

# Local Authority Designated Officer Annual Report

April 2015 to March 2016

SOMERSET



County Council



## Table of Contents

|     |   |    |
|-----|---|----|
| 1   | Executive Summary .....                             | 3  |
| 2   | Introduction .....                                  | 4  |
| 2.1 | Guidance for LADO .....                             | 4  |
| 2.2 | Role of the LADO.....                               | 5  |
| 2.3 | Role of Employers .....                             | 5  |
| 2.4 | Role of Police.....                                 | 5  |
| 3   | Number of Allegations .....                         | 6  |
| 3.1 | LADO Notifications 2015 – 2016 .....                | 6  |
| 4   | Referrals .....                                     | 7  |
| 4.1 | Emerging themes & patterns from Notifications ..... | 8  |
| 4.2 | Referrals by Organisation Type .....                | 9  |
| 4.3 | Highest Referring sector .....                      | 10 |
| 4.4 | Independent Schools .....                           | 10 |
| 4.5 | Second Highest Referring Sector .....               | 10 |
| 4.6 | Referral Constants.....                             | 10 |
| 5   | Types of Allegations .....                          | 11 |
| 5.1 | Highest Type of Allegation.....                     | 11 |
| 5.2 | Focus on Physical Abuse .....                       | 11 |
| 5.3 | Dealing with Challenging Behaviour.....             | 12 |
| 5.4 | Legislative Powers.....                             | 12 |
| 5.5 | Use of Physical Intervention .....                  | 12 |
| 5.6 | Other Types of Abuse.....                           | 13 |
| 6   | Actions undertaken .....                            | 13 |
| 6.1 | Number of Allegations Not Meeting Criteria .....    | 13 |
| 6.2 | Consultation with Police and Employers .....        | 13 |
| 6.3 | Suspension .....                                    | 13 |
| 7   | Outcomes of Allegations .....                       | 14 |
| 7.1 | Breakdown of Outcome .....                          | 14 |
| 7.2 | DfE Definitions .....                               | 14 |
| 7.3 | Current Open Allegations .....                      | 15 |
| 7.4 | Systems of Referring .....                          | 15 |
| 7.5 | Results from Allegations .....                      | 16 |
| 7.6 | Additional Statistics.....                          | 16 |
| 8   | Recommendations from 2014 - 2015.....               | 16 |
| 8.1 | Permanent Appointments .....                        | 16 |
| 8.2 | Allegation Procedures.....                          | 17 |
| 8.3 | Introduction of Safeguarding Advisory Group .....   | 17 |
| 9   | Other LADO activity during the year .....           | 17 |
| 10  | Emerging Themes .....                               | 19 |
| 11  | Action Plan for 2016 & 2017 .....                   | 20 |

## 1 Executive Summary

### *What was done?*

There were 353 (350 in 2014/15) notifications of allegations during 2015 / 16 that required oversight of. These consisted of:

- 194 allegations of physical abuse (55% of all allegations)
- 72 allegations of sexual abuse (20% of all allegations)
- 61 allegations of neglect / inappropriate behaviour (17% of all allegations)
- 26 allegations of emotional abuse (7% of all allegations).

Each case is managed and overseen by the Designated Officer and in the majority of cases this is managed in conjunction with Children's Social Care and the Police.

There has been continuous promotion of the managing allegations procedures to ensure agencies and organisations are familiar with the local child protection procedures that require the notification to the LADO of concerns about those working with children within one working day.

### *How well it was done?*

All of the actions set in 2014 /15 have been completed. This includes:

- Appointment of a LADO Assistant to increase capacity to deal with the number of notifications.
- Liaison with agencies / organisations to promote the managing allegations procedure.
- Reinstatement of meetings for safeguarding advisors to improve sharing of information and best practice.
- Participation and contribution to the work of the Child Sexual Exploitation sub group.

### *What difference has been made?*

The process of managing allegations has improved with all notifications reported to a single point of contact (Somerset Direct) ensuring allegations against people who work with children are not dealt with in isolation and that the welfare needs of children are prioritised and co-ordinated.

This process is designed to achieve a quick and timely response to notifications received ensuring the child's needs are central to decision making and actions taken.

The response time to deal with notifications of allegations has improved as a result of increased capacity. Further capacity has been created through back-up support being provided by the Service Managers – Independent Safeguarding & Review.

Positive feedback from stakeholders evidences the importance of dealing with allegations expeditiously, and the service has set self-imposed timescales to close individual cases. These targets ensure that there is robustness in the system with the service prioritising the following up of activities and tasks with the aim to progress and rapidly conclude cases.

### *Evidence of impact and effectiveness*

- Individual cases are being managed and resolved in a timely fashion with an improvement in meeting timescale targets.
- The increase in capacity not only improves response times to overseeing cases but has contributed to the recording of a greater quantity and higher quality of data in relation to the wider childrens workforce ensuring improved risk assessment of individuals and how they are managed.
- The LADO's involvement with other multi-agency and multi-disciplinary partners – MASH, CSE, Safeguarding Advisers, supports the development of a co-ordinated response to allegations against people in the wider childrens workforce.

## **2 Introduction**

### **2.1 Guidance for LADO**

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 that the co-ordination of any actions to address 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.proceduresonline.com/swcpp/somerset/p\\_alleg\\_against\\_staff.html](http://www.proceduresonline.com/swcpp/somerset/p_alleg_against_staff.html)

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.

## **2.2 Role of the LADO**

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.

## **2.3 Role of Employers**

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.

