



## **Local Authority Designated Officer Annual Report**

**April 2014 to March 2015**

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### **1.0 Introduction**

The statutory guidance *Working Together to Safeguard Children* (2015) outlines the criteria that trigger the allegations management procedure. The procedure applies when there is an allegation 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 they pose a risk of harm to children.

The guidance sets out the importance of co-ordinating any actions to ensure any welfare concerns, in relation to the child or children involved, are taken without delay. It stipulates that local authorities should have a designated officer – Local Authority Designated Officer (LADO), or team of officers, to be involved in the management and oversight of allegations against people that work with children.

The detail of the procedure to manage allegations against people who work with children is contained within the South West Child Protection Procedures (<http://www.online-procedures.co.uk/swcpp/procedures/allegations-against-staff/>)

Inappropriate behaviour by those who work with children should be considered within the context of physical, sexual, emotional abuse or neglect. It includes concerns about inappropriate relationships between staff / volunteers and children. For instance, where professional boundaries are not

maintained e.g. a worker having contact online with a young person through social networking sites.

The role of the LADO is to:

- 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.

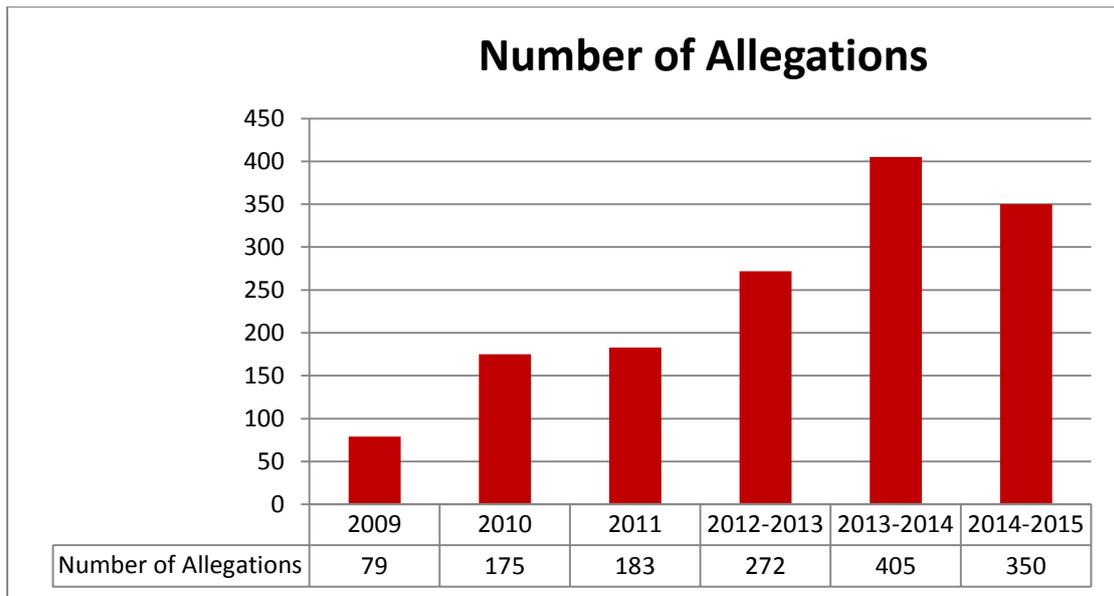
The role of the Police is to:-

- 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.

Avon and Somerset Constabulary through the Safeguarding Co-ordination Unit – Southern (SCU), provides the following support:

