deal with and record allegations, there were significant methodological challenges in undertaking a school survey that would yield robust and usable data on the number and nature of allegations not referred to the LA. In discussion with the DfE it was therefore agreed that it would not be appropriate to progress with a quantitative school survey. As an alternative, and in order to extend the range of schools consulted, the number of qualitative consultations with school headteachers was increased to 34.

#### **Survey of LADOs**

1.14 A survey of LADOs was piloted with a sample of 14 LAs. Feedback was sought on the ease of completion and the LADOs' ability to provide the data requested. The survey was then revised based on the feedback provided.

1.15 The post-pilot survey proforma and guidance on completing the survey was emailed to contacts from 149 LAs supplied by the DfE on 22 June 2011. LADOs were further emailed on 23 June, with an amendment to the guidance document; on 6 July, with an amendment to the proforma; and on 19 July with a reminder of the deadline of 5 August if the LADO had not yet responded. LADOs failing to return their response by the 5 August deadline were subsequently contacted by York Consulting in order to negotiate a revised date. In the end a total of 116 responses were received, constituting a 78% response rate.

1.16 LADOs were asked to provide data on the total number, nature and outcomes of allegations against school teachers, non-teaching staff in schools and FE college teachers received between 1 April 2009 and 31 March 2010. The rationale for collecting data for this period was that it would:

- provide data on a full financial year;
- allow sufficient time to have elapsed to explore the extent to which investigations of abuse were completed within the required timescales.

1.17 The design of the survey mirrored, where feasible, the previous 2007 DCSF survey to allow comparisons to be made. However, it is important to note that there were a number of limitations linked to drawing direct comparisons with the 2007 survey. This is because the 2007 survey:

- only collected information on the number and nature of allegations over a six-month period (1 April 2007 – 30 September 2007);
- did not specifically collect information on teachers, non-teaching staff and FE college teachers, instead presenting aggregate data for the 'education sector' as a whole.

1.18 Any direct comparisons made in this report with the 2007 DCSF survey should therefore be treated with caution.

#### **Data Provided by LADOs**

1.19 Guidance was provided to LAs to ensure consistency in the data that was provided. LADOs were requested to categorise the outcomes of investigations of allegations that had been concluded according to pre-defined categories that were outlined in the guidance document.

1.20 Not all LADOs were able to answer all questions or sub-questions within the survey. When reporting the findings the base number of respondents is therefore provided for each question to ensure transparency.

1.21 Prior to analysis, survey responses were quality assured and a validation exercise was undertaken with LADOs if necessary. This was in order to ensure that the data provided was robust, reliable and consistent across those responding.

#### **Qualitative Interviews with LADOs and Schools**

1.22 The qualitative interviews with 20 LADOs and 34 school headteachers were used to explore:

- the processes for dealing with allegations of abuse and decisions to suspend or not;
- reasons affecting resolution within or outside of required timescales;
- reasons for action with teachers whilst investigating;
- outcomes of investigations;
- issues of anonymity;
- links to behaviour management and use of authorised physical intervention or restraint;
- personal and financial costs to schools and staff.

1.23 Purposive sampling – selecting those rich in information – was used to select LADOs (using the survey data they provided) and schools (LADOs helped identify schools for involvement). The sample included a geographical mix across the regions. The following criteria were used:

- high or low usage of suspension;
- experience of dealing with allegations that has taken longer than the recommended timescales;
- those who dealt with a high number of allegations;
- some schools were selected as they had particularly close or more distant relationships with their LADO.

- 1.24 Some schools were initially reluctant to participate in the research. The required participation rate was achieved by emphasising the confidential nature of the exercise and through direct support or encouragement from their LADO.

### **Limitations of the Study**

- 1.25 This study has focused on exploring the scale and nature of allegations against teachers and school support staff and the associated handling processes. The primary remit of the research was to concentrate on allegation figures held by LADOs. We had initially intended to conduct a quantitative audit of school level allegations. This however proved impractical due to variability in definitions and recording systems.
- 1.26 In-depth qualitative interviews provided further detail on the processes for handling allegations by schools and by the LADO. The small-scale nature of the qualitative research and non-probability sampling strategies employed limits the extent to which generalisations can be made.
- 1.27 Allegations of abuse against teachers and non-teaching school staff may also be handled and investigated by the police, but police procedures for handling allegations were not included in the remit of this research.
- 1.28 The study focused specifically on allegations against school teachers and non-teaching school staff. Other employment sectors working closely with children were not included within this research. However, an optional question on the number of allegations of abuse against staff from other employment sectors was included in the LADO data collection survey to provide contextual information where LADOs could provide it.
- 1.29 The study explored the processes for handling allegations from headteachers and LADOs. Those making or subject to an allegation (teachers, support staff, pupils and parents) were not included in the research remit.
- 1.30 In citing the evidence we have not provided specific examples to illustrate the points raised other than in a general sense. This is to preserve the anonymity of those who took part in the research.

### **Report Structure**

- 1.31 The report is structured as follows:
- **Section Two** presents quantitative data on the scale of allegations of abuse against teachers and support staff as reported by LADOs;
  - **Section Three** provides qualitative evidence to help contextualise and understand the factors, procedures and decisions behind the figures reported. In doing so, the processes for handling allegations of abuse against teachers and non-teaching school staff are exemplified and explored;
  - **Section Four** presents the conclusions and implications for practice.

## **2 THE NUMBER AND NATURE OF ALLEGATIONS OF ABUSE AGAINST TEACHERS AND NON-TEACHING STAFF IN SCHOOLS: A QUANTITATIVE PROFILE**

### **Introduction**

- 2.1 This section presents the findings from the LADO survey conducted between June and August 2011. The survey collected information on the number of allegations that were referred to LADOs against **school teachers, non-teaching staff in school and FE college teachers**.
- 2.2 Key information collected through the survey and that will be outlined in this section includes:
- **the number of allegations referred to LADOs between April 2009 and March 2010;**
  - **the nature of allegations made;**
  - **LADO investigation processes;**
  - **the outcomes of investigation process.**
- 2.3 Where feasible, comparisons have been made with the 2007 DCSF data collection exercise.
- 2.4 All completed LADO questionnaires were subject to a verification process to ensure that the information provided was accurate and consistently gathered across LAs. A full copy of the survey questionnaire can be found in **Annex B**, with the guidance sent to LADOs on how to complete the survey in **Annex C**.

### **Number of Allegations Referred to LADOs**

- 2.5 The LADO survey collected data on the number of allegations that were referred to LADOs in the period 1 April 2009 – 31 March 2010. Specifically, the survey collected data on:
- the total number of allegations referred to the LADO;
  - the total number of allegations against school teachers, non-teaching staff in schools and FE teachers;
  - the number of allegations by employment sector.
- 2.6 The total number of allegations referred to LADOs between 1 April 2009 and 31 March 2010 was 12,086, across 116 LAs who responded to the survey. This compares to 4,069 allegations reported for a six month period (a weighted comparison of around 8,000 allegations) in the previous 2007 DCSF survey.
- 2.7 The survey data indicated that:
- Over a third of LAs (36%, n=42) had dealt with more than 100 allegations in the 2009-10 financial year; 11% (n=13) of LAs had more than 200 allegations and two LAs had more than 400;
  - Over a fifth (22%, n=25) had dealt with less than 50 allegations in the 2009-10 financial year.

- 2.8 Allegations against school teachers, non-teaching staff and FE college teachers represent 38% (n=4,642) of all allegations referred to LADOs (see **Table 2.1**). The number of allegations of abuse against school teachers was 2,827 (across 110 LAs who could provide data). This represents nearly a quarter (23%) of all allegations received in the financial year (n=12,086), but relates to only 0.6% of the teaching population as a whole<sup>6</sup>.
- 2.9 The number of allegations against non-teaching staff in schools was 1,709 (across 110 LAs who could provide data), representing 14% of the total number of allegations. This represents 0.4% of the non-teaching staff population.<sup>7</sup>
- 2.10 Allegations made against FE teachers referred to LADOs are comparatively much lower than those made against teachers and non-teaching staff. Over nine-tenths (91%; n=104) of responding LADOs were able to provide this data. Of these, 106 allegations against FE college teachers were reported, representing less than 1% of all allegations. Half of LADOs (n=52) reported that there had been no allegations against FE college teachers in the 2009-10 financial year.

	<b>Number</b>	<b>% of total number of allegations reported</b>
<b>School Teachers</b>	2,827	23%
<b>Non-teaching staff in schools</b>	1,709	14%
<b>FE college teachers</b>	106	<1%
<b>All allegations referred to the LA</b>	12,086	

#### **Allegations of Abuse by Employment Sector**

- 2.11 One question in the LADO survey requested information on the total number of allegations in terms of the employment sector of the person against whom an allegation was made. This was included in the survey as an optional question, with 96 local authorities choosing to provide this data<sup>8</sup>.
- 2.12 As shown in **Table 2.2** most of the referrals made were against 'education sector' staff (44%; n=4,351). This is a slightly lower proportion than reported in the 2007 DCSF survey in which over half (52%, n=2,116) of allegations were against 'education sector' staff.
- 2.13 A little over a tenth (11%) of allegations were against foster carers (n=1,095), and a similar proportion against social care staff (n=1,113). This is broadly similar to the 2007 survey in which 13% of allegations were against social care staff and 12% were against foster carers. The number of allegations against social care staff relates to 1.3% of the social care workforce according to research published by the Children's Workforce Development Council in 2008<sup>9</sup>. Allegations against foster carers represent 2.9% of foster carers.

<sup>6</sup> Based on data from the *School Workforce in England Statistical Release, November 2010*, which cites a figure of 448,100 Full Time Equivalent (FTE) teachers in service.

<sup>7</sup> *School Workforce in England Statistical Release, November 2010* which cites a figure of 213,900 FTE teaching assistants in service and 188,100 regular support staff.

<sup>8</sup> There were 9,877 allegations referred to LADOs in these 96 local authorities. Percentages are calculated from this base number of allegations.

<sup>9</sup> *The State of the Children's Social Care Workforce, A Statistical Overview of the Workforce providing Children's and Families Social Care in England*, CWDC, 2008.