## **2.4 Role of Police**

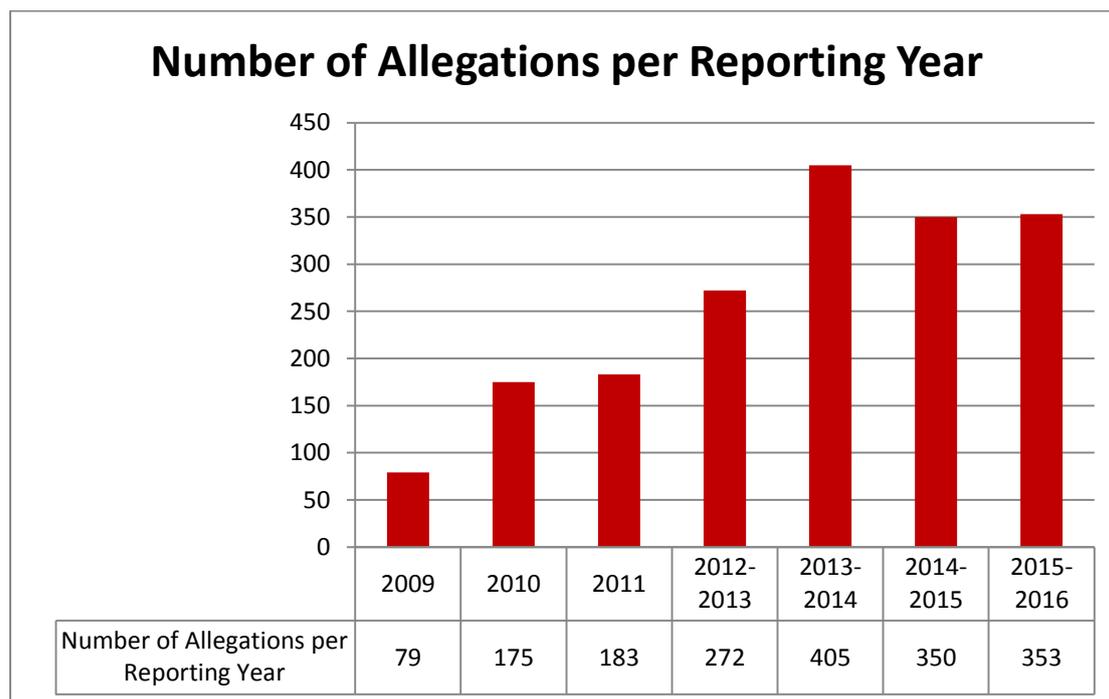
The role of the Police is to:-

- Appoint a senior officer to have strategic oversight of the local police arrangements for managing allegations against staff and volunteers;
- Liaise with the Local Safeguarding Children Board 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 notifications received to determine if there is a role for the Police;
- A review on the progress of cases in which there is a police investigation;
- Sharing information on operational cases as appropriate including confirmation of the outcomes upon completion of investigations or related prosecutions.

