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## Allegations of abuse against teachers and non-teaching staff: Interim findings from a survey of local authority designated officers

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York Consulting LLP

### Introduction and background

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 Bill currently before Parliament 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.

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 2007<sup>1</sup>. The Department for Education (DfE) commissioned York Consulting LLP to conduct research into the scale and nature of allegations of abuse made against teachers and the processes for handling these at the local authority and school level. This research brief presents the interim findings of the research based on evidence from a census survey of LADOs in 2011. The survey collected data on allegations of abuse made against teachers, non-teaching staff in schools and further education (FE) teachers referred to LADOs in the period 1st April 2009 to 31st March 2010. Questions explored the number and nature of allegations referred, investigative action taken, time taken to conduct investigations and outcomes.

### Key findings

- The total number of allegations of abuse referred to LADOs in the 116 LAs responding to the survey in the reporting period was 12,086.
- 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. Whilst the figures are not directly comparable, the proportion of teachers accused of abuse is substantially higher than that reported in the DCSF 2007 survey.
- The number of allegations made against non-teaching school staff was 1,709 constituting 14% of the total number of allegations referred.
- The number of allegations made against FE teachers was 106 constituting 1% of the total number referred.
- The majority of allegations of abuse made against school teachers and non-teaching staff were physical in nature (56%, n=1,584 and 49%, n=842 respectively). Allegations made against FE

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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.

teachers were most frequently about sexual abuse (49%, n=52) although this figure should be interpreted with caution, given the low base of allegations against FE teachers reported.

- Almost a fifth of school teachers (18%, n=459) were suspended whilst the allegation was being investigated. For non-teaching school staff and FE teachers the figures for suspension were 29% (n=431) and 36% (n=36) respectively.
- Over a tenth of allegations against school teachers (12%, n=336) and 19% (n=323) of allegations against non-teaching school staff were subject to a criminal investigation according to LADOs. For FE teachers, this figure was higher at 31% (n=33) which is likely to be a reflection of the higher number of allegations that were sexual in nature.
- The majority of allegation investigations (74%, n=3,183) were concluded within three months or less.
- Nearly half of the allegations made against school teachers (47%, n=1,234) and two-fifths of allegations against non-teaching school staff (41%, n=639) were found to be unsubstantiated, malicious or unfounded. Nearly a fifth of allegations against teachers (19%, n=497) and 15% of allegations against non-teaching school staff (n=236) were considered to be unfounded and just 2% (n=56) to be malicious. Of the allegations made against FE teachers, 16% (n=16) were found to be unsubstantiated, 7% unfounded (n=7) and none malicious.

### **Background and research aims**

The Department for Education commissioned York Consulting to undertake research which seeks 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;
- examine how allegation processes are handled in local authorities and schools.

The primary focus of the research is allegations against teachers and non-teaching staff **in schools**. Although some information is gathered in relation to FE college teachers and the wider children's workforce, this is not a prime focus. The research focussed on the processes for handling abuse undertaken by LADOs and schools. Investigatory processes adopted by the police (e.g. during criminal investigations) and by other bodies were not included within the research remit.

### **Methodology**

The timescale for the research is April 2011 – January 2012. The overall methodology for the research comprises:

- a scoping exercise with 17 schools and union representatives;
- a national survey of all LADOs;
- qualitative interviews with 15-20 LADOs and schools to explore processes in place for dealing with allegations of abuse;
- a data collection exercise with 15-20 schools.

This research brief presents the findings from the national survey of LADOs. A full report of the overall research findings is due in early 2012.

### **LADO survey**

Following a pilot phase, the survey was sent to 149 local authorities in June 2011. In total, 116 local authorities responded. This constitutes a 78% response rate. The data provided was subjected to validation and quality assurance checks.

Data on allegations of abuse were gathered for the reporting period **1 April 2009 – 31 March 2010**. The design of the survey mirrored, where feasible, the previous 2007 DCSF survey for the purposes of comparison. The survey captured data on school teachers, non-teaching school staff and FE teachers specifically. It collected figures on the number and nature of allegations referred in the reporting period, the investigative action taken, timescales for conclusion and outcomes reached.

## LADO survey findings

### Number of allegations referred to LADOs April 2009 – March 2010

The total number of allegations referred to LADOs between 1 April 2009 – 31 March 2010 was 12,086 (across 116 LAs). This compares to 4,069 allegations reported for a six month period in the previous DCSF 2007 survey.

The number of allegations of abuse made against school teachers that were referred to LADOs in the reporting period was 2,827. Whilst this represents nearly a quarter (23%) of all allegations referred, it relates to a small proportion of the teaching population as a whole - 0.6% using DfE figures<sup>2</sup>.

The number of allegations of abuse made against non-teaching staff in schools was 1,709. This represents 14% of the total number of allegations received by LADOs in the reporting period and 0.4% of the non-teaching staff population<sup>3</sup>.

The number of allegations of abuse made against FE college teachers reported to LADOs was 106. This represents less than 1% of the total number of allegations referred to LADOs and 0.08% of the FE college teaching staff population<sup>4</sup>. Half of the LAs surveyed (n=52) reported no allegations against FE college teachers in the period April 2009 to March 2010.

Allegations made against FE teachers referred to LADOs are comparatively much lower than those made against school teachers and non-teaching staff. However, the number of allegations made against FE teachers is similar to that reported for other categories of staff. For example, allegations referred to the LADO in relation to health staff was 3% (n=305) and to staff from voluntary youth organisations was 3% (n=308). These staff spend proportionally less direct contact time with a child than do school teachers, which could account for the smaller number of allegations reported. It could also be that procedures for referring an allegation to the LADO are more embedded for schools.

