



# **CHILDREN, YOUNG PEOPLE AND EDUCATION**

**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 2016 to 31<sup>st</sup> March 2017**

**Document Owner:**

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June 2017

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## 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) last updated 5 September 2016, outlines specific requirements considered when managing allegations against staff working in education settings. These sets of guidance 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. For employers, this can be an anxiety provoking time and the role of the LADO is crucial in helping to manage this. The LADO supports this process through advice on thresholds at the point 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> 2016 to March 31<sup>st</sup> 2017. 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 threshold for an allegation against a member of staff is in line with 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

## **2. Allegation Management in Kent**

**2.1** In Kent, the LADO Service is carried out by 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. This has been a challenge during the last year due to considerable staff sickness and absence. Whilst this gap in permanent LADO staff has been addressed by the recruitment of temporary staff, they have not known the intricacies of the LADO role. The team have worked tirelessly to ensure that the quality of LADO work and advice has not fallen below a good standard during this time and should be commended for their commitment to the service.

**2.2** 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. The latter requests should not be underestimated in the amount of time that these take and the admin support within the team have ensured that these requests meet statutory timescales and are dealt with procedurally.

## **SAFEGUARDING ACTIVITY REPORT**

### 3. Wider LADO Role

**3.1** The LADO team has been keen to create and improve links with the children's workforce across the County. This has been with both KCC staff groups as well as the children's wider workforce.

**3.2 KCC Fostering** – The County LADO Manager now meets regularly with the County Fostering Manager on a monthly basis to review allegations against KCC Foster Carers. In addition, both will meet twice yearly with all Fostering Team Managers to review cases and learning. Training on Allegation Management has now been delivered by the LADO Service to all of Kent's Fostering teams. The use of the Fostering Notification forms is now embedded in practice. Whilst we have only received 60 Notification Forms in relation to 141 allegations it is important to point out that as a service we often count foster carers as pairs and the notification forms received equates to 85% of the total number of referrals received.

**3.3 The Schools' Personnel Service Consultancy Team** – The County LADO Manager has delivered training to this HR Service and met with the specialist team who deliver the Lucy Faithful/Safer Recruitment Consortium training. This has provided the team with greater knowledge and understanding regarding safeguarding and support in delivering modules 1 and 4 of the training materials. Not least because in working together the training material can be framed within the Kent context; supporting the work of the LADO and be on song with key messages from the service. This is a rolling agreement where the LADO Manager and the specialist team come together every double term to discuss what's new/emerging in the world of the LADO, reflecting on data trends and local case studies so that by working together Kent's delivery of the Lucy Faithful/Safer Recruitment Consortium training can continually refresh and enhance the training whilst highlighting any key messages from the LADO service.

**3.4 The Education Safeguarding Team** – The County LADO Manager has spoken at Kent's Education Conference this year with a further scheduled date of 16/06/2017. This has provided the opportunity to explore the interface with Education and raise the profile of the LADO Service in Kent.

**3.5 KSCB** – The LADO Service is represented on the KSCB Learning and Development Group. The County LADO Manager is a trainer for KSCB and is delivering planned Allegation Management Training across the County 2017-2018. There are plans for a further LADO to acquire this training status.

**3.6 Residential Care Homes and Independent Fostering Association Forums** – There has been initial activity in establishing a LADO link

with these forums. There is a plan in place to speak at these 2017-2018 and a LADO has been identified to promote these links going forward. The LADO team also work closely with Strategic Commissioning with agreed protocols in place to ensure any allegations against a member of staff within settings that Kent have children placed are immediately notified to this team for action. This is well embedded in the practice of both services.

**3.7 KCC District Children's Teams** – There is a timetable in place to deliver Allegation Management training across all District Children's teams across Kent. This training is planned with some recommendations around LADO procedures to be fully understood and implemented across these teams.

**3.8 KCC Transport** – The protocol (drawn up between the KCC Transport and the LADO Service), for the management of transport allegations, has continued to support the understanding of roles. Additionally, this has ensured greater consistency in the follow-through of these allegations during the last year. The LADO Manager meets with her counterpart within KCC Transport provision quarterly to review and audit cases as well as considering any lessons learnt that can improve future practice. This has also been supported by the new Delivery Model for KCC Transport provision linked to the retendering of services and has meant that schools have more ownership of their contracts and can offer bespoke safeguarding training to their providers that address the needs of their children. This is well supported by KCC transport and additionally by the LADO service and KSCB.