### 3 Number of Allegations

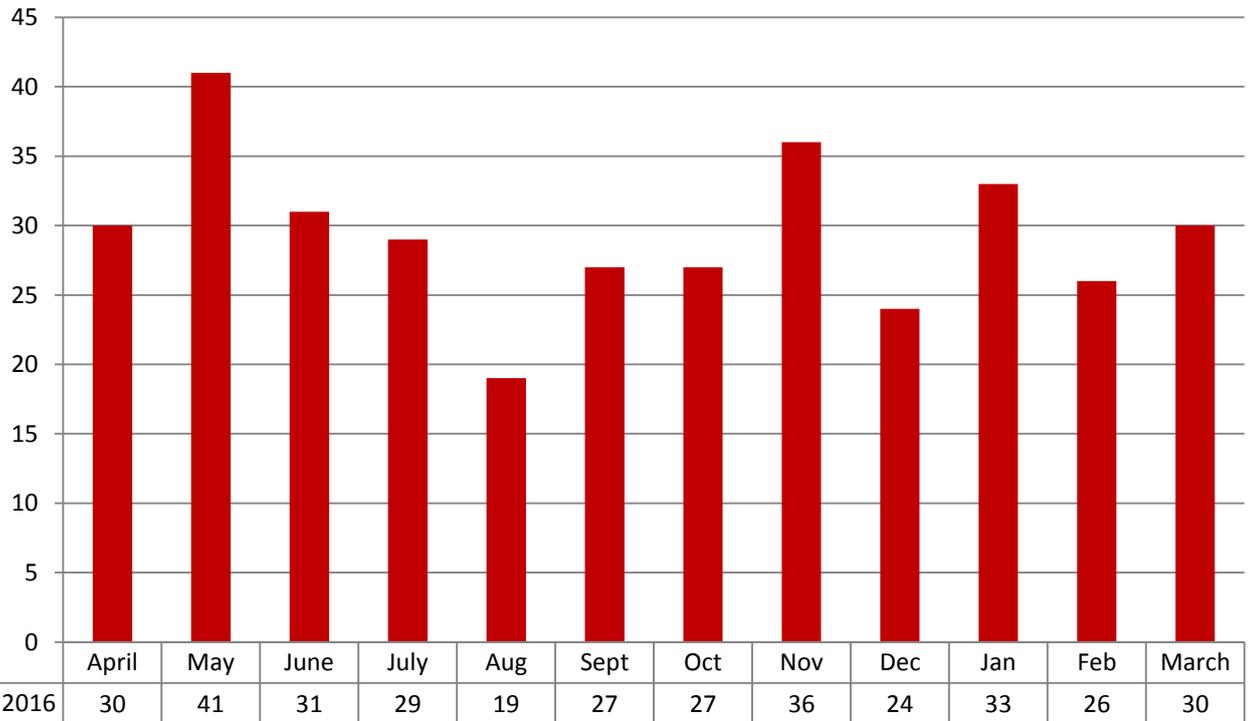


#### 3.1 LADO Notifications 2015 – 2016

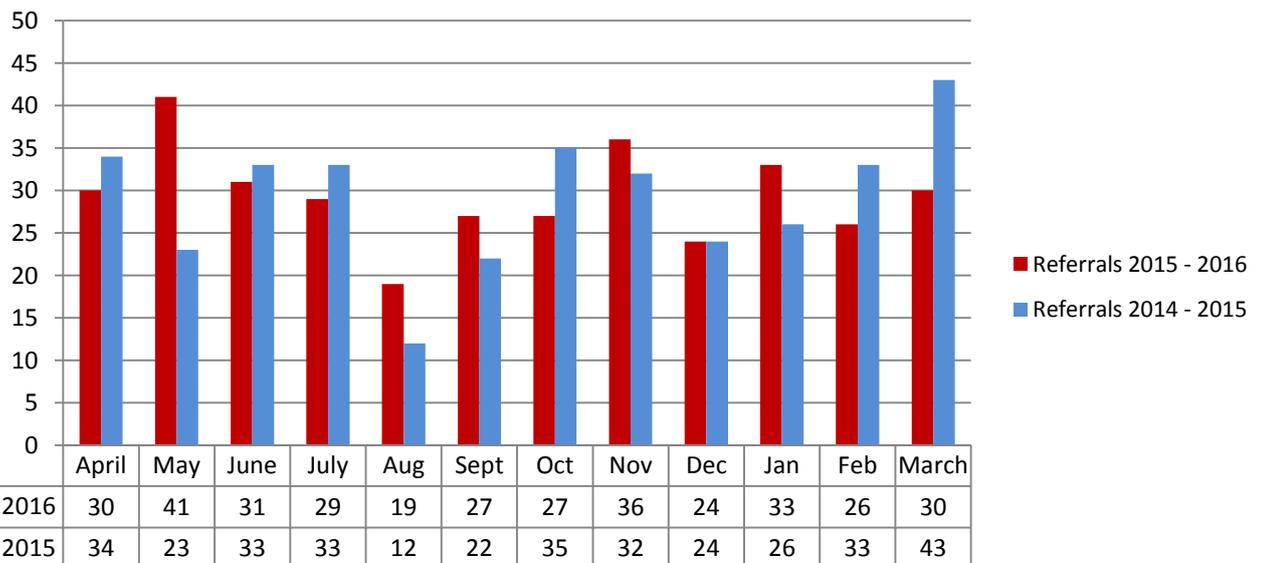
The Somerset Local Authority Designated Officer (LADO) was notified of 353 allegations during this reporting period. This means that the LADO dealt with 3 more allegations than in the previous reporting year. This represents approximately a 1% increase in notifications from the last reporting year.