### Nature of allegations made

Over half of the allegations made against school teachers were about abuse that was physical in nature (56%, n=1,584). Nearly a fifth were sexual (19%, n=550), 11% (n=315) related to conduct (i.e. inappropriate language or behaviour used by staff), 8% (n=224) emotional and 2% (n=64) were regarding neglect.

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

Almost half the allegations made against FE teachers were of abuse that was sexual in nature (49%<sup>5</sup>, n=52), 27% (n=29) were physical, 9% (n=10) conduct, 5% (n=5) emotional and 3% (n=3) neglect.

### Allegations relating to staff carrying out an authorised physical intervention or restraint

Data were sought on the number of allegations of physical abuse that had followed a member of staff carrying out an authorised physical intervention or restraint. The proportion of such allegations was relatively high. The survey found that nearly a fifth (17%) of physical allegations against school teachers (n=224) and non-teaching staff in schools (n=122) related to the use of authorised physical intervention or restraint.

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<sup>2</sup> Based on data from the School Workforce in England Statistical Release November 2010 which cites a figure of 448,100 FTE teachers in service.

<sup>3</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>4</sup> Further Education College Workforce Data for England report which cites a figures of 122,600 teaching staff in 357 FE colleges.

<sup>5</sup> Caution should be exerted because of the low base of allegations reported against FE teachers.

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

## **LADO investigation processes**

### **Use of suspension and resignation during the investigation process**

LADOs were asked to report on the number of teachers and non-teaching staff who were suspended or who resigned during the investigation process.

Approximately 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 latter probably reflects the proportion of allegations of sexual abuse made against FE teachers<sup>6</sup>.

School staff resignation during the investigation process was uncommon. Just 4% (n=95) of school teachers and 6% (n=85) of non-teaching school staff and over a tenth (11%, n=11) of FE staff resigned.

### **Investigatory processes**

There is no single investigatory process. Different types of allegation are handled by different bodies (police, social services, LA, employer). LADOs were asked to report all types of investigation processes that an allegation had been subject to that they were aware of. The responses show that:

- 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 teachers this figure was 21% (n=22);
- nearly three-tenths of allegations against school teachers (28%, n=803) and 31% of allegations against non-teaching staff (n=527) invoked disciplinary proceedings. For FE teachers, this was 40% (n=42);
- over a tenth of allegations against school teachers (12%, n=336) and 19% against non-teaching school staff (n=323) resulted in a criminal investigation. Although this figure was higher for FE teachers at 31% (n=33), this is likely to be a reflection of the number of allegations of sexual abuse and the low base number of allegations made against FE teachers.
- 3% of concluded allegations against school teachers (n=88) resulted in a criminal caution or conviction, compared to 5% (n=68) 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 figures provided directly from the police. The data provided by LADOs may not be a true indication of the outcomes of allegations that have been subject to criminal investigation.

### **Time taken to conclude investigations**

Survey respondents were asked to provide information on the cases referred during the reporting period that had been concluded to date. The majority of investigations (over 90%, n=4,306) had been concluded. Of those concluded:

- just over half were concluded in three months or less. In the case of school teachers and non-teaching staff in school, most were concluded within a month (54%, n =2,264);
- 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).

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<sup>6</sup> Caution should be exerted because of the low base of allegations reported against FE teachers.

## Outcomes of investigations

LADOs were asked to report the outcomes of concluded investigations as being either substantiated, malicious, unfounded and unsubstantiated<sup>7</sup>. Guidance was provided on the definition of these terms.

Nearly half of the allegations made against school teachers (47%, n=1,234) and two-fifths of allegations against non-teaching school staff (41%, n=639) were found to be unsubstantiated, malicious or unfounded. Nearly a fifth of allegations against teachers (19%, n=497) and 15% of allegations against non-teaching school staff (n=236) were considered to be unfounded and just 2% (n=82) of allegations against teachers and non-teaching staff were found to be malicious. Of the allegations made against FE teachers, 16% (n=16) were found to be unsubstantiated, 7% (n=7) unfounded and none malicious.

However, it should be noted that:

- for a substantial proportion (21%, n=899) of concluded cases, LAs were not able to categorise outcomes into one of the four response options provided (44 out of 109 LAs who responded to the question);
- approximately a third of allegations made against school teachers and non-teaching school staff (n=952 and 510 respectively) were subject to no further action after initial consideration. Similarly, 29% (n=28) of allegations made against FE teachers, were subject to no further action after initial consideration.

Further exploration of the outcomes of investigatory processes and the factors underpinning how these are determined and recorded will be an important consideration in the next phase of research.

The next phase of research will also explore the number and nature of allegations made against teachers and support staff in **schools** and the processes for handling these at the school level. In particular, this will focus on exploring the school and local authority processes in place for making decisions about suspensions; facilitators and challenges in meeting the required timescales for allegation investigations; and the impact and outcome of allegations for teachers. This will be important in contextualising the findings from the LADO survey.

## Additional Information

The full report can be accessed at <http://www.education.gov.uk/publications/>  
Further information about this research can be obtained from  
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The views expressed in this report are the authors' and do not necessarily reflect those of the Department for Education.

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<sup>7</sup> **Substantiated:** There is sufficient identifiable evidence to prove or disprove the allegation.

**Malicious:** This means there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false. **Unfounded:** This means that 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:** 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.