## **STATISTICAL REPORT**

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

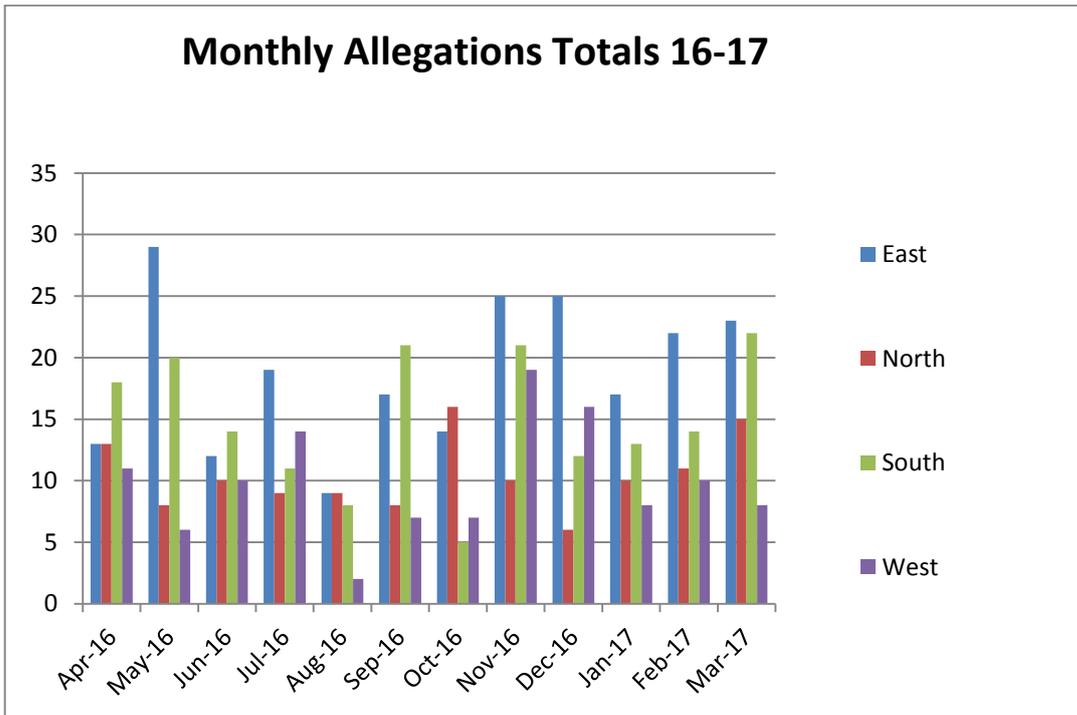
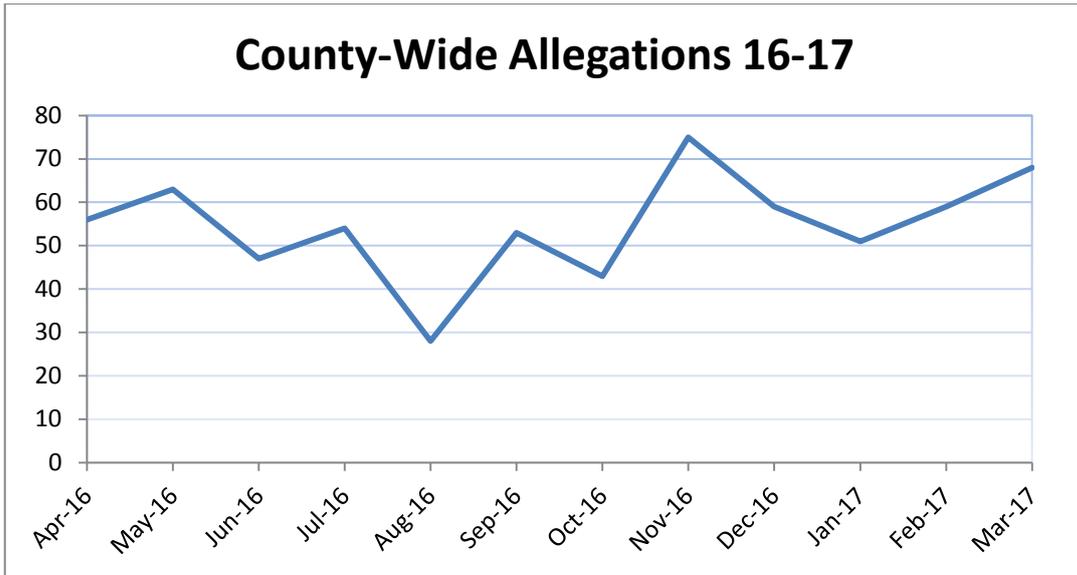
**4.1** The number of calls to the LADO service for consultation and allegation management support is considerable. The total number of referrals to the team from April 2016 and end of March 2017 was 1997. This is an overall increase of 51 referrals compared to last year's statistics.