## 4 Referrals

### Referrals April 2015 - March 2016



### Comparison of Referrals made from April 2014 - March 2016

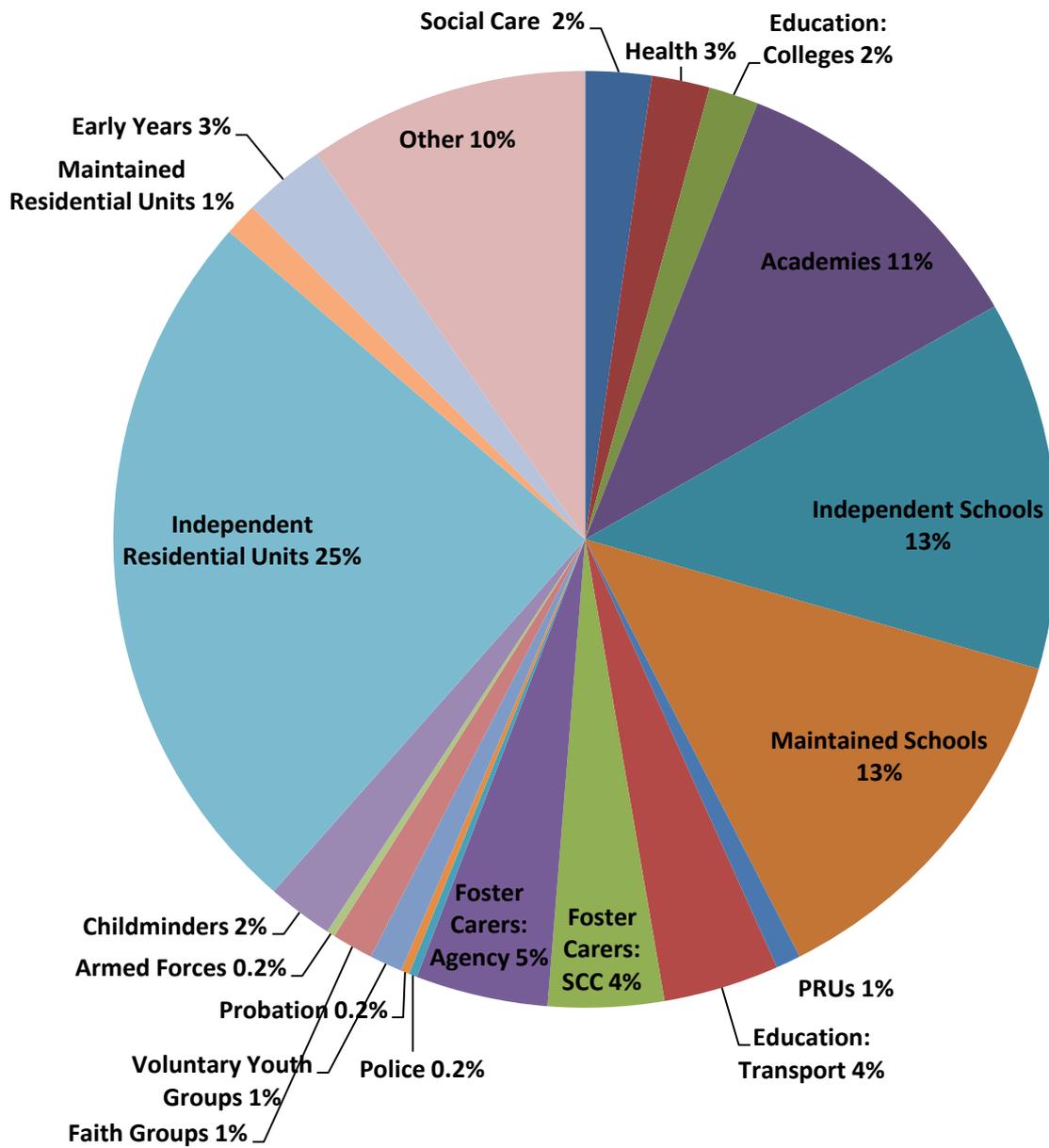


## **4.1 Emerging themes & patterns from Notifications**

- 4.1 1 Notifications are generally lower in months when there are school holidays e.g. Easter and summer. This can be evidenced by the large number received in May, following the Easter break, and the steady rise in notifications during the autumn months following the summer holiday.
- 4.1 2 Referrals peaked in May (2015) and November (2015) in contrast to the previous reporting year where the highest number of notifications were received in October (2014) and March (2015).
- 4.1 3 The large number of cases involving physical abuse particularly where children have been restrained requires examination in order to determine how organisations can be further supported to reduce the need for physical intervention.
- 4.1 4 The local child protection procedure requires organisations to notify the LADO of an allegation that potentially meets the criteria to trigger the managing allegations procedure within one working day. Many notifications do not note when the allegation was first reported within the organisation and are not recorded on the Allegations Reporting Form (ARF), or if noted do not meet the timescale.
- 4.1 5 Cases exceeding the timescales set are invariably linked to on-going criminal proceedings. There is inconsistency in officers in charge of cases to update the LADO. Further development work is required to improve the communication of on-going cases between the Police and the LADO. The statutory responsibilities of the of the LADO is not familiar to many officers.
- 4.1 6 In addition to the timeliness of cases being closed is the quality of decision-making to reach this outcome. Developing an auditing process to examine a sample of cases will ensure consistency and quality of decision making to close cases.
- 4.1 7 Increased LADO capacity has enabled the development of robust recording and the analysis of captured data including identifying cases involving child sexual exploitation. Further work is needed to develop a business process and regular in-depth analysis of data particular with an emphasis on those cases involving sexual exploitation.
- 4.1 8 The MASH meetings are not addressing those cases involving an adult who is a potential risk to children where there is no named child and where there may be children within the individual's family.

## 4.2 Referrals by Organisation Type

### Referrals by Organisation



### **4.3 Highest Referring sector**

The largest number of notifications received from the Education sector – including Early Years provision, was 43% (45% - 2014/15).

The amount of time children spend in education settings each day would explain the higher rate of notifications. Also, reporting is higher in this sector compared to others due to education statutory guidance having existed for some years. This has enabled more staff to be familiar with the managing allegations procedure and the expectations to report any concerns about inappropriate behaviour of colleagues.

The move to a more robust safeguarding culture in schools and early year's settings, following the Soham Public Inquiry and learning from various serious case reviews, has been supported by training for managers / Headteachers / Designated Safeguarding Leads (DSL) to develop confidence in understanding the threshold to make notifications to the LADO.

### **4.4 Independent Schools**

Notification from independent schools (13%) has increased from the 9% reported last year. This equates to the same number of notifications from maintained schools. This demonstrates that fee paying schools are becoming more familiar with the managing allegations process and indicates that there is evidence of a real focus on child safety ameliorating any criticism that such schools place more emphasis on protecting the reputation of the school.

### **4.5 Second Highest Referring Sector**

The next largest sector for making notifications is the residential sector which made up 26% of the total reported (20% - 2014/15).

This increase could be for a number of reasons:

- The challenging behaviour of children resulting from their needs.
- The potential issue of mismatched placements where decisions are taken to place a child in a home without thorough evaluation of its ability to meet that child's needs.
- The pressure from Ofsted for all incidents of actual or potential inappropriate behaviour by staff to be notified to the LADO.
- Feedback from registered managers suggesting a greater confidence in the LADO service whereby they are quick to seek advice, guidance and support.