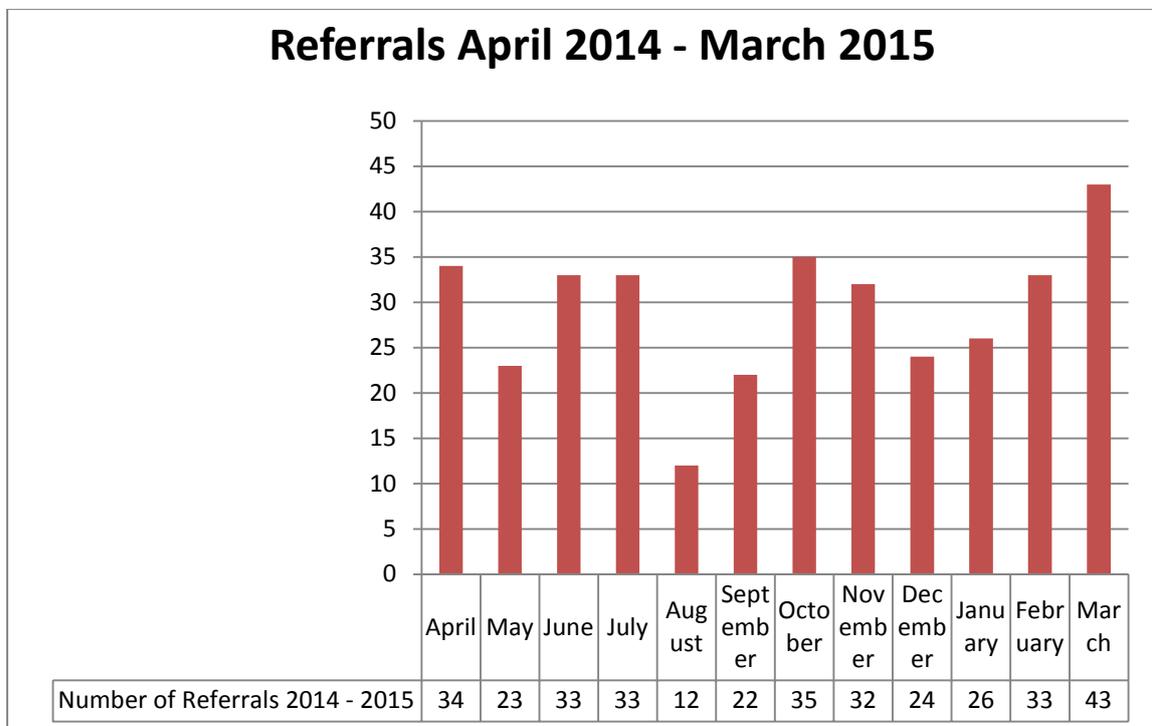
- Immediate availability for strategy discussions / meetings as it is now co-located with the First Response Team (Children’s Social Care);
- Consultation to the LADO on referrals to determine if there is a role for the Police;
- A review on the progress of cases in which there is a police investigation;
- Shared information as appropriate, on completion of an investigation or related prosecution.

## **2.0 Number of Allegations**

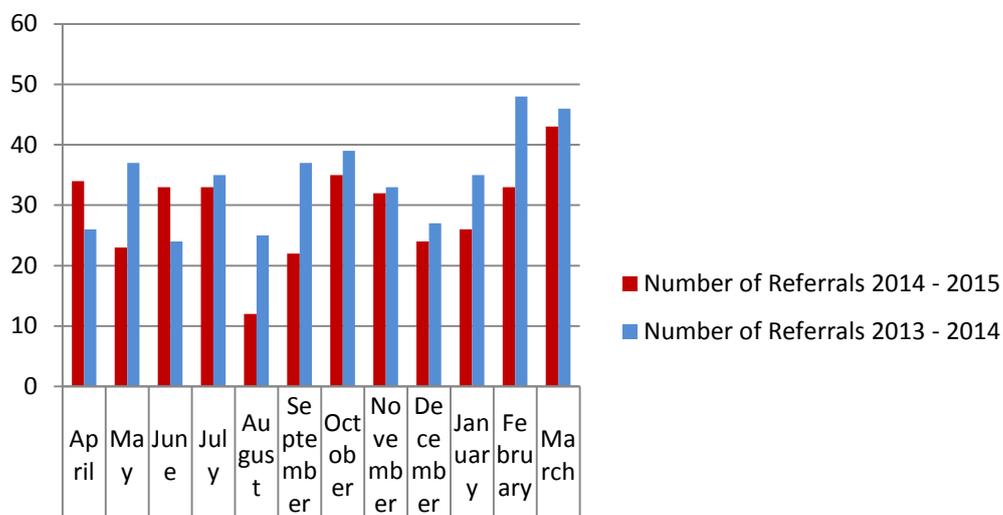


- 2.1 350 allegations were referred to the Somerset Local Authority Designated Officer (LADO) during this reporting period. This means that the LADO dealt with 55 fewer allegations than in the previous reporting year. This represents a 13.5% decrease in referrals.
- 2.2 In spite of this decrease concerns about the capacity of the LADO to manage the rate of referrals were raised by Ofsted in their inspection in January 2015.