**4.2** The team has managed 656 formal allegations against the children's workforce in Kent. This represents a decrease of 81 from the 737 recorded during the previous year. One possible reason for this decrease of formal allegations is that the LADO team have become more consistent in their recording of allegations, ensuring that the allegation threshold has formed the basis of such referrals. The relocation of the LADO Service to be co-located in one place in 2015 aimed to bring consistency to the Service.

- 4.3** The team has additionally managed a very high number of LADO-related consultations, some 1341. This represents a significant increase of 132 from the 1209 recorded in the previous year. These consultations 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. Additionally, the LADO team may hold "information only" consultations where information is shared by LADOs from other areas alerting us to wider children's workforce staff that may be moving across borders where there is a level of concern. Based on last year's consultation figures the team has seen an increase in the use of consultation 11%. I predict a further increase in this figure given the continued raised awareness of the LADO service undertaken by the team and the willingness to be a point of consultation for agencies and employers.
- 4.4** To categorise a piece of work as a 'consultation' does not suggest in any way a lesser input from the LADO. At a qualitative level, this is not a justifiable deduction; many consultations require considerable follow-up input from the LADO beyond initial caller contact. The consultation workload, therefore, should not be underestimated.
- 4.5** Statistically, based on these figures, the LADO team is currently managing an average of 12 new formal allegation notifications per week. When combined with consultation requests, the figure rises to some 36 new LADO cases per week.
- 4.6** As would be expected, there is a notable drop in allegation-specific referrals during the school holiday periods. This year, however, whilst this was more significant during August, there was less of an impact in the reduction of referrals during other traditional holiday periods. The peak months being November, May 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 Swale being particularly high in the numbers of contacts with the LADO team, followed by Dover and Ashford.

