



# **SOCIAL CARE HEALTH AND WELLBEING**

## **SPECIALIST CHILDREN'S SERVICES**

**Annual Report  
Kent Safeguarding Children Board**

**Local Authority Designated Officer**

**Managing Allegations Against Staff Within  
The Kent Children's Workforce**

**Review Period  
1<sup>st</sup> April 2015 to 31<sup>st</sup> March 2016**

**Document Owner:**

**Paul Startup, (Manager – LADO Team)**

**May 2016**

**:**

## 1. Introduction

- 1.1 Nationally, all agencies and settings that provide services or staff working with children are required (under statutory guidance – *Working Together to Safeguard Children*, 2015), to have clear procedures for responding to allegations against staff, whether they are paid or voluntary. Within education services, additional guidance - *Keeping Children Safe in Education* (2015), outlines specific requirements considered when managing allegations against staff working in education settings. Both of these sets of guidance have been updated in 2015 and are placed alongside additional statutory guidance – *Disqualification under the Childcare Act 2006* (2015) which further informs specific circumstances which would lead to disqualification from work within defined sectors of Early Years and Education services.
- 1.2 Within the updated guidance, the Local Authority is required to appoint a ‘Designated Officer’ or ‘team of officers’ to oversee the allegation management process and to ensure it remains effective and transparent and meets the dual demands of both protecting children and also ensuring staff subject to allegations are treated fairly. In Kent, we have maintained the title of LADO (Local Authority Designated Officer) as this is well-understood and embedded within the children’s workforce. The LADO provides consultation and advice to the process to ensure that the investigative response is consistent, reasonable and proportionate and that action taken is recorded in line with statutory requirements.
- 1.3 The updated *Working Together to Safeguard Children* guidance (2015) defines that all new officers overseeing allegations must be qualified social workers. In Kent this is the case.
- 1.4 When an allegation is made against a member of the children’s workforce, the needs of the child and other children with whom the professional comes into contact are considered paramount as advocated by the Children Act 1989. Employers however, have an additional duty of care towards their staff and thus the complexities involved in responding to such allegations require balance and careful judgement in order to ensure risk and support are measured at both levels. This can be a difficult and anxiety producing situation for employers who are well aware of the dilemmas they face and the implications of getting it wrong. The LADO supports this process through advice on thresholds at the stage of notification; mediation with colleagues in other agencies (and occasionally parents), regarding proportionate response to investigations; guidance on individual risk management including careful consideration of whether suspension of the staff member might be necessary; and support in the analysis of information and evidence gained as investigations progress, to ensure risks are responded to and appropriately concluded.

- 1.5 This report provides detail of allegation activity notified within Kent during the period April 1<sup>st</sup> 2015 to March 31<sup>st</sup> 2016. It is written to provide statistical data for the KSCB and partner agencies on the number, nature, investigation processes and outcomes of allegations. It will also seek to identify particular trends and issues affecting the Kent children's workforce relating to the management of such allegations as well as matters pertinent to inter-agency working arrangements.
- 1.6 The current definition of an allegation against a member of the children's workforce (*Working Together*, 2015) states that it applies when that individual 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 may pose a risk of harm to children
- 1.7 Kent and Medway Safeguarding Children Procedures in respect of allegation management and also the KSCB supplementary guidance - *Safeguarding Children – Operational Guidelines for Managing Allegations Against Members of the Children's Workforce* was updated in March 2016 to reflect changes at that time in national guidance and local Kent protocols.

## 2. Allegation Management in Kent

- 2.1 In Kent, the LADO function is managed via four full time officer posts, supported by a manager and administrative support. LADO officers are senior social work qualified staff who have a background in child protection practice and management.
- 2.2 The team oversees the allegation management function for the entire children's workforce in Kent. It is important to note that the team does not undertake investigations but oversees the investigations undertaken by other agencies, including employers.
- 2.3 In addition to the management and oversight of individual allegations, the team responds to requests from Ofsted for information towards inspection of residential provision in Kent; provides considerable consultation to providers, partners, members of the public, Ofsted and others on matters related to concerns about staff conduct and related procedure; and responds to frequent Freedom of Information requests for data linked to LADO role.

- 2.4** Since May 2014, the team has responded to allegations on a shared County intake basis (rather than having the previously based Area Officers), to ensure better continuity and consistency for service users as well as parity of case-loads throughout the LADO Team. In July 2015 the team became co-located in Kroner House, Ashford. It has allowed for further improved consistency, better efficiency and coordination of administrative oversight and increased peer support. It has also enabled more effective 'on-the-ground' liaison with the Central Referral Unit, which are based in the same building.