### **4.6 Referral Constants**

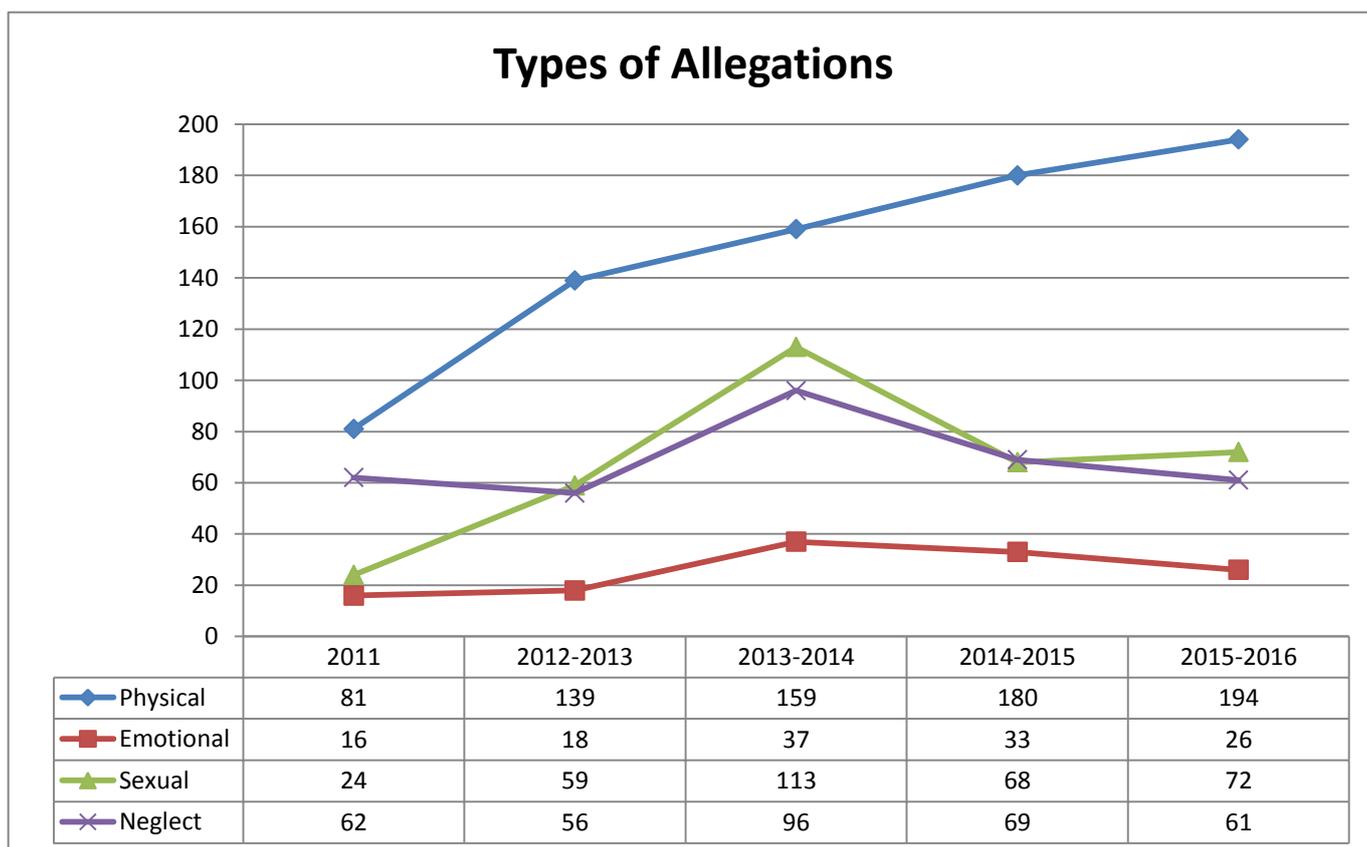
Referrals from Transport providers e.g. coach & taxi drivers, remain consistent at 4% of the total notifications received.

Transporting Somerset, the Council's commissioners of transportation for children travelling to and from school and home, continues to provide coach and taxi drivers' safeguarding training which includes an element of

safe working practice to differentiate between appropriate and inappropriate behaviour.

Such training supports drivers from being vulnerable to unwarranted allegations such as conversations and / or behaviour being misconstrued by young people who are passengers in vehicles.

## 5 Types of Allegations



### 5.1 Highest Type of Allegation

There has been a year on year increase in the number of notifications relating to physical abuse with an approximate 8% increase in allegations of physical abuse from last year.

### 5.2 Focus on Physical Abuse

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.

26 (13%) of the total physical abuse allegations reported related to the use of restraint, which is consistent with last year's figure of 14%.

In terms of settings, there were 11 incidences of restraint in schools / FE College, 13 incidences within residential children's homes and 2 incidences involving foster carers.

### **5.3 Dealing with Challenging Behaviour**

Arguably staff in schools are better equipped to deal with challenging behaviour given the number of relevant policies e.g. physical intervention / positive handling, behaviour management policy; which outlines de-escalate and distraction behaviour strategies to deal with such behaviour. Additionally, school-based staff will have greater resource to call upon when faced with challenging behaviour. This includes onsite support from management and / or specialist staff such as behaviour support staff.

It should be noted that schools' work within a legislative framework whereby the Headteacher can delegate the authority for staff 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.

### **5.4 Legislative Powers**

Similar legislative powers does not exist for staff working in residential homes and yet at times the challenging behaviour of children in placement can mean they place themselves and others at risk of harm.

Given the emotional needs of children looked after it is a significant issue when restraint is used. It is vital that settings work positively with any young person that presents with challenging behaviour in order for physical restraint, and the trauma associated with restraint, to be a rarity and to never become the norm.

Where restraint becomes commonplace there is a danger that this in turn supports a culture of thinking amongst staff that somehow the young people in placement bring restraint situations upon themselves due to their negative attitudes. To avoid such a culture growing it requires professionals working with young people taking the time to analyse the underlying causal reasons that led to a restraint situation as this could indicate unmet needs for the young person.

### **5.5 Use of Physical Intervention**

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 staffs are trained as appropriate. Operating within this framework serves to protect both children and staff.

