



Local Authority Designated Officer Annual Report April 2013 to March 2014

This report is set out under the following headings

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Introduction

The management of what to do if there are concerns about an adult who works or volunteers with children is set out in Working Together to Safeguard Children (2013). The procedures apply when there is an allegation or concern that any person who works with children, in connection with their employment or voluntary activity, has

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

Such behaviour should be considered within the context of physical, sexual and emotional abuse or neglect. It includes concerns about inappropriate relationships between staff/volunteers and children. The role of the Local Authority Designated Officer (LADO) is to:

- Be involved in the management and oversight of individual cases;
- Provide advice and guidance to employers and voluntary organisations;
- Liaise with the police and other agencies;
- Monitor the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process.

The role of employers is to:-

- Appoint a designated senior manager to whom allegations or concerns should be reported;
- Appoint a deputy to whom reports should be made in the absence of the designated senior manager or where that person is the subject of the allegation or concern.

The role of the Police is to:-

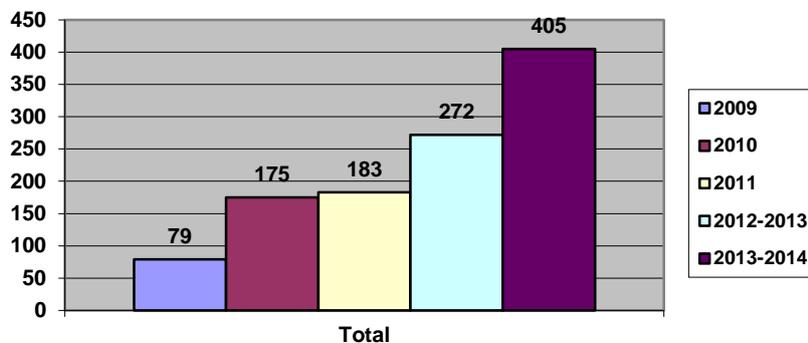
- Appoint a senior officer to have strategic oversight of the local police arrangements for managing allegations against staff and volunteers;
- Liaise with the LSCB on the issue;
- Ensure compliance with these procedures.

In Somerset the police have designated a detective sergeant to:

- Liaise with the local authority designated officer (LADO);
- Take part in strategy meetings / discussions;
- Review the progress of cases in which there is a police investigation
- Share information as appropriate, on completion of an investigation or related prosecution

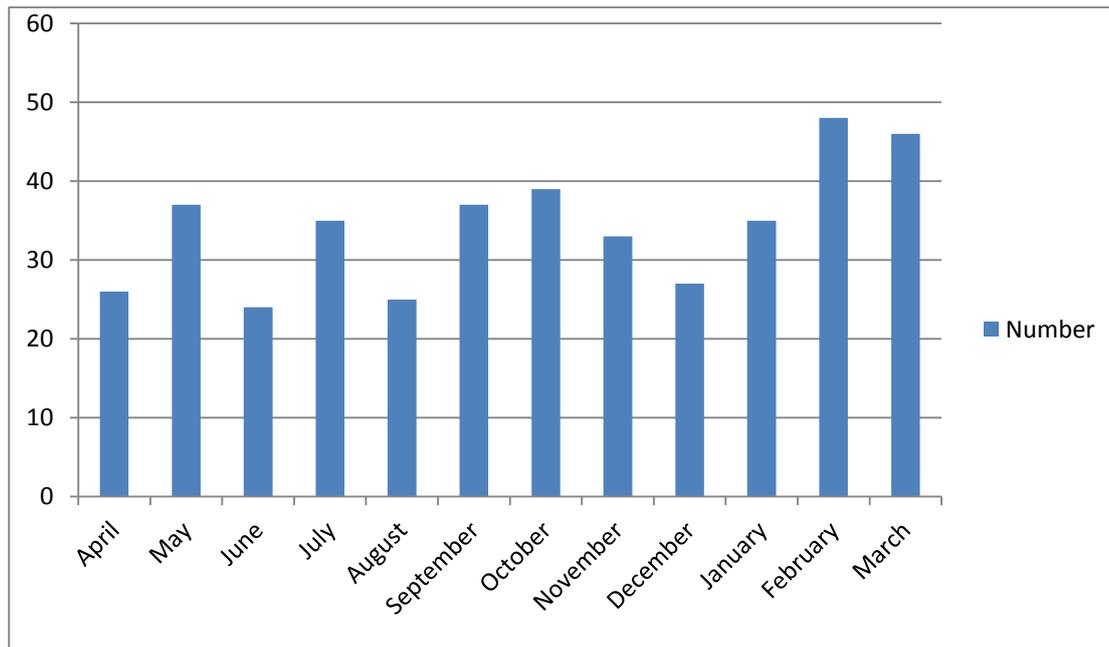
2. Overview of the year April 2013-March 2014

1. Number of Allegations



- 1.1 405 allegations were referred to the Somerset Local Authority Designated Officer (LADO) during this reporting period April 2013-March 2014. This means that the LADO dealt with 133 more allegations than in the last reporting year. This represents an increase in referrals of 148% over the last year and of 221% since 2011.