### 3.0 Referrals



## Comparison of Referrals made from April 2013 - March 2015

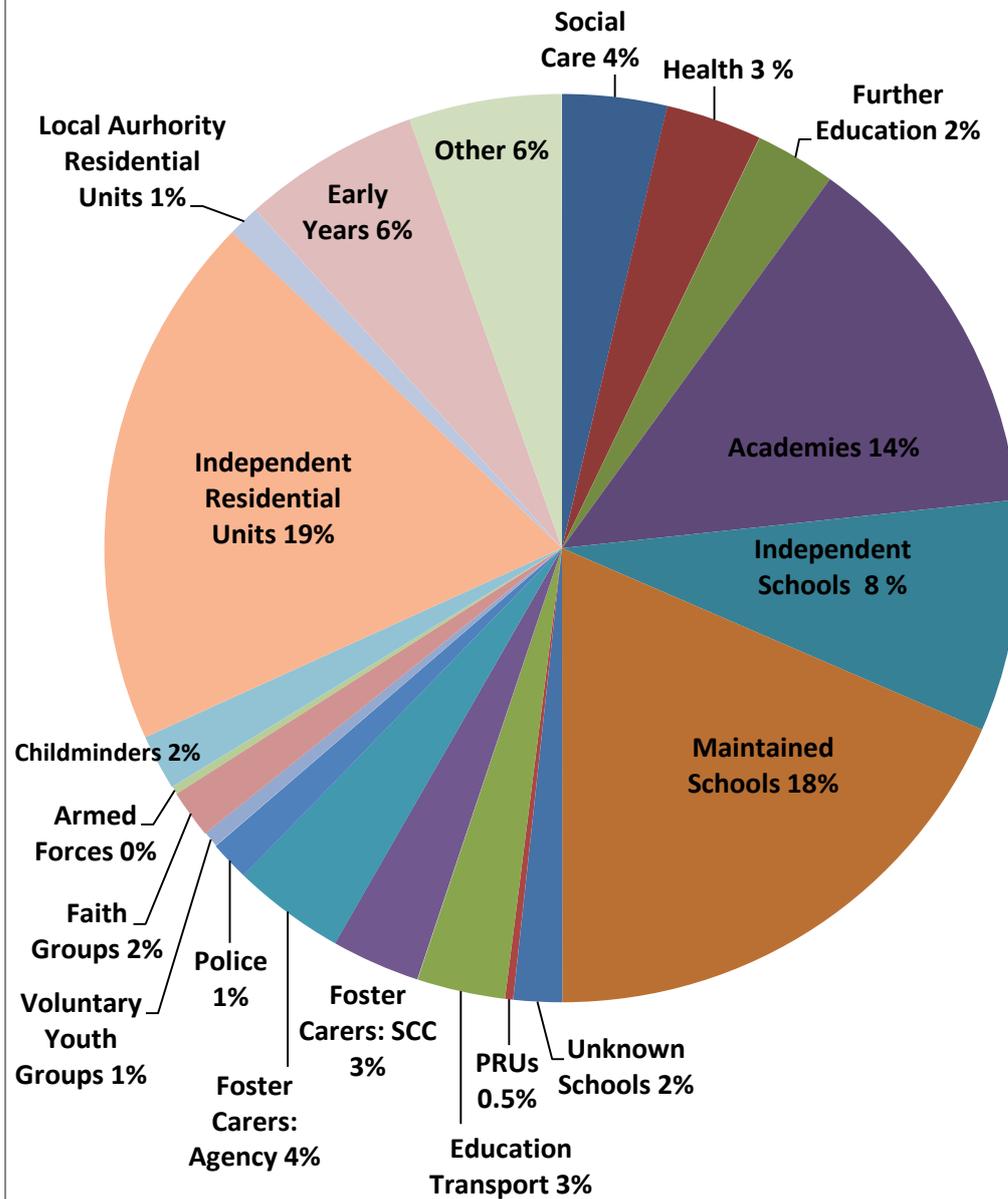


Number of Referrals 2014 - 2015	34	23	33	33	12	22	35	32	24	26	33	43
Number of Referrals 2013 - 2014	26	37	24	35	25	37	39	33	27	35	48	46

- 3.1 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*).
- 3.2 Referrals peaked in October (2014) and March (2015) in contrast to last year where the highest rate of referrals were received in February and March. There is no known reason for this at present.