### Number of allegations by district per month

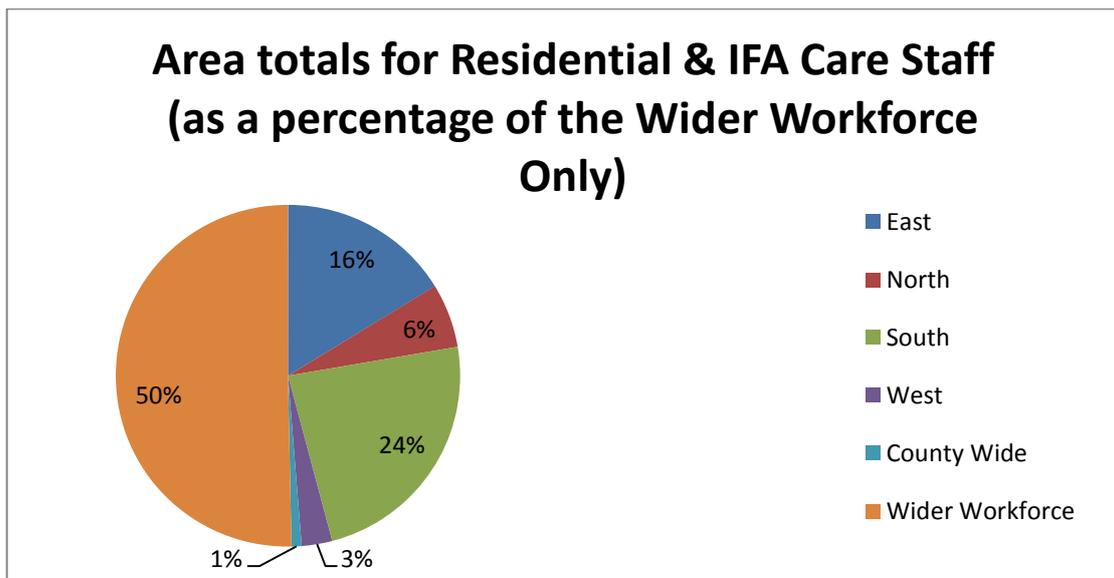
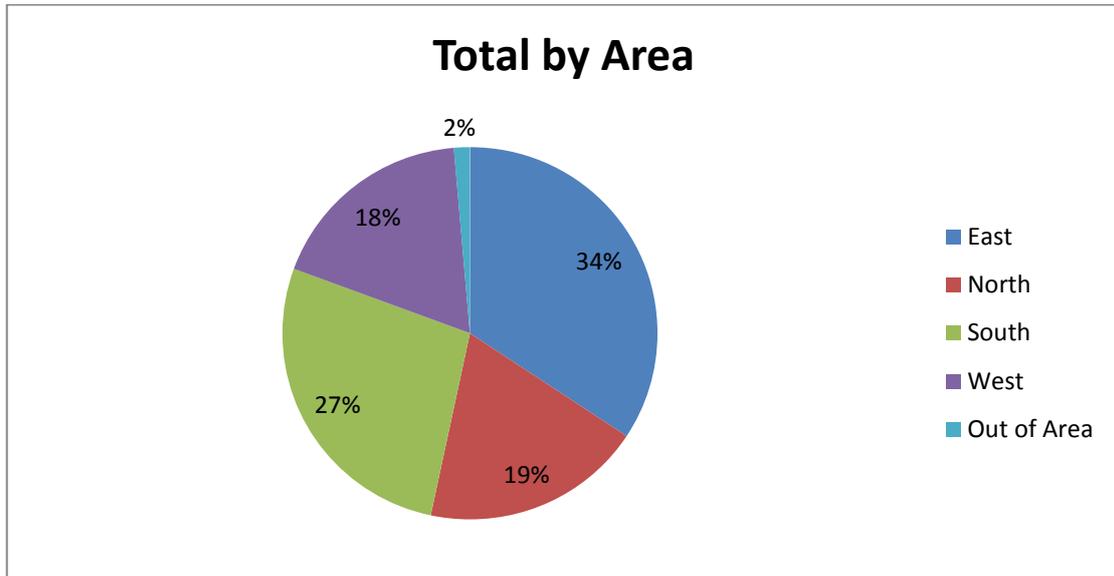
Month	East Kent			North Kent			South Kent			West Kent			Cross /Out of County	N/K	Total
	Thanet	Canterbury	Swale	Dartford	Gravesham	Sevenoaks	Dover	Ashford	Shepway	Tonbridge & Malling	Tunbridge Wells	Maidstone			
Apr-16	3	4	6	6	3	4	7	6	5	2	2	7	1	0	56
May-16	15	3	11	5	1	2	7	4	9	0	3	3	0	0	63
Jun-16	6	1	5	4	3	3	3	6	5	2	0	8	1	0	47
Jul-16	11	2	6	2	4	3	6	2	3	4	1	9	1	0	54
Aug-16	5	2	2	1	2	6	3	2	3	0	1	1	0	0	28
Sep-16	5	4	8	3	1	4	7	10	4	1	3	3	0	0	53
Oct-16	5	2	7	6	2	8	0	5	0	1	3	3	1	0	43
Nov-16	12	10	3	6	1	3	8	7	6	6	4	9	0	0	75
Dec-16	14	8	3	3	0	3	4	4	4	7	3	6	0	0	59
Jan-17	10	4	3	5	2	3	6	3	4	2	0	6	2	1	51
Feb-17	11	2	9	2	2	7	6	4	4	5	1	4	2	0	59
March-17	16	1	6	3	5	7	6	8	8	3	1	4	0	0	68
<b>TOTALS</b>	<b>113</b>	<b>43</b>	<b>69</b>	<b>46</b>	<b>26</b>	<b>53</b>	<b>63</b>	<b>61</b>	<b>55</b>	<b>33</b>	<b>22</b>	<b>63</b>	<b>8</b>	<b>1</b>	<b>656</b>