## **STATISTICAL REPORT**

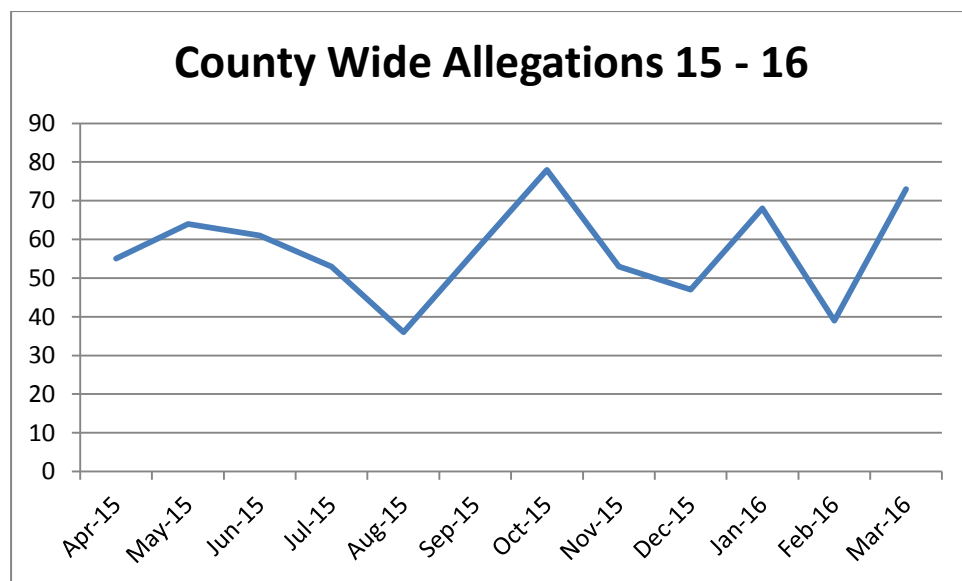
### **3. Demand on the LADO Service**

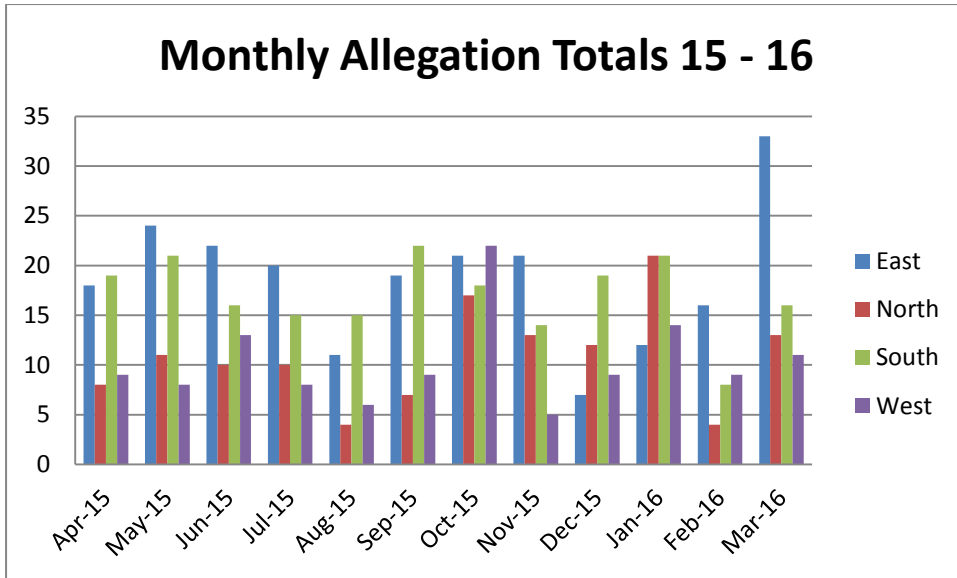
- 3.1** The number of calls to the LADO service for consultation and allegation management support is considerable. Between April 2015 and end March 2016, the team recorded 737 formal allegations against the children's workforce in Kent. This represents an increase of 55 from the 682 recorded during the previous year; therefore the team have been dealing with an increased volume of work.
- 3.2** The team has additionally managed a very high number of LADO-related consultations, some 1209 in total. These mainly relate to staff conduct issues which, on consultation, are designated as below the allegation threshold and passed back to employers to manage as practice or competence issues rather than formal allegations. They may also constitute specific historical matters where staff are no longer working within the children's workforce, or could relate to matters of policy guidance. Based on last year's consultation figures of 859, the team has seen an increase in the use of consultation. However I would project a further increase in this figure given the continued awareness raising undertaken by the team and the willingness to be a point of consultation for agencies and employers.
- 3.3** The categorisation of a piece of work as a 'consultation' is deceptive and may suggest lesser input from the LADO. At a qualitative level, this is not a justifiable deduction, with many consultations requiring considerable follow-up input from the LADO beyond initial caller contact. The consultation workload should not be underestimated.
- 3.4** Statistically, based on these figures, the LADO team is currently managing an average of 14 new formal allegation notifications per week. When combined with consultation requests, the figure rises to some 37 new LADO cases per week.
- 3.5** As would be expected, there is a significant drop in allegation-specific referrals during the school holiday periods. The peak months

being October, January and March. The districts of East Kent and South Kent are the two districts which make the most contact with the LADO team. Thanet and Canterbury being particularly high in the numbers of contacts with the LADO team.

**Number of allegations by district per month**

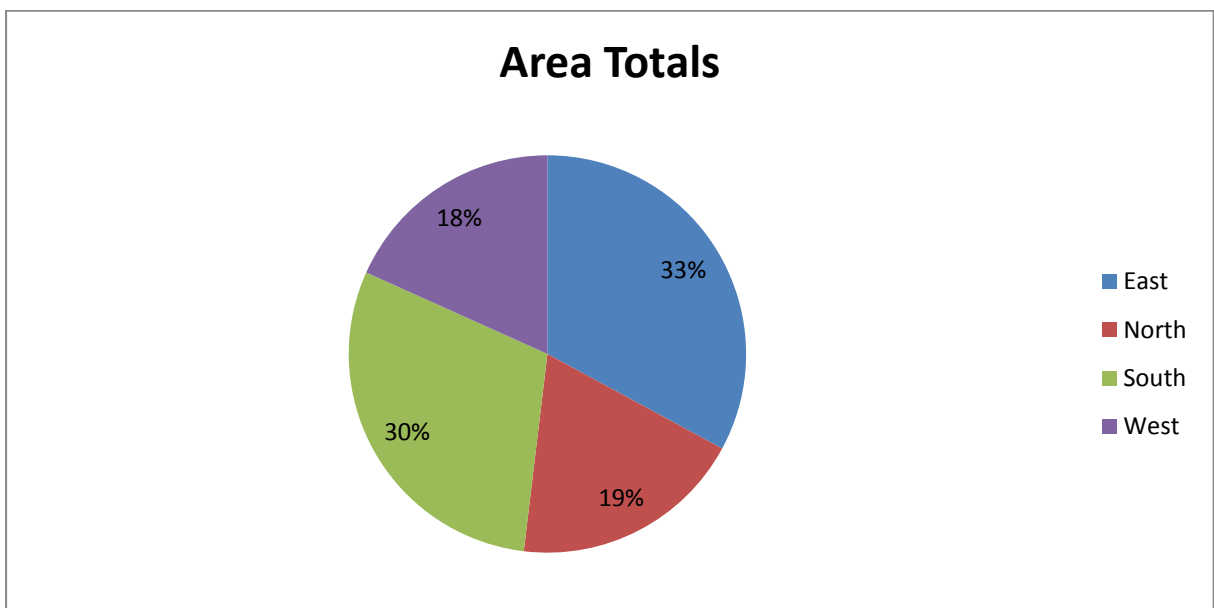
Month	East Kent			North Kent			South Kent			West Kent			Cross /Out of County	County
	Thanet	Canterbur	Swale	Dartford	Gravesha	Sevenoak	Dover	Ashford	Shepway	Tonbridg	Tunbridg	Maidston		
Apr-15	11	4	4	3	2	1	8	3	7	3	2	4	0	55
May-15	12	8	4	5	4	3	11	7	4	3	3	1	4	68
Jun-15	10	4	7	3	3	5	8	2	5	4	3	5	0	61
Jul-15	8	9	7	4	5	2	6	6	2	2	2	4	1	54
Aug-15	2	6	2	1	2	1	4	3	7	3	0	3	0	36
Sep-15	8	9	2	1	3	3	8	8	10	2	2	7	0	57
Oct-15	9	6	2	7	6	2	7	4	5	12	3	9	0	72
Nov-15	7	7	8	6	4	4	6	6	8	3	0	1	2	60
Dec-15	6	0	3	4	6	3	7	5	5	4	1	4	2	50
Jan-16	10	8	6	10	9	4	5	8	7	2	3	14	0	86
Feb-16	8	3	7	3	1	1	3	1	6	4	2	4	0	43
March-16	21	1	7	3	2	6	12	7	6	8	0	6	0	91
<b>TOTALS</b>	112	75	59	50	47	35	85	60	72	50	21	62	9	737



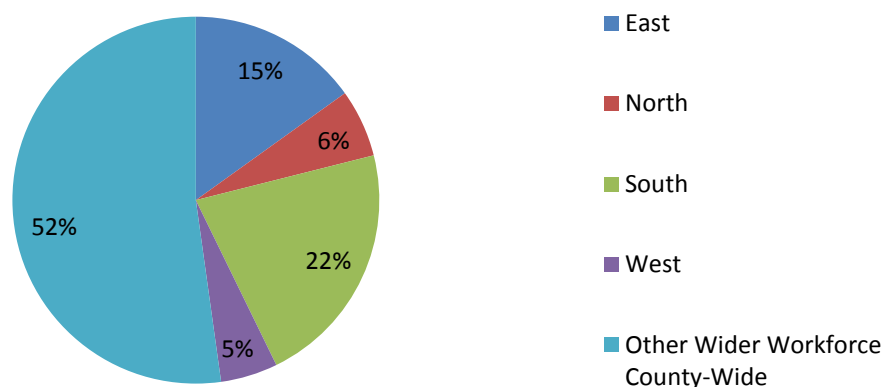


#### 4. Allegation Demographics

4.1 Looking at the geographical distribution of formal allegations recorded, the county remains split as it was last year, with a clear line of increased demand coming from the South and East of the county. 463 allegations were notified from these areas (accounting for 63% of the allegation workload) as compared with just 274 (or 37%) from the North and West areas. This is perhaps unsurprising when taking into account the high concentration of both residential children’s homes and independent fostering agencies (IFA’s) located in South and East Kent.



