
Allegations of abuse against teachers and non-teaching staff

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Introduction

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.

There has been no centralised national data collection on the number and nature of allegations of abuse referred to Local Authority Designated Officers (LADOs) in England since 2007¹. 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, non-teaching staff in schools and Further Education (FE) teachers and the processes for handling these at the local authority (LA) and school level. This research brief presents the findings of the research based on evidence from a census survey of LADOs and qualitative research involving 20 local authorities and 34 schools. The analysis builds upon an earlier research brief² which contains details only of the census survey of LADOs.

Key findings

- There is variability in the processes adopted by local authorities for handling allegations of abuse, particularly where the allegation is of a less serious nature or where there is not a clear child protection concern. This is affecting the culture of referral and the extent to which trends in the numbers reported can be analysed.
- According to the LADO survey, 2,827 allegations of abuse were made against school teachers in 2009/10. This constitutes almost a quarter of the total number of allegations referred to LADOs.

¹ *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.

² *Allegations of Abuse Against Teachers and Non-teaching Staff: Interim Findings from a Survey of Local Authority Designated Officers*, DfE Research Brief DFE-RB163, York Consulting LLP, October 2011

- The total numbers of allegations reported to LADOs appear to be on a rising trend. This is thought to be due more to better recording and increased referral of cases to local authorities, rather than an increasing volume of incidents.
- The majority of allegations of abuse made against school teachers and non-teaching staff were physical in nature (56%).
- The LADO role in supporting schools deal with allegations of abuse is highly valued by headteachers, but variable in approach and resourcing across LAs.
- 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 individual remaining in post. However, almost a fifth of school teachers (18%) and almost a third of non-teaching staff (29%) were suspended whilst the allegation was being investigated.
- Nearly three-quarters of investigations (74%, n=3,183) were concluded within three months or less: this falls below DfE target guidelines (90% to be concluded within three months). Timescales for investigating allegations are influenced strongly by the complexity of the case and whether or not there is a police investigation.
- Almost one-third (32%) of allegations against teachers were found to be substantiated. 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.
- The support available to members of staff subject to allegations is variable. There is evidence suggesting that teachers and non-teaching staff accused of allegations would benefit from additional personal support and assistance.

Methodology

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.

The quantitative survey collected information on allegations of abuse referred to LADOs in the period 1 April 2009 to 31 March 2010. Questions explored the number and nature of allegations referred, investigative action taken, time taken to conduct investigations and outcomes. Following a pilot phase, the survey was sent to 149 local authorities in June 2011. In total, 116 local authorities responded, constituting a 78% response rate. The data provided was subjected to validation and quality assurance checks. The design of the survey mirrored, where feasible, the previous 2007 Department for Children, Schools and Families (DCSF) survey for the purposes of comparison.

The qualitative research involved extensive consultations with 20 LAs and 34 school headteachers and explored issues in relation to the processes of handling allegations of abuse by LAs and schools. It investigated a range of themes including the referral process, timescales, suspension and the recording of outcomes. Schools were selected from the 20 LADO areas to reflect both a range of institutions and experience of dealing with allegations.

ALLEGATION HANDLING PROCEDURES AND UNDERLYING ISSUES: QUALITATIVE PERCEPTIONS

Accuracy of Data Recording

The LADO survey revealed 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.

The LA Handling Process

The Dealing with Allegations of Abuse against Teachers and other Staff³ 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'.

LAs operating a rigid approach encourage schools to refer all allegations to them irrespective of the degree of seriousness. These are then co-ordinated 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.

At the other end of the spectrum LAs following a more flexible model have introduced elements of a 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 to schools accordingly. Typically this will involve advising schools how to deal with less serious cases themselves.

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

The School Handling Process

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.

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.

Support and Advice

Trade unions and LADOs expressed some concerns about the level of support that staff members subject to an allegation actually receive. 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 apprised of progress.

³ 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.

