

Local Authority Designated Officer Annual Report

April 2019 to March 2020



SOMERSET
County Council



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1.0 Introduction

Working with statutory agencies - Children's Social Care and the police, it is the responsibility of the LADO service to manage and oversee the processes to deal with allegations of abuse against people working with children and young people in positions of trust.

The criteria to trigger any of these processes is outlined in the managing allegations procedure - refer to section 1.2.

Children have the right to be safe and to feel safe.

Occasionally children can be vulnerable to abuse or exploitation outside their families. They may experience harm as a result of these relationships including within their neighbourhood, at school or online. It can include harm caused as a result of inappropriate behaviour of individuals responsible on a regular basis for teaching, training, instructing, caring or supervising children and young people.

Contextual safeguarding is an approach to understanding, and responding to, young people's experience of significant harm beyond their families including that described above.

Alongside partner agencies the LADO service ensures people, who by virtue of their role working with children and young people, are held to account for any inappropriate behaviour that has harmed, could harm or indicates they pose a risk harm.

1.1 Statutory Guidance

The statutory guidance *Working Together to Safeguard Children...* (2018) 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* – aka 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.

NB Throughout the report where there is reference to the criteria above this will be denoted with an *

1.2 Managing Allegations Procedure

The detail of the procedure to manage allegations against people who work with children for schools is contained within the statutory guidance – '*Keeping Children Safe in Education*' (2018), Part 4.

For all other organisations the procedure falls within the South West Child Protection Procedures:

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 – failure in the duty of care to safeguard children.

This will include concerns about inappropriate relationships between staff / volunteers and children. For instance, where professional boundaries are not maintained and employees / volunteers breach policies e.g. a worker having contact online with a young person through social networking sites.

1.3 Role and Responsibilities

1.3.1 Role of the LADO (Local Authority Designated Officer)

The role of the LADO is to:

- Provide advice and guidance to employers and voluntary organisations
- Liaise with the police, children's social care and other relevant agencies;
- Monitor the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process.

1.3.2 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.

1.3.3 Role of Police

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

- Availability for strategy discussions / meetings;
- Consulting with the LADO on notifications received to determine if there is a role for the Police;
- Reviewing 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.

1.4 System for Dealing with Notifications

The system of recording and managing referrals, including LADO notifications, being processed through Somerset Direct ensures a first point of contact to determine whether the threshold for children social care involvement is met.

This process enables the managing allegations procedure to be compliant with DfE expectations in terms of there being a single point of contact for all notifications to ensure the safety of children is determined at the earliest stage.

Organisations are required to complete an **Allegations Reporting Form** (ARF) before advice, guidance and support is received from the LADO Service. A copy of the ARF can be found on the Somerset Safeguarding Children Partnership website -

<https://sscb.safeguardingsomerset.org.uk/working-with-children/allegations-management/>

Occasionally, the LADO Service will receive information other than an ARF e.g. a police incident report to share intelligence, that requires assessing and input with the organisation to determine if the criteria* to trigger the managing

allegations procedure is met. In such instances, when the decision is taken that the criteria* is not met, this piece of work will end. This is referred to in this report as 'No ARFs'.

2.0 Data and Information on Notifications - 2019 / 2020

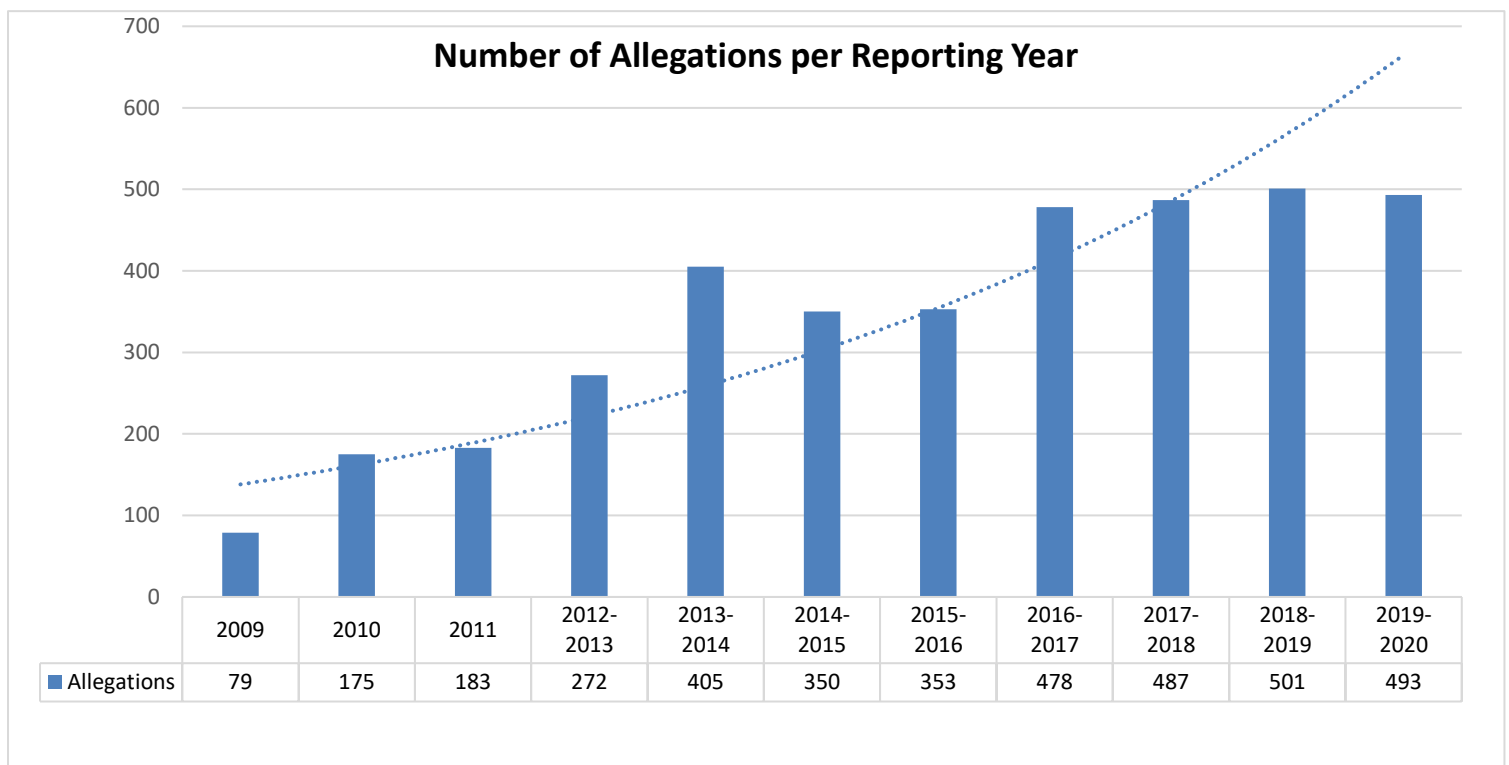
2.1 Contacts

During this reporting year a total of 526 'contacts' were made to the LADO Service. A 'contact' being defined as any information received that required an initial assessment and / or further research to determine if the issue falls under the managing allegations procedure.

Of the 526 contacts this breaks down as follows:

- ARFs received – **493**
- 'No ARFs' - **33** – consideration of all other information that indicates an adult may pose a risk of harm to children.

The ARFs received can be broken down further in terms of outcomes: -



The LADO was notified of 493 allegations during the year. This represents approximately a 2% decrease in notifications from the previous year. This can be accounted for by a significant decrease in the number of ARFs received due to the closure of schools as a result of the government restrictions in response to the coronavirus global pandemic (COVID-19).

This has a cumulative effect on the capacity of the service and is identified as an on-going issue.

The high number of notifications is often due to organisations seeking clarity as to whether or not the alleged incident meets the criteria* to trigger the managing allegations procedure. Anecdotally many of the contacts received can be attributed to the notifier lacking the confidence to determine if any of the criteria* are met and / or wishing to have an audit trail of consultation with the LADO to satisfy expectations by regulatory bodies.

The current version of the ARF enables professionals, organisations and agencies to seek advice and guidance without necessarily providing personal details of the adult or young person. This ensures compliance with data protection and human rights requirements given the reported incident may not meet the criteria* to trigger the managing allegations procedure. If after initial assessment of an ARF that seeks advice and guidance, the LADO determines the threshold is met, then personal details of both the adult and child will be sought and recorded.

All information held by the LADO Service is compliant with Data Protection Act (2018) and General Data Protection Regulations (GDPR). Information is retained in accordance with Somerset County Council's retention policy.

NB The on-going Independent Inquiry into Child Sexual Abuse (IICSA) prevents child protection data being destroyed therefore the retention policy is frozen for this period.

The collection of personal details of individuals enables the cross referencing of names to the existing database. This gives the ability to detect any emerging patterns of concerning behaviour by a named adult at an early stage, or the involvement of a child in previous notifications possibly indication their vulnerability and need for services.

Additionally, completion and return of an Allegations Reporting Form (ARF) serves as an official record of consultation between an organisation and the LADO Service.