## 5. Allegation Demographics

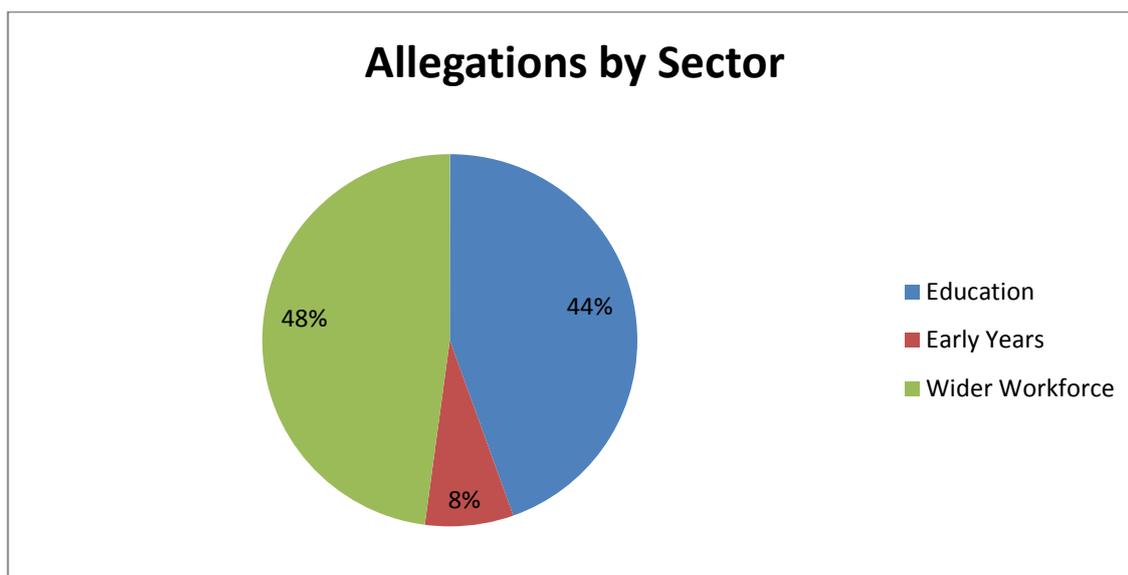
**5.1** Looking at the geographical distribution of formal allegations recorded, the county remains split as it was last year, with a clear line of increased demand coming from the East and South of the County. 404 allegations were notified from these areas (accounting for 61% of the allegation workload) as compared with just 243 (or 37%) from the North and West areas. This is not 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. This would also follow the trends of areas of high deprivation across the County.



**5.2** It has widely been recognised that children being placed within Kent from out of county have a major impact on resource requirements. The OLA Placement Officer has begun to address this on a more strategic level. The LADO Service has reported for a number of years that children placed within Kent from other areas have a high level of vulnerability and 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 that are responsible for their care are also very vulnerable in their handling of them.

**5.3** 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 292 of the 656 (44%); 50 come from the early years sector (8%), and the remaining 314 (48%), 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 wider workforce). 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. The increase in referrals from the wider workforce suggests that the work the LADO service have carried out in raising the awareness of the role of the LADO across the County is beginning to have an impact.