- 2.14 Only 3% of allegations were against health staff (n=305) and those working in voluntary youth organisations (n=308). There were a high proportion of ‘other’ employment sectors reported by LADOs. Discussions with LADOs suggest that this largely includes staff providing school transport and early years education staff.

<b>Table 2.2: Referrals by Employment Sector</b>		
<b>Referrals by Employment Sector (LAs=96, total number of allegations for these LAs = 9,877)</b>	<b>Number</b>	<b>%</b>
<b>Education Sector</b>	4,351	44%
<b>Social Care</b>	1,113	11%
<b>Foster Carers</b>	1,095	11%
<b>Voluntary Youth Organisations</b>	308	3%
<b>Health</b>	305	3%
<b>Faith Groups</b>	174	2%
<b>Secure Estate</b>	174	2%
<b>Police</b>	95	1%
<b>YOT</b>	20	<1%
<b>Armed Forces</b>	14	<1%
<b>Children and Family Court Advisory and Support Service (CAFCASS)</b>	3	<1%
<b>Probation</b>	2	<1%
<b>NSPCC</b>	2	<1%
<b>Immigration/Asylum Support Services</b>	2	<1%
<b>Other</b>	2,140	22%
<b>Don't Know</b>	79	1%

### **Nature of Allegations Made**

- 2.15 The LADO survey captured information on the primary abuse category of allegations referred to the LADO (see **Table 2.3**).
- 2.16 Over half of the allegations made against school teachers were in relation to physical abuse (n=1,584). Nearly a fifth were sexual in nature (19%, n=550), 11% (n=315) related to conduct issues such as appropriate language or behaviour used by staff, 8% (n=224) were allegations of emotional abuse and 2% (n=64) were regarding neglect.

2.17 Proportions were similar for non-teaching school staff. Almost half (49%, n=842) of allegations made were in relation to physical abuse, 25% (n=427) sexual, 12% (n=208) conduct, 4% (n=76) emotional and 5% (n=82) neglect.

**Table 2.3: Allegations of Abuse Against Teachers, Non-teaching Staff by Type (%/N)**

		Physical	Emotional	Sexual	Neglect	Conduct	Other	Not Recorded	Don't Know
<b>Total number of allegations against...</b>	<b>School Teachers (LAs=110, base allegations = 2,827)</b>	56% (1,584)	8% (224)	19% (550)	2% (64)	11% (315)	3% (75)	1% (15)	0% (0)
	<b>Non-teaching staff in schools (LAs=110, base allegations = 1,709)</b>	49% (842)	4% (76)	25% (427)	5% (82)	12% (208)	3% (56)	1% (14)	<1% (4)
	<b>FE college teachers (LAs=104, base allegations = 106)</b>	27% (29)	5% (5)	49% (52)	3% (3)	9% (10)	7% (7)	0% (0)	0% (0)

2.18 Almost half the allegations made against FE college teachers were in relation to abuse that was sexual in nature (49%, n=52), 27% (n=29) were physical, 9% (n=10) conduct, 5% (n=5) emotional and 3% (n=3) neglect. Caution should be taken in the interpretation of these proportions due to the low base number of allegations against FE college teachers.

**Physical Abuse Allegations Relating to Staff Carrying out an Authorised Physical Intervention or Restraint**

2.19 Information was recorded on the number of allegations involving physical abuse that had followed a member of staff carrying out an authorised physical intervention or restraint (see **Table 2.4**).

2.20 The LADO survey found that nearly a fifth (17%) of physical abuse allegations against school teachers (n=224) and non-teaching staff in schools (n=122) related to the use of authorised physical intervention or restraint. For FE college teachers, there was reported to be only one physical abuse allegation that had been as a result of the use of authorised physical restraint.

2.21 The current figures are slightly higher than those reported in the 2007 DCSF data collection exercise. In the 2007 survey, approximately one-eighth (12%) of the total number of allegations of physical abuse followed an authorised physical restraint. There were similar proportions for the sub-category of 'education sector' at 13%.



**Table 2.4: Number of the Referrals Involving Physical Abuse that Followed a Member Of Staff Carrying out an Authorised Physical Intervention or Restraint**

	Number that Followed Authorised Physical Intervention or Restraint	% of total 'physical' allegations
School Teachers (LAs=99 LAs, base 'physical' allegations = 1,333)	224	17%
Non-teaching staff in schools (LAs=100, base 'physical' allegations = 709)	122	17%
FE college teachers (LAs=49, base 'physical' allegations = 29)	1	3%

### LADO Investigation Processes

2.22 The survey captured quantitative information of the following aspects of the LA investigation process:

- action taken during the investigation process;
- prevalence of suspension and resignation whilst investigations are taking place;
- time taken to conclude investigations.

### Action Taken During the Investigation Process

2.23 Allegation investigations are handled by different bodies including the police, social services, the local authority and employers. LADOs were asked to report on all types of investigation processes that the allegation had been subject to, that they were aware of, including no further action, disciplinary proceedings, Section 47<sup>10</sup> investigation, criminal proceedings and any other (see **Table 2.5**).

2.24 'No further action after initial consideration' was the most common action taken against school teachers and non-teaching staff in schools. Approximately a third (31%) of allegations made against school teachers (n=865) and non-teaching staff (n=526) resulted in no further action following the initial referral. For FE college teachers, this figure was 21% (n=22).

2.25 Around three-tenths of allegations against school teachers (28%, n=803) and against non-teaching staff (31%, n=527) invoked disciplinary proceedings. For FE college teachers, this was 40% (n=42).

2.26 Over a tenth of allegations against school teachers (12%, n=336) and nearly one-fifth against non-teaching staff (19%, n=323) resulted in criminal investigation. Although this figure was higher for FE college teachers at 31% (n=33), this is likely to be reflective of the number of allegations of sexual abuse and the low base number of allegations made against FE college teachers.

<sup>10</sup> Section 47 of the Children Act 1989 places a duty on local authorities to make enquiries into the circumstances of children considered to be a risk of 'significant harm' and, where these enquiries indicate the need to undertake a full investigation into the child's circumstances.

2.27 The proportion of allegations that resulted in a Section 47 investigation was broadly similar across school teachers, non-teaching staff and FE teachers. Around 14% (n=15) of allegations against FE college teachers, 12% (n=206) of allegations against non-teaching staff in schools and 10% (n=276) of allegations against school teachers resulted in a Section 47 investigation.

**Table 2.5: Of the Allegations against teachers and education staff received in the period, what was the investigative action taken?**

		Investigative Action (No/% of base allegations for each job role)					
		No Further Action After Initial Consideration	Disciplinary Procedures	Section 47 Investigation	Criminal Investigation	Other	Don't Know
Total number of allegations against...	<b>School Teachers (LAs=110, base allegations = 2,827)</b>	31% (865)	28% (803)	10% (276)	12% (336)	18% (513)	13% (359)
	<b>Non-teaching staff in schools (LAs=110, base allegations = 1,709)</b>	31% (526)	31% (527)	12% (206)	19% (323)	13% (224)	13% (229)
	<b>FE college teachers (LAs=104, base allegations = 106)</b>	21% (22)	40% (42)	14% (15)	31% (33)	12% (13)	12% (13)

#### Use of Suspension and Resignation during the Investigation Process

- 2.28 LADOs were asked to report on the number of teachers and non-teaching staff who were suspended or who resigned during the investigation process (see Table 2.6).
- 2.29 Suspension was used in a substantial proportion of allegation cases. Nearly a fifth of school teachers (18%; n=459) were suspended whilst an investigation was taking place, compared to 29% of non-teaching staff (n=431) and over a third of FE college teachers (36%, n=36). The greater proportion of suspensions against FE college teachers is likely to reflect the higher proportion of allegations of sexual abuse. However, care should be taken in the interpretation because of the low base of allegations reported against FE college teachers.
- 2.30 Staff resignation during the investigation process was uncommon. Only 4% (n=95) of school teachers; 6% (n=85) of non-teaching staff and over a tenth (11%, n=11) of FE college teachers resigned.

	<b>Suspension</b>	<b>Resignation</b>
<b>School teachers (LAs = 103 (suspension)/101 (resignation), base allegations = 2,556/2,509)</b>	18% (459)	4% (95)
<b>Non teaching staff in schools (LAs = 102/100, base allegations = 1,505/1,456)</b>	29% (431)	6% (85)
<b>FE college teachers (LAs = 100/98, base allegations = 100/100)</b>	36% (36)	11% (11)

### **Time Taken to Conclude Investigations**

- 2.31 Survey respondents were asked to provide information on the cases referred that had been concluded to date<sup>11</sup> (see **Table 2.7**). The survey found that the majority of allegations (94%, n=4,306) had been concluded.

	<b>Number of Concluded Cases</b>	<b>Number of Non-Concluded Cases</b>	<b>Don't Know</b>	
<b>Total Number of Allegations against...</b>	<b>School Teachers (LAs=109, base allegations= 2,772)</b>	95% (2,631)	3% (97)	2% (44)
	<b>Non-teaching staff in schools (LAs=109, base allegations = 1,693)</b>	93% (1,578)	4% (71)	3% (44)
	<b>FE college teachers (LAs = 103, base allegations = 105)</b>	92% (97)	6% (6)	2% (2)

- 2.32 **Table 2.8** presents data on the number of allegations that had not been concluded up to 31 March 2011 and the proportion that were still within or outside of the recommended 12 months timescale. It is important to note that this only relates to a small numbers of allegations.

<sup>11</sup> To 31 March 2011.

- 2.33 The majority of allegations that were not concluded were found to be outside of the recommended 12 month timescales. Most (80%, n=4) non-concluded cases against FE college teachers were outside of the recommended 12 month timescale, compared to over seven-tenths (72%, n=47) of school teacher cases and a little over half (51%; n=20) of allegations cases against non-teaching staff in schools. Care should be taken interpreting these figures because of the low base numbers.