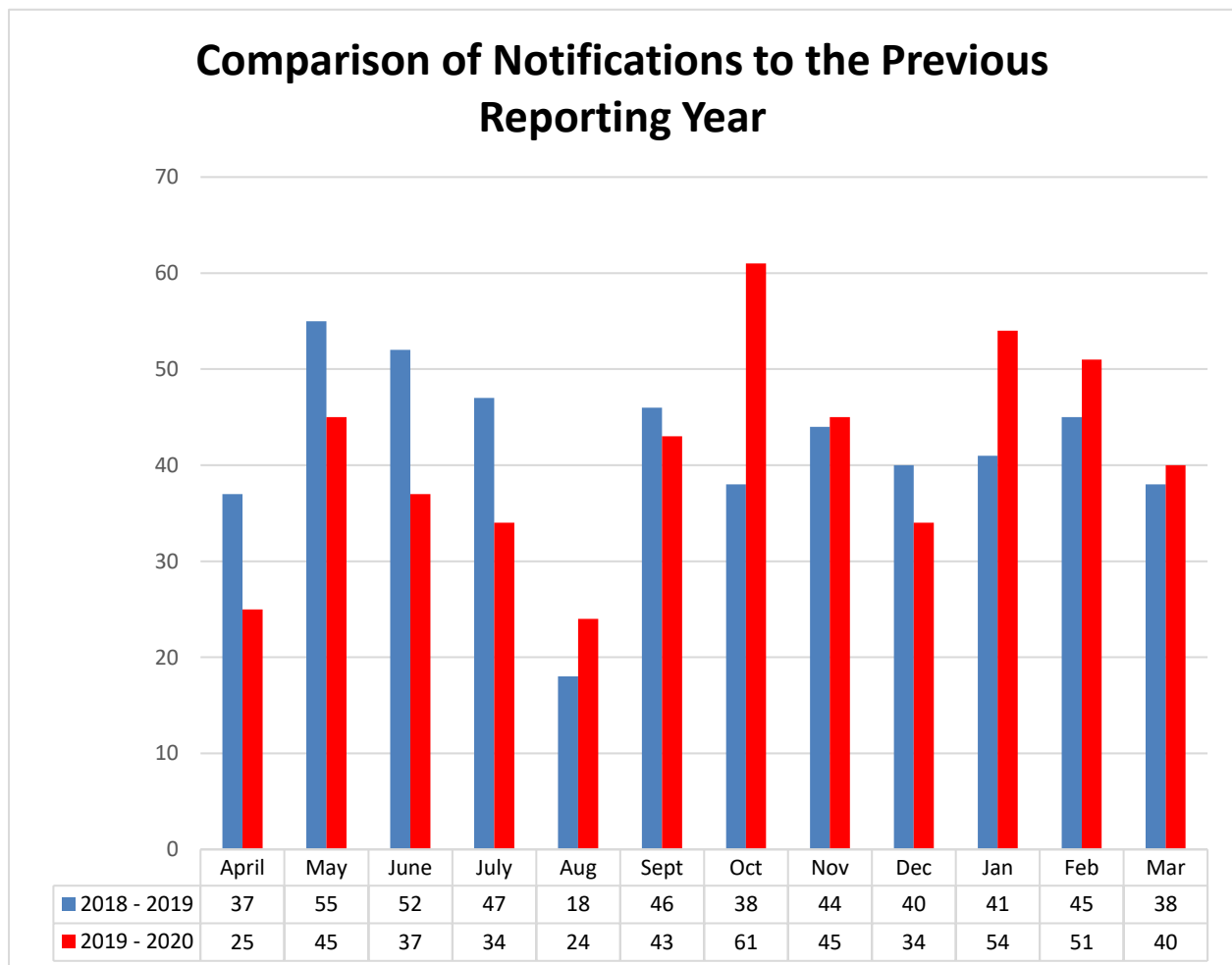
The importance of recording advice and guidance is highlighted in the serious case review report (East Sussex Safeguarding Children Board - Child G – A Serious Case Review) which states, the LADO is "*personally and professionally responsible for ensuring that consultations are conducted and recorded appropriately*" (Harrington, K, 2013, pp15-16). As a result, comprehensive case recordings are maintained for all notifications that are received.

The high number of notifications also indicates that agencies / organisations are becoming increasingly familiar with the requirement to notify the LADO when there are concerns relating to the alleged inappropriate behaviour of employees / volunteers.

To deal with this increase, an attempt has been made to deal with capacity issues through a combination of measures. This includes the following:

- A robust application of the threshold to determine if the criteria* to trigger the managing allegations procedure is met - where an organisation indicates one or more of the criteria* is met, it is contacted within one working day;
- Advice and guidance only being provided upon receipt of a completed Allegations Reporting Form (ARF) - where an organisation does not indicate on the ARF that any of criteria* is met, the organisation is contacted within 5 working days;
- The remit of all Independent Safeguarding & Reviewing Officer now includes duty cover in the LADO's absence.

2.2 Comparison of Notifications



In comparison to the previous reporting year there were 6 months in 2019 / 2020 where fewer notifications were received - April to September, with the following 6 month - October to March, being busier by comparison. The emerging pattern indicates that the autumn and winter months generate a higher number of notifications.

Anecdotally, these are months in which young people and adults alike experience significant issues. For some young people, returning to school can be stressful and not something to be looked forward to particularly as they transition from primary to secondary school. Shorter days as winter approaches affecting energy levels and resulting illnesses can also impact on their ability to cope with daily demands. Anxiety, depression and other associate mental health conditions can increase their needs which for some manifest as challenging behaviour. Similarly, adults in positions of trusts also experience extra pressures and stresses that impacts on their ability to exercise good decision-making and judgement, patience and adaptability when dealing with the needs of young people.

The multi-agency safeguarding training – '*Introduction to Child Protection*' (one day) and '*Working Together*' (two days), continues to promote the managing allegations procedure and requirement to notify the LADO when there are concerns of inappropriate behaviour relating to employees / volunteers.

Notifications peaked in October with an almost record equalling number received - 61 ARFs (63 - March 2017). There is no obvious reason for such a spike in numbers in this month and it is an anomaly. Often the number of notifications being received from education settings just prior to holidays increases.

The trend of notifications being lower in the school holidays - Easter, half-term and August holidays, continues.

The high volume of notifications in October, with the exception of December, continued until the end March. The closure of schools and other services for children and young people, as a result of the stay at home requirement under government guidelines, to deal with the spread of COVID-19, has had a significant impact on the number of notifications received.

Given that over 50% of notifications received each month are from educational settings, including nursery provision, it is likely the high numbers of notifications (50 plus per month) would have continued without the impact of COVID-19, and is likely to return to this high number when the restrictions on movement are lifted.

As in previous years, the autumn period, when schools return and the weather is inclement, tends to be reflected in a greater number of notifications being received.

There is insufficient evidence to suggest that there is an escalation in the number of professionals, working within Somerset within the wider children's workforce, who may pose a risk of harm to children. This is evidenced by the number of notifications received which did not meet the threshold to trigger the managing allegations procedure. Of the 493 notifications received 55% of cases closed did not meet the threshold.

Regardless of whether the threshold is met, each notification generates a considerable amount of work to record, assess, seek additional information and log a decision and any advice given.

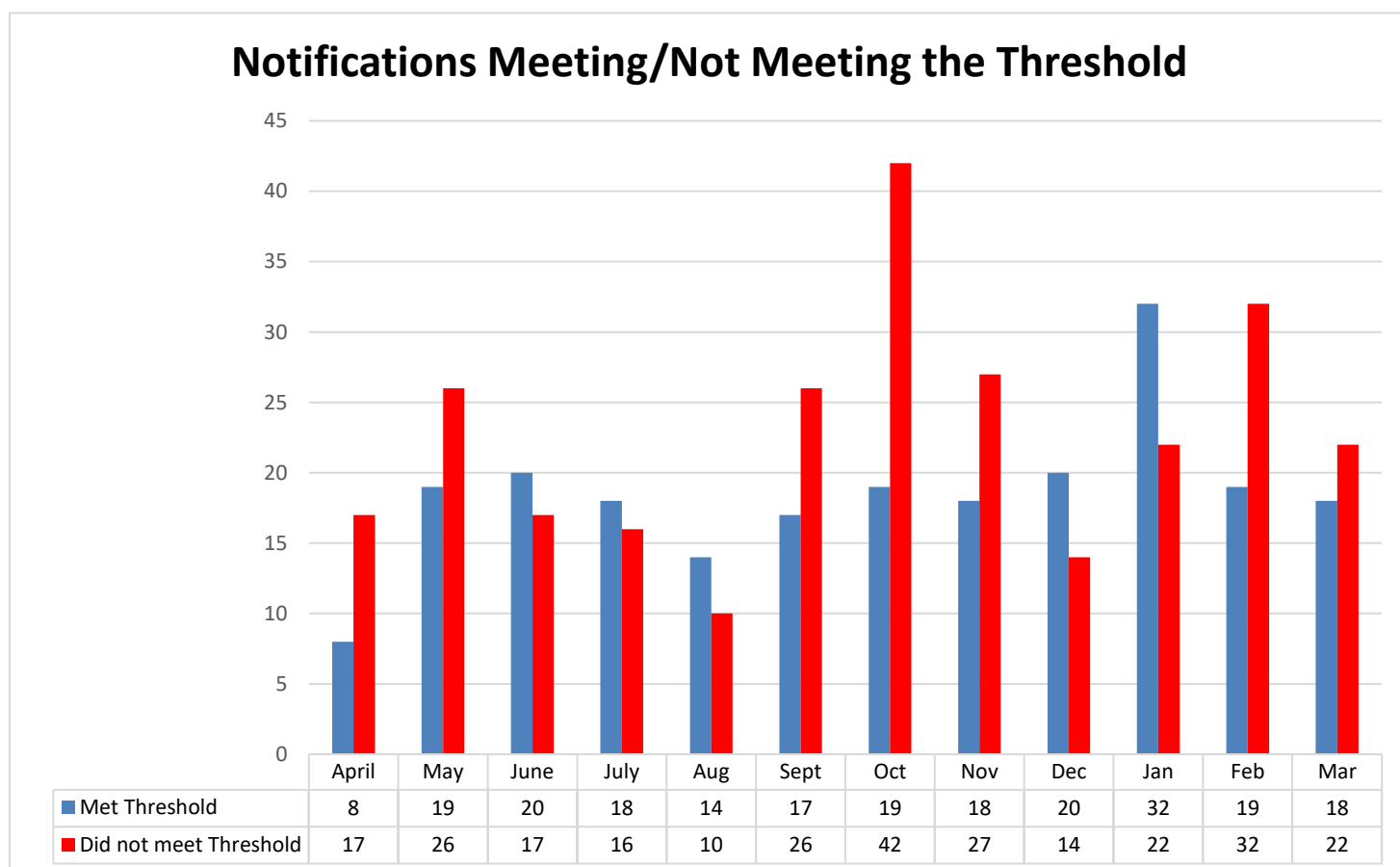
There are several reasons for the high volume of notifications not meeting the threshold.

There is considerable pressure from regulatory bodies, particularly on commercial settings e.g. residential homes, to show evidence of consultation with the LADO Service. Additionally, the criteria* to determine whether the LADO Service should be informed is very broad and open to wide interpretation. This can be combined with the degree of confidence individual employers have in terms of enough knowledge and understanding to interpret and apply the criteria* suggesting the need for to provide training courses for employers in the application of the managing allegations procedure.

Finally, the Department for Education is currently consulting on changes to the the statutory guidance for schools - 'Keeping Children Safe in Education', which suggests the addition of a fourth criteria*: '*... behaved or may have behaved in a way that indicates they may not be suitable to work with children...*' This adds another dimension to consider when determining the need to notify the LADO Service thereby potentially resulting in a further increase in notifications.

For the above reasons there continues to be pressure on the current resources within the LADO Service.

2.3 Thresholds



The average for the reporting year is 45% of total notifications received did meet the threshold to trigger the managing allegations procedure and 55% that did not.