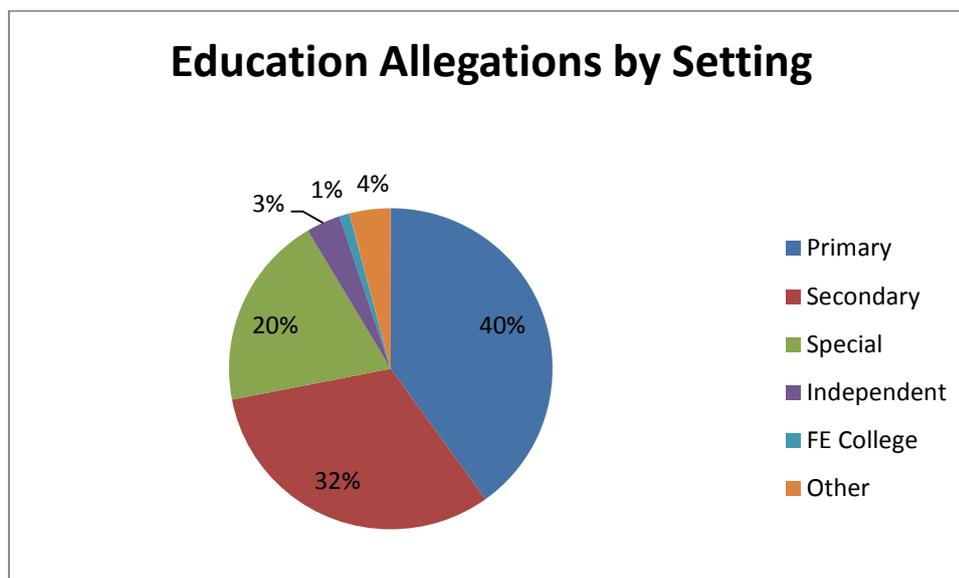


**5.4** The LADO team additionally record information on whether allegations are linked to disabled children (with a formal diagnosis). Figures currently indicate 19% of the total allegations are made by or on behalf of disabled children, with these being weighted towards allegations within the education sector. 68 of those are in education, 50 in the wider workforce and 4 in early years. This is a 9% increase from last year in respect of disabled children in Kent. The reporting regarding disabled children as possible victims of abuse from within the wider workforce has become smarter, with improved recording from the LADO Service with regards to these allegations.

**5.5 Education Staff** – The 292 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 720 schools (including Academies and the Independents), within the county boundary; 369 of these are Local Authority Schools.

**5.6** The proportion of these education allegations, 117 of the 292 made within the primary school age sector, has increased from 34% to 40% this year. With 32% coming from the secondary level (a small drop of 4%) and 21% from special schools (including independent specialist provision) which have remained fairly static. These figures include allegations originating from Academies. Allegations from general independent schools and FE colleges account for a further 4% of the reports. The figures represent a minimal change from last year in the primary and secondary sectors with a weighting towards allegations from the primary school age sector. We saw this trend change last year for the first time and this has continued.

**5.7**



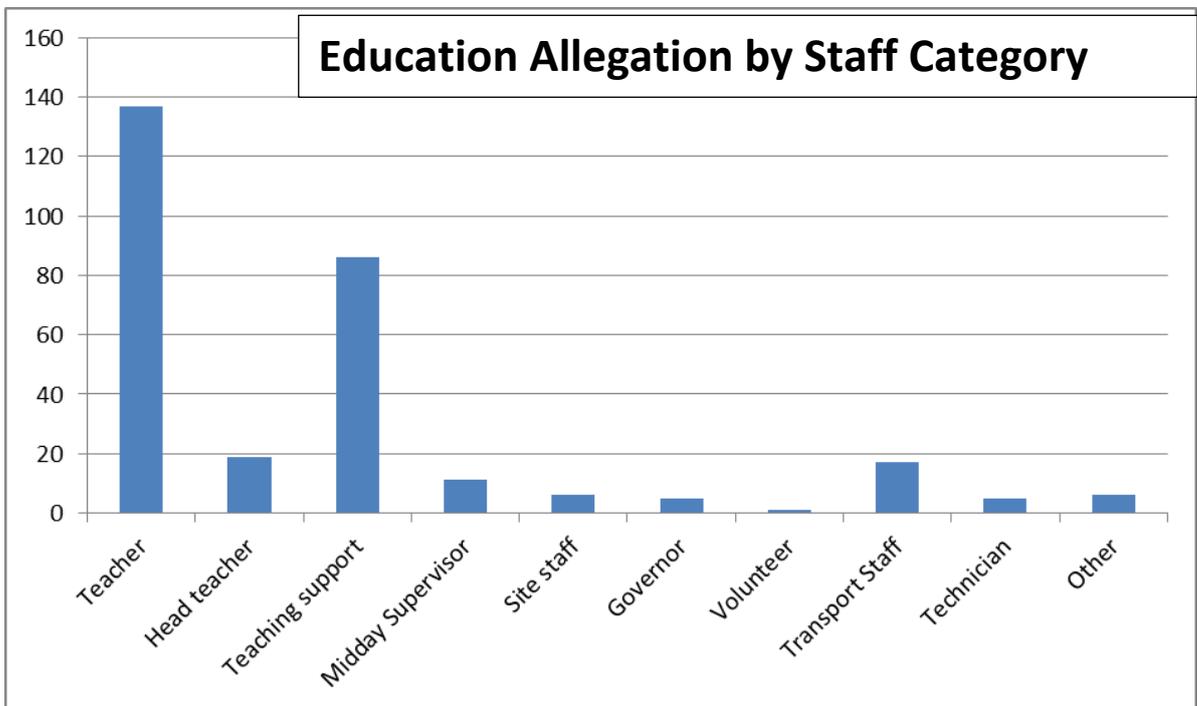
**5.8** The shift from the secondary sector to the primary sector is not easily explained but one factor is the increased number of physical interventions in the primary sector which have led to complaints and/or allegations. The figures might also suggest a level of greater awareness raising and reporting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

**5.9** 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. The LADO team are monitoring an increased pattern of parents wishing to escalate relatively minor incidents and an increasing use of social media to express their views. This has meant that Head Teachers are routinely referring complaints from parents to the LADO which may have previously been dealt with by the school.