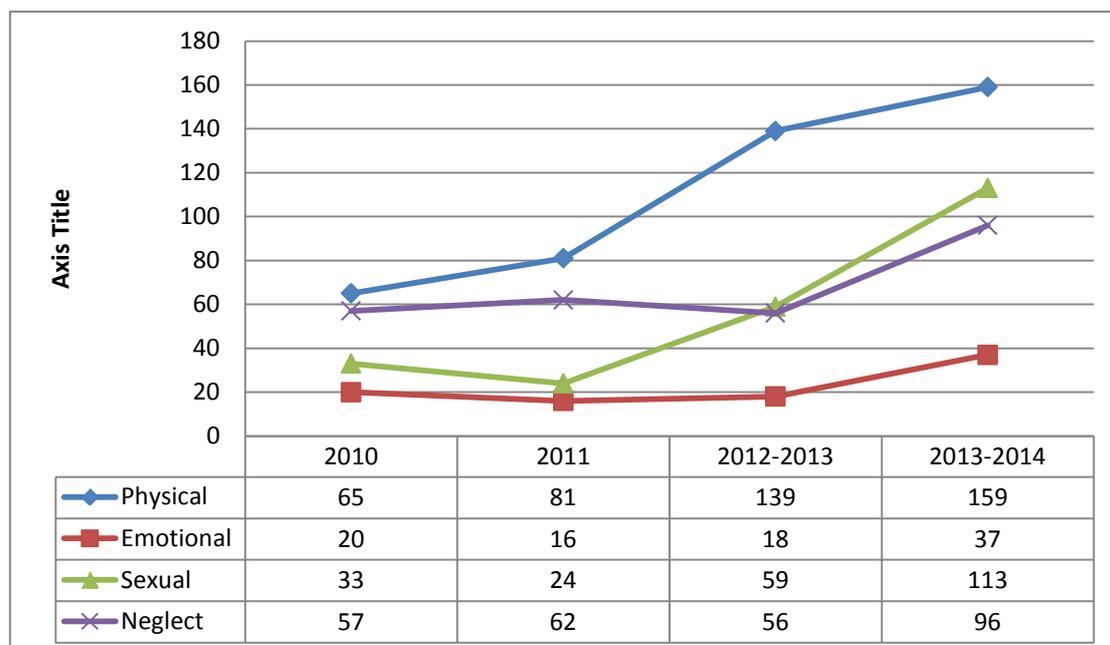
2. Referrals over the year April 2013-March 2014



2.1 Referral rates are generally lower in months when schools have more than one week of holiday. This is because the largest proportions of referrals come from schools (see organisation section below).

2.1 Referrals peaked in February and March 2014. There is no known reason for this at present, although it may be part of a general pattern of an overall rise in the number of allegations.