## **5.6 Other Types of Abuse**

In terms of the range of other forms of alleged abuse (emotional, neglect, inappropriate behaviour) there has been a decrease, with a small increase in reported sexual abuse allegations.

## **6 Actions undertaken**

### **6.1 Number of Allegations Not Meeting Criteria**

89 (25%) of notifications to the LADO were deemed not to meet the criteria for triggering the managing allegations process and appropriate advice was provided.

### **6.2 Consultation with Police and Employers**

Although there have been numerous strategy discussions in only 2 cases was the outcome that child protection enquiries (section 47, Children Act 1989) needed to be undertaken.

Consultation with the Police in relation to most notifications takes place in order to determine the need for a criminal investigation to be undertaken.

For those cases where the criminal threshold is not met the LADO advises the employer on the need to consider an internal investigation being undertaken. This led to:

- 20 cases (6%) resulting in formal disciplinary action being determined by the employing organisation.
  - 6 cases of disciplinary hearings led to a decision to issue formal written warnings to the respective employees.

Also, decisions ranging from providing management advice to refresher training were taken.

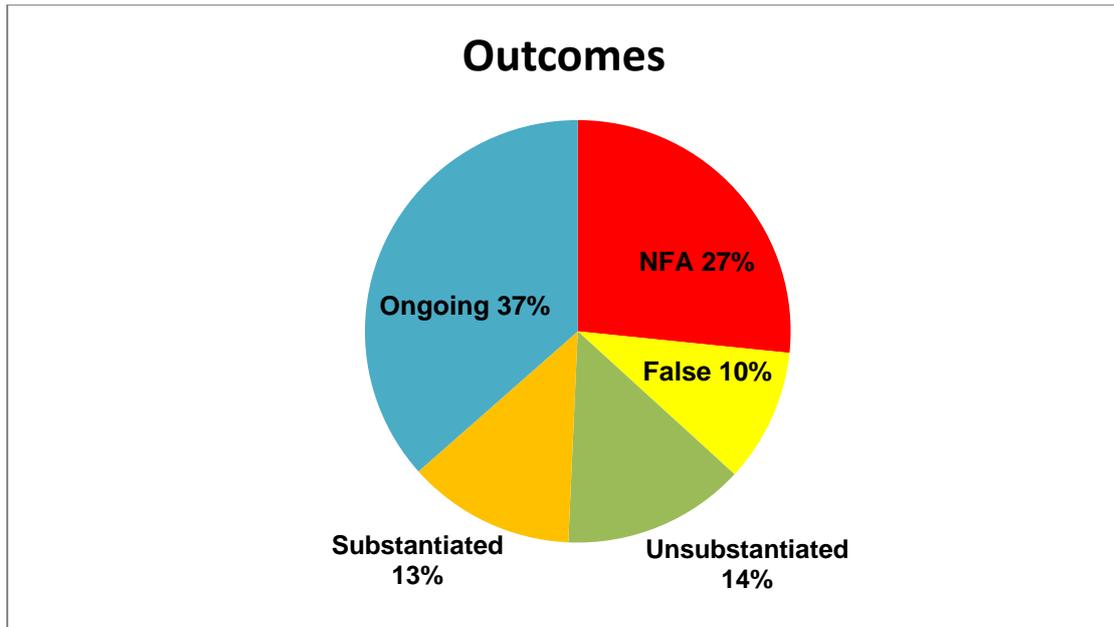
### **6.3 Suspension**

The South West Child Protection Procedures state that suspension should not be automatic. For many employers however, they will defer to their own disciplinary policy that states that a decision to suspend should be taken when allegations of a safeguarding nature are made against staff.

Normally a decision to suspend an employee will occur when it is considered that an allegation warrants a police investigation and that the allegation is deemed so serious that there is the possibility for grounds for dismissal of the individual.

- In total 13 staff members were suspended by their employers while investigations were on-going.
- In 10 cases, rather than to suspend the member of staff alternative working arrangements were agreed. This included a change of work base or role while the investigation was being undertaken.

## 7 Outcomes of Allegations



### 7.1 Breakdown of Outcome

- 94 notifications (27%) resulted in **no further action** after initial assessment.
  - This was because the referral did not meet the allegations management threshold, and in 5 cases the incident occurred outside of the county and therefore became the responsibility of another authority and duly transferred.

### 7.2 DfE Definitions

The following DfE definitions are used when determining the outcome of cases:

- **Substantiated:** there is sufficient evidence to prove the allegation (45 [13%] of cases);
- **Unsubstantiated:** there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence (49 [14%] of cases);
- **False:** there is sufficient evidence to disprove the allegation (36 [10%] of cases);

- **Malicious:** there is sufficient evidence to disprove the allegation and there is a deliberate act to deceive (no cases had this recorded outcome).

No cases were deemed to be 'malicious'. Normally in such cases advice can be given to the employer regarding possible internal action, included police involvement, against the young person.

### 7.3 Current Open Allegations

131 (37%) allegations remained open – ongoing, 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 Crown Prosecution Service. 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.

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

### 7.4 Systems of Referring

The system of all referrals, including LADO notifications, being processed via Somerset Direct ensures a first point of contact to assess whether the threshold for Children Social Care involvement is met.

Organisations are encouraged to complete an **Allegations Reporting Form (ARF)** in order to seek advice, guidance and support from the LADO Service. This includes those organisations seeking clarity as to whether or not the alleged incident meets the criteria to trigger the managing allegations procedure. Such notifications are invaluable as it enables the cross referencing of names and the ability to detect any emerging patterns of concerning behaviour by an adult at an early stage or the involvement of a child in previous notifications.