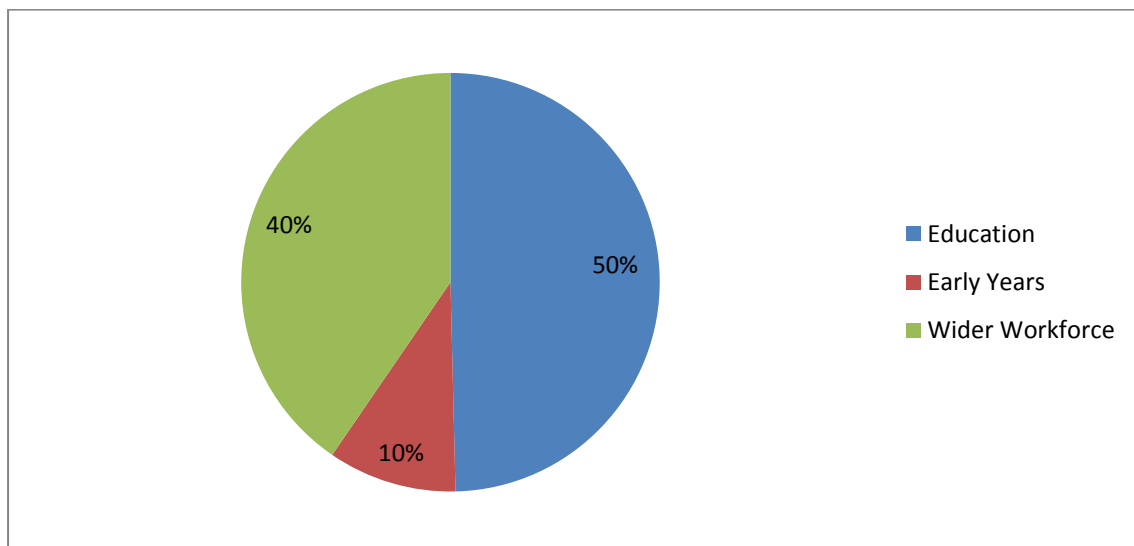
## Area totals for Residential & IFA Care Staff (as a percentage of the Wider Workforce Only)



- 4.2** Looking in more detail, it is significant to note the specific individual source of these allegations. Figures on allegations received from children placed into Kent from other Local Authorities (OLA) have been recorded on a more accurate basis over the last two years with 147 being identified in 2014-15 and 151 being identified during 2015-16 with . This accounts for 22% of the total allegations being dealt with by the Kent LADO team. The vast majority of these allegations will be linked to their placements in Kent, although a handful will be allegations made in education or health (hospital) settings.
- 4.3** Breaking this down further geographically, 79% of these OLA allegations have been drawn from East and South Kent statistics with the remaining 21% only coming from the North and West of the county.
- 4.4** It has widely been recognised that children being placed within Kent from out of county will have a major impact on resource requirements and I am aware that KSCB is currently undertaking work to identify the extent of the issue and to seek ways to manage it at a more strategic level. Additionally, an OLA Placement Officer has now been appointed. The OLA allegation figures held by the LADO team indicate an impact reach way beyond this immediate service to include a full range of wider investigating agencies and support services. Children placed within Kent from elsewhere have a high level of vulnerability and (we hear anecdotally), can be defined as 'difficult to place'. This may place them at greater risk of targeted harm from professionals and others looking to abuse, but they often arrive with considerable emotional distress and challenging

behaviour and staff responsible for their care are evidently also very vulnerable in their handling of them.

- 4.5** Recording the wider source of notifications to the LADO comes under three broad headings – Education, Early Years and Wider Workforce. The statistical distribution of these allegations indicates that education services account for 368 of the 737 (50%); 73 come from the early years sector (10%), and the remaining 296 (40%), are made against staff in the wider workforce. This distribution indicates a broad parity with the previous year's figures (with a small increased weighting towards the education services). It is unsurprising that as a whole, the staff most likely to have allegations made against them will be those working with children directly and often for significant periods of the day (teachers, class-based staff and other direct-contact education staff ; nursery staff, child-minders and after-school club staff and residential workers, in-patient hospital staff, foster carers and activity club coaches. For these staff, the need to understand and work within the basic rules of professional safe working practice is crucial to protect both children and staff.



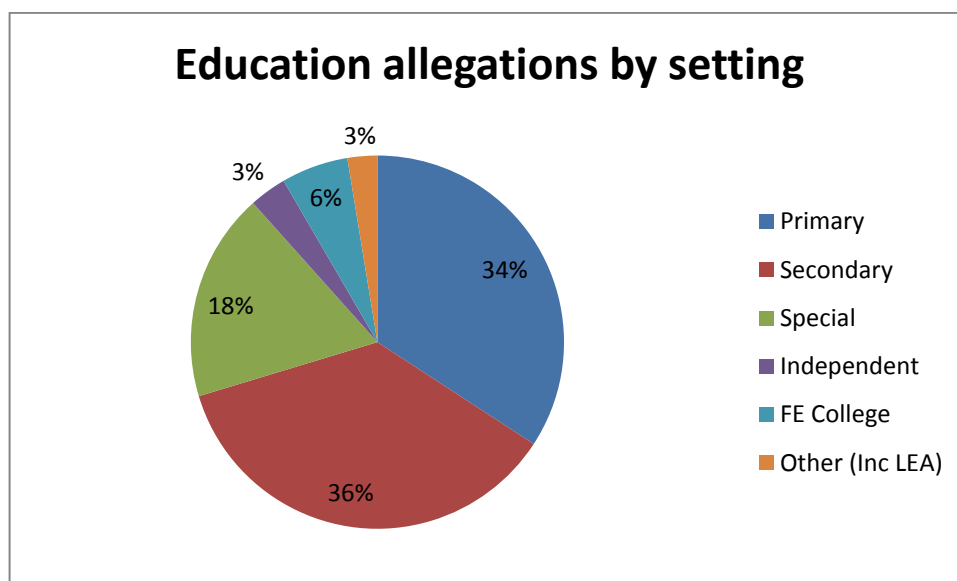
- 4.6** The LADO team additionally record information on whether allegations are linked to disabled children (with a formal diagnosis). Figures currently indicate 10% of the total allegations are made by or on behalf of disabled children, with these being weighted towards allegations within the education sector.
- 4.7** Historical allegations (those which are not current and relate to incidents which allegedly occurred at least some months previously) account for 7% (45) of the total. The apparent increase in historical allegations is unsurprising in the wake of media reporting of such cases which appears to have given confidence to alleged victims (and in some cases their parents) to make a later or delayed complaint.



**4.8 Education Staff** – The 368 allegations reported against education staff (which includes staff covering transport services on behalf of the Education Department, school volunteers, ICT Technicians and site staff), represents a significantly high percentage overall, but it needs to be placed within the context of this being the largest sector provider with more than 700 schools (including Academies and the Independents), within the county boundary.

**4.9** The proportion of these education allegations (123 of the 368 (34%)), made within the primary school age sector, has dropped from 41% in the previous year. With 36% coming from the secondary level and 21% from special schools (including independent specialist provision). These figures include allegations originating from Academies. Allegations from general independent schools and FE colleges account for a further 6% of the reports. The figures represent a significant change from last year in the secondary and primary sectors.

**4.10**

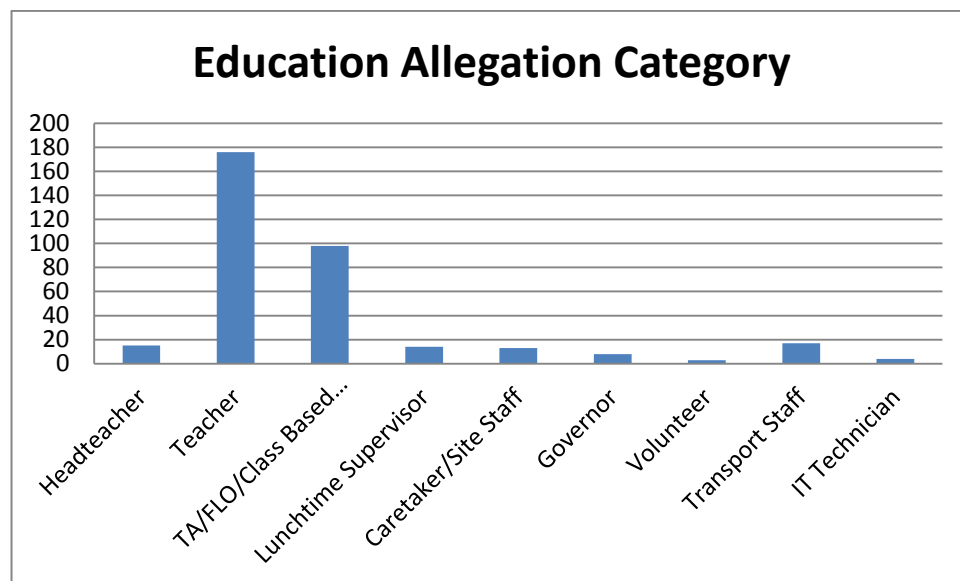


**4.11** The shift from the primary sector to the secondary sector is not easily explained but one factor is the increased number of 'physical' interventions in the secondary sector which have led to complaints and/or allegations. The figures might also suggest a level of greater awareness raising and reporting amongst the secondary sector.