**5.10** Additionally, parents and children are increasingly aware of their rights to challenge when they are concerned about safety and welfare. The LADO team continue to receive and manage a proportion of allegations direct from Ofsted (where parents have complained directly to the national inspectorate) or where Ofsted subsequently become directly involved.

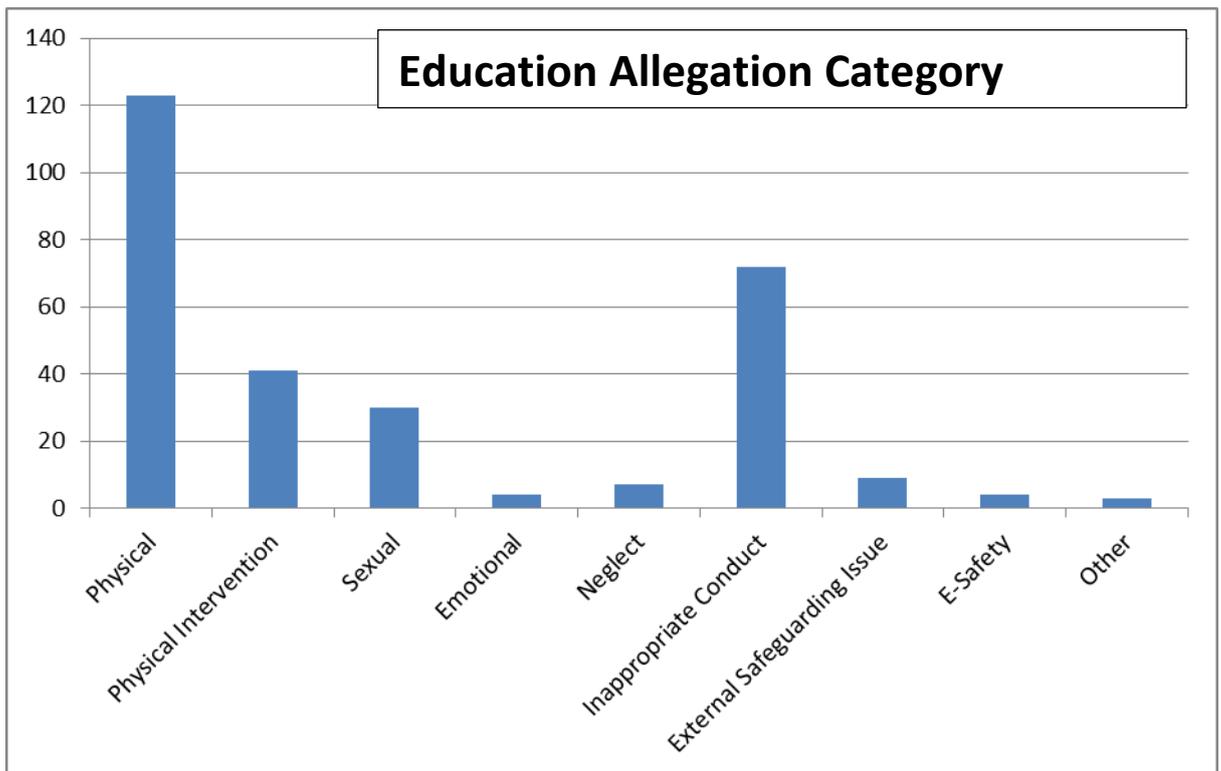
**5.11** Classroom staff continues to be the subject of the highest level of allegations with teachers specifically receiving 47% of the education-only total. Other class-based staff (TA's, LSA's etc.) account for 29%; 6% are made against education-linked transport staff (a similar amount to last year); 2% against site staff (caretakers etc.); 4% against Lunch Time Supervisors and 7% involved Head Teachers.