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).

## 7.5 Results from Allegations

Of the 45 (13%) allegations that were **substantiated** only 1 case resulted in a *criminal conviction*. Substantiated allegations include one or more of the following outcomes:

- 37 cases resulted in *management guidance* being provided to the individuals concerned.
- 19 cases resulted in *training* for staff members. This figure also includes training being provided to the individual despite an unsubstantiated outcome.
- In 10 of these cases a referral was made to the *Disclosure and Barring Service* (DBS) for a decision to be made about whether the individual should be barred or restricted from working with children and young people in the future. Current legislation prevents the DBS from informing the local authority what decision it takes on referrals made.
- In 7 cases the staff members involved were *dismissed*.
- 6 cases resulted in a formal *written warning* being issued to the staff member concerned.
- In 5 cases the individuals were either employed through an agency or providing services on a self-employed basis and their work with the organisation was *ceased*.
- In 2 cases a referral was made to the relevant *Regulatory Body*.

## 7.6 Additional Statistics

4 staff members *resigned* during the process of an allegation being investigated (still counted in Outcomes (Page 11, Section 6.0)). As required by the south west child protection procedures all these cases were still investigated by the respective organisations concerned in order to reach a conclusion:

- The outcome in all 4 cases was that the allegation was substantiated.
- In two of the four cases a decision to dismiss would have been taken had the individual not resigned, with a referral to the Disclosure & Barring Service in both cases.

In only one case involving Foster Carers did it lead to the Foster Care Panel de-registering the carer. In other cases on-going support including training was offered.

## 8 Recommendations from 2014 - 2015

### 8.1 Permanent Appointments

Following a lengthy period of interim cover arrangements for the LADO during 2014 and the early part of 2015 the role was appointed to on a permanent basis in June 2015. Additionally, a new post of LADO Assistant was

permanently appointed to in December. This additional capacity was a direct response to Ofsted's comment on the need for increase resource.

## **8.2 Allegation Procedures**

Contact has been made with numerous organisations in order to promote the managing allegations procedures. This includes the Police, where the number of notifications is significantly less than other sectors, GPs & health practises and the voluntary, independent and private sector.

## **8.3 Introduction of Safeguarding Advisory Group**

Within Somerset County Council a safeguarding advisors forum has been established and terms of reference agreed. The forum meets approximately bi-monthly for the purpose of sharing knowledge, expertise and best practise and to ensure the groups familiarly with other safeguarding roles and responsibilities within SCC.

Participants include:

- Safeguarding Advisor (Education)
- Safeguarding Advisor (Early Years)
- Assistant Transport Managers (Transporting Somerset)

Regular attendance and contribution to the work of the SSCB Child Sexual Exploitation Sub Group has also been introduced, which has allowed a greater understanding of CSE issues in Somerset and increased communication pathways.

## **9 Other LADO activity during the year**

Mentoring support has been provided on an on-going basis to the two newly appointed LADOs in Devon.

Regular liaison takes place with Human Resources professionals of organisations. Further promotional work is required given the large number of organisations the LADO service works with.

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. Additionally, the forum is used to share information, best practice and lessons learnt from each other's professional experiences as well as learning from serious case reviews. This forum enables the identification of training needs and enables the review, and appropriate challenge, to policy development at a local and national level.

The south west regional LADO group was responsible for organising the annual national LADO conference in Bristol.

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 attends the Multi-agency Safeguarding Hub (MASH) meeting on Mondays, Wednesdays and Fridays.

The LADO continues to contribute to the SSCB training programme in order to promote the managing allegations procedure through the Safer Recruitment Training delivered on behalf of the Board.

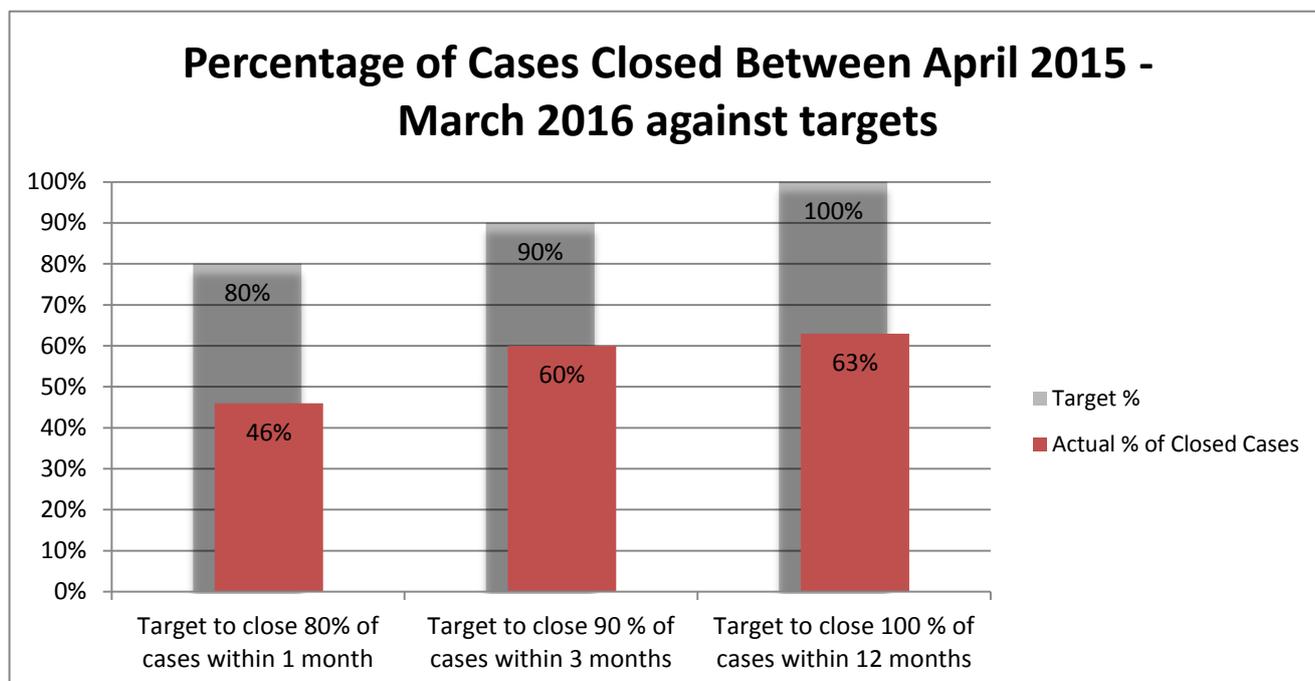
The LADO attends the Independent Providers Group to improve relationships with this sector and ensure the promotion of the managing allegations procedure, and to receive and act on any emerging issues.