Statistically the busier months – October, January and February, where 50+ notifications are received, reflects the high number of notifications that do not meet the threshold. For example, in October when 61 notifications were received there were 42 (69%) that did not meet the threshold.

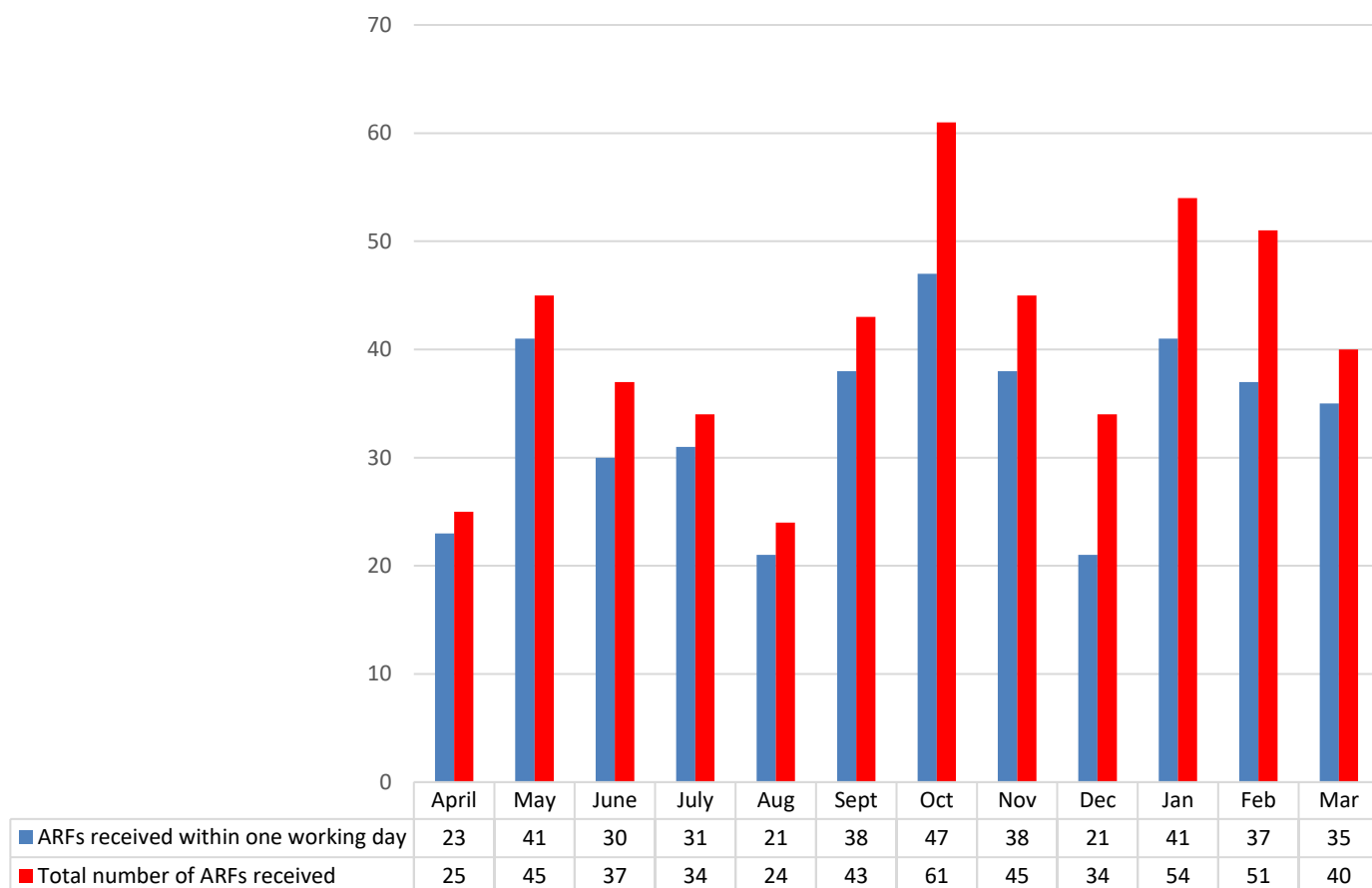
The volume of notifications received in a busy month does not always statistically correlate with a high number of ARFs not meeting the threshold. For instance, in January 54 ARFs were received and only 41% did not meet the threshold whereas 59% did meet the threshold.

As previously mentioned, it is acknowledged that there is a continuing need to provide on-going training to managers, headteachers and professionals in the

application of thresholds so that it improves their understanding and confidence when interpreting allegations against the criteria* and when to submit an ARF to the LADO Service.

2.4 Notifications Received in One Working Day

The Number of ARFs received within One Working Day in Comparison to the Total Number Received Each Month



The statutory guidance for schools and the requirement of the South West Child Protection Procedures for all other agencies and organisations, stipulates that where an allegation is made, that potentially meets the criteria* to trigger the managing allegations procedure, the LADO should be notified within one working day.

The above graph demonstrates that at times agencies / organisations are not this requirement to notify the LADO within one working day.

Of the 493 notifications received during this reporting period 403 (82% - this was 83% in 2018 / 2019) were received within one working day. This is a slight downturn in the reporting period.

There can be legitimate reasons for an allegation not being reported within one working day and therefore it is unlikely to ever reach 100%.

For instance, the organisation may choose to discuss the alleged incident with the child's social worker before notifying the LADO due to the young person having a history of fabricating allegations against staff.

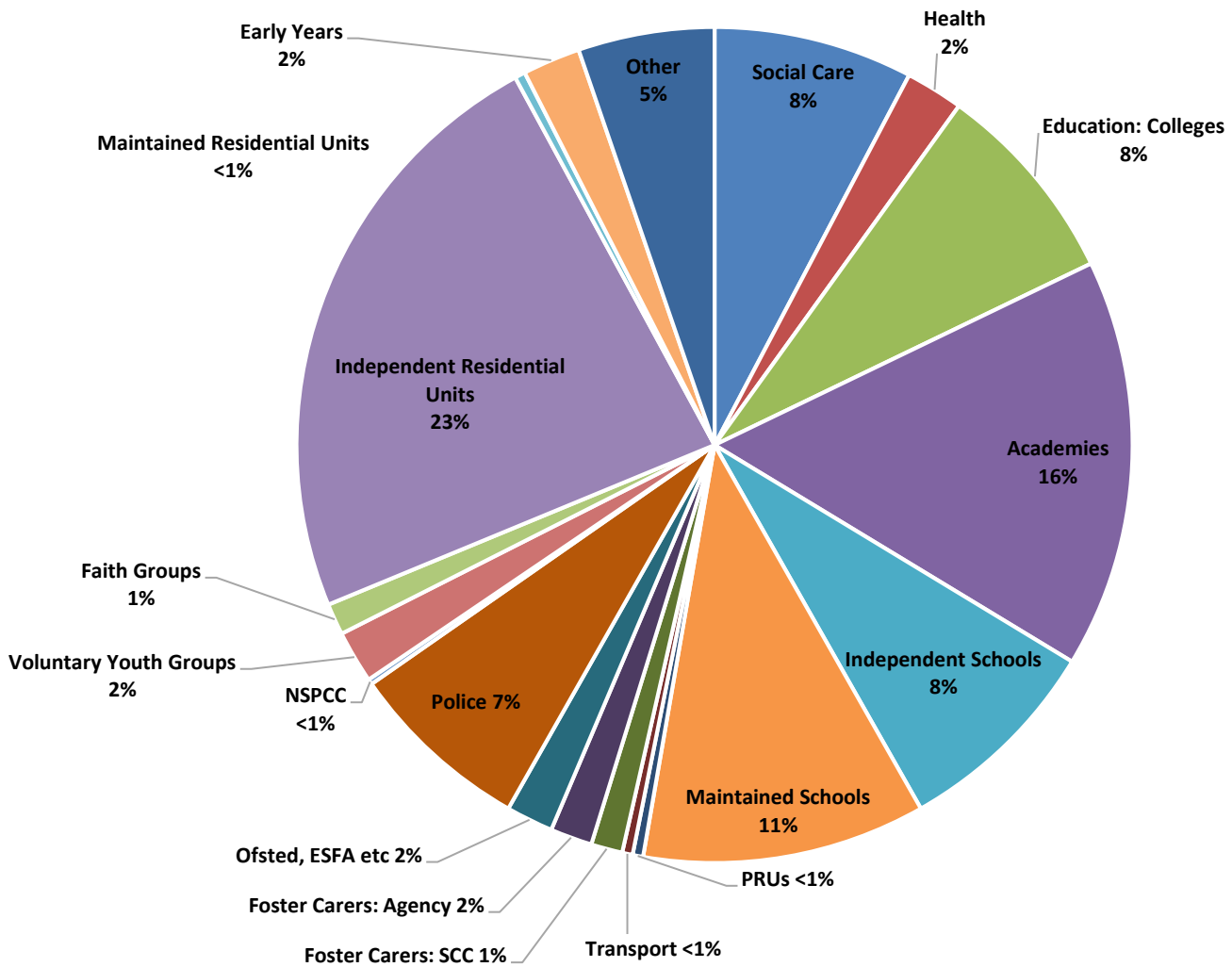
Additionally, it is recognised that on occasion delays can occur because of the organisation itself not considering an incident to meet the criteria* whereas another organisation / agency involved with the child, who receives a disclosure from the young person, considers that it does and makes a notification.

Training provided to agencies and organisations reiterates the importance of this timescale.

The timescale will continue to be monitored with further promotion to emphasise the requirement taking place at every opportunity.

2.5 Which Organisations are Making Notifications?

Referrals by Organisation



2.5.1 Notifications from Education, Early Years Settings & Residential Settings

The largest number of notifications received came from the education and early years providers which combined amounted to 45% of the total notifications received, this compares to 38% in 2018/19). This is nearly a 10% increase from last year.

This was followed closely by notifications received from residential children's homes, where in Somerset there are 36 registered children's homes. In this reporting year 23% of the total notifications received were from this sector. This compares to 27% in 2018/2019), almost a 5% decrease.

The amounts of time children spend in education and early years and / or who are accommodated in residential care explains the higher rate of notifications from these two sectors.

2.5.2 Notifications from all Schools

Part 4 of the statutory guidance - '*Keeping Children Safe in Education*' (2018) requires all schools to report allegations against staff, of inappropriate behaviour, to the LADO.

Notifications from all school types - academies, independent, maintained, equates to 43% (n.213) of total notifications.

Of this figure 39% (n.82) notifications received from schools were to seek advice and guidance.