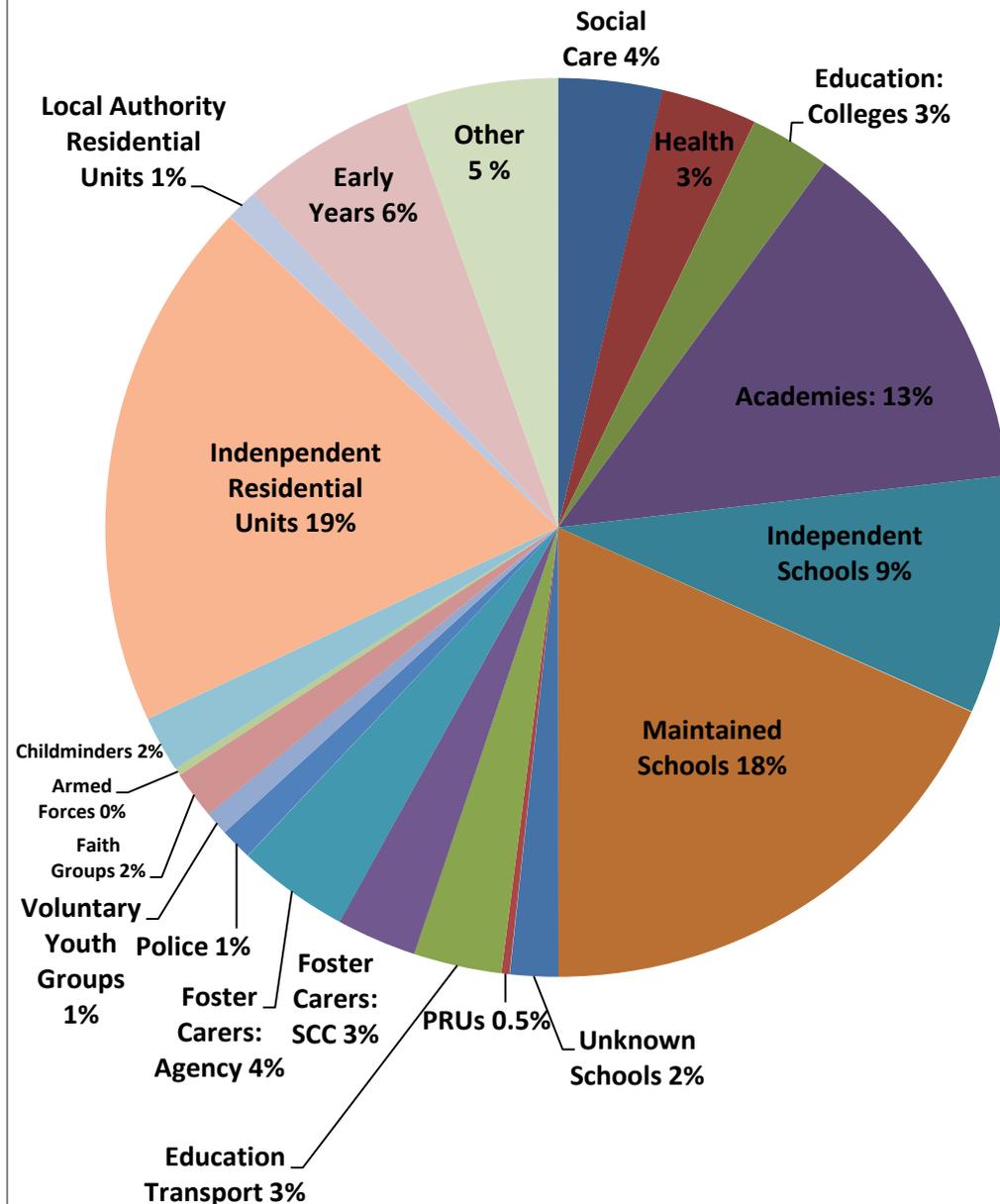
Employment Status of staff

## Employment Status of the Individual Against Whom the Allegation is Made



Referrals by Organisation Type

## Referrals by Organisation



3.3. No referrals were received from the following organisations:

- YOT
- Probation Service (as was)

These organisations are located in Somerset and it is surprising for there to have been no incidences referred. However, there could be explanation for this. For instance, the YOT service is a small service area. If training is identified as an issue then this will be offered to ensure familiarity and understanding of the allegations management procedures.