**4.12** One hypothesis is that allegations may sometimes be triggered by a child in a high state of emotional upset, misperceiving well-intentioned actions of staff in their attempt to keep them safe. The often physical nature of interventions to move children in distress is not always explained before being done and an angry or upset child

will often see this as a threat. This again highlights a continuing need for school staff to be educated regarding safe working practice and safe handling of pupils in their care. Anecdotally we have noticed an increased pattern of parents wishing to escalate relatively minor incidents and an increasing use of social media to express their views.

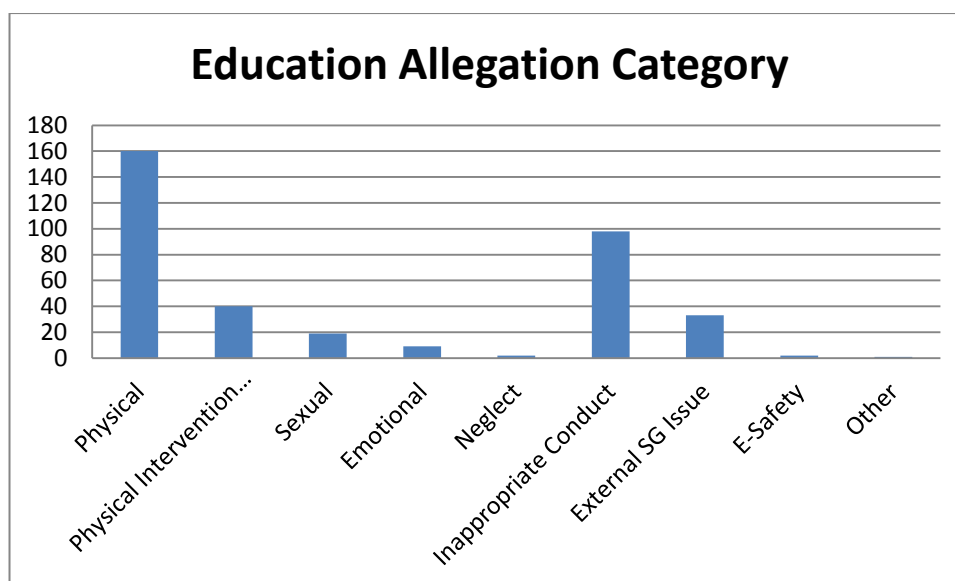
- 4.13** Additionally, parents and children are increasingly aware of their rights to challenge when they are concerned about safety and welfare. The LADO team receives and manages a notable number of allegations direct from Ofsted (where parents have complained directly to the national inspectorate) or where Ofsted subsequently become directly involved.
- 4.14** As noted above, class-based staff are subject of the highest level of allegations with teachers specifically receiving 48% of the education-only total. Other class-based staff (TA's, LSA's etc.) account for 29%, 5% are made against education-linked transport staff (18 in total – down by 12 on last year), 14 (4%) against site staff (caretakers etc.), 14 (4%) against Lunch Time Supervisors and 16 (5%) involved Head Teachers (a similar number to last year).



- 4.15** The significance of allegations against transport staff should not be underestimated. They are often linked to the most vulnerable children with additional educational needs and disabilities, who are being transported by staff with limited training in either safeguarding or managing behaviour. The confines of a car or small bus, carrying frequently two or three children, sometimes without the support of an escort, places transport providers in very difficult circumstances, particularly when children become angry or distressed. This can lead to attempts to manage situations without the level of skill required

and thus result in inappropriate handling. The child(ren) are also often being transported without any additional supervision, leaving them vulnerable to potential inappropriate discussion and interaction from transport staff. The numbers of allegations has reduced from last year, down from 30 to 18, this might be as a result of increased awareness raising and training offered to transport staff and a more effective working relationship between KCC transport colleagues and the LADO team.

- 4.16** The introduction of a draft protocol (drawn up between the KCC Transport and LADO services) for the management of transport allegations, has supported understanding of roles and greater consistency in follow-through of these allegations during the last year. However this remains an area where consistent and targeted training in safeguarding and safer working practice needs to be emphasised.
- 4.17** The numbers of allegations against Head Teachers has stabilised over the last year. Whilst it is unclear why Head Teachers still have a significant number of allegations made, there is a need for head teachers to be alert to their own vulnerability and to ensure transparent liaison with parents when concerns have arisen about children, their behaviour and any interventions in school. Such liaison remains important regardless of which staff may have needed to intervene and helps to ensure less suspicion, accusation and concern from families. It is also essential that Head Teachers ensure they are appropriately role-modelling the school's philosophies around safe practice at all times.
- 4.18** As would be expected, within the education sector, 200 out of the total numbers of allegations (368) are physical in nature (including those arising from physical intervention) with 98 allegations are of broader inappropriate conduct and 30 relating to external safeguarding issues. Risk by association cases are now recorded as Consultations, in line with other Local Authorities. The number of allegations of sexual concern towards a pupil in the setting has reduced from last year, from 28 to 20. This is despite recent media interest and publicity on the subject. The increase in the number of recorded physical allegations is a concern and is notable. The vast majority of these allegations do not result in disciplinary action or any action leading to staff dismissal. However the figures would support the more anecdotal picture of staff requiring to physically intervene to safeguard children and the increasing aspect of parental complaint about such interventions. This might well be a key training area going forward.



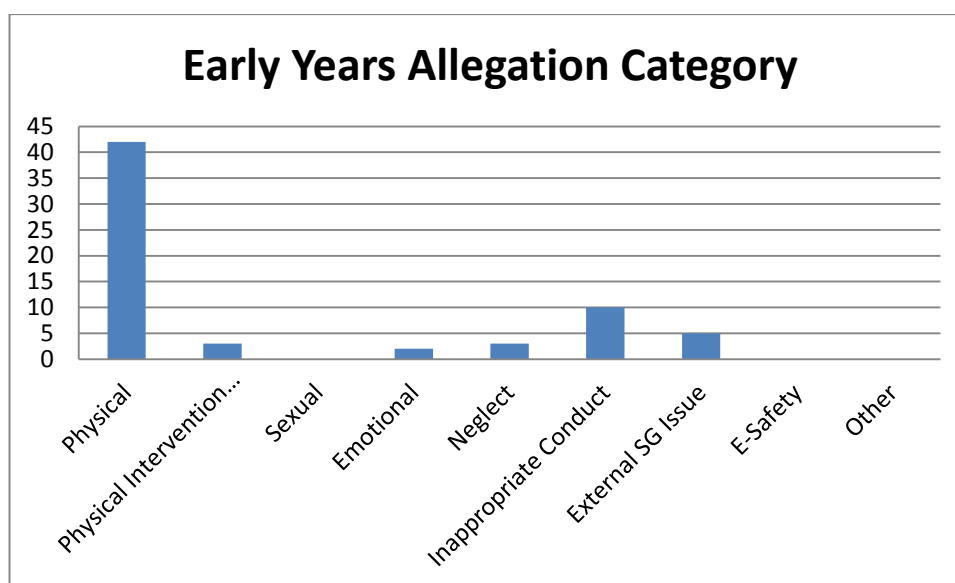
**4.19** Figures relating to allegations of external safeguarding concern (where a member of staff is subject to scrutiny for child protection issues outside of the work setting), remain currently stable within the education sector.