**Table 2.8: At the point of conclusion, what were the numbers of referrals for teachers and education staff that were concluded in the following timescales? (No/%)**

Total Number of Allegations against...	Number of non concluded cases that are still inside of the recommended 12 month timescales	Number of non concluded cases that are outside of the recommended 12 month timescales	Unknown
	<b>School Teachers (LAs=105, base of non-concluded cases = 65)</b>	28% (18)	72% (47)
<b>Non-teaching staff in schools (LAs=105, base of non-concluded cases = 39)</b>	41% (16)	51% (20)	8% (3)
<b>FE college teachers (LAs = 103, base of non-concluded cases = 5)</b>	20% (1)	80% (4)	0

- 2.34 The LADO survey recorded information on the time taken to conclude investigations for teachers and non-teaching staff (see Table 2.9). The revised guidance<sup>12</sup> highlights that it is expected that 80% of cases should be resolved within one month, 90% within three months and all but the most exceptional cases should be completed within 12 months. LADO survey findings reveal longer completion times than the revised guidelines. Only 55% of teacher allegations were completed within one month, 74% within three months and 88% with 12 months. Completion times also seemed to have increased compared to the 2007 survey, when 92% of allegations were concluded within three months.
- 2.35 In the case of FE college teachers, over a quarter of allegations (27%, n=26) took longer than three months to conclude, although only a very small number took longer than 12 months (2%, n=2).
- 2.36 There were a number of concluded allegations for which LADOs were not able to provide information on timescales for conclusion. For over a tenth (12%, n=527) of concluded cases, LADOs were not able to provide information on the time taken to conclude the case. This suggests variation in the systems that LAs have in place to record information about allegations.

<sup>12</sup> *Dealing with Allegations of Abuse Against teachers and Other Staff: guidance for Local Authorities, Headteachers, School Staff, Governing Bodies and Proprietors of Independent Schools*; DfE; 2011.

2.37 The factors that facilitate or hindered the timescales for investigations are reported in **Section 3**.

**Table 2.9: At the point of conclusion, what were the numbers of referrals for teachers and non-teaching staff that were concluded in the following timescales? (No/%)**

Total Number of Allegations against...		Within 1 month	Within 2-3 months	Within 4-12 months	More than 12 months	Don't Know
	<b>School Teachers (LAs= 109, no. of concluded allegations= 2,631)</b>	55% (1,445)	19% (496)	12% (315)	2% (47)	12% (328)
	<b>Non-teaching staff in schools (LAs = 109, no. of concluded allegations = 1,578)</b>	52% (819)	23% (356)	12% (186)	1% (22)	12% (195)
	<b>FE college teachers (LAs = 103, no. of concluded allegations = 97)</b>	44% (43)	25% (24)	25% (24)	2% (2)	4% (4)

**Outcomes of Concluded Cases**

2.38 LADOs were asked to report the outcomes of concluded investigations as being either “substantiated”, “malicious”, “unfounded” or “unsubstantiated”. The following guidance was provided on the definition of these terms:

- **Substantiated:** there is sufficient identifiable evidence to prove the allegation;
- **Malicious:** there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false;
- **Unfounded:** there is no evidence or proper basis which supports the allegation being made, or there is evidence to prove that the allegation is untrue. It may also indicate the person making the allegations misinterpreted the incident or was mistaken about what they saw. Alternatively they may not have been aware of all the circumstances;
- **Unsubstantiated:** this is not the same as a false allegation - it simply means that there is insufficient identifiable evidence to prove the allegation. The term therefore, does not imply guilt or innocence.

2.39 It is important to note that not all LADOs use these definitions. These categories were provided together with definitions in order to be able to make standard comparisons in the types of outcomes across LAs.

2.40 As shown in **Table 2.10**, nearly half of the allegations made against school teachers (47%, n=1,234) and two-fifths of allegations against non-teaching staff (41%, n=639) were found to be unsubstantiated, malicious or unfounded. Of these, nearly a fifth of allegations against teachers (19%, n=497) and 15% (n=236) of allegations against non-teaching school staff were considered to be unfounded.

2.41 Only 2% (n=82) of allegations against teachers and non-teaching staff were found to be malicious, with none of the allegations against FE college teachers reported to be malicious. This represents little change from the 2007 DCSF survey in which 3% of all allegations concluded were reported to be malicious.

- 2.42 There was reported to be a relatively high proportion of unsubstantiated allegations (around a quarter of concluded allegations) against school teachers and non-teaching staff within schools. This related to 26% (n=681) of allegations against school teachers, 24% (n=377) of allegations against non-teaching staff in school and 16% (n=16) of allegations against FE college teachers.
- 2.43 A large proportion of LAs (21%, n=899) were unable to categorise some or all of their concluded cases within the response options provided (44 out of 109 LAs who responded to this question). This raises questions regarding the systems that LADOs have in place to ensure that they know the outcome of allegations reported to them, and so will have an impact on the relative balance of recorded outcomes. This issue is explored further in **Section 3**.

**Table 2.10: Of concluded investigations against teachers and non-teaching staff, how many were found to be....?**

Total Number of allegations against...		Substantiated	Malicious	Unfounded	Unsubstantiated	Don't Know
	School Teachers (LA=109, no. of concluded allegations = 2,631)	32% (857)	2% (56)	19% (497)	26% (681)	21% (540)
	Non-teaching staff in schools (LA=109, no. of concluded allegations = 1,578)	38% (603)	2% (26)	15% (236)	24% (377)	21% (336)
	FE college teachers (LA=103, no. of concluded allegations = 97)	53% (51)	0% (0)	7% (7)	16% (16)	24% (23)

### Results of Concluded Cases

- 2.44 'No further action after initial consideration' was the most common result recorded for concluded allegation cases, with a little over a third (35%, n=1,490) of cases resulting in this outcome (see **Table 2.11**). Intuitively, this response is likely to apply essentially to unfounded, malicious and unsubstantiated cases, though the survey did not ask LADOs to provide results of cases in terms of whether they were substantiated or not.
- 2.45 Reinstatement had occurred for approximately one-tenth (9%, n=243) of concluded allegations against school teachers and non-teaching staff in schools. Reinstatement in concluded cases against FE college teachers was higher at 16% (n=16).
- 2.46 Staff dismissals as the result of an allegation were highest for FE college teachers (21%, n=20), followed by non-teaching staff in schools (11%, n=177) and school teachers (6%, n=152). This is higher than the 5% dismissal figure reported in the 2007 DCSF survey.
- 2.47 A low number of concluded allegations resulted in criminal caution or conviction. Only 3% of concluded allegations against school teachers (n=88) resulted in criminal caution or conviction, compared to 5% (n=65) of non-teaching staff and 12% (n=12) of FE college teachers. However, it is important to note that this is based on information held by LADOs, rather than the figures provided directly from the police. The data provided by LADOs may not be an accurate indication of the outcomes of allegations that have been subject to criminal investigation.

**Table 2.11: Of concluded investigations against teachers and non-teaching staff in schools, what was the number that resulted in the following...?**

	Total number of allegations against...		
	School teachers (LA= 109, no. of concluded allegations = 2,631)	Non-teaching staff (LA= 109, no. of concluded allegations = 1,578)	FE college teachers (LA= 103, no. of concluded allegations = 97)
No further action after initial consideration	36% (952)	32% (510)	29% (28)
Reinstated	9% (243)	9% (148)	16% (16)
Dismissed	6% (152)	11% (177)	21% (20)
Resigned	4% (102)	6% (99)	9% (9)
Cessation of Use (e.g. of volunteer or agency staff)	3% (77)	3% (48)	3% (3)
Acquittal	2% (16)	1% (15)	2% (2)
Caution	1% (37)	2% (25)	5% (5)
Conviction	2% (51)	3% (42)	7% (7)
Referral to the Independent Safeguarding Authority	7% (173)	9% (136)	16% (16)
Referral to regulatory body	5% (127)	2% (30)	2% (2)
Other	25% (658)	23% (369)	18% (17)
Don't know	14% (367)	14% (224)	9% (9)

### **3 ALLEGATION HANDLING PROCEDURES AND UNDERLYING ISSUES: QUALITATIVE PERCEPTIONS**

#### **Introduction**

3.1 Having established and discussed the quantitative profile of allegations of abuse against teachers and non-teaching staff here we seek to understand what lies beneath the statistics. What are the features, drivers and associated activities that will help us better understand and interpret the trends to emerge? These we explore thematically under the following headings:

1. Accuracy of Data Recording;
2. The LA Handling Process;
3. The School Handling Process;
4. Support and Advice;
5. Record Keeping;
6. Allegation Outcomes;
7. Timescales;
8. Suspension;
9. Staff Conduct Issues;
10. Anonymity;
11. Guidance;
12. Other Issues.

3.2 The findings are based on consultative interviews with 20 LADOs and 34 school headteachers drawn from 20 LAs. This qualitative phase of research involved (primary and secondary) schools and included a range of school types (comprehensive, faith, independent, academies and special schools). Where relevant, data emerging during the process of gathering and verifying quantitative data from the LADO survey is also included.

#### **1. Accuracy of Data Recording**

3.3 In the course of collecting statistical data from LADOs it became clear that there is significant variability in how LADOs capture, record and report on allegations of abuse. This inconsistency in approach has implications for national trends and comparison between authorities.

3.4 This variability is also evident in school processes and reporting mechanisms. It would appear that allegation cases that are more serious in nature or clear-cut in terms of their outcomes are consistently referred to LADOs by schools. However, there are differences in terms of how schools define and interpret the term 'abuse' that is affecting where lines are drawn and also where they feel it is necessary to refer to the local authority. This is resulting in inconsistency in the processes for handling allegations and consequently the figures that are reported.



- 3.5 The LADO survey revealed wide variation in the number of recorded allegations against teachers and non-teaching school staff across local authority areas. For example, in the case of allegations against school teachers, LA totals ranged from 2 to 150 allegations. The corresponding range for non-teaching staff was 1 to 99. Whilst some of this can be explained by relative LA size and prevention strategies, it is also likely that the differences are due to differing recording methodology and associated criteria.
- 3.6 In the previous section we highlighted an increase in the number of allegations reported to LADOs: an estimated rise from around 8,000 in 2007/08 to around 12,000 in 2009/10. Our consultations with both LADOs and headteachers confirmed this trend in relation to teaching and non-teaching staff. While acknowledging the increase, it was difficult to consistently assess the magnitude of change due to recording inconsistencies.
- 3.7 There is mixed evidence regarding the reasons for the increased numbers of reported allegations. However the balance of recorded opinion would indicate that it is attributable to a greater propensity of reporting and counting by both LAs and schools. Our qualitative research suggests a range of factors which may have influenced the increase in reported allegations, including:
- improvements in electronic recording systems within local authorities for allegations of abuse;
  - progress in multi-agency working arrangements due to high-profile child protection incidents (e.g. Baby P);
  - increased school awareness of the allegations process due to LADO training and more dedicated LADO roles.