The large number of notifications from the education sector can be accounted for by the following:

- For all children of school age, it is a mandatory requirement that they receive education provision. Therefore, it is in such settings – during term time, that they spend the majority of their day. Their daily interaction with adults statistically increases the likelihood of an incident occurring that meets the threshold.
- For some children education is not a positive experience due to their own individual needs. When children are unhappy this can manifest in challenging behaviour. In such instances, the professional's ability to be

sensitive to the needs of the young person, positively engage with them and have the competency to manage the situation can create an environment where there is the potential for allegations to be made.

2.5.3 Notifications from Independent Schools

The number of notifications received from independent schools has decreased slightly from last year to 40 (8% of all notifications received) compared to 36 (7%) that were received in 2018 / 19. This is a slight increase.

The number of notifications for both independent schools and academies combined is approximately 50% higher than notifications received from maintained schools. This continues the trend of a higher number of notifications coming from such schools.

Often criticism is levelled at fee paying schools, and those not under local authority control, stating that there is insufficient focus on safeguarding with the reputation of the school i.e. avoiding bad publicity, being prioritised. This increase in reporting goes some way to contradicting this view.

With maintained schools, this reporting year is the 2nd consecutive year in which there has been a decrease (2% decrease from last year) in total number of notifications received. The statistics are comparatively insignificant to make further comment on.

2.5.4 Notifications from Residential Children's Homes

The residential sector is effective in making notifications with 115 (23%) of the total notifications (493) received coming from this area. This is a decrease of 4% from the previous reporting period - 135 (27%).

Approximately, 40% of these notifications are seeking advice and guidance which the LADO as assessed as not meeting the threshold. This is comparable to the last reporting year (2018/2019).

It is expected that the volume of notifications from residential care homes is high when the following factors are considered:

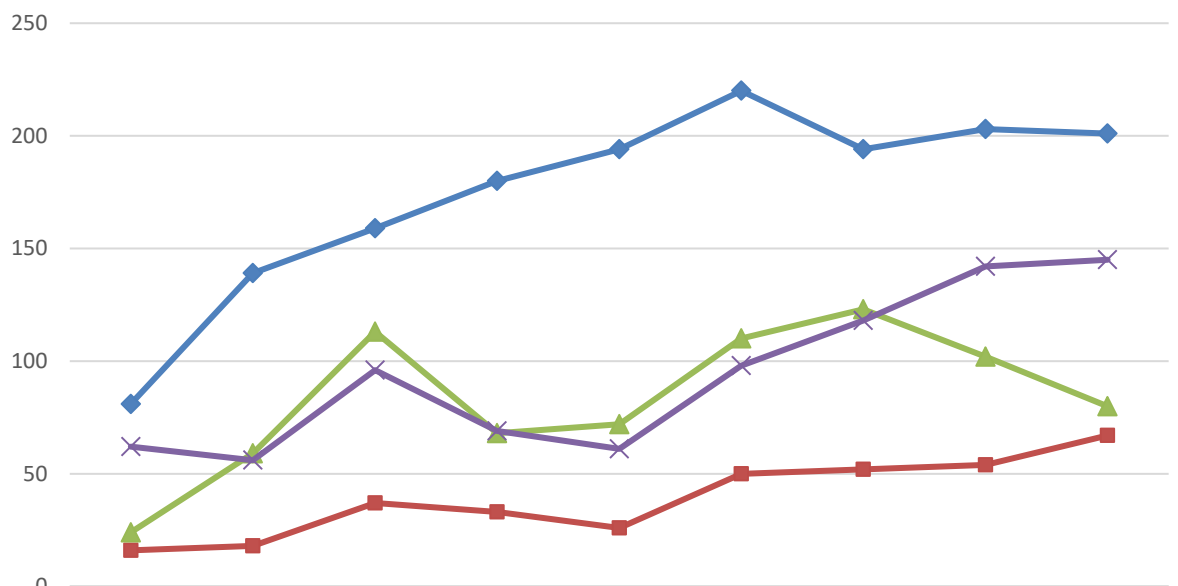
- For many children to be taken from their family home and placed into statutory care is not what they would wish for.
- As a result, some will on occasion exhibit challenging behaviour as a result of their unhappiness and distress at being away from their family.
- The needs, often complex, that many children have.
- The potential issue of limited placement availability whereby decisions can be taken to place a child in a home without thorough evaluation

of its ability to meet that child's needs e.g. emergency accommodation when there is a placement breakdown.

- 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.

2.6 Types of Allegations

Category of Allegations across Reporting Years



	2011	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019 - 2020
Physical	81	139	159	180	194	220	194	203	201
Emotional/Verbal	16	18	37	33	26	50	52	54	67
Sexual	24	59	113	68	72	110	123	102	80
Neglect/Inapp Behavior	62	56	96	69	61	98	118	142	145

2.6.1 Physical Abuse

There has been a negligible decrease in the number of allegations relating to physical abuse being reported.

Since records began physical abuse has remained the highest reported category of abuse given that it is the most easily identifiable of the abuse categories.

2.6.2 Sexual Abuse / Child Sexual Exploitation (CSE)

For the 2nd reporting year there has been a sharp decrease in the number of notifications relating to sexual abuse. There has been a 28% decrease in the number of notifications relating to sexual abuse. Last year this figure showed a 17% decrease.

Of the total number of notifications relating to sexual abuse (n.80), 28% were received from schools and 26% were received from the police - combined this is 54% of all notifications under this category.

Considering the national and local profile on child sexual abuse this continuation of reporting on this category of abuse is unusual. Additionally, in this reporting year there was only one CSE notifications in relation to people working in a position of trust. This continues to be monitored with individual sexual abuse being considered against the three elements that defines this form of abuse.

This is a quantitative figure, which demonstrates an overall decrease, only and provides a very basic overview. To properly consider causes in this raw data, more comprehensive research would need to be undertaken.

2.6.3 Neglect (of the professional's duty of care) / Inappropriate Behaviour

The trend of a yearly incremental increase in neglect / inappropriate behaviour continues. Neglect / Inappropriate behaviour in this instance being an employee's failure to exercise their duty of care that has harmed or may have harmed a young person.

2.6.4 Emotional / Verbal Harm

There has been a considerable increase in incidences involving emotional / verbal harm - 24% increase compared to last year.

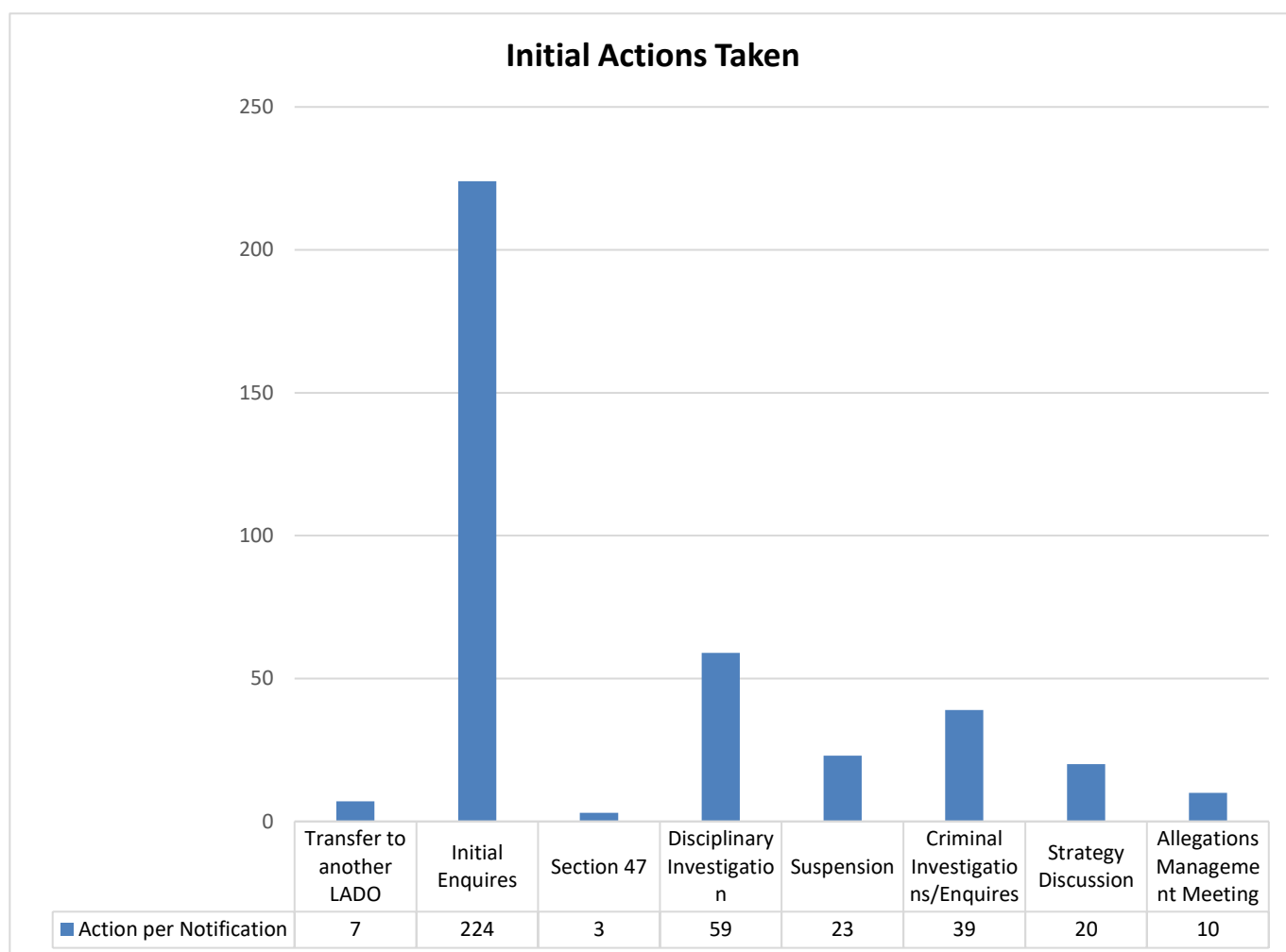
This is an interesting statistic as evidence to prove emotional harm is much more difficult than the other categories of abuse.

A sample of cases categorised as emotional harm were analysed. These indicated that organisations recording this category of abuse have done so as the heading is: 'Emotional / Verbal'. In the cases reviewed, it is the latter, 'verbal', that the professional identify as being the relevant category of harm.