**4.20** With regard to risk by association, it was recognised that this particular category of allegation concern continues to present particular challenges for employers across the board. Such assessments require an understanding of the possible transference of risk and suitability into a professional setting from outside. They are complex and require skill and analysis which is often new and quite alien to many employers. Analysis of risk and suitability explores not only that which would be direct to children in a setting, but also wider risk from possible blinkered judgement of the staff member when faced with safeguarding concern and risk to the integrity and perception of the employing organisation. The time and support given to such cases by LADO officers as well as through the Education Safeguarding Team is significant. The government are currently reviewing the guidance in this area.

**4.21 Early Years Staff** – There has been an increase in allegations against Early Years staff in the last year from 49 to 64 (if we remove risk by association cases, which we now record as consultations). Of the total 64 allegations made within the Early Years sector, the majority (65%) are against nursery staff, with a further 29% being against child minders and nannies. The remaining 6% of allegations (totalling just 4 notifications) are drawn from a Children’s Centre, After School Clubs and an ‘other’ setting.

**4.22** Given the significant numbers of Early Years' staff across the county and the high numbers of children in early education, the fact that only 10% of allegations come from this sector remains an interesting discussion point. Very young children remain under-represented in safeguarding referrals across the board despite their vulnerability, which suggests a continuing possibility that abuse and allegations are either under-reported or under-recognised.

**4.23** Within Kent, the highest proportion of EY allegations remain physical in nature (67% of the EY total). 17% are for broader inappropriate conduct concerns and 8% concern possible emotional maltreatment or neglect issues. There were no recorded allegations of possible sexual abuse. The EY sector are subject to more stringent requirements regarding prohibition of employing staff directly associated with sex offenders, although the year on year figures do not appear to have been affected by the reiteration of the Disqualification guidance. It is not fully understood why this particular notification area is so highly represented in the Early Years sector.

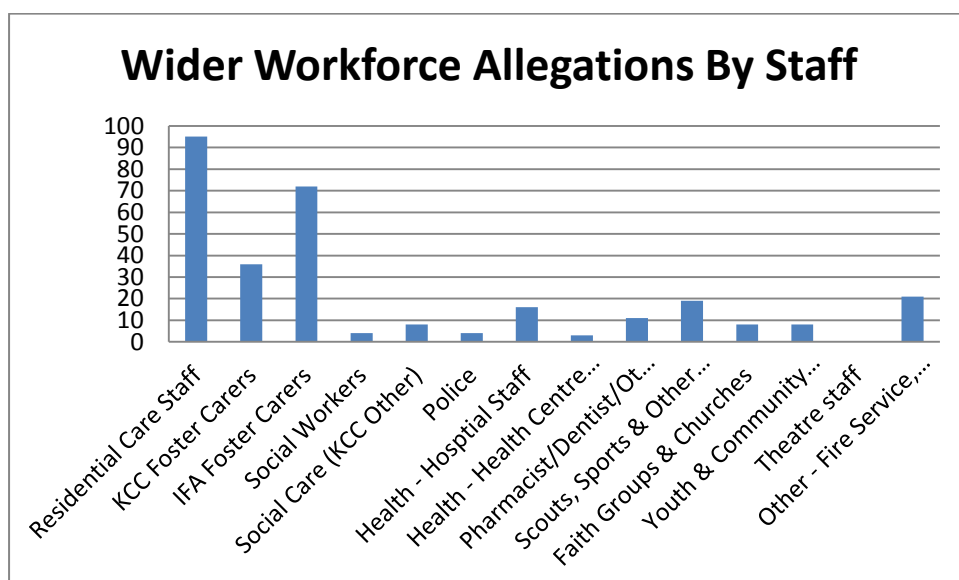


**4.24** The highest proportion of EY allegations recorded in Kent remains situated within the West Kent boundary at 37% of the EY total. Of the remainder, 17% are allegations from South Kent, 22% from North Kent and 24% from East Kent. The reasons for this slight disparity are not known, but one could surmise the possibility that in West Kent, higher numbers of children may be subject to pre-school child care away from the home due to better socio-economic factors and possibly increased numbers of working parents, or simply that West Kent EY settings have a better understanding of reporting requirements. Regardless, figures remain very low.

**4.25 Wider Workforce** – 41% of the total number of allegations are made against staff working in the wider workforce. As already stated, the highest proportions of these are centred within the residential care sector (at 30% of the WW total) and within fostering (35%). Of the 107 allegations made against foster carers, 71 are from within the independent sector and 36 are against KCC foster carers.

**4.26** Allegations against Health staff run currently at 3% (or 18) with the majority of these relating to in-patient child mental health settings.

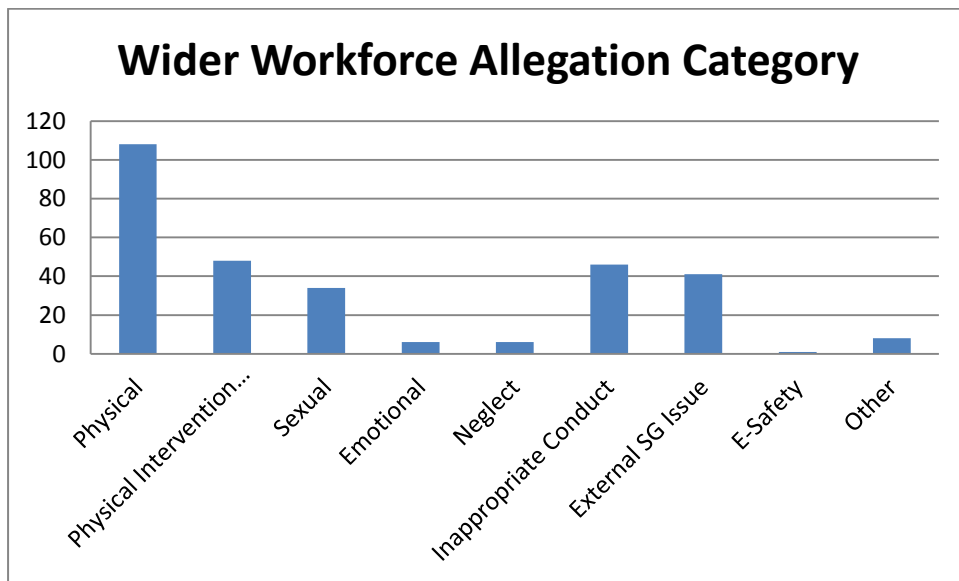
**4.27** The remainder of allegations against staff in the wider workforce are spread across the full breadth of providers who have regular contact with children, including social care, policing, and faith groups and the church. Although actual numbers of allegations in these sectors remain small, it is nonetheless an area to which we should maintain a watching brief.



**4.28** As with other sectors, the highest proportion of allegations is physical in nature (150 of the 301 recorded or 50%), including allegations specifically linked to physical interventions (45 – 15% of the WW total). The figure relating to allegations in the course of specific physical interventions remains higher than elsewhere with the majority emanating from within residential care. Whilst this could raise a concern about the over-use of restraint in residential settings and it is always a matter to be reflected upon when assessing such allegations, the actual overall figures do not single out restraint as a primary concern. General ‘physical’ categorised allegations are a

greater worry (although these may have been relayed by the child outside of the context of intervention when in fact they were directly linked to behaviour). Either way, the LADO team are well aware of the risks associated with residential culture and the possibility that restraint can become a normalised ‘first resort’ in residential settings. We keep a check on patterns of allegations relating to individual settings and will work with Ofsted, placing authorities and the settings themselves when there are peaks in frequency of allegations. It is not unusual to discover patterns of allegations from individual children and in such circumstances, the LADO will advise behaviour and risk reviews for those children with their social workers and the setting staff to ensure the child’s needs are being both properly assessed and addressed (and that staff and children are better protected). In reality, the high numbers of restraint allegations against staff in children’s residential placements are as likely to be a reflection of the considerable emotional distress and trauma responses experienced by very troubled children, but the LADO team remain alert nonetheless.

**4.29** Beyond physical allegations within the wider workforce, 42 (14%) are of inappropriate conduct, 34 (11%) are sexual in nature (which is an increase from last year).