*“We now have an electronic recording system in place. For the first time we have analytical capability.” (LADO)*

*“Our LADO has worked very closely with our school cluster over the past two years and encourages us to log all allegations; even if we might choose to deal with it in school.” (Headteacher)*

*“Everyone is now more diligent with regard to even potential allegations. We are receiving more direct contacts from social workers and voluntary support organisations.” (LADO)*

- 3.8 There is a clear need for increased standardisation in recording systems in order to better understand emerging trends.

## **2. The LA Handling Process**

- 3.9 Dealing with Allegations of Abuse against Teachers and other Staff guidance document provides support to local authorities on how allegations should be handled. Our research shows that, in practice, the guidance is being interpreted and implemented in different ways, resulting in a spectrum of support which ranges between what might be described as a ‘rigid LA handling model’ and a ‘flexible LA handling model’.

### **Rigid LA Handling Model**

- 3.10 Qualitative evidence indicates that some local authorities have adopted a fairly rigid allegation handling process. They encourage schools to refer all allegations to them irrespective of the degree of seriousness. These are then co-ordinated collectively by the LADO and subject to the prevailing structured LA protocols which typically involve group conferences and strategy groups. This is a thorough but resource intensive model.

*“There are real dangers of schools going it alone, investigations can be compromised and a potential credibility gap created if the process is not managed appropriately.” (LADO)*

*“We are in the best position to deal with all allegations. Schools can often lack objectivity and experience.”(LADO)*

- 3.11 Potentially this very centralised and comprehensive approach to allegation handling can have almost opposite effects on the number of allegations received by instilling two very different school cultures: referring and non-referring:

- **referring culture:** headteachers automatically refer all allegations to be dealt by the LADO. In this way they become reluctant to apply local powers of discretion and common sense:

*“I will always refer any allegation to the LADO. It’s what they are there for” (Headteacher)*

*“The LADO has asked us to contact him about all allegations no matter how trivial. I’m not experienced in this area therefore don’t have to worry about it. We trust him to lead the process.” (Headteacher)*

- **non-referring culture:** headteachers are reluctant to refer all but the most serious allegations to the LADO due to concerns that it will lead to a protracted, time consuming investigation:

*“I will deal with most cases myself. You get a feel for it. It’s done and dusted right away. Once it goes to the LA it’s out of your hands.” (Headteacher)*

*“If I had referred the case they [LADO] would have advised me to suspend. I knew he [teacher] didn’t do it. It was a risk but for staff morale worth taking.” (Headteacher)*

*“If I passed every allegation onto the LADO I would end up spending half the time of my senior team at County Hall. We don’t have that luxury.” (Headteacher)*

- 3.12 It should be noted that referring allegations to the LADO does not divest schools of responsibility: ultimate decision-making will always rest with the school. The investigation decision-making process will however be collaborative involving a range of stakeholders.

### ***Flexible LA Handling Model***

3.13 At the other end of the spectrum some local authorities have adopted a much more flexible and devolved process for receiving and dealing with allegations. These LAs have established threshold criteria relating to the seriousness of the allegation and provide a support service accordingly. This may involve:

- the LADO leading only on serious cases;
- the LADO taking on a much greater support and advice role, providing support to schools on how they could deal with an allegation and what action they should/could take;
- the school notifying the LADO that an allegation had taken place and that they were dealing with it internally as a school;
- phone calls, meetings or discussions between the LADO and the school to discuss cases/scenarios that did not appear to immediately meet the threshold criteria and to agree or seek advice on action to be taken:

*“We would expect schools to investigate where there is a lower level of concern and no significant harm to a child. The LADO role would always be available for advice. We are aware that sometimes a LADO route is used when there are general issues about performance or concerns that are not child protection. Some schools may see an allegation as an opportunity to exit a difficult member of staff instead of using normal disciplinary procedures.” (LADO)*

*“For us to agree that the school should go ahead and handle the case alone there would have to be no police involvement.” (LADO)*

3.14 We are not clear on the relative balance between the rigid and more flexible models operating across local authorities. However, purely from a resource perspective we suspect that the flexible model is likely to be the most prevalent.

3.15 These varying local authority processes for dealing with allegations may also help to explain some of the differences observed in numbers of allegations recorded across LAs. For example, some LADOs may record and count all allegations that they have dealt with, including both those that meet the threshold and those that are less severe. Other LADOs however, only reported allegations that met their threshold criteria and they dealt with directly.

### ***The LADO Role***

3.16 A LADO essentially provides advice to schools at two levels:

**(i) a process for queries about how to proceed:**

- For example, a scenario may be presented and the LADO asked for advice. An instance of this may be where a teacher has shouted at a pupil in class and subsequently the pupil becomes upset and the parent is concerned. The headteacher and LADO would have a discussion about the level of harm to the child. If severe enough, the incident would be investigated as an issue of conduct.

**(ii) a formal notification process:**

- Allegations are officially logged and recorded on a form which includes information about the child making the accusation and the member of staff accused. First statements are taken. The information gathered is used to make a judgment on whether or not to notify the police and/or Children's Services. The LADO will formally respond to the headteacher indicating whether or not the matter will be left with the school to deal with themselves or whether multi-agency action is required. Examples might be when a child alleges he has been pushed over, or an inappropriate sexual remark has been made.

3.17 On the whole, feedback from those interviewed demonstrated that the LADO role was highly valued. Stakeholders greatly respected the expertise and support provided. In particular the transparency, objectivity and credibility of the LADO role were appreciated:

*"The strength of the LADO is that we don't have to deal with many allegations internally. Regardless of whether I think it is something that ought to be dealt with internally or externally I will always contact the LADO for advice in the first instance. Our LADO always offers sensible advice and can see things dispassionately." (Headteacher)*

*"The LADO was extremely helpful. Just someone for me to talk things through, check I am doing it right and in everybody's best interests, someone to bounce ideas off." (Headteacher)*

*"The advantage of bringing in the LADO is the demonstrable openness. You are opening the school up to scrutiny. Nothing is being swept under the carpet. Parents are assured by this approach." (Headteacher)*

3.18 The resource dedicated to the LADO function was found to be variable across the LAs consulted. In some areas, there was one or more dedicated full-time posts. In others, it was a part-time role, often linked to safeguarding. There were thought to be advantages of it being a standalone role, particularly from the point of view of providing preventative support to schools:

*"The role of the LADO should not be a bolt on, but a defined role in itself." (LADO)*

- 3.19 LADOs are unaware of the exact proportion of schools in their area who rely on them for support. They acknowledge that there are some schools who do not refer:

*“We believe that there must be allegations that are not notified to us. Some schools have a reputation for being proactive and some never make contact. In the case of the latter the nature and the potential scale of allegations is not known. Non-referring schools are more likely to be independent secondaries. We do have worries for the future with the increasing number of Free Schools.” (LADO)*

*“There is a potential disincentive for schools to refer because of financial implications, practical considerations (i.e. class management) and a fear of damaging publicity and the school reputation.” (LADO)*

- 3.20 The LADO role is strongly influenced by levels of pro-activity and relationship building with schools. Most LADOs regularly visit schools to talk to staff and deliver training. The scale of this activity is clearly influenced by available resources. Most LADOs indicated that they would like to increase their level of school preventative work, but in many cases it is crowded out by time spent dealing with allegations.
- 3.21 Several school headteachers indicated that they would often contact LA Human Resource (HR) departments in relation to allegations of abuse; often on an informal basis. In situations where LADOs and HR operate independently there is potential for inconsistencies in advice. Many schools appear to rely heavily on LA HR for advice on a range of allegation related issues. Concerns were expressed by some school headteachers regarding the scaling back of HR functions due to resource constraints or schools opting out from their support.

### **3. The School Handling Process**

- 3.22 Qualitative feedback from discussions with headteachers indicates that schools are dealing with a range of incidents and complaints about staff which account for more potential allegations than are referred to the LADO. Some of these could be considered as allegations of abuse, whilst others are more open to interpretation. A number of schools used the term ‘complaint’ to describe generally less serious incidents which might be considered by others to be an allegation of abuse.
- 3.23 The processes for handling allegations are broadly consistent across schools where the allegation is of a serious nature or where there are clear child protection concerns. Processes for dealing with allegations that are less severe or less clear-cut in terms of their outcome are much more varied across the schools consulted. This is often the case in allegations that relate to conduct issues or emotional abuse.
- 3.24 The evidence suggests that whilst some headteachers feel equipped to handle minor allegations or complaints against school staff without referral to the LADO, others value the advice and support of the LADO and would look to them for advice in every situation. There are also examples of headteachers contacting other headteachers for advice:

*“It’s good to know there is someone to talk to who will give you good advice. They [LADO] deal with these incidents all the time. Best to be safe than sorry.” (Headteacher)*

*“There is a headteacher who we all contact for advice. He has had a few tricky cases to deal with over the years and is regarded as the local expert. Probably no different from the LADO, but off the record and from our perspective.” (Headteacher)*

- 3.25 For some schools, there were clear and structured internal processes that were followed for dealing with all allegations, irrespective of severity. In some instances, this involved schools notifying the LADO of all allegations that had occurred. In others there was an initial investigation to determine whether there was any evidence to support the allegation. A decision would then be made on whether or not to refer the case to the LADO formally. This generally involved the collection of evidence and, if necessary, consideration of the allegation under the school’s disciplinary process. CCTV was often used by schools to collect evidence about an allegation, particularly where there has been an allegation of physical abuse.
- 3.26 The exact process for handling allegations in schools varies between institutions but broadly accords with the generic approach set out in **Figure 3.1**.