There is potentially a training issue insofar as there appears to be insufficient consideration of the impact on the child when applying the definition of emotional harm ('Working Together...' (2018): '*...persistent emotional maltreatment...to cause severe persistent and adverse effects on the child's*

emotional development...! This describes a much more profound and long-term effect on the young person due to emotional harm. A one-off incident in which a professional has been verbally rude and disrespectful to a child, who is emotionally resilient, is unlikely to constitute emotional harm based on the definition.

2.7 Responses to Notifications



2.7.1 Transfer of Notifications (Transfer to another LADO)

Generally, a notification is transferred to a different local authority LADO when it is deemed that that the adult of concern i.e. the presenting risk, works in their geographical area. Further consultation takes place between the respective LADOs to ensure a comprehensive handover of actions.

This protocol has been established and agreed nationally by the National LADO Network.

During this reporting year 7 notifications were transferred to another LADO compared to 11 in the last reporting year.

2.7.2 Initial Enquiries

This relates to any initial enquiries undertaken the employer - not the police, prior to a notification being made to the LADO Service. This is often required for the employer to determine if any of the three criteria* are met.

If the employer is unsure if any of the criteria* is met it is able to submit an ARF to seek advice and guidance.

In the majority of these notifications no initial enquiries are made. Initial enquiries will only be recorded only for those ARFs where any of the criteria* is met.

There are occasions when a notification is received not from the employer but another organisation / agency. In which case there will not have been any action taken by the employer until such time as the LADO makes contact to inform it of the allegation.

2.7.3 Section 47 & Strategy Discussions

There were 20 strategy discussions because of there being reasonable cause to suspect a child/ren had suffered, or was likely to suffer, significant harm.

Of which, only three led to a decision to undertake child protection enquiries (section 47, Children Act 1989) by Children's Social Care.

It is worth noting that of 224 - 45% ARFs (493 - total notifications received) that met one or more of the three criteria*, only 20 met the threshold to convene a strategy discussion. This is 9% of the 224 ARFs.

Of these 20 cases, eight resulted in a criminal investigation.

Certainly, two of the of the three criteria* - '*... may have harmed...*' and '*... may pose a risk of harm...*' are open to interpretation. This is in contrast to the threshold that would trigger statutory intervention by Children's Social Care (under section 47, Children Act 1989) whereby the information indicates a child has suffered *significant* harm.

2.7.4 Investigations by the Employer (Disciplinary investigations)

Where the threshold is met i.e. one of the three criteria* within the managing allegations procedure, the LADO Service advises the employer of the need to formally investigate the allegation. It is normally expected that this would be under the employer's disciplinary procedure.

There were 59 notifications that were formally investigated under the employer's disciplinary procedure in contrast to the previous year (n. 51).

2.7.5 Suspension

The statutory guidance for schools – '*Keeping Children Safe in Education*' (2019) and for all other organisations the guidance within the South West Child Protection Procedures, states that suspension should not be automatic. It encourages other options to be considered before a decision is taken to suspend e.g. re-deployment.

For many employers however, they will defer to their own disciplinary policy which for many organisations state that a decision to suspend should be taken when the allegation indicates an act of potential gross misconduct has been possibly committed or there is a criminal investigation.

In this reporting year 23 (n. 22 in the previous year) notifications resulted in the individual of concern being suspended.

2.7.6 Criminal Investigations

Consultation will always take place with the Police when notifications indicate that a criminal offence has potentially been committed against or related to the child. This liaison with the Lighthouse Safeguarding Unit (LSU) - Avon & Somerset Constabulary, ensures that appropriate decisions are taken to determine if the criminal threshold is likely to be met and if so ensures that the case is allocated to the relevant investigation team.

There were 39 notifications that resulted in criminal enquiries or investigations being undertaken by the Police. This is a 29% decrease from the previous year which continues the downward trend of criminal investigations into allegations involving those professionals / volunteers who work with children and young people.

2.7.7 Allegations Management Meetings (AMM)

When it is determined that the threshold for Children's Social Care is not met i.e. reasonable cause to suspect a child has suffered, or is likely to suffer, significant harm, there may be a need to convene an AMM chaired by the LADO.

Generally, this will be those notifications where there is an extensive amount of information to be shared, considered and actions agreed between the police and the employer. In the majority of cases overseen by the LADO the process to be followed only involves the employer, undertaking an internal investigation, and no other agency, therefore information sharing, advice, guidance and support can be enabled through telephone discussion, conference call and / or email exchange.

Careful consideration is given to convening an AMM; however, as Somerset is a large geographical county there are practical and resource implications to be sensitive to before determining the need for a face-to-face meeting. To commit professionals from statutory agencies - police officers and social workers, at a time of financial cutbacks in the public service and capacity issues, to unnecessary meetings, is both inefficient and diverts resources from keeping children safe.

This is particularly so when it is clear that for these respective agencies the threshold for their involvement are not met.

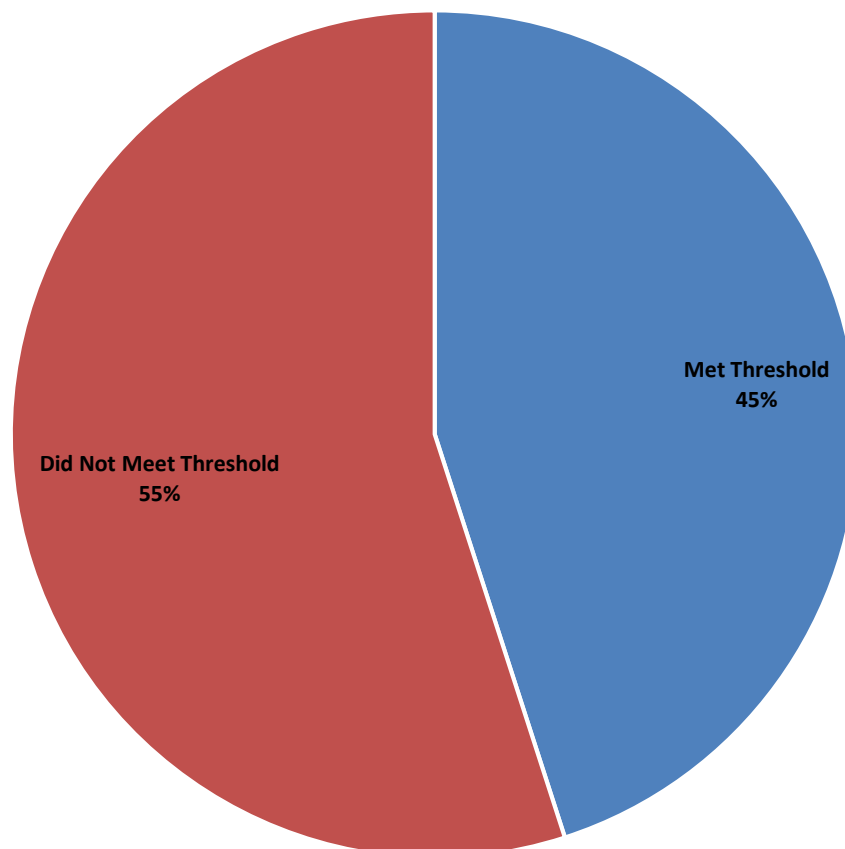
In the current reporting year 10 AMMs were convened - 5% of the total notifications received that met the criteria.

Although there were 39 notifications involving the police, in the majority of cases a meeting was not considered necessary as preliminary enquiries needed to be undertaken into the allegations to determine if this would lead to a criminal investigation e.g. historical abuse. In such instances, the employer of the individual may not yet have been identified or there is little information to share with the employer.

The number of AMMs held was 25% of the total the number of allegations investigated by the police.

2.8 Number of Allegations Not Meeting Criteria*

Total Percentage of Notifications that met/did not meet Threshold



271 (55%) notifications to the LADO were deemed not to meet the criteria* for triggering the managing allegations process. This compares with 35% in 2017 / 2018

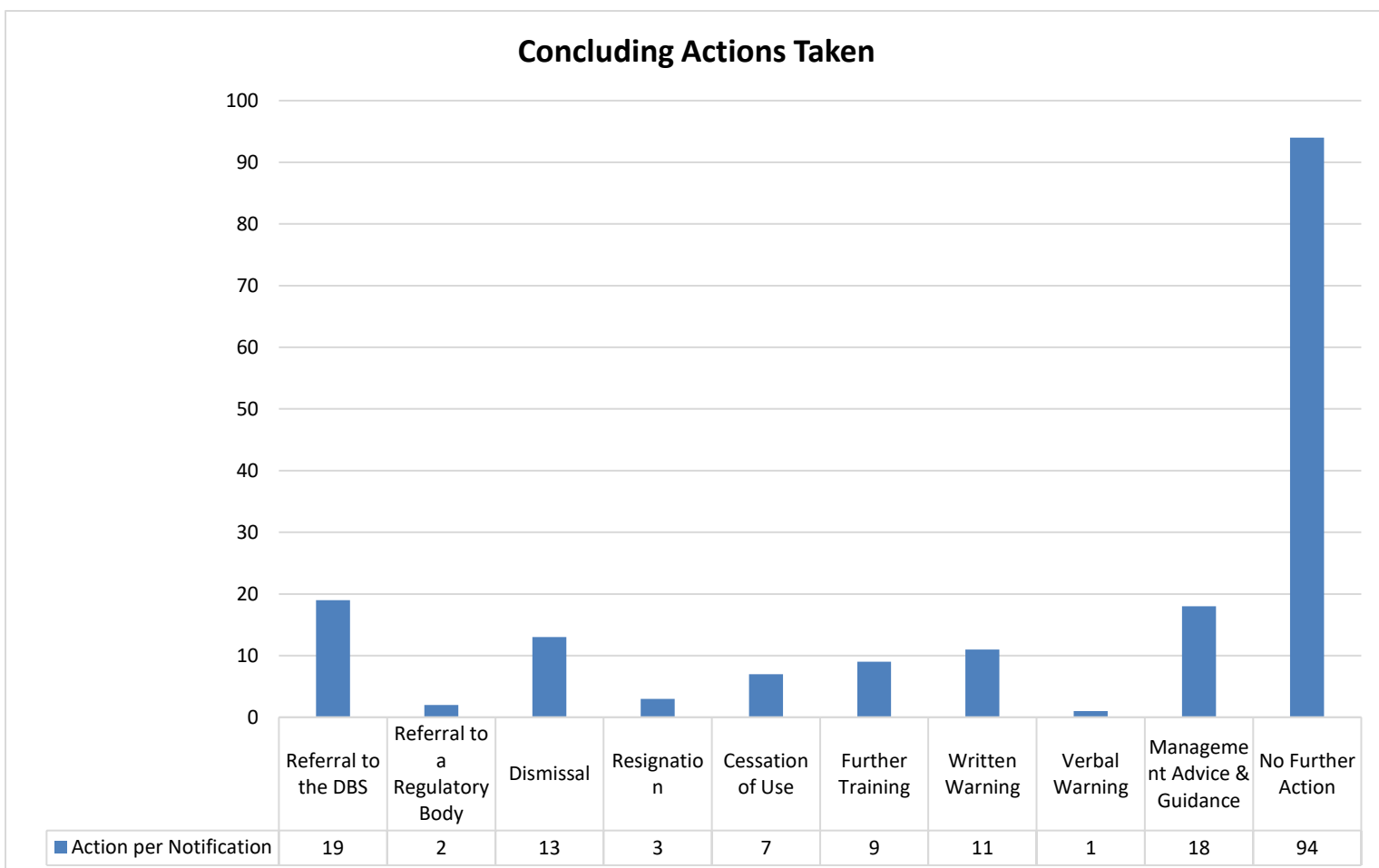
This number represents a significant investment in time in evaluating notifications, including the need to seek further clarification or additional information, before determining that the threshold is not met.