3. Types of Allegations

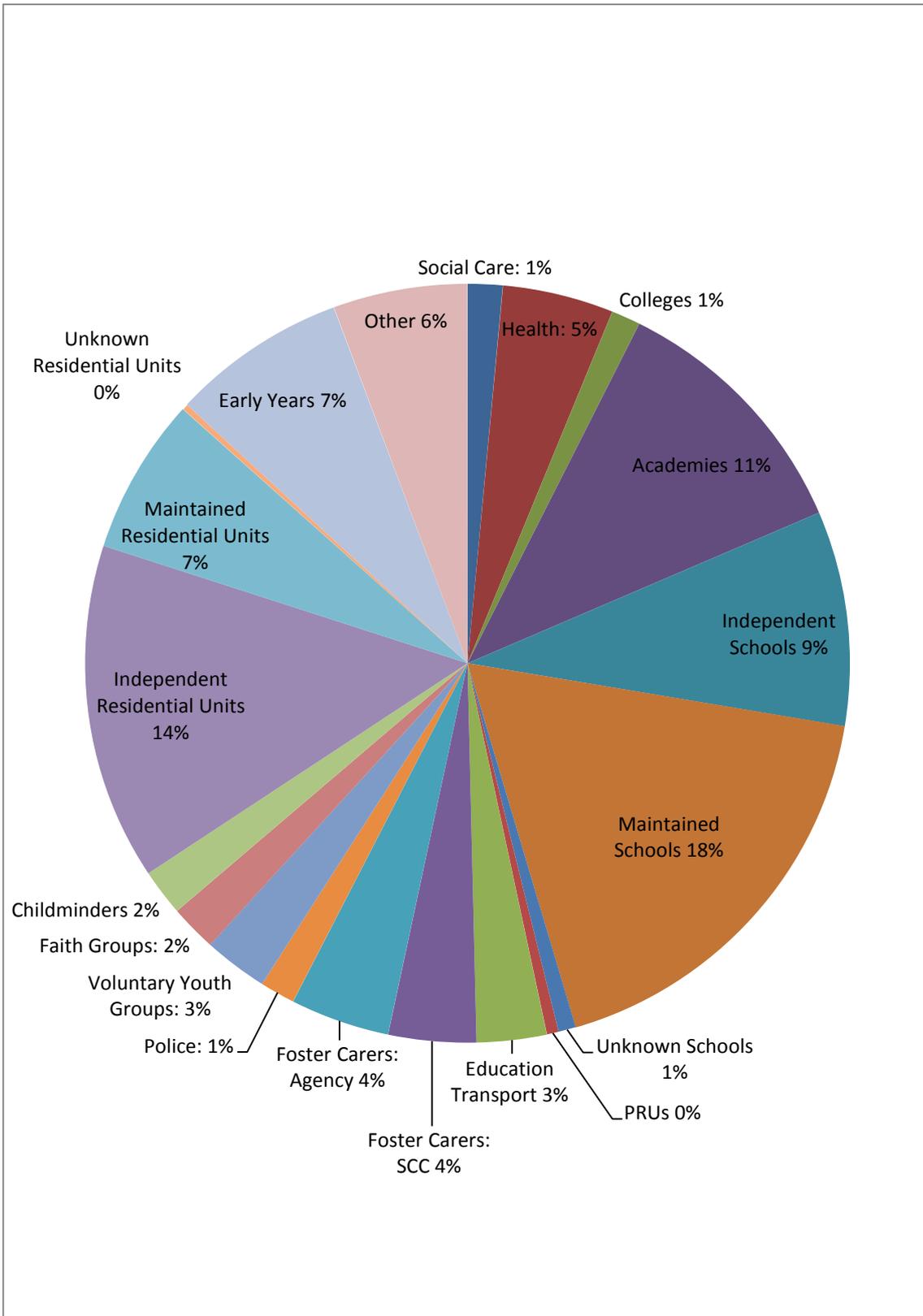


3.1 58 (36%) of physical abuse allegations related to the use of restraint. This is mainly in residential children's homes. This has increased since last year when 30% of allegations related to restraint, and represents a year on year steady increase of the

percentage of allegations that result from a restraint being carried out since records were first kept in 2011. This evidences the need to ensure that issues relating to restraint continue to be covered in all training on allegations management. This also evidences the need for all organisations to ensure that they have a clear policy in place in relation to behaviour management and physical control and that all staff is trained as appropriate

- 3.2 The number of emotional abuse, sexual abuse and neglect allegations has increased and are relatively in proportion with each other. The number of physical abuse allegations has also risen but not by so many. This is likely to be due to better training and education around what may constitute an allegation and organisations being more confident about referring incidents that come within these categories. Historically the number of physical abuse allegations is likely to have been higher as this is a fairly clear and easily understood reason to refer.