- 3.4 The statistical numbers of reported allegations from certain settings that should generate referrals was very low. For instance, there was only one reported allegation from the Pupil Referral Units and the Armed Services i.e. cadets, and only two from voluntary community youth groups.

This indicates the need for greater promotion and training so that managers in such settings have an understanding and familiarity of incidences that meet the threshold to be reported to the LADO.

- 3.5 The largest number of referrals came from the education sector (45%). There is a year-on-year decrease in referral from the education sector.

The managing allegations procedure has existed in school settings for some years. Supported by regular training schools are confident in understanding the threshold for making referrals to the LADO.

- 3.6 Independent Schools have remained consistent in the number of reported allegations – 9% of the overall referrals.

- 3.7 The next largest sector of referrals is the residential sector (20%). This is similar to previous years. It is worth noting the 5% increase in the number of referrals from independently operated residential homes which may be due to Ofsted requiring there to be evidence of all incidences involving staff being reported to the LADO.

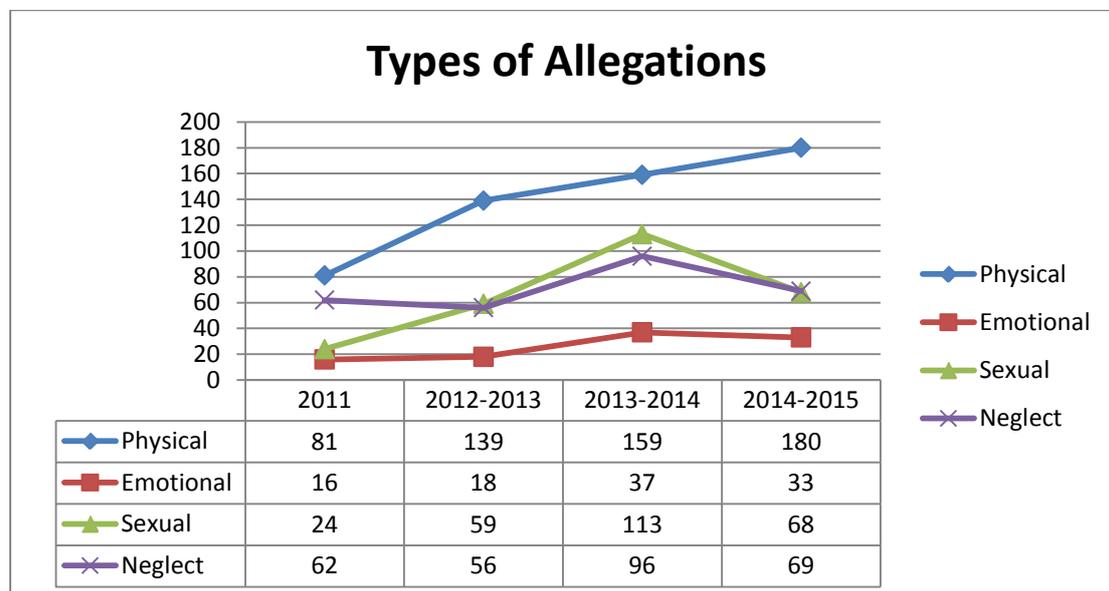
- 3.8 Referrals from Transport providers remain consistent at 3% from last year's referral rate.

- 3.9 One of the priority areas for agencies is to address the increase in child sexual exploitation (CSE) related cases. Of particular concern is the number of taxi operatives working in areas they are not licensed to operate within, with allegations not being reported to the relevant licensing authority or LADO. Following discussions with safeguarding leads for the various Somerset licensing authorities, represented by Taunton Deane, regional LADOs have been urged to secure details for individual operatives and share this with the relevant licensing authority / LADO.

Transporting Somerset, the Council's commissioners of transportation for children getting to school and home, continues to provide coach and taxi drivers' safeguarding training particularly focussing on what

constitutes appropriate and inappropriate behaviour. This should support drivers from being vulnerable to allegations whereby their conversations and / or behaviour is misconstrued by young people who are passengers in vehicles.

#### 4.0 Types of Allegations



4.1 There has been a 13% increase in allegations related to physical abuse.

#### Physical Abuse

4.2 Compared to other types of abuse the nature of physical abuse is that incidences are observable and it is clearer to witnesses that a reportable offence has taken place.