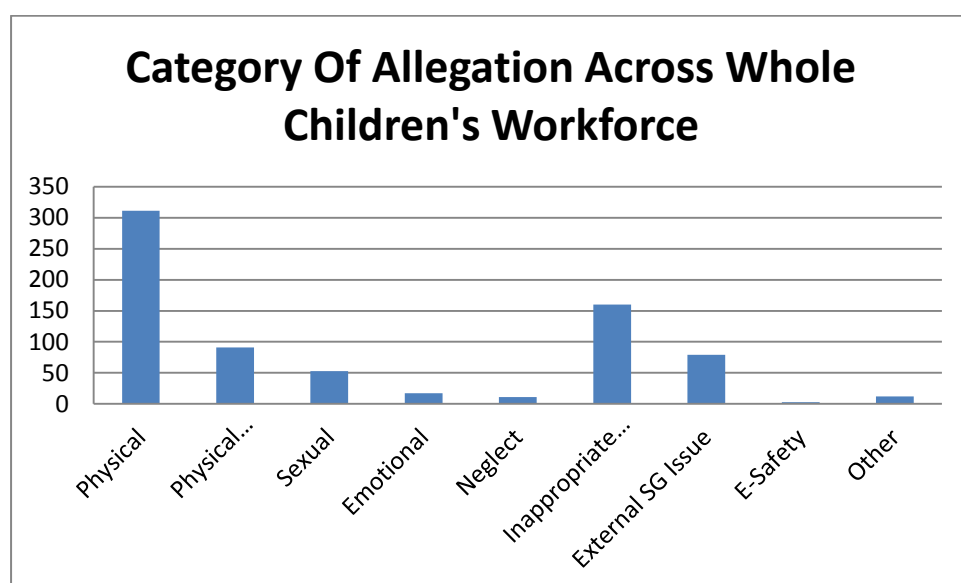


**4.30** Allegations of emotional and neglect concern have reduced slightly from last year, but continue to be higher than in other sectors. This may be best explained by the increased day to day care needs of children in care, their close proximity with direct carers and the increased scope for identification of concerns.

## 5. Allegation Categorisation overall

**5.1** As reflected in the figures for individual sectors above, allegations of a physical nature (including physical intervention) remain the most significant concern in respect of staff working in the children’s workforce across Kent and total some 385 out of the overall 737 recorded (or 52%). Regardless of setting or circumstance, there remains a concern about the need for continued concerted training and development of skill in managing behavioural demands for staff working with children, who can be challenging regardless of background. The benefits of clear behaviour management plans with children known to present challenges remains under-acknowledged until an allegation is made and there is a greater need for all professionals to work more cooperatively together to assess and formulate care plans and agreed strategies in this respect if children and staff are to be protected. This need continues to be discussed internally within KCC and with KSCB, including in respect of concerns about OLA placed-children.

**5.2** Overall, sexual allegations account for a steady 7% of the total; emotional allegations – 2%; neglect – 1%; inappropriate conduct - 21%; external safeguarding issues - 10%; e-safety and other issues – 1%. The overall percentage distribution by allegation category is an almost mirror image of the previous year.



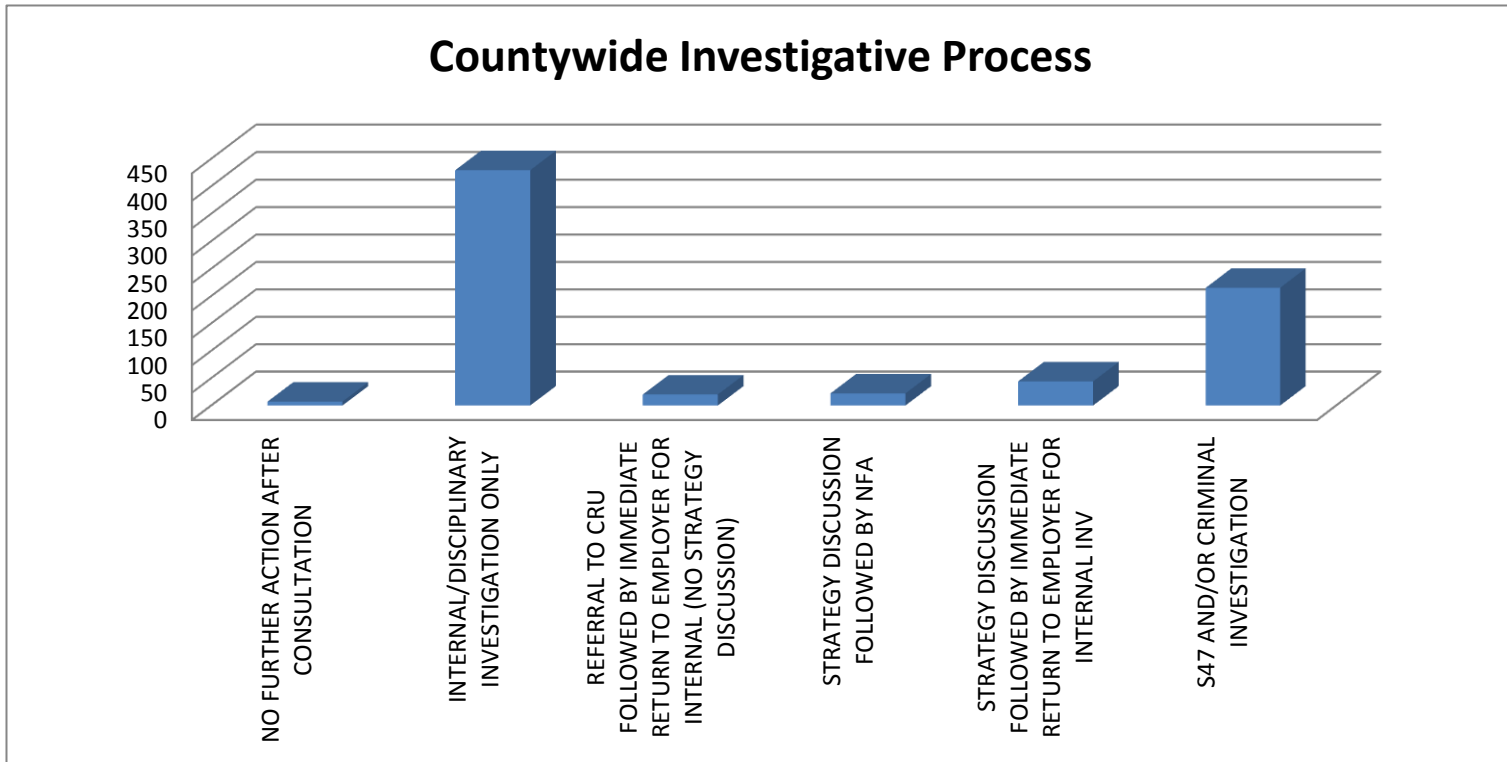
## 6. Investigatory Decision Making and Action

**6.1** Initial decision-making on the most appropriate route for investigation and on threshold for referral to Specialist Children’s Services for S47 consideration, continues to be managed by the LADO. These decisions are taken in consultation with employers, referrers, parents and where thresholds for child protection or criminal investigation are considered met or near met, with our colleagues in Specialist Children’s Services and the Police.