4. Referrals by Organisation- as percentages of numbers referred.



- 4.1 There were no referrals from the Armed Forces, YOT, Probation, and these organisations will be contacted could be targeted for training around allegations management.
- 4.2 The largest number of referrals came from the education sector (40%). While the number of referrals from the Education sector has increased, this is proportionally lower than in previous years, and there has been a steady decrease in the proportional representation of the education sector. This may be because Education were targeted early on by the LADO for specific training in allegations management, and this training is now more consistently being rolled out across other agencies, so other agencies are now becoming more confident about when to refer.
- 4.3 Referrals from Independent Schools have dropped by almost 50%. Referrals from maintained schools have dropped again from 25% to 18% of all referrals. However referrals from academies have risen to 11%. Therefore, this is likely to represent the increased number of schools that have transferred to academy status. In cases where academies have chosen to purchase their contract for HR Services outside of the Local Authority there are regularly issues around a lack of understanding of Allegations Management issues with private HR providers.
- 4.4 The next largest sector of referrals is the residential sector (21%). This is proportionally similar to previous years.
- 4.5 Referral rates for the health sector have risen to 5%. There has been increased engagement from the health sector with the allegations management procedures both via a shared mentoring agreement and by regular engagement from health representatives at the Multi-Agency Allegations Management Meetings.
- 4.6 Referral rates from Transporting Somerset have also risen this year as a result of better working relationships between key managers in that area and the LADO. A key issue that has arisen in cases this year is the quality of the safeguarding training received by those engaged in education transport.

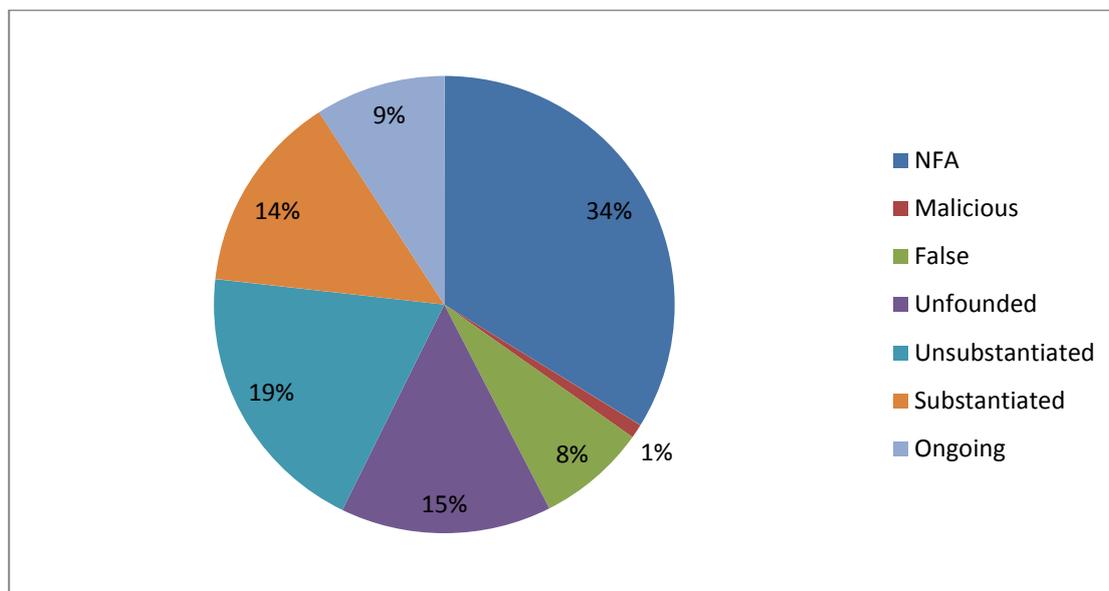
5. Action Taken

- 5.1 In 120 cases initial enquiries were undertaken to establish whether or not there was enough information to initiate further investigation under the LADO procedures.
- 5.2 A strategy discussion was held in relation to 92 referrals between the police, LADO and other agencies. In addition to this the LADO has contributed to Allegations Management Meetings.
- 5.3 30 referrals resulted in a criminal investigation being undertaken. In cases where the criminal investigation ended with no charges being brought the matter was referred back to the employer by the LADO for consideration of whether or not disciplinary action should be taken.
- 5.4 In 62 cases an internal / disciplinary investigation was undertaken by the employing organisation.
- 5.5 9 staff members were suspended by their agency while investigations were on going. Suspension is only considered where:-

- There is a continued risk to children
- There is the likelihood of a police investigation
- The allegation is serious and would warrant dismissal if proven

In 36 cases alternative working arrangements were agreed, such as a change of work base or role while the investigation was being undertaken. There is increasing concern that investigations where police investigations take place are taking time to complete.