<b>Figure 3.1: Processes for Handling Allegations</b>
<b>School Processes</b>
<p><b>A Secondary School</b></p> <p>There is a documented process to follow in the school regardless of whether the LA was involved or not. This would involve:</p> <ul style="list-style-type: none"> <li>• a preliminary investigation;</li> <li>• headteacher and deputy determine what action should be taken based on an initial review of the evidence e.g. whether there are any witnesses and whether the pupil and the staff member accused were present at the time and place the situation is alleged to have happened;</li> <li>• CCTV will be checked if available;</li> <li>• statements will be taken;</li> <li>• parents are consulted. This is usually a preliminary phone call to explain what is happening and what the process will be;</li> <li>• parents will be presented with all the evidence gathered and the conclusion reached and action decided as a result. In this way parents can see how and why the headteacher has reached the conclusion, and express their own view;</li> <li>• if the evidence at this stage suggests the case is not substantiated this will be discussed with the parents and the reasoning behind the action discussed;</li> <li>• the accusation could have some substance then the governors and the LADO will be informed as soon as is practicable;</li> <li>• the LADO process is then evoked and/or the school disciplinary process;</li> <li>• in the case of vulnerable children (e.g. a looked after child, vulnerable refugee, or statemented pupil) the LADO is always informed.</li> </ul>

- 3.27 The confidence and experience of the school senior leadership team significantly influences the process for dealing with allegations, particularly in terms of how less severe allegations are handled by the school. Where there is greater school confidence, experience and evidence of strong processes for dealing with allegations, headteachers were more likely to report being able to deal with minor allegations without referral to the LADO.

*“Schools going it alone tend to have a more experienced headteacher and perhaps a more challenging cohort of young people, therefore more used to dealing with allegations.” (LADO)*

- 3.28 Internal investigation involving taking witness statements, and/or accessing video evidence has the advantage of speed. Headteachers reported that through initial investigation they were often able to *“nip potential local authority allegation cases in the bud”*. It can however, be a big decision to take and could back fire if they get it wrong. Indeed we identified a few examples of incident escalation which ultimately required LADO intervention. These included situations where:
- parents complained to their LA that the case had not been properly investigated;
  - subsequent police involvement following third party evidence;
  - trade union officials intervened against what was perceived as unfair action against staff members.
- 3.29 Qualitative feedback suggests that the majority of LADOs felt that it was appropriate for schools to deal with certain types of allegations themselves (following a brief discussion with the LADO). Allegations that were less severe or that were promptly found to have no substance were all cited by LADOs as examples of types of allegations that schools could handle independently.
- 3.30 Some LADOs interviewed expressed concern regarding the internal investigation procedures used by schools even for low-level allegations. It was felt that schools handling investigation of allegations without referral or advice from the LADO could raise problems. This was because:
- there was some evidence that more serious allegations had been proceeded by minor complaints that a school had not referred to the LADO;
  - schools could potentially contaminate evidence and the outcome of a case because they did not have knowledge of how to effectively gather evidence and witness statements.
- 3.31 Most headteachers thought it was important that they conduct an effective preliminary investigation to avoid *“every incident getting out of hand”*. They were however less aware of how their actions might potentially undermine a future criminal investigation such as exchanging inappropriate information with witnesses or suspects or inadvertently damaging forensic material.

#### **4. Support and Advice**

- 3.32 DfE guidance outlines the need for *“common sense and judgement”* when applying allegation procedures. The guidance also emphasises the importance of the duty of care for employees subject to an allegation stating that employers should *“act to manage and minimise the stress inherent in the allegations and disciplinary process. Support for the individual is key to fulfilling this duty”*:

*“There is a continual challenge to balance what is fair to staff members who the allegation is made against and protecting young people, particularly around suspensions.” (LADO)*

- 3.33 There was a general consensus from schools and LAs about the need for support for the accused staff member, pupil, parents and headteachers. However, there was a lack of agreement about who should provide that support and whether or not it assisted or hindered the speed at which a case was investigated:

*“The school provides a named contact that the accused staff member can contact (and will be contacted by) for support. The contact keeps the accused up to date as much as possible. The named contact is someone who they will feel comfortable with and is usually a member of senior staff which helps to maintain discretion. We also provide access to Employee Assist [confidential helpline] for support and using this support is always recommended.” (Headteacher)*

- 3.34 Trade unions and LADOs expressed some concerns about the level of support that staff members subject to an allegation actually received. There were reported to be common difficulties in maintaining effective communication between the accused staff member and the school during the investigation process. It was recognised that there was a balance to be struck in terms of limiting the potential for evidence to be compromised whilst at the same time keeping the accused individual appraised of progress.
- 3.35 Schools generally sought advice from the HR department at the LA when dealing with allegations. Schools felt this was important in knowing what action should be taken against those subject to an allegation and the implications of any action on staff member’s contractual rights. This was particularly common where schools were undertaking formal disciplinary processes and considering suspension. HR advice was also potentially available to staff members but was not always regarded as impartial given that they represent their employer.
- 3.36 LADOs are working to support schools to deal with allegations more effectively. A number of LADOs reported undertaking regular training sessions with schools and other professionals about how to deal with allegations of abuse. This training was commonly focused on increasing awareness, dispelling myths and building the confidence of schools:

*“We have trained 90 individuals in a multi-agency way; we combine managing allegations with safer recruitment workshops.” (LADO)*

- 3.37 Individual headteachers had limited experience of dealing with serious allegations of abuse. Many headteachers we spoke to had only encountered one or two allegations in the past five years. They were therefore not used to dealing with them. When they occur they can prove to be a “*shock to the system*”. Headteachers spoke of the emotional impact it had on them individually as well as the staff member directly affected. They strongly welcomed the opportunity to discuss the process and be supported by the LADO and by other local headteachers who had had similar experiences:

*“The emotional impact of the investigation on me was substantial. I tried to support the staff concerned but ultimately watched them crumble. I was regarded as the enemy. They felt victimised. I wasn’t the right person to conduct the investigation. It’s the most severe stress I have ever experienced.” (Headteacher)*

*“We need to be clear that we are pursuing the right process. You can’t make a mistake with people’s lives. I didn’t realise the seriousness of it. I wasn’t prepared properly. Allegations need to be given a higher profile.” (Headteacher)*

- 3.38 Some headteachers did feel that they would benefit from more advice on how to deal with allegations and what action could be taken against the staff member. This was felt to be particularly important where there was a need to remove teachers from direct contact with pupils linked to the allegation:



*“There should be more training for heads and senior staff on employment issues. There is little on the National Professional Qualification for Headship (NPQH), there should be more of a paper induction for new heads and how to deal with crisis management and staff problems.” (Headteacher)*

- 3.39 There is some, albeit limited, evidence that LAs and schools are reflecting on their experiences from dealing with an allegation in order to learn from it and identify potential actions and school policy change to prevent future incidents occurring. By conducting a structured post-mortem of an allegation, it is possible to identify contributing factors. This can reveal potential staff behaviour and school culture issues that might not otherwise have been apparent.
- 3.40 Some headteachers thought that they would benefit from scenario training. This might involve worked examples of real allegation cases including specific advice on the processes for dealing with different types of allegation scenarios.

## **5. Record Keeping**

- 3.41 DfE guidance highlights the importance of keeping *“a clear and comprehensive summary of the allegation made, details of how the allegation was followed up and resolved and a note of any action taken and decisions reached”*. This revised guidance, published in 2011 suggested that this be recorded in personnel files<sup>13</sup>.

### **Local Authority Record Keeping**

- 3.42 The process of capturing quantitative data from LADOs and in-depth qualitative interviews revealed a range of issues in terms of how data is captured and recorded across local authorities<sup>14</sup>:
- **most LADOs report allegations by sector** but there is variation in what is included in the varying sector categories. For example the definition of ‘education sector’ is different across LAs. Some LAs only included school staff within their category of education staff, others included early years staff in this category;
  - **some LADOs record allegations using a database that can be verified**, others use spreadsheets that have limitations in terms of how they can be manipulated to extrapolate information. A minority relied on paper files;
  - **there is a lack of consistency** in whether LADOs had systems that recorded information about allegations over an academic year, a financial year or a calendar year:

*“We have created a specific form which is used to provide a record of all joint engagement and strategy meetings. This provides a full record of the way in which these allegations have been resolved, and therefore how these should be reflected in references or CRB checks. Having this form helps to ensure that there is consistency in how the results of allegations are handled by headteachers, especially where a member of staff has been subject to an allegation that has been resolved has moved schools.” (LADO)*

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<sup>13</sup> *Dealing with Allegations of Abuse Against teachers and Other Staff: guidance for Local Authorities, Headteachers, School Staff, Governing Bodies and Proprietors of Independent Schools*; DfE; 2011, p6.

<sup>14</sup> All of these issues came to light during the pilot research phase and therefore these issues were taken into account in capturing and reporting the figures provided in Section Two.

- 3.43 There is little evidence of LADOs analysing trends of allegations that they have dealt with. LADOs find it difficult to comment on for example allegation trends by school type or the proportion of staff suspensions where allegations were substantiated. While LADOs would be interested in the results from such analysis, information systems often do not easily lend themselves to this form of interrogation.

#### **School Record Keeping**

- 3.44 The processes for recording allegations against teachers and school support staff varied across schools. Whilst it was common for schools to have a central record of allegations for serious cases (which would be referred to the LADO), less serious cases were not always recorded formally and centrally:

*“All information is recorded on staff and pupil files. Statements, evidence (e.g. CCTV footage) and letters outlining what happened with action taken all kept on files. Pupils who are involved are asked to complete incident slips and these are confirmed and signed by teachers. These feed into the parent area of the Virtual Learning Environment (VLE) so that they can access information on their child.” (Headteacher)*

- 3.45 Where and how information was recorded depended on whether or not the incident was felt to constitute ‘abuse’ or not. Schools tended not to keep a formalised electronic record of how many incidents they dealt with. Information was variously recorded in staff personnel files, pupil files, behaviour management systems or, in the case of some minor issues or complaints, was not written down but remained in memory:

*“We remain concerned that there is no standard process in place across all schools regarding recording information on staff personnel files. This is currently being addressed with a view to establishing a forum to enable consistent recording for the employees file.” (LADO)*

- 3.46 Some interviewees highlighted the importance of logging details of allegations on pupil files as well as staff files. This was considered important as it could indicate patterns in a pupil’s behaviour that merited further attention.