4.3 25 (14%) of the total physical abuse allegations reported related to the use of restraint. However, this figure represents a decrease since last year when 36% of physical abuse allegations related to physical restraint.

4.4 In terms of settings, a larger number of referrals involving physical restraint occurred in schools' compared to residential children's homes.

4.5. Arguably staff in schools should be better equipped in terms of having a behaviour management policy outlining de-escalate and distraction behaviour strategies to deal with challenging behaviour, and support from SLT and / or specialist staff such as behaviour support staff.

It should be noted that schools' do have legal provision to exercise 'reasonable' physical intervention in certain situations - pupils presenting a risk to themselves, to others, to prevent damage to property or where the individual's behaviour is disrupting the learning of others.

- 4.6 The appropriate use of physical intervention by staff needs to be monitored and reviewed as there may be training implications for organisations. It is important that all organisations have a clear policy in place in relation to physical intervention and that all staff are trained as appropriate.
- 4.7 There is a higher number of physical abuse allegations being reported across all settings. There continues to be a year on year increase in this type of abuse.

## **5.0 Other types of abuse**

- 5.1 In terms of the range of other forms of alleged abuse – emotional, sexual and neglect, there has been a decrease. There has been a decrease in reported allegations of a sexual nature and neglect.

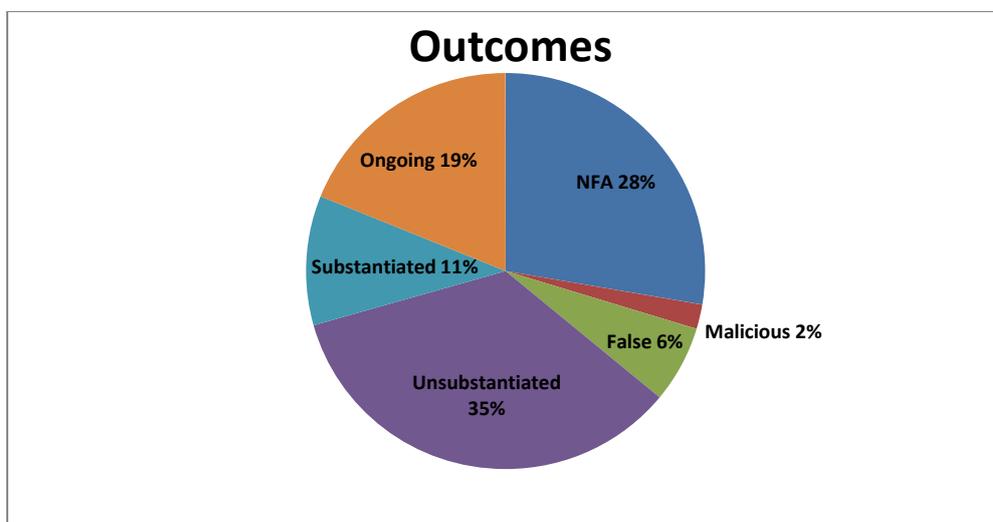
## **6.0 Actions undertaken**

- 6.1 97 cases (28%) referred to the LADO were deemed not to meet the criteria for triggering the managing allegations process.
- 6.2 In 44 cases (12%) a strategy discussion / meeting led to child protection enquiries being undertaken (section 47 of the Children Act 1989).
- 6.3 23 (6.5%) referrals resulted in consultation with the Police to determine the need for a criminal investigation to be 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 by the employer for investigation.
- 6.4 In 23 cases (7%) a formal disciplinary investigation was undertaken by the employing organisation with 5 cases leading to a decision to dismiss.
- 6.5 In total 19 staff members were suspended by their employers while investigations were on-going.

The South West Child Protection Procedures state that suspension should not be automatic although some employers will defer to their own disciplinary procedure that supports a decision to suspend when allegations of a safeguarding nature are made against staff. Normally suspension occurs where it is considered that children are: at risk of suffering significant harm; the allegation warrants a police investigation; the allegation is so serious that it might be grounds for dismissal.

In 11 cases alternative working arrangements were agreed, such as a change of work base or role while the investigation was being undertaken.

## 7.0 Outcomes



- 7.1 97 referrals (28%) resulted in **no further action** after initial assessment.

This was because the referral did not meet the allegations management threshold.

The new system of all referrals, including LADO related referrals, being processed via Somerset Direct ensures a first point of contact to assess children at risk of significant harm. All LADO referrals not meeting this threshold are immediately transferred to the LADO.