An example of this is a parental complaint that the school is failing to address bullying behaviour towards their child. Whilst the emotional impact on the child can be harmful it is as a result of the possible inadequacy of the schools overall safeguarding arrangements – particularly its bullying policy,

supervision and pastoral arrangements, rather than one individual being culpable for the harm being experienced by the child.

To reach this conclusion requires a considerable investment of time.

2.9 Concluding Actions



2.9.1 Ending of Employment / DBS Referrals

The total number of dismissals / resignations / cessations of use was 23 of which 19 met the criteria to make a barring referral to the DBS.

The criteria to make a DBS barring is two-fold - the employer has withdrawn permission for the employee to work in a regulated activity AND the individual has either 'engaged in relevant conduct' or 'satisfied the harm test'. Therefore, not all employees / volunteers work in a regulated activity and / or it is not deemed to be relevant conduct or to meet the harm test i.e. the individual has deliberately harmed a child or the nature of the allegation is so serious that they pose a risk of harm to children if continuing in a role working with children.

2.9.2 Referral to a regulatory body

This refers to professionals who are registered for the purposes of their vocation - teachers, social workers, doctors, nurses etc. When such professionals are dismissed for safeguarding concerns there is a requirement for the employer to inform the relevant regulatory body.

2.9.3 Further training / written warnings / verbal warnings / mgmt. advice & guidance

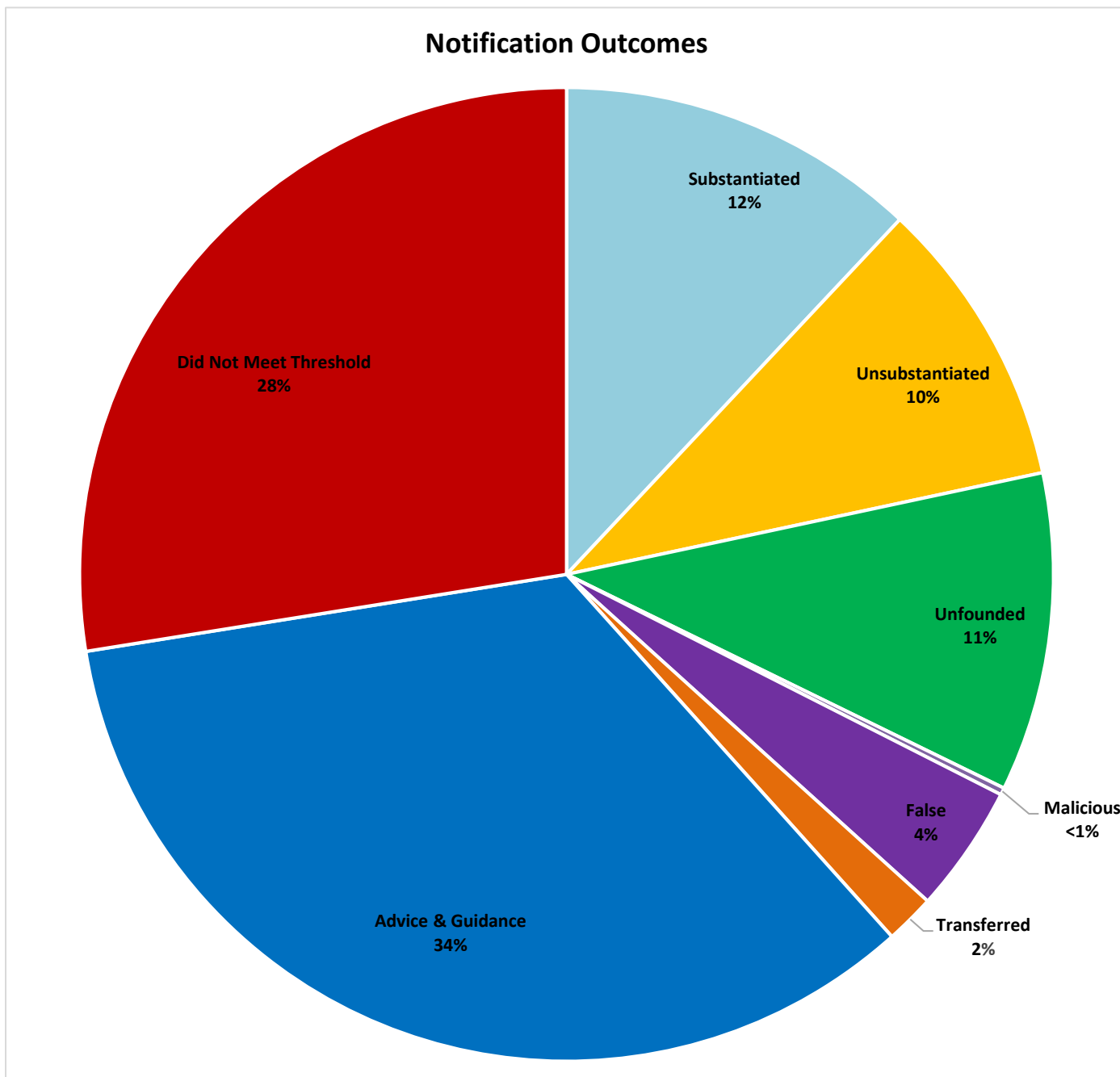
When a decision, short of a decision to dismiss, is taken by an employer one or more of these actions can be taken to ensure the employee is clear about expectations of future conduct.

2.9.4 No further action

This outcome covers those instances where the investigation determines that the employee is not culpable for harming the young person.

Such instances might include accidental harm e.g. slight physical injury to a young person during an incident of restraint that was considerable necessary, or where there is evidence that the employee had no deliberate intention to cause harm.

3.0 Outcomes of Allegations



3.1 Department for Education Definitions

The Department for Education outcomes to be recorded when notifications are closed, including definitions and numbers / percentage of notifications closed under each outcome, are listed below.

- **Substantiated:** there is sufficient evidence to prove the allegation (51 [12%] of cases);
- **Unsubstantiated:** there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence (41 [10%] of cases);
- **False:** there is sufficient evidence to disprove the allegation (18 [4%] of cases);
- **Malicious:** there is sufficient evidence to disprove the allegation and there is a deliberate act to deceive (only one notification that had this recorded outcome).
- **Unfounded:** this is defined as there being insufficient evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation had misinterpreted the incident or was mistaken about what he/she saw or was not aware of all the circumstances (45 [11%] of cases).

3.2 Breakdown of Outcomes and Concluding Actions to Manage any Future Risk

3.2.1 Recordkeeping

The comprehensive recording system used by the LADO service enables cross-referencing to a named individual for all future notifications.

This facilitates the ability to link historic and current concerns to identify any possible pattern of inappropriate behaviour of an individual.

To view cumulative information may present the individual as a greater risk than a one-off incident of harm.

It should be noted that the recording of concluding actions by employers and / or other agencies e.g. criminal justice process, will result in several actions relating to an individual case.

For instance, a substantiated allegation of sexual abuse perpetrated by a teacher can lead to the following recorded actions:

- Dismissal;
- Referral to the regulatory body;
- Referral to the Disclosure and Barring Service;
- Criminal Conviction.

Even in less serious cases there may be a need to record several concluding actions. For example, in the case of foster carer an allegation that the carer handled the challenging behaviour of the child in placement inappropriately could lead to one or more of the following actions:

- additional supervision;
- refresher training;
- management advice

3.2.2 Criminal justice outcomes

Of the notifications that resulted in criminal investigations (39) of which 2 resulted in a conviction (both non-custodial sentences) and two resulted in a caution.

There are a number of on-going criminal cases carried forward from the last reporting year that may possibly lead to convictions. Once concluded these figures are included in the next reporting year.

3.2.3 Formal Action Taken by Employers Following Investigation

Of those cases where there were sufficient grounds to pursue formal procedures - disciplinary investigation (n.59, 27%), the following outcomes are recorded:

- In 13 cases a decision by the employing organisation to *dismiss* the employee.
- In 11 cases a decision was taken to issue formal *written warnings* to the respective employees.
- In 9 cases the employer has provided *training* to the employee.
- 18 cases resulted in *management guidance* being provided to the individuals concerned. This includes those cases where the outcome is recorded as unsubstantiated and the employee was reminded of the required standards of conduct expected by the organisation and the need to comply with its policies and procedures.

- In 19 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 as to what decision it takes on referrals made. It is not possible to confirm the conversion rate of referrals to decisions to ban or prohibit the individual from working with children.
- In 7 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* e.g. National College for Teaching & Leadership (NCTL); Health & Care Professions Council (HCPC).

3.2.4 Resignations

The statutory guidance for schools – '*Keeping Children Safe in Education*' (2019), and for all other organisations the guidance within the South West Child Protection Procedures, requires that allegations are investigated even if the individual has resigned. It acknowledges that this can be difficult given the employee may have served their notice and left their employment.

Nonetheless, the guidance states that the process of seeking a response from the individual, recording the allegation, collating and considering any supporting evidence and reaching a judgement should still happen.

This process ensures that safeguarding concerns are referred to where future reference requests are received by the previous employer.