#### **Police Recording**

- 3.47 Concern was expressed regarding the variability in police practice linked to the release of allegations information following individual CRB requests. There is a need for greater clarity regarding what should be released and in what circumstances.

### **6. Allegation Outcomes**

- 3.48 LAs document and record the outcomes of concluded cases in different ways. For example, some formally or informally collate the information into the two categories of substantiated and not substantiated. Others use four categories such as substantiated, malicious, unfounded and unsubstantiated. The differing terminology used causes problems with aggregation and interpretation<sup>15</sup>.
- 3.49 The survey data revealed that a significant proportion of LADOs were unable to report the outcome of all their concluded cases. Qualitative feedback suggested that this was because:
- some LAs had categorised formally or informally some of their concluded cases as ‘no further action’ rather than malicious or unsubstantiated etc;

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<sup>15</sup> In the LADO survey, local authorities were given four definitions for outcomes and asked to categorise their outcomes into those outcome classifications.

- only partial information was held by some LAs;
- LADOs invested a significant amount of resource 'up front' to advising, assisting schools with the processes for handling an allegation of abuse but did not have the sufficient resource to chase up schools as to the outcome that had resulted;
- multiple outcomes could be provided for a single case: for example one outcome from a criminal investigation and another from a school disciplinary.

3.50 LADOs vary significantly in their interpretation of malicious, unfounded and unsubstantiated outcomes. There is a strong case for establishing standard national definitions to be used by all.

3.51 Schools had different procedures for recording, storing and disposing of information once an investigation was complete. Schools used different wording or processes for documenting outcomes. Headteachers were not always aware of the nuances associated with terms (e.g. 'malicious' and 'unsubstantiated') used by LADOs to describe outcomes of investigations. School staff were not always aware that the wording they used could have different implications for a staff member's future career, in terms of disclosure on references for example. In the main, schools operate a binary approach, allocating the outcome of allegations as substantiated or not:

*"As far as we are concerned the allegation is either substantiated or it's not. If it is we will take action, if it's not there is nothing to be done. Additional undefined classifications only complicate matters." (Headteacher)*

*"We'd struggle with the distinction between unsubstantiated and unfounded outcomes because they require a judgement that the incident did not happen. Also they are not defined in the guidance." (LADO)*

3.52 Despite the potential for schools to take action against pupils and parents who make malicious allegations against teachers, few of those interviewed indicate that they had taken such an action; although there was the potential to do it:

*"It's very difficult to prove that an allegation is malicious. Vexatious might be a better definition." (Headteacher)*

*"If the matter was resolved quickly and the allegation proved to be malicious, then the child would be disciplined, for example by spending the day in the isolation area. If both parties felt it was doable we would try to have some form of reconciliation." (Headteacher)*

3.53 With regards to the disposal of information on allegations:

- concern was raised that destroying information on allegations that proved to be malicious could cause problems in the future. For example, concern was raised that if the same member of staff was subject to an allegation in the future then the evidence from the previous investigation would not be available and any information regarding it would be based on hearsay;
- one LADO expressed concern that under the new revised guidance schools may be more likely to record an outcome as 'malicious' because these can be removed from personnel records under new guidelines.

## 7. Timescales

- 3.54 As might be expected, investigations conducted by schools internally, and therefore related to allegations that were less serious in nature, were thought to be dealt with more speedily than those that were local authority led. Having said that, the LADO survey evidence shows that a little over half of allegations were dealt with within one month. This is however below DfE guidelines which set a target of 80% to be concluded within one month.
- 3.55 Investigations involving the police take significantly longer; in some cases up to two years. LADOs stressed that they had no control over the pace of police investigation. This is a particular issue where it involves forensic IT investigation or the Crown Court. It was not uncommon for investigations to be closed down pending criminal outcome. This does however pose a significant problem if the subject of the allegation is suspended, which is common in police investigations. This generates a significant emotional cost to the individual and financial cost to the school:

*“If the police are involved in investigating the allegation, then this usually compromises the timescales and hampers internal investigations. This is particularly true where allegations surround the improper use of computers and that are sent to the police unit for security.” (LADO)*

### **Nature of Police Involvement**

- 3.56 The police become involved in allegation investigations where there is the suggestion of a criminal offence. This potentially covers a high proportion of cases, particularly given that almost 80% of allegations involve physical or sexual actions.
- 3.57 Police involvement tends to be triggered at one or more of the following:
- (A) Invitation of a school headteacher or LADO:** e.g. the initial investigation reveals a serious allegation and potential criminal offence;
  - (B) Based on a direct allegation from a third party:** e.g. direct complaint to the police from parent or member of the public;
  - (C) As part of normal police investigation:** that calls into question the ability of the staff member to work with young people, e.g. violent behaviour or possession of drugs.
- 3.58 Routes (B) and (C) tend to involve direct contact with the school headteacher in the first instance. It invariably is a shock to the school system and requires the headteacher to take immediate action, such as a unilateral suspension or referral to the LADO. In most cases, schools will refer to the LADO or at least consult them for advice.

### **Strategy Group**

- 3.59 At local authority level, a Strategy Group is typically formed to set the direction and progression of the allegation investigation:

*“Other organisations (e.g. social services, police, fostering and adoption service) are involved as necessary depending on the nature of the allegation and who is involved (staff and young people). However, if a strategy meeting is taking place (i.e. significant harm criteria have been met) then a referral will always be made to the police as there is a chance that criminal offence may have been committed. The LADO works closely alongside the public protection unit of the police.” (LADO)*

- 3.60 The police will conduct their initial investigation to decide whether there is a criminal charge to answer and/or the need for any following enquiry. This takes precedence over any internal school/LA conduct enquiry.

#### **Local Authority Referral**

- 3.61 Once the police become involved in an allegation, schools are under pressure to refer the case to the LA:

*“For us to agree the school should go ahead and handle the case alone there would have to be no police involvement.” (LADO)*

- 3.62 Schools dealing with a police related allegation on their own are likely to suspend the staff member concerned:

*“I felt I had no option but to suspend. There was no time to think. The police were in my office and parents on the phone. I felt terrible later when there was no case to answer.” (Headteacher)*

#### **Police Investigation**

- 3.63 Police investigations can be particularly prolonged where it involves forensic analysis (typically cases involving IT), or where a court appearance is necessary. We suspect that the majority of allegation cases remaining unconcluded after 12 months are subject to police investigation.

- 3.64 LADOs and headteachers were understanding of the need for thorough police investigation but expressed frustration over prolonged delays and often felt no longer in control of the allegation process:

*“We are out of the loop. No idea what was happening or when it would be concluded. The whole process was in limbo until the police concluded their enquiries. Nobody, not even the police, apparently knew when that might be.” (Headteacher)*

*“We were told that the police team are under staffed and are having to juggle our case with other child protection and domestic violence incidents.” (LADO)*

*“The teacher is currently suspended while police investigate; almost 18 months now in total.” (Headteacher)*

*“Once the investigation is taken out of our hands we are working to police priorities and timescales. If I had dealt with it internally it would have been sorted by now.” (Headteacher)*

*“When the boys were interviewed by the police at their home the parents were not told what the allegation was about. This put me in a difficult position. It would have helped if everyone could have been more transparent.” (Headteacher)*

3.65 Prolonged investigation timescales have a huge impact on all involved. In addition to the accused, it impacts on other members of staff (particularly the senior management team), the pupils directly involved and their families. These stresses operate at a number of levels including:

- Emotional;
- Personal working relationships;
- Future career progression;
- Competency;
- Health;
- Resource allocation;
- Financial;
- Anonymity/gossip:

*“It has been a stressful time for all concerned. There is nothing I can say to anyone. The longer it takes the more people think there must be a case to answer. I tried to reassure the teacher concerned but it is difficult as the police investigation seems to have stalled and there are rarely any new developments.” (Headteacher)*

#### **Police Communication**

3.66 The key to dealing with timescale issues is good communication between the police, LADO and the school headteacher. This cannot always solve the problem but minimises frustrations and uncertainties:

*“I make a point of communicating regularly with my police contact. We meet face to face on a frequent basis to keep up to date. I have recently delivered a police briefing session making them all aware of my role and how I can help.” (LADO)*

*“There is always an officer who will let me know the latest state of play.” (LADO)*

*“I have a regular conversation with the head of the police child abuse investigation unit. I make them aware of the impact the case is having on those concerned.” (LADO)*

3.67 Good communication can also reduce the stress of arrests on school premises:

*“The police contacted me in advance to warn me of the arrest. We were able to arrange cover and make sure the accused was in a meeting room so the arrest was made smoothly and did not disrupt the school day. The officers concerned were flexible, came in plain clothes and agreed to avoid break times.” (Headteacher)*

- 3.68 Overall we identified variable perceptions on the quality of police communications; albeit recognising that this is a two way process. There was however evidence of disappointing practice:

*“Police communication has been non-existent. They say they are still doing forensics. There is no sense of urgency. I am told I will hear something in four weeks. Two months later: nothing; not so much as a phone call. No one is keeping me informed.” (Headteacher)*

*“I felt intimidated by the police officer conducting the investigation right from the start. He had no interest in my position or school sensitivity. He demanded information from me but gave nothing in return. It was if it was none of my business.”(Headteacher)*

*“The teachers accused of the allegation have remained at school and are working normally; this was on the advice of the police. Nearly six months later they have not been interviewed by the police although DNA samples have been taken. Their lives are in turmoil. Does anybody care?”(Headteacher)*

*“I wanted to investigate the allegation and potentially suspend. I was discouraged by the police from doing anything. I have asked why it is taking so long, but I have been told that it is their investigation.” (Headteacher)*

*“It transpired that the police and social services were aware of the issue prior to the allegation. Nobody saw fit to warn me.” (Headteacher)*

### **Parallel Investigations**

- 3.69 In some instances, it is possible to conclude the internal allegation process even when it involves a potential court appearance. For example, where a person has been accused of an abusive action and admits this as part of formal police interview process it is possible to move on to conclude formal disciplinary procedures before the court process is finalised:

*“The police were able to provide us with a report which gave us sufficient evidence to conclude our investigation and dismiss on the grounds of gross misconduct.” (Headteacher)*

- 3.70 Criminal investigations and internal conduct issues may be linked in evidence but are often quite separate. For example a staff member may be acquitted of a criminal offence but as part of the internal investigation has been found to be guilty of a conduct issue:

*“The teacher was found not guilty at Crown Court but we still dismissed for gross misconduct. He could not understand how this could be the case and appealed against the decision. We were quite clear that a serious conduct issue had occurred which perpetrated the allegation.” (Headteacher)*

- 3.71 There appears to be a clear correlation between police participation in an allegation investigation and the duration of the allegation case. There is perhaps a need to explore ways in which police processes and communication can be improved through streamlining and greater transparency.