Record Keeping

There is little evidence of LADOs analysing past trends of allegations 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.

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.

Allegation Outcomes

Schools had different procedures for recording, storing and disposing of information once an investigation was complete. Schools used different wording or varying 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 also not always aware that the terminology they used could have different implications for a staff member's future career for example in terms of disclosure on references. In the main, schools operate a binary approach, allocating the outcome of allegations as either substantiated or not.

Timescales

Investigations involving the police take significantly longer to deal with: in some cases up to two years. LADOs stressed that they had no control over the pace of police investigations. This is a particular issue where it involves forensic IT investigations or a court appearance. It was not uncommon for investigations to be dormant pending criminal outcome. This does however pose a significant problem if the subject of the allegation is suspended, which is common when a police investigation is required. This generates a significant emotional cost to the individual and often a financial cost to the school.

Suspension

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 such as a change of duties or "gardening leave", although in practice this was often difficult to implement. Whilst schools have the final decision on suspension they are unlikely to act without advice from the LA's Human Resources (HR) Department, 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.

QUANTITATIVE LADO SURVEY FINDINGS

Number of Allegations Referred to LADOs

A total number of 12,086 of allegations of abuse were referred to LADOs across the 116 LAs responding to our survey between 1 April 2009 and 31 March 2010. This compares with a weighted total of approximately 8,000 allegations emerging from the previous 2007 DCSF survey.

2,827 (23%) of allegations were made against teachers, 1,709 (14%) were against non-teaching staff and 106 (0.9%) against FE teachers. This accounts for 0.6%, 0.4% and 0.08% of the respective workforce populations.

Nature of Allegations Made

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

in relation to sexual abuse (49%, n=52), 27% (n=29) physical, 9% (n=10) conduct, 5% (n=5) emotional and 3% (n=3) neglect. Caution should be exerted because of the low base of allegations reported against FE teachers.

Use of Suspension and Resignation during the Investigation Process

Approximately one-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, though caution should be exerted because of the low base of allegations reported against FE teachers.

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

Time Taken to Conclude Investigations

Approximately three-quarters (74%) of allegations were concluded within three months or less. In the case of school teachers and non-teaching school staff, 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).

Therefore on average timescales fall short of the revised DfE guidance that states 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.

OUTCOMES OF INVESTIGATIONS

LADOs were asked to report the outcomes of concluded investigations as either substantiated, malicious, unfounded or unsubstantiated. Guidance was provided on the definition of these terms⁴.

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. Only 2% (n=56) of allegations were malicious. Around a quarter of the allegations made against school teachers (26%, n=681) and against non-teaching school staff (24%, n=377) were found to be unsubstantiated (not the same as a false allegation but when there is insufficient identifiable evidence). Of the allegations made against FE teachers, 16% (n=16) were found to be unsubstantiated, 7% unfounded (n=7) and none malicious.

CONCLUSIONS AND IMPLICATIONS

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 **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.

The total number of allegations reported to LADOs appears to be on a rising trend, though 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.

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, 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, therefore, impossible to reliably ascertain the volumes dealt with by schools. This also reflects variability in defining an allegation of abuse and little verifiable evidence on the incidents handled.

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 outcome are more varied across schools and LAs. Some headteachers are using 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 outcomes recorded.

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.

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 non-teaching staff (29%) than teachers (18%). Practical alternatives to suspension where risk is identified have proved 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.

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.

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. Also, 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.

There is a clear need to reduce the time it takes to investigate a significant proportion of allegations. This might best be achieved through improved dialogue and more on-going communication between LAs, schools and the police. Consideration might also be given to increase dovetailing of investigation and a framework for establishing relative priorities.

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.

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

More could be done to standardise processes and systems for recording allegations of abuse. Standard definitions relating to the allegation outcome categories to be used to record concluded cases 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.

Timescales

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

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.

More training and 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

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

Anonymity

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.

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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