- 6.2** Where possible the LADO seeks to direct a proportionate response based on the allegation and available information. Whilst this is generally accepted, we cannot avoid referrals from angry parents direct to the police and where these occur we will negotiate with our police and social care colleagues around threshold in an attempt to maintain balance (we continue to have a particularly positive relationship with staff in the Central Referral Unit in this respect).
- 6.3** Equally, we frequently negotiate with LADO colleagues and Social Care staff from other Authorities, where there are disagreements in threshold decisions locally.
- 6.4** There remain area, team and personnel variations by Specialist Children's Services in response to allegations and where an allegation has been passed direct to an allocated social worker outside of the CRU, there is continued concern of the likelihood of this being placed within S47 process prior to consultation with the LADO and without full acknowledgement of the LADO function or threshold negotiation.
- 6.5** Training with Specialist Children's Services about the LADO function and allegation-management is beginning to be rolled-out, this is important given the particularly invasive and traumatic nature of investigations on families involved, the high resource implications for inappropriate statutory investigations and the significant implications for professional careers when S47 investigations are initiated unnecessarily.
- 6.6** Statistically, of the 737 allegations recorded, 348 (47%) resulted in a referral to Children's Services and/or criminal investigation. Of these 190, 55% resulted in full S47/criminal investigation (26% of the total allegations reported). The percentage of referrals resulting in full s47/criminal investigation dropped from 74% last year to 55% this year. This might reflect more careful consideration being given to the threshold for such investigations and for agreeing the most appropriate and proportionate response.
- 6.7** 100 (29%) of the 348 SCS referrals were accepted and placed into an initial strategy discussion process, but were then either returned to the employer for internal disciplinary investigation process (60 allegations in total) or deemed to have enough information at that stage to decide they were unfounded with no further action necessary (40 allegations). Almost all of those were handled through the CRU.
- 6.8** Negotiation at stage one with CRU managers resulted in a further 47 SCS referrals being refused as not meeting child protection threshold and returned immediately to the employer for internal disciplinary investigation process (the same number as last year).

This is a positive reflection on working relationships between teams and services and has helped to prevent unnecessary investigations.



**6.9** Given the time-consuming process of attending strategy discussions in person set against the high number of allegations being managed by the LADO and the fact that strategy discussions will be spread across the county, the LADO team wherever possible, will contribute to strategy discussions by conference call facility. At an anecdotal level, these facilities remain very inconsistent and for some area teams non-existent, which has added additional strain and inefficiency on the service. It was hoped that once the team were settled in their new team space in Kroner House, that greater confidentiality will be achieved due to promised layout of the desk area. This has yet to transpire, although a move within Kroner has been muted for many months.

**6.10** Of the remaining allegations not referred to Specialist Children's Services, 450 (61% - equal to the previous year) were directed for disciplinary investigation process immediately by the LADO with the employer.

**6.11** In total 155 staff (relating to 21% allegations), were suspended as a result of allegations made against them. This figure has reduced from the previous year (down from 27%) and represents an

improved direction of travel in decisions being taken at stage 1. Suspension should not be considered as an automatic process following the making of an allegation and the LADO generally advises employers on the basis of risk and individual circumstance as to whether suspension would be appropriate. Whilst the final decision always remains with the employer, it is recognised that employers will feel very anxious about decisions relating to child safeguarding and may err towards suspension as a default. Some employers also have policies which (against guidance) dictate the need for suspension when an allegation is made. These policies are being challenged by the LADO team.

- 6.12** The LADO team has sought to redress the balance of advice being given and to explore proportionality being utilised within the settings. The team have promoted the importance of outlining and discussing a full range of options alongside suspension to ensure the best response to safeguard both the children and adults involved. They have also given advice on the importance of clear recording of advice given and options outlined to ensure better auditability of process.

## **7. Outcomes**

- 7.1** The LADO is required by guidance to collate information on allegation outcomes within category definitions: Substantiated; Unsubstantiated; Unfounded; False; Malicious. Despite the use of standardised outcome forms sent to employers for completion and follow-up telephone contact to gain the information, outcome collation remains a challenge for the team. Therefore the LADO Manager changed the practice of sending outcome forms to employers without a subsequent follow up tracking system. LADO's can still send out these forms but they must be responsible for ensuring their return. As an alternative the LADO can secure a recorded outcome by way of a clear email chain.
- 7.2** All cases will be closed with a clear recorded outcome and the LADO admin support and quality assure this process. Some cases are awaiting outcomes as a result of on-going court and criminal investigation processes and some have been delayed where staff have been signed off sick following an allegation, which has prevented completion of investigations. However, the team continue to be aware of investigations (particularly those involving criminal process) which have taken many months (and on occasions, more than a year) to complete, which remains unacceptable for all concerned.
- 7.3** The task of constantly chasing for outcomes from employers (sometimes without fruition) is time-consuming, however with

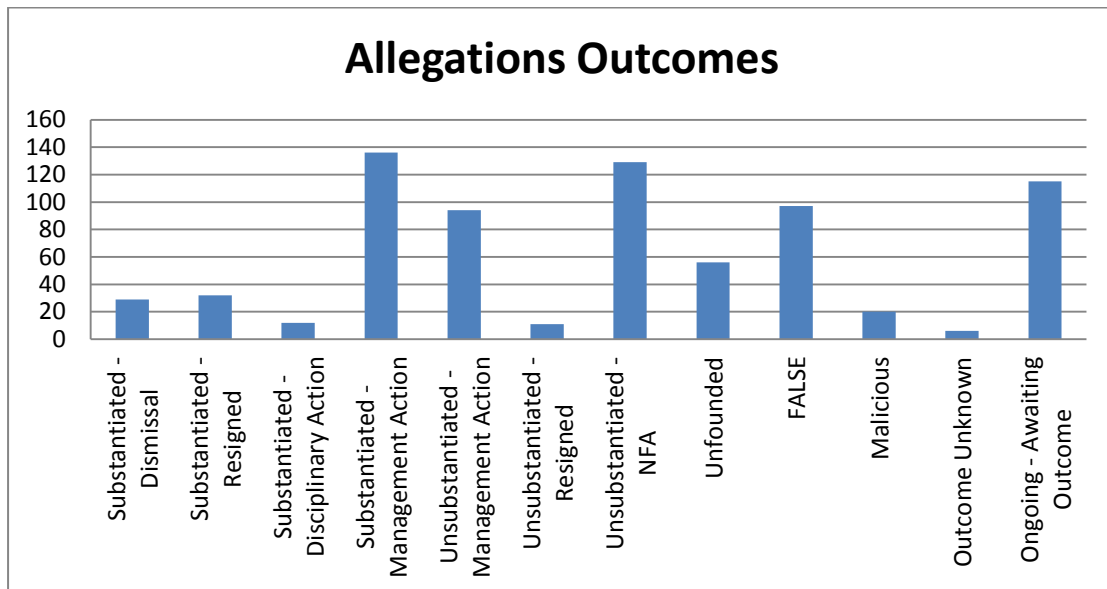
support and systems being put in place by the LADO Manager and the team we are making good progress of securing these outcomes.

- 7.4** In the reporting period 2015 to 16, 201 allegations were concluded to be substantiated (27%). This represents an 11% decrease on the previous year.
- 7.5** Of these, 25 were so serious as to result in dismissal of the staff member, 10 of the substantiated allegations resulted in another disciplinary sanction (formal written warnings), and 136 concluded with the employer providing other management action, such as advice, training, mentoring, etc. In 30 cases, where we have a clear decision that the allegation was substantiated at some level, the subject staff member resigned from their post. Thus 55 staff were either removed from or resigned their roles working with children as a result of substantiated/part-substantiated allegations made against them. This is a significant reduction from last year's total of 100.
- 7.6** There were 45 staff known to have been referred to the Disclosure and Barring Service (DBS) for consideration of on-going professional suitability. This process is mandatory in situations where staff have been either dismissed or resigned as a result of allegations which have concluded risk to children. The disparity between figures of actual referral and staff who have either resigned or been dismissed is accounted for by the fact that some staff members who resigned would not have been dismissed in actuality had disciplinary hearings been completed. Allegations may not have been so significant as to conclude dismissal for gross misconduct, even though elements of the allegation had been proven.
- 7.7** In total, 8 cases (1.5%) have resulted in criminal conviction or formal Caution, with a further 12 cases either awaiting court process or still within current criminal process beyond initial investigation (such as with the CPS for consideration, or awaiting court dates).
- 7.8** 230 cases (31% of those concluded) were completed as unsubstantiated. Unsubstantiated cases represent a dilemma for LADO staff and for employers as they have been impossible to conclude definitively and there remains an element of doubt as to whether the incident occurred or not, and thus by definition, whether there could be an on-going risk. Although the LADO records these cases statistically and in outline, the DfE is clear that for teaching staff, unsubstantiated allegations cannot be declared for reference purposes. The LADO records have proved helpful in some circumstances where several unsubstantiated allegations have formed a pattern of concern for individual staff over a period of time (even when they have moved settings) and evidence has then come to light which supports the substance of a later allegation. In such situations, the LADO will ensure relevant sharing of information within appropriate safeguarding and data-sharing procedure to

enable risk-limiting action to take place and will support referrals to the DBS with chronologies of historical concern.