## 8. Suspension

- 3.72 Trade unions have expressed concern that employers do not consider alternative options when faced with an allegation and too often suspend automatically. Concern regarding suspension stems from the fact that it *“may be held by the courts not to be a neutral act”* and that it could *“fuel gossip and the prevailing ‘no smoke without fire’ attitude”*<sup>16</sup>.
- 3.73 DfE guidance states that: *“the possible risk of harm to children posed by an accused person needs to be effectively evaluated and managed... In some cases this will require the school or FE college to consider suspending the person. Suspension must not be an automatic response when an allegation is reported. Schools and FE colleges should also consider whether the result that would be achieved by suspension could be obtained by alternative arrangements”*<sup>17</sup>.
- 3.74 The LADO survey revealed that almost one-fifth of teachers (18%) and almost one-third of school support staff (29%) were suspended whilst the allegation was being investigated. A lower proportion, particularly in the case of teachers, than might have been expected based on trade union evidence.
- 3.75 There was a general consensus among most teachers and some LADOs that suspension was not a ‘neutral act’ from the perspective of the individual affected. They were also clear that suspension was not an automatic response to an allegation and alternatives could be considered (e.g. change of duties or gardening leave). Whilst schools have the final decision on suspension, they are unlikely to act without advice from HR, a LADO or a convened Strategy Group. Some headteachers thought that the guidance from HR and LADOs on suspension was over cautious, but it would be high risk to ignore, particularly given their wide experience. It was felt that most investigations involving the police were likely to result in suspensions:

*“Suspension is a very serious action. Someone’s career is at stake, also the image of the school. We need to be sure. All other options and scenarios need to be considered first.” (Headteacher)*

*“The decisions are usually multi-agency, and alternatives to suspension are considered. The advice is to the headteacher and governors - the final decision is always theirs.” (LADO)*

*“Suspension will only occur when an allegation is serious in nature and there is significant evidence to suggest the allegation has foundation.” (Headteacher)*

*“Suspending early on in the process can help diffuse situations...you are preventing that teacher from being put at risk of any further allegations.”(LADO)*

*“The key is in reassuring schools that suspension is a neutral act and providing examples of how staff can be properly supported, so that if and when they are reinstated there are no long term consequences.”(LADO)*

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<sup>16</sup> Children, Schools and Families Select Committee Inquiry into Allegations against School Staff; NASUWT; 2009.

<sup>17</sup> Dealing with Allegations of Abuse Against teachers and Other Staff: guidance for Local Authorities, Headteachers, School Staff, Governing Bodies and Proprietors of Independent Schools; DfE; 2011, p8.



- 3.76 Decisions on whether or not to suspend took account of a variety of factors including:
- the potential risk to the child;
  - the risk to the staff member accused, i.e. would that member of staff be more open to further allegations and rumour if they remained in the school.
- 3.77 In each case, it was considered to be good practice that there was a documented audit trail to justify the decision reached.
- 3.78 Several headteachers highlighted that they would prefer not to suspend a teacher but felt that finding a practical alternative was problematic. For example, it was considered difficult to find suitable redeployment opportunities for a teacher in a small primary school. Some headteachers requested more examples of suitable and practicable alternatives to suspension to be detailed in the guidance:
- “There is potential that suspensions could be used less if the staff member could be transferred to work in a different area not involving young people. In the main this tends not to be regarded as a feasible or practical option.”*  
(LADO)
- 3.79 The high financial cost to schools arising from suspension was highlighted by headteachers as a problem. It was however not thought to be a factor in the decision-making process; particularly where there was local authority involvement.
- 3.80 Illustrations of responses to suspensions are set out in **Figure 3.2**.

<b>Figure 3.2: Suspension or Not? Examples of Actions</b>
<b>Example One: Redeployment</b>
If possible schools would try and seek to redeploy a staff member to other duties whilst the allegation was being investigated. For example, action would be taken to ensure the staff member accused was not in any contact with the pupil. This would be achieved by moving a subject teacher to teacher a different set, or to undertake non-subject duties.
<b>Example Two: Disclosing Suspension</b>
An example was cited of action to be taken if an allegation was made of a serious nature and there was mixed evidence which required more detailed investigation to determine the outcome. In such cases, the view of the headteacher would be to suspend the staff member concerned. A whole staff meeting would be convened and staff instructed to inform the children that the staff member suspended was unwell. The headteacher would explain that the staff member was taking time out for the situation to be properly resolved. Staff would be informed not to spread rumour and gossip and this was neither in the best interest of the child nor the staff member accused. Staff would all be informed that if they were found to be spreading rumours then action may well be taken against them. There would also be a meeting with the parents and child with clear expectations set out. The parents would be told that if the child was found to be spreading gossip the parents would be asked to take the child home.

## 9. Staff Conduct Issues

- 3.81 The LADO survey indicated that 10% of all allegations against teachers and non-teaching staff were related to staff conduct issues. Qualitative feedback suggests that a large proportion of conduct type issues were linked to the use of social media such as Facebook and Twitter.
- 3.82 Trade unions, LADOs and school headteachers expressed concerns that staff are leaving themselves more open to allegations of abuse through inappropriate contact with pupils outside of school and through their use of social media. Although schools generally had policies in place to encourage appropriate use of social media, staff's "naïve" interaction with pupils was still felt to be a common issue. This behaviour increased the risk that a staff member's conduct would come under scrutiny either by parents or the schools, leading to the risk of an allegation of abuse:

*"Our biggest problem is the naivety of teachers who believe that it is OK to befriend pupils. One thing can lead to another. Signs are misinterpreted, and very quickly the teacher can be open to an abuse allegation; irrespective of well meaning motive." (Headteacher)*

*"The school constantly tries to remind teachers to protect themselves i.e. don't be in a classroom alone with a pupil if possible." (Headteacher)*

- 3.83 There was a general consensus that more effective staff training and publicity was required to address potential allegation related conduct issues.

## 10. Anonymity

- 3.84 The Education Act 2011 will make it an offence to publish any details likely to identify a teacher as being accused by a pupil of committing a crime, unless the teacher has been charged with the offence or until the Secretary of State or the General Teaching Council for Wales published information about an investigation or decision in a disciplinary case arising from the allegation. There was unanimous agreement during qualitative interviews that legislation on anonymity should cover all types of school staff (not just teachers) and some felt this should also be broadened to cover all staff working with children.
- 3.85 The inclusion of anonymity for school support staff was deemed important because they are:
- potentially more open to allegations due to their propensity to work closely on a one-to-one basis and with pupils with challenging behaviour;
  - more likely to be members of the local community and the potential impact on their personal lives was perceived to be significant;
  - less likely to be unionised and potentially less aware of their employment rights when subject to an allegation.
- 3.86 Although appreciative of legislation to preserve anonymity of school staff, trade unions as well as many schools and LADOs felt that in practice the legislation would have little impact since it could not prevent playground gossip and rumour. The use of social media was also perceived to directly influence the value of the legislation to protect teachers' anonymity, as interviewees expressed concerns that this legislation would not be effective in a climate where the use of social media is increasing. Internet sites such as Facebook and parent forums make it very simple for parents or pupils to put the name of a teacher accused of an allegation in the public domain, without repercussion:

*“The big issue in responding to allegations is that local grapevines can work very quickly which makes it difficult to protect potential impacts on a professional’s reputation whilst an allegation is under investigation.”*  
(LADO)

- 3.87 Some LADOs and schools identified measures to preserve anonymity such as asking stakeholders to preserve anonymity, counter-stories and sanctions for staff and pupils found to be spreading rumours (see Figure 3.2 Example Two).
- 3.88 Trade unions also felt that the proposed sanction of a fine of up to £5,000 for breaching the reporting restriction would do little to deter the press for publishing.

## **11. Feedback on DfE Revised Guidance**

- 3.89 *“Dealing with Allegations of Abuse against Teachers and other Staff”* (2011)<sup>18</sup> provides guidance on how allegations against any individual working with children in the education sector should be dealt with. This revised guidance, published by the DfE in July 2011, specifically provides guidance for schools, governing bodies and the FE sector on dealing with allegations. Our research indicated that LADOs are fully aware of the revised guidance; however schools were significantly less aware.
- 3.90 Some concerns regarding the guidance were raised by LADOs. These related to more clarification of the meaning of the guidance and the potential repercussions from the changes made. For example:
- under the new guidance schools can no longer disclose unfounded, malicious and unsubstantiated allegations on employment references. Some expressed concern that this may limit the potential for repeated unproven minor offences to come to light;
  - members of staff subject to a malicious allegation are now entitled not to have the incident recorded on their personnel file. Several LADOs raised concern that this could leave the individual more open to repeat allegations. If the detail of the investigation and its outcome is clearly documented on a personnel file then there is traceable documentation on the incident to be referred to. If there is no such documentation and the individual is subsequently accused, then hearsay may negatively influence how that allegation is handled.
- 3.91 There was also concern that the changes in wording may result in further diversity of practice. For example, *Working Together to Safeguard Children 2010* relates to all staff working with children. This document suggests that the guidance should be followed in all cases where the individual has *“behaved towards a child or children in a way that indicates he/she is **unsuitable** to work with children”*. However the revised guidance covers schools only, stating that the guidance should be followed if the person has *“behaved in a way that indicates he or she would **pose a risk of harm** to a child”*. There is concern that the different guidance could create a two tier system: one system for those working with children in schools and one for those working with children elsewhere. There is also concern that this will create further ambiguity in terms of whether or not schools will refer or seek advice from the LADO:

*“The DfE guidance is very wordy and open to interpretation – what exactly does common sense and judgement mean?”* (Headteacher)

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<sup>18</sup> *Dealing with Allegations of Abuse Against teachers and Other Staff: guidance for Local Authorities, Headteachers, School Staff, Governing Bodies and Proprietors of Independent Schools*; DfE; 2011.