Organisations are encouraged to refer cases to the LADO for consultation including those cases where there is uncertainty that the criteria is met so that any patterns of concerning behaviour by an adult can be picked up at an early stage.

Additionally, it remains important for an Allegations Reporting Form (ARF) to be received by the LADO as this serves as an official record of such consultations. The importance of recording advice and guidance is highlighted in the serious case review report (East Sussex Safeguarding Children Board - Child G – A Serious Case Review) which states, the LADO is “personally and professionally responsible for ensuring that consultations are conducted and recorded appropriately” (Harrington, K, 2013, pp15-16).

- 6.2 66 (19%) allegations remained open after March 31<sup>st</sup> 2015 with outcomes yet to be confirmed. There are a variety of reasons for the duration of cases lasting up until and in excess of 12 months. In longer term cases it is usually due to the length of time police investigations take to progress and to be concluded.

Often the delay can be due to the length of time that the Police have to wait for a charging decision from CPS. This can cause considerable stress to all parties involved, including the employing organisation who

are likely to have a member of staff suspended on full pay during this period.

It is important to note that many cases that involve a criminal investigation can take longer than a year to complete.

Most organisations deal with allegations in a timely way once a police investigation has ended.

- 6.3 There were 22 (6%) allegations with an outcome of '**False**' reflecting a decrease in such cases from last year. For a case to have this outcome there must be sufficient evidence to disprove the allegation.
- 6.4 Very few allegations were deemed to be '**malicious**' – 7 cases (2%). 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.
- 6.5 121 (35%) allegations were **unsubstantiated**; this means that it was not possible to prove or disprove the allegation.

For instance, in many cases there are insufficient witnesses, other than the alleged victim, and often in circumstances where the allegation is denied by the employee / volunteer.

Such cases frequently 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, sometimes extended to the entire staff group, or policy changes for the organisation.

- 6.6 37 (11%) allegations were **substantiated** with one case resulting in a *criminal conviction*. Substantiated allegations include one or more of the following outcomes:
  - In 5 cases the staff members were *dismissed*.
  - In 2 cases the individual was either employed through an agency or providing services on a self-employed basis and their work with the organisation *ceased*.
  - In 5 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 1 case a referral was made to the relevant *Regulatory Body*.
  - 2 cases resulted in a formal *written warning* being issued.
  - 47 cases resulted in *management guidance* being provided to the individuals concerned.
  - 19 cases resulted in *training* for staff members although this figure will include unsubstantiated allegations.

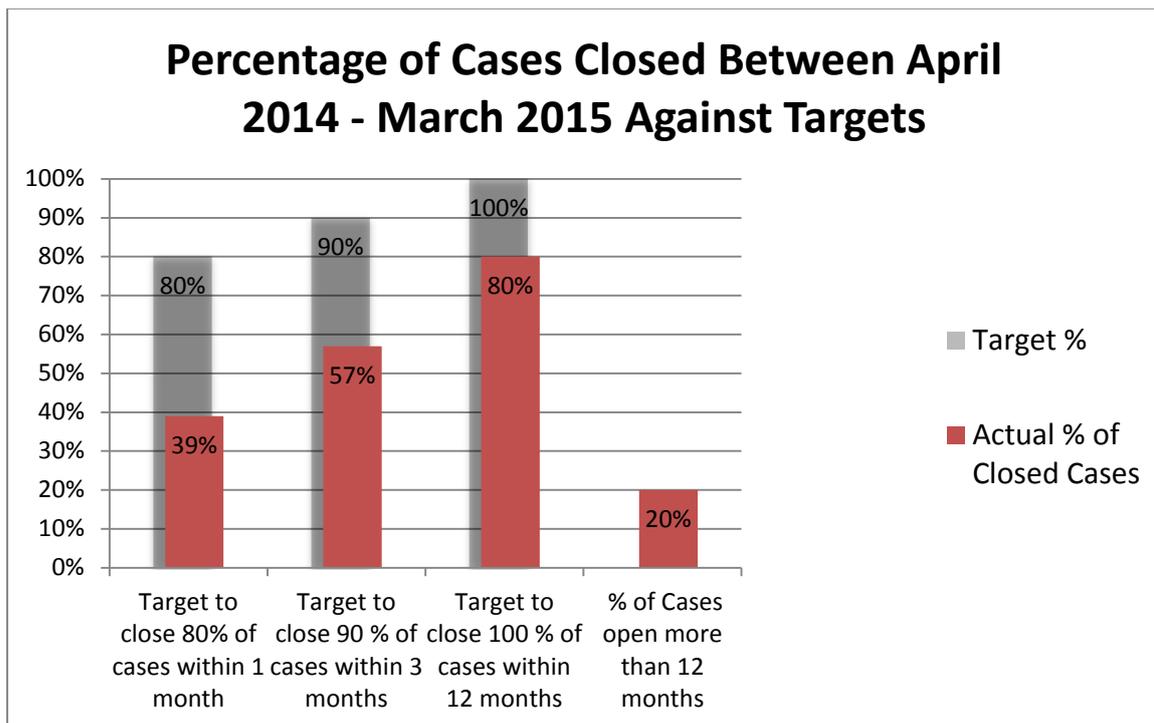
- 6.7 4 staff members *resigned* during the process of an allegation being investigated. According to the procedures in all these cases the organisations concerned concluded their investigation.
- The outcome in 2 cases was that the allegation was substantiated.
  - The outcome in 2 cases was that the allegation was unsubstantiated.
- 6.8 In criminal cases only one case led to a conviction. There were no cases where there was an acquittal.
- 6.9 There were no cases involving Foster Carers that led to the Foster Care Panel de-registering the carer. In these cases on-going support including training was offered.