In 2019 / 2020 3 staff members *resigned* prior to or during the process of an allegation being investigated. The allegations were investigated by the employer and the following conclusions reached:

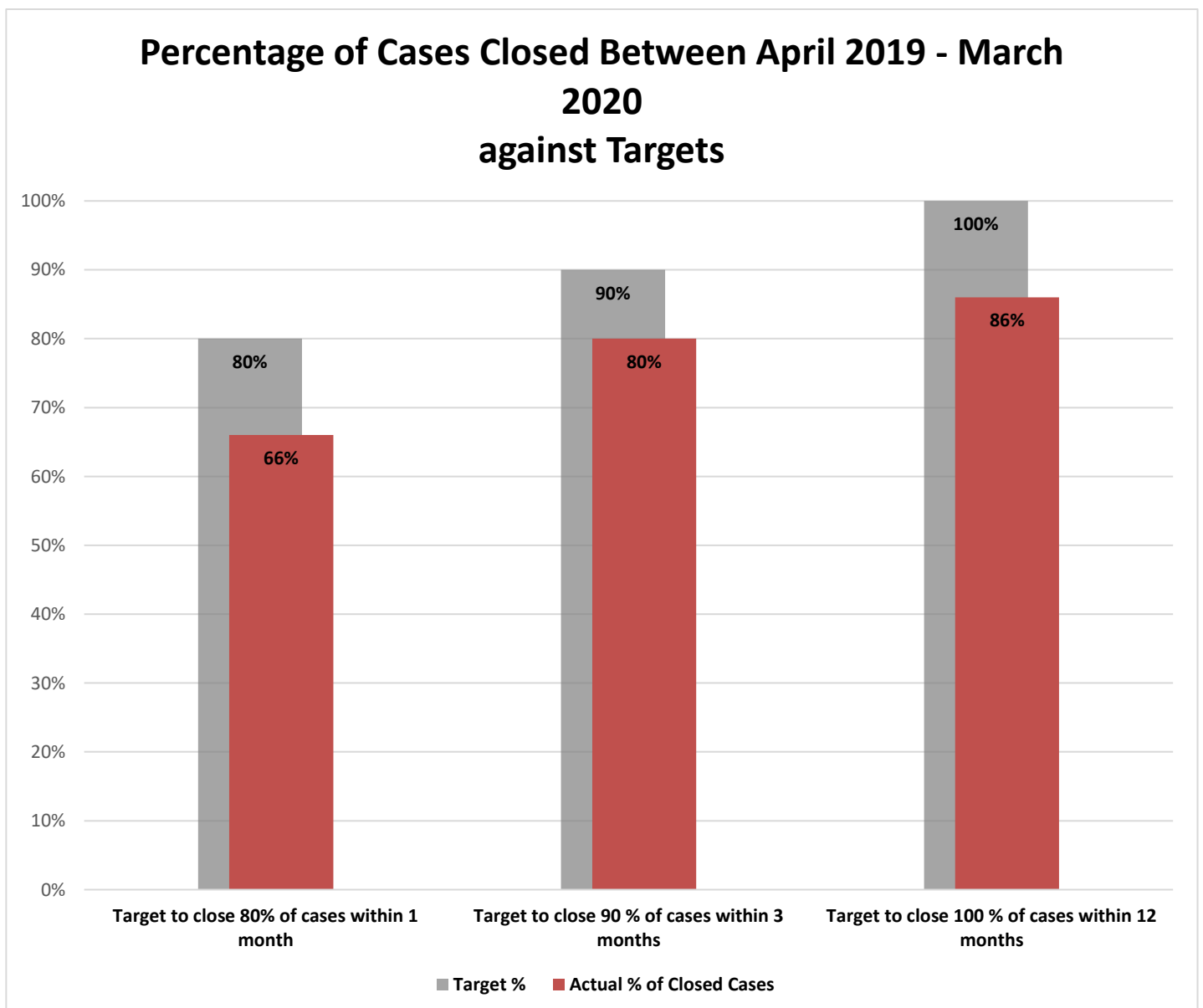
- The outcome in all three cases was a decision that the allegation(s) were substantiated.
- In two of the three cases a decision to dismiss would have been taken had the individual not resigned.
- In two of three cases a barring referral was made to the Disclosure & Barring Service.
- No cases required a referral to the relevant regulatory body e.g. National College for Teaching and Leadership

3.3 Timescales to Close Notifications

The statutory guidance requires that all notifications are resolved as quickly as possible consistent with a fair and thorough investigation. To this end, a key aspect of the role of LADO is to be involved in the management and oversight of all notifications ensuring that agencies and organisations involved avoid unnecessary delays.

The following target timescales outlined in the statutory guidance for school notifications are also used for all notifications from across the children's workforce. These timescales are useful in measuring the effectiveness of notifications being closed 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.



3.3.1 Limiting Factors

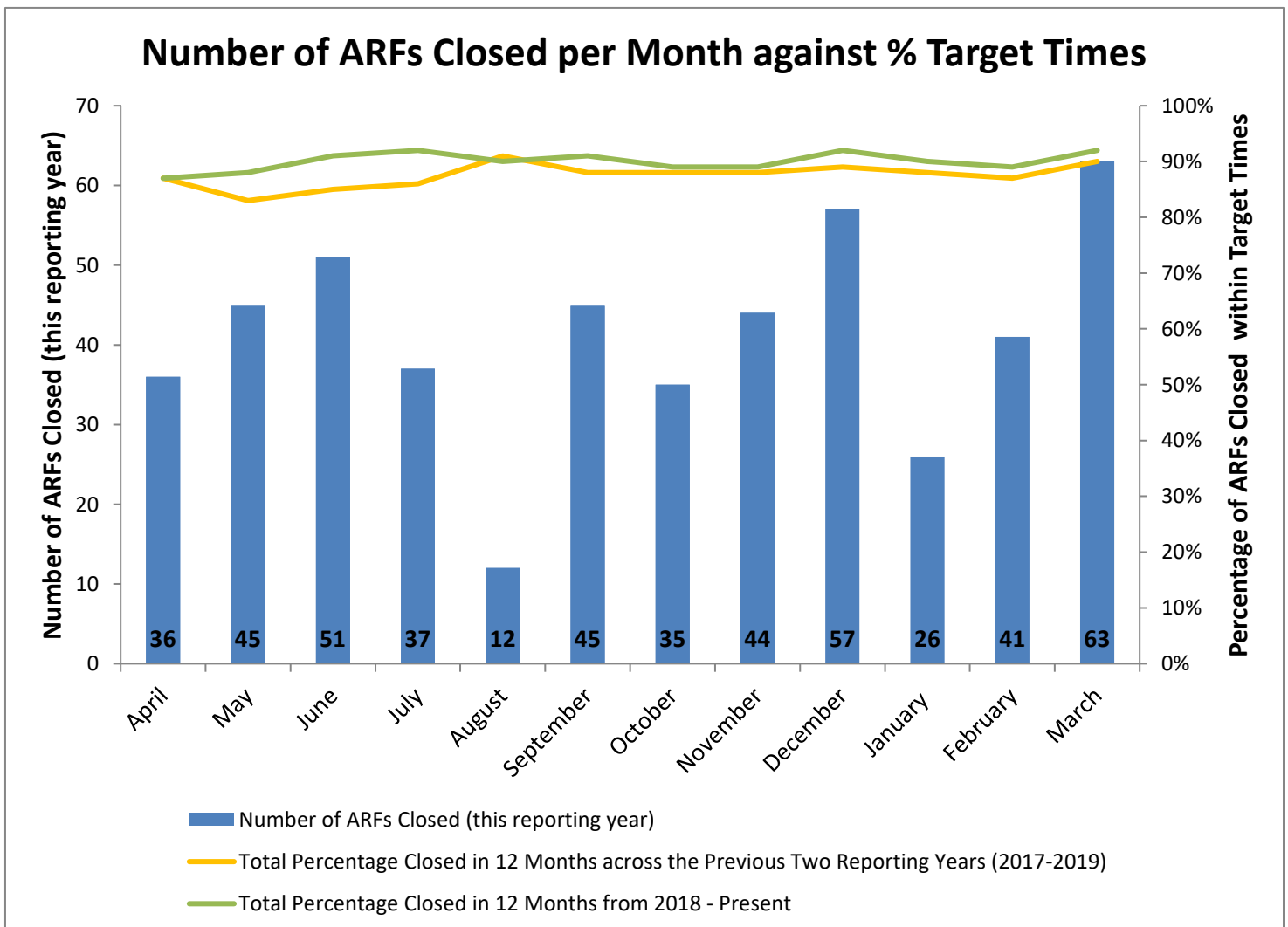
There are a number of factors that make these timescale targets challenging to achieve including:

- The length of time a case may take to work through the criminal justice process to conclusion.
- Employers awaiting the outcome of a criminal investigation before formally investigating the concerns under its disciplinary procedures.
- Practical considerations such as the unavailability of people for interview including witnesses to an incident due to shift patterns; holidays; sickness.
- Capacity of the LADO to monitor and follow-up on processes being followed e.g. disciplinary investigation by the employer.

3.3.2 Improvements to the LADO Service

Monthly performance reports demonstrate a steady improvement in all three targets being met.

This upward trend in the closure rates of notifications received is outlined in the monthly performance reports that are produced - as evidenced in the following graph:



4.0 Demographics

The notification form (Allegations Reporting Form - ARF) requires the notifier to provide certain information relating to gender, age, ethnicity and disability of the child, where one is identified, and the adult of concern.

Although the gender is requested for both the named child and the adult of concern this statistic is only recorded for adults.

The emphasis of the statistics that are collated by the LADO service are to identify adults working in the wider children's workforce who may pose a risk of harm to children. Statistics on adults not only provide important data on repeat incidences of inappropriate behaviour - possibly identifying patterns of behaviour that indicate an individual may pose a risk of harm to children's it also enables the ability to analyse the characteristics of the children's workforce to determine if the notification is representative.

For instance, it would be concerning to see more allegations against adults from a BAME (black, Asian, minority ethnic) background when the population in Somerset (census data - 2011) states that 94.6% of the Somerset population is white British, with the BAME population at 2%.

4.1 Ethnicity

The number of employees / volunteers reported from a BAME background is similar to the BAME population of Somerset. Therefore, there is no indication of a disproportionate number of people being reported.