*“Guidance comes from a range of sources and it’s hard to find things. The Department’s guidance is a good handrail to hold onto, but “Working Together” is a huge document. Guidance needs to be updated on a coherent basis; it is difficult to keep abreast of changes.” (Headteacher)*

*“The new guidance, and the fact that malicious, unfounded and unsubstantiated allegations are not to be included in references for teachers, raises a concern that a two-tier system is developing. This guidance is not consistent with that for staff in other environments.” (LADO)*

- 3.92 We understand that the DfE are well aware of these issues and indeed there are plans to address these in their forthcoming guidance in 2012.

## **12. Other Issues**

### ***Allegations against Volunteers***

- 3.93 A small number of schools indicated that allegations had been made against volunteers. Following an allegation the volunteer may no longer be used by the school. The school was not clear where and how information about volunteers should be recorded and whose responsibility it is to investigate such allegations. This suggests that more should be done to cascade information to schools on involving volunteers and the need to use a volunteer profile.

### ***Cascading Information***

- 3.94 In the case of serious allegations and those that were subject to a criminal investigation, some headteachers indicated that they were unaware of the progress and outcome of the case. This suggests more should be done to update headteachers on progress and outcomes. This will also help in sharing good practice on how to deal with allegations that arise.

### ***Cross Boundary Issues***

- 3.95 Some LADOs indicated that differential procedures and definitions of outcomes could cause problems in cases that are being investigated across a number of LAs. This highlights the need for greater standardisation or less ambiguity in how guidance is interpreted.

### ***New Headteachers, Academies and Free Schools***

- 3.96 The guidance on handling allegations relates to all types of schools including Academies and Free Schools. There was a concern however, that these schools would be less likely to seek LADO support. As this trend continues alongside the increasing contracting-out of schools’ HR services, it potentially raises questions over the positioning of the LADO role and scale of resourcing.

## 4 CONCLUSIONS AND IMPLICATIONS

### Research Conclusions

- 4.1 A quantitative assessment of allegations of abuse against teachers and non-teaching staff has been constrained by a combination of variable LA recording systems and the classification inconsistencies in trend data from successive survey tools. The research however has reported on areas of observed consistency and results can therefore be regarded as robust.
- 4.2 The numbers of allegations made are relatively small in relation to those working in the sector as a whole. In the period 2009/10 4,536 allegations were recorded by LAs against teaching and non-teaching staff in English primary and secondary schools; 0.5% of the staff total. However evidence suggests that accusations cause severe emotional distress and potential career damage. Allegations against teaching and non-teaching staff are also small in relation to the total number of allegations referred to LAs: they account for a little over a third (37%) of total allegations.
- 4.3 The total number of allegations reported to LADOs appears to be on a rising trend. In the case of schools this is thought to be due more to better recording and increased referral of cases to LAs rather than an increase in the volume of incidents, although this cannot be proven.
- 4.4 There is variability in the number of allegations reported to LADOs across areas. This often reflects the culture of the LA and the process of reporting. Schools vary in how they report incidents: some are more likely to define a particular incident as 'abuse' and some more likely to define it as a 'parental complaint'. This affects how schools report the incident.
- 4.5 Overall the number of allegations of abuse referred to LADOs is thought to be lower than the total number of incidents occurring within schools each year, as some schools conduct their own investigations without reference to the LADO. In the main these are likely to be less serious allegations. It is currently impossible to reliably ascertain the volumes dealt with by schools. This reflects variability in defining an allegation of abuse and little verifiable evidence on the incidents handled.
- 4.6 The decision by headteachers regarding whether to deal with an allegation themselves or to progress it through the LADO reflects the severity of the incident, the experience of the headteacher in dealing with allegations as well as the 'hands on' or 'hands off' nature of individual LADOs. Our qualitative research indicates that processes for handling allegations are broadly consistent across LAs and schools where the allegation is of a serious nature and/or where there is a clear child protection concern. Processes for handling allegations that are of a less serious nature or less clear cut in terms of their outcome are more varied across schools and LAs. Some headteachers feel they are experienced enough to, or use their discretion to, handle allegations internally in cases where they do not consider there to be a prospect of harm being caused to the child or in cases that could be differentially classified as an allegation of abuse or as a complaint against a teacher. This is resulting in differential practice that may be affecting figures reported across LAs and the outcomes that are subsequently recorded.
- 4.7 The LADO role in supporting schools dealing with allegations of abuse is highly valued by headteachers but variable in approach. This often reflects levels of LA resourcing.

- 4.8 The use of staff suspension pending investigation of an allegation is generally regarded as a last resort option, where there is a clear risk of harm to a young person from the person remaining in post. The propensity of suspension is higher for support staff (29%) than teachers (18%). Practical alternatives to suspension where risk is identified often prove difficult to implement. This is despite the fact that suspension is not regarded by many parties involved as a 'neutral act'. More guidance and illustrations of alternatives that can be effective could be useful to avoid suspension where possible.
- 4.9 Interpretation of allegation outcomes following investigation is clouded by both recording and definitional issues. In 21% of cases LADOs recorded the outcome of an allegation as 'unknown'. This reflects deficiencies in tracking systems. The results, if known, could have a significant impact on observed findings. There is clearly scope to clarify and improve the recording of outcomes of concluded cases with a need for better guidance on how information should be recorded.
- 4.10 Over half of allegations against teachers and non-teaching staff are physical in nature. Some schools have responded by increasing the levels of staff restraint training. LADOs have also on occasion participated on the same training to better understand the issues and thus improve their advice to school.
- 4.11 Schools appear to have a poor awareness of what constitutes a malicious, unfounded or unsubstantiated outcome. In conducting their own investigations schools are more likely to adopt a binary approach: substantiated or not.
- 4.12 School awareness of the revised DfE guidance with regard to allegations of abuse is low. There is a strong reliance on LADO information and advice. Recording by schools of allegation outcomes on staff files is highly variable and generally not consistent with guidance: there is a tendency to record everything.
- 4.13 Timescales for investigating allegations are influenced strongly by the complexity of the case and whether or not there is a police investigation. Over half are dealt with within one month; however survey findings show timescales to be below target guidelines. Reducing the time it takes to investigate allegations might be best achieved through improved dialogue and on-going communication between LAs, schools and the police. Consideration might also be given to increase dovetailing of investigations and a framework for establishing relative priorities.
- 4.14 The support available to members of staff subject to allegations is varied. There is evidence to suggest that teachers and support staff accused of an allegation would benefit from more formal support. All interviewed considered legislation granting anonymity should be extended to the entire children's workforce, but concerns were expressed about the effectiveness of the legislation against playground gossip and social media. LADOs and schools identified apparently effective existing measures to preserve anonymity such as asking stakeholders to preserve anonymity, counter-stories and sanctions for staff and pupils found to be spreading rumours.
- 4.15 With a rising number of Academies and Free Schools it is likely that a higher proportion of schools will increasingly sit outside the LADO support system, albeit self-imposed. The majority of schools who have become heavily reliant on LADO support may struggle to deal with allegations in the future if the gap in service support between schools and LAs continues to widen.

## **Implications for Schools and Local Authorities**

### ***Standardisation of Reporting and Outcomes***

- 4.16 More could be done to standardise processes and systems for recording allegations of abuse. Standard definitions relating to the categories of outcomes of allegations would be beneficial to both schools and LAs. This will enable better monitoring of trends and a determination of whether or not incidents of allegations are increasing.
- 4.17 The fact that some LAs do not know the outcome of significant proportions of their concluded cases is concerning. More could be done by LADOs and employers to ensure that LADOs are informed of, and keep a record of, the outcome of a case.
- 4.18 A single allegation can have multiple outcomes, depending on whether there is a criminal investigation, school disciplinary procedures, etc. This limits the ability to analyse trends in LA data, for example in relation to outcomes. Guidance could be provided to better standardise how information is recorded by schools. It may prove valuable to examine the extent to which recording of information changes in the light of the revised guidance covering schools that was issued in July 2011.
- 4.19 Better and more standardised processes for reporting allegations would enable analysis of the impact of new policies and guidance on the number of allegations. For example the Government's behaviour guidance provides greater clarity to schools on how they should deal with poor behaviour. This includes for instance guidance on teachers' legal power to use reasonable force and for headteachers to search pupils without consent. The potential impact of this guidance on the number of allegations should be monitored.

### ***Timescales***

- 4.20 Discussions could be held with the police to consider ways in which prolonged timescales linked to criminal investigations might be reduced.

### ***Learning, Training and Support***

- 4.21 Post-allegation review meetings involving schools and LAs should be encouraged with information circulated on the lessons learned. Additional training and guidance could be provided including details of what this could be and where and whose responsibility it is to provide it.
- 4.22 More training and guidance could be provided to staff on appropriate conduct with pupils and the use of social media to minimise the potential for accusations to be made. Headteachers may find the useful opportunities for training or to discuss the processes for handling allegations.

### ***Suspension***

- 4.23 Examples of how to deal with staff suspension could be provided together with illustrations of alternative approaches in different types of schools.

### ***Anonymity***

- 4.24 Feedback from the qualitative interviews was that the anonymity provisions introduced for school teachers should be extended to other professionals working with children and young people. The Government has made a commitment to review the effect of the anonymity provisions in the Education Act 2011 in 2 years time.

**Ref: DFE-RR192**

**ISBN: 978-1-78105-065-1**

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**March 2012**