**7.9** 154 (21%) of completed cases were deemed to be either unfounded or false (having evidence to clearly disprove the allegation). In these cases, an incident will likely have taken place, but with differing perceptions of actions (e.g. appropriate physical intervention to limit risk in a situation where a child has remained angry about the need for contact).

**7.10** Only 20 allegations (3%) were deemed to be malicious, which is consistent with previous reports. It is rare for a child to fabricate an allegation, and when they do so, it will usually indicate a deeper emotional concern elsewhere in the child’s life (current or past). In such situations, employers are advised by the LADO to work with the child, parents and other agencies (rather than seeing the matter as fit for punishment), to try and establish the reasons for the allegation and assess for support.



**7.11** The impact of investigations into allegations against staff cannot be underestimated particularly when these have resulted in Section 47 process. Whilst allegations may be considered to be something of a professional hazard for those working with children in a modern world, the receipt of an allegation against you will have far reaching emotional consequences, from which some staff do not quickly recover and may even leave their respective professions, proven or not.

**7.12** The LADO maintains records of allegation investigations and their outcomes in order to identify patterns and frequency of concerns. These records are retained in line with the Information

Commissioner's Office guidance which recommends retention *"...until the person has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer"*.

## **8. Key Themes and Conclusions**

- 8.1** Whilst the LADO service in Kent remains busy and numbers of allegations remain high, it should be recognised that Kent has more schools, independent residential children's settings and fostering agencies than any other authority and as with previous years, allegation reports remain at approximately 1% of the children's workforce. This is not a reason for complacency however and if children in Kent are to remain protected and staff are to work safely within the parameters of both expected conduct and professional vulnerability, employers need to ensure both awareness of professional expectations for safe working practice and systems which will ensure swift reporting and response when concerns arise.
- 8.2** Such systems need to empower staff and children to report any worries as they arise, enable children to recognise risk and protect against it and support the development of safe working cultures in all organisations working with children as a fundamental means of protecting children from professional abuse.
- 8.3** The need to continue to raise awareness of the LADO function, responsibility and role across all agency sectors. The LADO Team have provided briefings to all the Fostering Service Teams across Kent there is a need for a defined programme of training delivery in the next year. The team will look to on-going support from our colleagues in KSCB, social care, police and the Education Safeguarding Team to promote awareness raising and reporting requirements.
- 8.4** Although the LADO team continues to have a close working relationship with the Central Referral Unit and this has improved the response times and threshold decisions being made in respect of referred allegations, it is noted that referrals made to allocated social work teams outside of the CRU still often receive a response which lacks understanding of the LADO function. Whilst the LADO team seek currently to address this locally as issues arise (and were supported by the inclusion of information and requirements in respect of outcome strategy discussions in the Director's Newsletter), the concern remains highlighted as a priority for training in the coming year.
- 8.5** Additionally, there are concerns about the patchy use of (and general unwillingness to use) conference call facilities across the county. This hinders the ability of the LADO (and other critical

professionals such as employers) to participate fully and meaningfully in strategy discussions.

- 8.6** Continuing frustration remains at the length of time taken for completion of criminal investigations which can leave professional staff suspended and employers (and employees) in limbo for months whilst cases are being progressed even at the most basic level. The LADO team work with and challenge local officers and their seniors to address where delays are evident, but frequently, additional lag results from processes beyond local police teams (with the CPS and courts).
- 8.7** Particular concern continues to be highlighted in respect of allegations against staff in independent residential provision in Kent and the particular vulnerabilities of children placed as well as staff caring for them. The significant percentage of allegations made by children placed into these settings from external authorities needs to be given greater consideration both in respect of local understanding and response as well as at a wider political level. Senior managers have been made aware of this additional identified resource factor for the authority and KSCB are seeking ways to address it strategically across the board. An OLA Placement Officer has now been appointed within Kent. The LADO Team will continue to inform and work with KSCB to support work being undertaken.
- 8.8** The continuing high level of physical allegations from children in care (particularly those for physical intervention linked with behaviour) also needs to be addressed at both an individual and wider setting level. Residential establishments need to ensure staff are appropriately trained and supported in their day to day management of children for whom they care and that care plans for children with known behavioural challenges actively explore and document agreed strategies to manage and respond to their behaviour. This need is relevant to all children in care and the LADO manager will seek to continue to meet with managers for the Independent Child in Care Review Team to ensure such issues are understood.
- 8.9** The number of allegations against transport staff (taxi drivers and escorts) has stabilised but continues to be a concern both in terms of the vulnerability of the children and vulnerability of the staff. Children subject to AEN transport arrangements are likely to have additional needs, disabilities or communication issues, which present additional challenges for investigation as well as protection. The LADO–Transport Team protocol for managing allegations against transport staff has been finalised during the year and the team will continue to look for additional support from the Education directorate to ensure training input in the area of safeguarding for transport-linked staff. Training for transport staff in respect of both safeguarding and safe working practice is crucial for this sector and contracted employers

need to be completely on board in understanding their responsibilities towards protecting the children of Kent.

- 8.10** It has been pleasing to note that the trend towards increasing use of suspension when allegations have been made has been reversed. Whilst many of these suspensions will be justifiable, historically some have been considered to be disproportionate. The concerns have been addressed within the LADO Team in respect of discussions and advice they give to employers in considering risk, and it would appear that this has had a positive impact. Patterns of suspensions will require on-going monitoring over the coming year and work is required to ensure employers are fully aware of suspension alternatives and the obligation to carefully consider these.
- 8.11** The LADO Team are now using a Liberi allegation module which has brought the recording of the team into line with other SCS services. It is fair to say that the team have had a period of adjustment. The need to potentially transfer basic historical data held by the LADO team about allegations into the Liberi system to ensure a full and safe ability to check for known information remains an outstanding task and would require short-term additional support in order to complete this task.
- 8.12** Allegation statistics as reported here indicate that Kent's children continue to be heard when concerns are raised and allegations and complaints are taken seriously and investigated appropriately in line with guidance and procedure.

## **9. Recommendations**

- 9.1** The continued need for training across the board in respect of LADO process and function, as well as behaviour management, needs to be progressed both at a local, LADO team level and in the wider context of KSCB and multi-agency services. This training should be negotiated and targeted at services presenting the most significant concern in the first instance (Specialist Children's Service management, the independent residential sector and IFA's, Education, Early Years and school transport (with support from the Education Safeguarding Service).
- 9.2** Continued monitoring of suspension decisions via LADO Team staff and direct challenge and work with employers where policies are identified indicating suspension is a default position.
- 9.3** Better communication between Kent Police and the LADO in cases awaiting criminal progress. The LADO team are currently awaiting a



response from the Police in the setting up of agreed contact points within the Police for case updates where criminal proceedings are on-going. Discussion to consider the primary reasons for delay in such cases and whether or how this can be best addressed.

- 9.4** Continued discussion with the managers for the Kent Independent Review & Child in Care teams in respect of the findings of this report for children in care and the need to ensure behaviour management is included as a fundamental element of care planning.
- 9.5** Information to be shared with Kent's senior managers in respect of evidence of allegations received from children placed in care in Kent from out of county authorities, so that this can be understood and further placed within a wider political context. Alongside this, the LADO Manager to continue to work with KSCB to support any strategic planning regarding children placed in Kent from Other Local Authorities.
- 9.6** Senior managers in SCS areas to review their local use of conference call facilities and to address how this can be improved where issues are identified.

**Paul Startup (Local Authority Designated Officer – Team Manager) – July 2016**