The LADO has delivered presentations as part of the annual induction organised for all new Headteachers.

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:

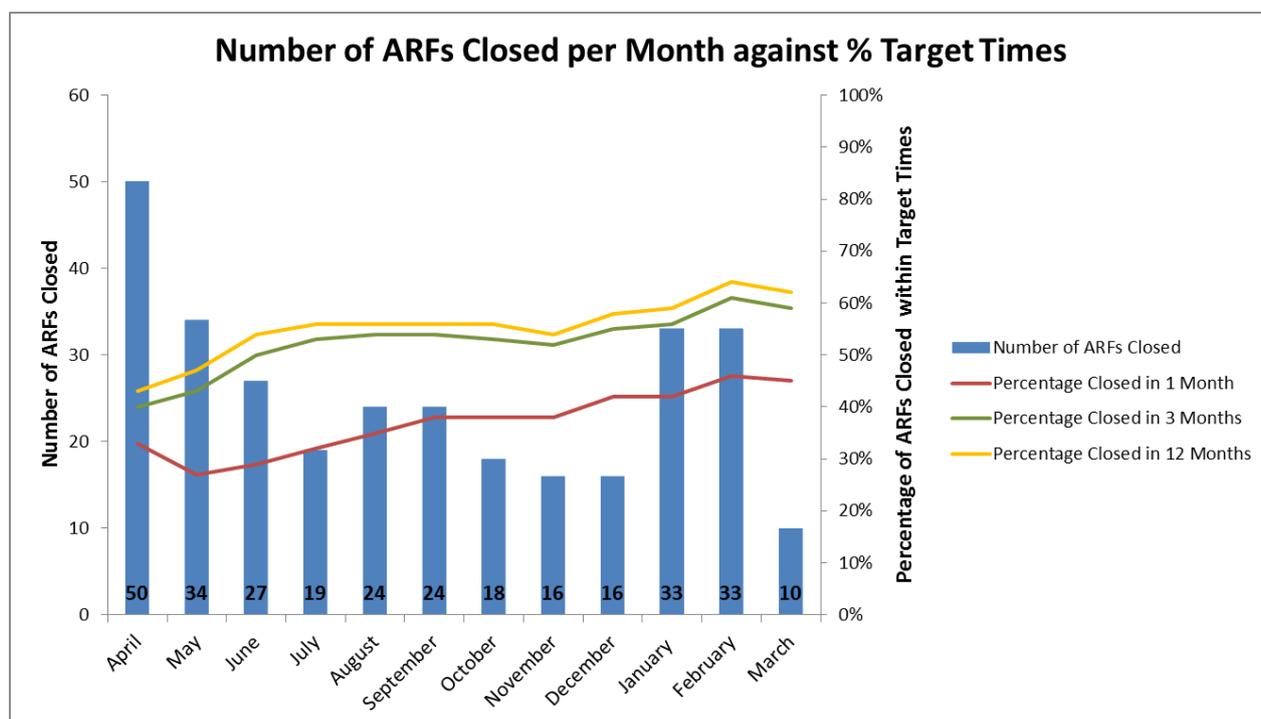
- A. 80% of cases to be resolved within **one** month.
- B. 90% to be resolved within **three** months.
- C. All but the most exceptional cases to be closed within **twelve** months.

The following graph illustrates the challenge to meet these target timescales



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

There does however continue to be an upward trend in the closure rates of cases reported as seen in the following graph.



## 10 Emerging Themes

The year on year increase in physical abuse specifically in relation to incidences of restraint indicates that organisations need to review the training provided to staff in dealing with challenging behaviour.

There is further development required in terms of the remit of MASH meetings in considering concerns about individuals who work with children where there is uncertainty as to whether there is family, and cases where there is not a named child.

On occasions criminal investigations can be unduly lengthy with inconsistency in updates being provided.

It is noted that notifications to the LADO are not made within the one working day required in the south west child protection procedures.

There is considerable time spent in recording data from notifications in order to generate statistics for the monthly and annual report. Greater efficiency in this process could be achieved by exploring the possibility of transferring this process to LCS.

The quality of decision making and outcomes of notifications should be introduced to enhance the advice, guidance and support being provided by the LADO.

## **11 Action Plan for 2016 & 2017**

From the emerging themes the following action plan has been produced.