In relation to children and young people reported as being harmed by people working with them, the following ethnicity categories are recorded:

- Gypsy / Roma - 1
- Asian / Asian British - Bangladeshi - 3
- Asian / Asian British - Indian - 2
- Asian / Asian British - Other Asian - 1
- Asian / Asian British - Pakistani - 2
- Black or Black British - African – 2
- Black / Black British – Other - 1
- Mixed – Other Mixed Background – 1
- Mixed – White & Asian - 3
- Mixed – White & Black African - 2
- Mixed – White & Black Caribbean – 2
- White - British – 261
- White – Other European – 6

- White – Other Cultural Backgrounds – 2
- Other - 1

In relation to adults of concern the ethnicity recorded is the following:

- Asian / Asian British – Indian – 1
- Black or Black British – African – 6
- White – British – 265 (54% of all notifications received that an ethnic category was identified)
- White – Irish – 2
- White – Other cultural backgrounds – 7
- White - Other European - 11
- Other – 1

Of the total notifications received (n.493):

- 293 provided an ethnicity category
- 61 notifications the ethnicity category was not known
- 139 notifications the ethnicity category was not known or the notify did not provide the information.

For children 2/3rds approximately of the ethnicity categories (22 in total) are represented in these statistics.

For adults of concern only a 1/3rd approximately of the ethnicity categories (22 in total) are represented in these statistics.

The predominate statistic relates to people identifying as White – British with the only other noteworthy statistic relating to European Community citizens.

According to the 2011 population census 94.6% of the Somerset population identified as being White – British. This is comparable to Somerset neighbouring authorities but is considerable higher % than the England and Wales average (80.5%).

In the remainder of the ethnic categories 1.4% identified as Black, Asian, Minority Ethnic (BAME). This figure is comparable to the overall BAME population of Somerset which is recorded in the 2011 population census as 2%.

Of the 493 notifications received, the ethnicity was recorded for 290 children. Of this figure, 53% (n.261) of children and young people identified as White British and 4% (n.22) identifying as BAME. This is twice the proportion of the overall BAME demographic for the total population of Somerset. Without undertaking research into this the author is unable to comment further.

In 5% of notifications received the ethnicity of the child was not known, provided or was not relevant as the victim was identified as adult e.g. non-recent allegations of abuse.

4.2 Gender

Of the 493 notifications received the gender of the adult of concern was:

192 – Females

226 - Males

The number of males being reported is predominantly higher than females which is important to note given anecdotally the majority of the children's social care workforce, early years provision and primary educational is female.

In the absence of any research it can only be speculated as to the possible reasons for this. This would require qualitative and further quantitative research to draw conclusions from.

4.3 Age

In terms of age, the date of birth is not always known and is not currently expressed statistically as an age profile. For instance, for adults of concern it might be expected to see an age profile range covering 18 - 24-yrs; 25 – 34-yrs; 35 – 44-yrs; 45 – 54-yrs; 55 – 64-yrs etc.

4.4 Disabilities

In terms of disability information, for children reported, 56 (11%) notifications recorded that the child had a disability. This compares to 54 (11%) for the last reporting year.

This is contrary to national research which evidences that children with disability are more vulnerable to abuse.

The information provided is not qualitative and therefore does not analyse the nature of the young person's disability.

In relation to adults reported, only 5 (1%) individuals were classed as having a disability; however, 116 (24%) cases the information was not known to the notifier and in 146 (30%) cases the information was not provided.

Of the total notifications received (n.493) 55% (n.271) did not meet the threshold or were requests for advice and guidance. For these notifications there is not an expectation for demographic information to either be provided or for it to be sought.

5.0 Service Development: Progress on Priorities set in 2018/19

5.1 Analysis of the High Number of Notifications Not Meeting the Threshold.

There continues to be a large number of notifications that are received in which none of the three criteria*, to trigger the managing allegations procedure was assessed by the LADO as being met.

This is an exceedingly high number resulting in a significant investment of time and resources. It is appropriate that there should be continuous oversight and consideration of this as it impacts on capacity of the service.

Of the total notifications received (n.493) 269 (55%) notifications did not meet the any of the criteria to trigger the managing allegations procedure i.e. the 'threshold'. This compares to 42% in 2017 / 2018 and 48% in 2018 / 2019.

This category is further broken down into the following:

- Threshold not met - 43% (n. 117)
- Advice & Guidance - 54% (n.145)
- Transferred (to another LADO) - 3% (n.7)

Following last year's quality assurance audit a second audit was undertaken to analyse these types of notifications. In all cases reviewed the auditors supported the LADO's decision that the matter did not meet the threshold.

The current system requires the organisation seeking advice and guidance to submit an ARF as opposed to phoning the service. Where the organisation is seeking advice and guidance, having initially decided that none of the criteria is met, the service will respond within five working days. The exception being when the content of the ARF clearly identifies a child protection concern which requires immediate action.

The high numbers of notifications, including those not meeting the threshold, continues to create capacity issue. Each notification requires considerable administrative processing e.g. logging on databases, and evaluation of the information. The time devoted to this can be extensive including the need to collate and clarify information received before determining if the criteria is met.

One contributory factor to this high number is the requirement by Ofsted on regulatory settings to send notifications on all incidences involving inappropriate behaviour by staff. Following assessment, it can often be

determined that the matter is a conduct issue and there is no evidence of a child suffering harm or the adult's behaviour indicating that they pose a risk of harm to children.

For instance, when an allegation is made following an incident of physical restraint where it is the judgement of the care home that the staff member has legitimately intervened and acted in accordance with policy, procedure and training requirements.

Increasingly notifications are identifying transferable risks in which the behaviour of a professional in their private life may indicate they pose a risk of harm in their role e.g. incidences of domestic abuse.

This type of notification is likely to increase as the DfE is currently consulting on changes to the guidance which will include the introduction of a potential fourth criterion - *'behaved or may have behaved in a way that indicates they may not be suitable to work with children'*.

This widening of the scope of the criteria is likely to lead to a wider interpretation by organisation of what meets the threshold for notifying the LADO.

The monitoring of notifications that do not meet the threshold needs to continue, with further training provided to organisations to assist in understanding the criteria*.

5.2 Notifications Received Within One Working Day

There is a requirement - statutory for schools, for all organisations to report an allegation, that meets any of the criteria, to the LADO within one working day.

403 notifications were received in one working day (82%). This compares to last year when it was 83% - n.417.

There can be legitimate reasons for notifications being reported within one working day as referred to in section 2.4. However, there is still a need for on-going promotion and publicity to agencies / organisations.

5.3 Improving the Timescales for Closing Notifications

Over a two-year period 92% (90% during the previous two years) of notifications are closed within 12 months.

It is unlikely that 100% of cases will ever be closed within this timeframe. This is for several reasons including the length of time criminal investigations can take and capacity issues to follow up open cases to confirm outcomes and actions taken.

5.4 Producing Leaflets

A long-term project has been to create informative leaflets, that describe the processes under the managing allegations procedure, for those affected when allegations are made. The key stakeholders have been identified as:

- Children / young people - currently under consultation.
- Parents / foster carers - still in development.
- Employers - completed.
- Employees - completed.

A bespoke leaflet has been developed for employers and employees. This is electronically sent out to organisations.

A leaflet specifically designed for young people has been drafted and will be consulted on with this target group.

Additionally, a leaflet will be produced for parents / foster carers.

6.0 Other Developments

6.1 Promotion of the Managing Allegations Procedure

The promotion of the managing allegations procedure to all agencies / organisations remains a priority.

The Designated Safeguarding Leads (schools) receive bi-annual updates and an article will be produced for a newsletter produced by the Education Safeguarding Service (ESS).

The LADO continues to attend the registered managers (children's homes) forum to provide guidance and support.

The importance of promoting the managing allegations procedures extends to children, parent(s), carer(s), professionals and volunteers involved when an allegation of inappropriate behaviour is made so that all parties understand the processes that are followed and the support available.

6.2 Safeguarding Advisors Forum (SAF)

The Safeguarding Advisors Forum continues to meet on a quarterly basis and is administered and chaired by the LADO.

This forum meets to share knowledge, expertise, best practice and training resources amongst safeguarding leads from early years, education, training, district councils, placements team and transport.

This enhances the advice and support provided by Somerset County Council and District Councils safeguarding representatives to safeguarding leads of affiliated organisations.

Additionally, it promotes the joint responsibility of partnership working to keep all Somerset children, particularly those identified as vulnerable e.g. children who are looked after, safe.

6.3 Regional & National Networking

The LADO continues to attend the regional South West LADO group which has input into the National LADO Network (NLN) that has established agreed operating principles to aid in consistency of approach for LADOs across the country.

- The NLN is a representative group of all the LADO regions across England & Wales. It has established an executive forum, supported by working groups to create national standards, joint protocols e.g. to deal with cross boundary issues, promoting the managing allegations procedures to key agencies and organisations e.g. DfE. It has forged links with the Independent Inquiry into Child Sexual Abuse led by Alexis Jay.
- The South West regional group continues to develop with its prime focus to ensure that practice and processes between South West LADOs are consistent and complies 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 input into policy development at a local and national level.

A business plan has been created that oversees the development of the LADO (aka Designated Officer) role – see Appendix B

6.4 Safer Recruitment Training

On behalf of the Somerset Safeguarding Children Partnership the LADO has been commissioned to deliver three times a year the nationally accredited Safer Recruitment Training course.

6.5 Headteachers Induction

Delivery of presentation at the annual induction organised in September for new appointed Headteachers.

7.0 Emerging Themes, New Issues & Challenges

The analysis of data and information to produce this report continues to evidence themes and issues identified in previous years' annual reports.

This year there has been no emerging themes not already noted.

An issue of note is the complexity of dealing with non-regulated settings providing services directly to children or commissioned to do so.

These are independent organisations - sole-traders, family run business and those self-employed, which are not accountable to a regulatory e.g. Ofsted, or professional body e.g. Teaching Regulation Agency (DfE). There are limitations in the LADO authority to address a safeguarding concern with the individual if they are the owner of the business and not accountable to any higher body. Therefore, co-operation from such organisations e.g. to investigate safeguarding concerns, cannot be guaranteed.

There are a number of continuing challenges for the service:

Capacity:

- The year on year increase in notifications continues. Had it not been for the closure of schools due to the pandemic, it would have surpassed last year's number of 501 notifications received.
- CHAIRS (Children's Advocacy & Independent Reviewing Service) can only provide basic cover in the event of the absence of the LADO e.g. annual leave.
- The infrequency in which CHAIRS cover the role means there is inconsistency in advice given, decision-making and actions taken.

High number of notifications that do not meet the threshold:

- The continuing high number of notifications not meeting the threshold indicates a need for dedicated training in managing allegations. This is not currently provided.

High number of notifications not reported to the LADO within one working day:

- There continues to be a high percentage of notifications that do not meet the requirement of being reported within one working day and therefore do not meet the statutory and procedural timescale.

Action Plan for 2019 & 2020 – see Appendix A

From the emerging themes, issues and challenges an action plan has been produced.

Anthony Goble
Local Authority Designated Officer
May 2020