#### **7.0. LADO activity during the year**

- Following a lengthy period of interim cover arrangements for the LADO role a permanent appointment was made in June.
- During the course of the year contact has been made with agencies with low referral rates, to promote the procedure for managing allegations against people who work with children.
- There has been on-going dialogue with HR providers to academies and independent schools to assist them in their familiarisation and understanding of the managing allegations procedure.
- There has been liaison with Transporting Somerset to review the content of training to contracted operators.
- There has been on-going networking with the regional South West LADO group. This group has developed to ensure that practice and processes between South West LADOs are consistent in complying with statutory guidance and the South West Child Protection Procedures ([www.swcpp.org.uk](http://www.swcpp.org.uk)). Additionally, the forum is used to share information, best practice and lessons learnt from each other's professional experiences. This can identify training needs and enables the review, and appropriate challenge, to policy development at a local and national level.
- The managing allegations process is compliant with DfE expectations in terms of there being a single point of contact for all referrals to ensure the safety of children is determined at the earliest stage. The LADO is now involved with the Multi-agency Safeguarding Hub (MASH) process.
- The LADO continues to contribute to LSCB training to promote the managing allegations procedure.
- There has been liaison with a safeguarding representative of the licensing authorities for taxi drivers to agree a protocol to identify drivers potentially involved in CSE.

- The LADO regularly attends the Independent Providers Group to improve relationships with this sector and ensure the promotion of the managing allegations procedure, and to receive and act on any emerging issues.
- When an allegation is made it is in everyone’s interest to resolve the issue as quickly as possible consistent with a fair and thorough investigation. To this end, a key aspect to the role of LADO is to be involved in the management and oversight of cases being dealt with by agencies and organisations to ensure avoidance of unnecessary delays. The following target timescales have been set to measure the effectiveness of closing cases expeditiously:
  - a. 80% of cases to be resolved within **one** month.
  - b. 90% to be resolved within **three** months.
  - c. All but the most exceptional cases to be closed within **twelve** months.

The following graph illustrates the challenge to meet these target timescales.



It is anticipated that with the continuity of one person in the role, the appointment of additional support and the involvement of the LADO in MASH this will enable a better performance in meeting these self-imposed targets.

## 8.0 RECOMMENDATIONS

- This is due to be advertised and with an anticipated appointment and commencement in the role by the end of the year.
- To liaise and work with agencies / organisations where referrals have not been received to ensure familiarity and understanding of the managing allegations procedure.
- To reinstate quarterly meetings with key safeguarding advisors e.g. Safeguarding Advisors – Early Years / Schools and Health, to enable a forum for feedback on the system and process for managing allegations, and to enable sharing of best practice.
- To be involved with and support the work of the Child Sexual Exploitation Sub Group as a member.

Anthony Goble  
Local Authority Designated Officer  
September 2015

**NB: The raw data this report is based on can be made available to any board member on request.**