6. Outcomes



- 6.1 137 referrals (34%) resulted in no further action after initial consideration. This will either be because the referral did not meet the allegations management threshold, the referral was transferred to be dealt with by another agency, or transferred to a LADO in another area.
- 6.2 37 (9%) allegations April 2013-March 2014 had delayed outcomes to be confirmed. In cases involving a police investigation there can be a considerable delay before final outcomes are reported. In particular over the past year there has been an issue with the length of time that the police have to wait for an interview with the CPS for a charging decision; in one case this has caused a delay of over 3 months. This can cause considerable stress to all parties involved, including the employing organisation who are likely to have a member of staff suspended during this time. Most organisations deal with allegations in a timely way once a police investigation has ended.
- 6.3 60 (15%) of the allegations were unfounded. However, the Department of Education introduced a new outcome category, 'False', to be used from April 2013. This outcome of 'False' should be used when an allegation is 'demonstrably false', and 'Unfounded' should continue to be used in cases where the findings 'do not fit the allegation'. There were 31 (8%) of allegations with an outcome of False. The outcome of Unfounded has now been removed by the DfE for use in schools, although continues to be an outcome for other agencies.

- 6.4 4 allegations were found to be malicious (1%). In these cases appropriate advice was given to the employer regarding action that could be taken either internally or by the police against the person who made the malicious allegation. This is statistically similar to last year.
- 6.5 79 (19%) of the allegations were unsubstantiated; this means that it was not possible to prove or disprove the allegation, and is a slight rise from last year. Often these cases raise concern about general safeguarding policies and procedures within an organisation and will result in recommendations being made for either further training for the staff member involved or policy changes for the organisation. Substantiated allegations are referred to in references, however DFE guidance published in October 2012 outlines that unsubstantiated allegations should not be referred to in references for staff that work in schools. This has been raised as an area of concern by the South West LADO Group because, particularly in cases of sexual abuse, identifying a pattern of unsubstantiated concern can be crucial to ensure that children and young people are safeguarded.
- 6.6 57 (14%) of the allegations were substantiated, this is a slight fall from last year. 2 cases resulted in a criminal conviction. 7 staff members were dismissed as a result of a disciplinary investigation and in 5 cases contracts were ceased. In 9 of these cases a referral was made to the Disclosure and Barring Service for a decision to be made about whether the individual should be barred from working with children and young people in the future. In 2 cases a referral was made to the relevant Regulatory Body. 14 cases resulted in a final written warning being issued. 59 cases resulted in written management guidance and 40 cases resulted in training for staff members, some of these would have included unsubstantiated allegations. It is important to note that many cases that involved a criminal investigation can take longer than a year to complete and therefore the outcomes of these more serious cases are often missing from the annual report.
- 6.7 8 staff members resigned during the process of an allegation being investigated. In all these cases the organisation concluded the investigation, and if the outcome was that the allegation was substantiated and it was likely that they would have dismissed the individual for gross misconduct, they made referrals to the Disclosure and Barring Service.

7. Other LADO activity

- The LADO contributed to the Safer Recruitment course, which is run by the LSCB three times a year.
Active member of the South West LADO Group. This group has been developed to ensure that practice and processes between South West LADOs are in line and comply with Ofsted and government guidance.
- Delivery of training and regular attendance at the Independent Providers Group (residential and agency foster care providers) to improve relationships with this sector and ensure that knowledge of Allegations Management issues are kept up to date.
- The LADO has helped to develop new procedures to enable Allegations Management referrals to be taken by Somerset Direct.
- South West Child Protection Procedures for Allegations Management have been written and agreed by the South West LADO Group, therefore ensuring a consistent approach to Allegations Management across the South West.

- The LADO has been working with Ofsted and other national LADO representatives to re-write Ofsted's procedures for referrals made to Ofsted in relation to safeguarding concerns.
- The LADO has attended and provided training for independent early years child care providers.
- Multi-Agency Allegations Management Group meetings have been held on a three monthly basis to discuss themes affecting all agencies involved in the management of allegations in their organisations. These meetings have been well attended by representatives from Health, Education, HR, the LSCB and the police.

8. Recommendations

1. Highlight the LADO role to agencies that did not make any referrals to LADO.
2. Build relationships with HR providers to Academies
3. Review the content and quality of training provided to staff and volunteers commissioned through transporting Somerset
4. Continue to work with the SW LADO group about recording of unsubstantiated allegations to ensure that children are safeguarded whilst protecting the rights of school employees.
5. Review how best to deliver the LADO service given the increased number of referrals and the development of the Multi Agency Safeguarding Hub.
6. Continue work with private providers of residential and fostering services to ensure that they have up to date behaviour management policies which include issues of physical intervention and that staff have up to date training.
7. Set targets for timescales to ensure that all investigations are dealt with as quickly as possible.

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Covering Local Authority Designated Officer role.
 September 2014