**5.12** The numbers of allegations against Head Teachers has increased slightly by 2% but is comparable to last year. Whilst it is not obvious why Head Teachers still have a significant number of allegations made against them, 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. It is essential for Head Teachers to ensure they are appropriately role-modelling the school's philosophies around safe practice at all times reminding staff of the policies and procedures the school has in place regarding safeguarding, revisiting this regularly within staff gatherings and training.

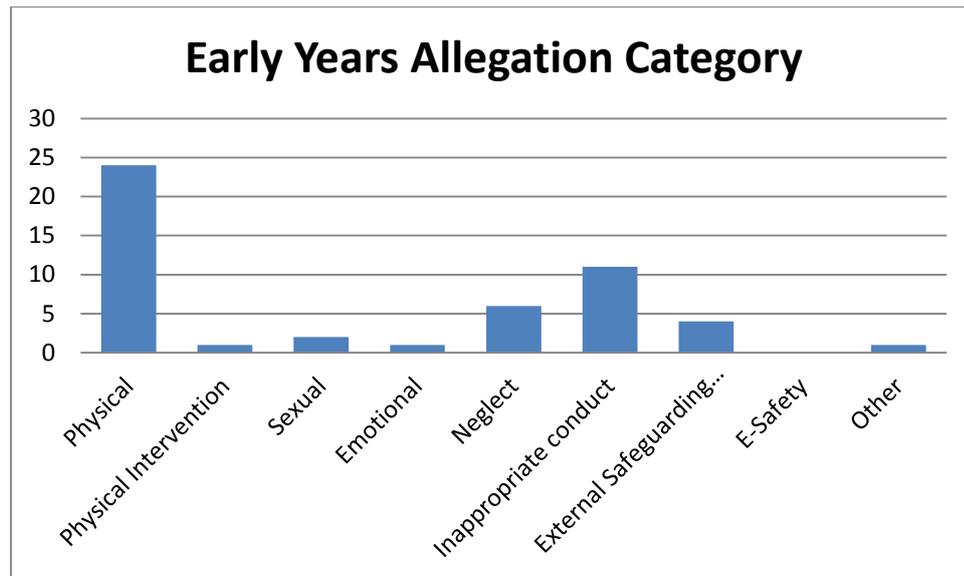
**5.13** As would be expected, within the education sector, 164 out of the total numbers of allegations (292) are physical in nature (including those arising from physical intervention) with 72 allegations are of broader inappropriate conduct and 9 relating to external safeguarding issues. Risk by association 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 increased 20 to 30. One hypothesis may be recent and national media interest and publicity on the subject. There is a reduction in the number of recorded physical allegations, some 40. Whilst the vast majority of these allegations do not result in disciplinary action or any action leading to staff dismissal this highlighted a key training area last year which appears to have had an impact.



**5.14** Figures relating to allegations of external safeguarding concern (where a member of staff may be subject to scrutiny for child protection issues outside of the work setting or another safeguarding

concern in their private life), remain currently stable within the education sector.

- 5.15** With regard to “Risk by Association”, this particular category of allegation concern continues to present particular challenges for employers across the board. Risk by Association 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 employers. Analysis of risk and suitability explores not only that which would be direct to children in a setting but also any potential wider risk from possible limited judgement of the staff member when faced with a safeguarding concern as well as the risk to the integrity and reputation of the employing organisation. The time and support given to such cases by LADO officers as well as through the Education Safeguarding Team remains significant and a complex and challenging process for all. The government review of the guidance in this area remains outstanding.
- 5.16 Early Years Staff** – Allegations against Early Years staff have stabilised in the last year, reducing from 64 to 50. Of the total 50 allegations made within the Early Years sector, the majority (72%) are against nursery staff, with a further 12% being against child minders and nannies. The remaining 16% of allegations (totalling just 8 notifications) are drawn from Children’s Centres, After School Clubs and an ‘other’ setting.
- 5.17** Given the significant numbers of Early Years’ staff across the county and the high numbers of children in early education, the fact that only 8% 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. The loss of specialist Early Years Advisors across Kent may be a contributing factor. Nurseries and other Early Years Providers often contact the LADO Service for advice and support when they do not know who else to talk to about a concern (safeguarding or otherwise).
- 5.18** Within Kent the highest proportion of Early Years’ allegations remain physical in nature, some 50% of the Early Years total. 22% are for wider inappropriate conduct concerns and 8% concern possible emotional maltreatment or neglect issues. There were 2 recorded allegations of possible sexual abuse.

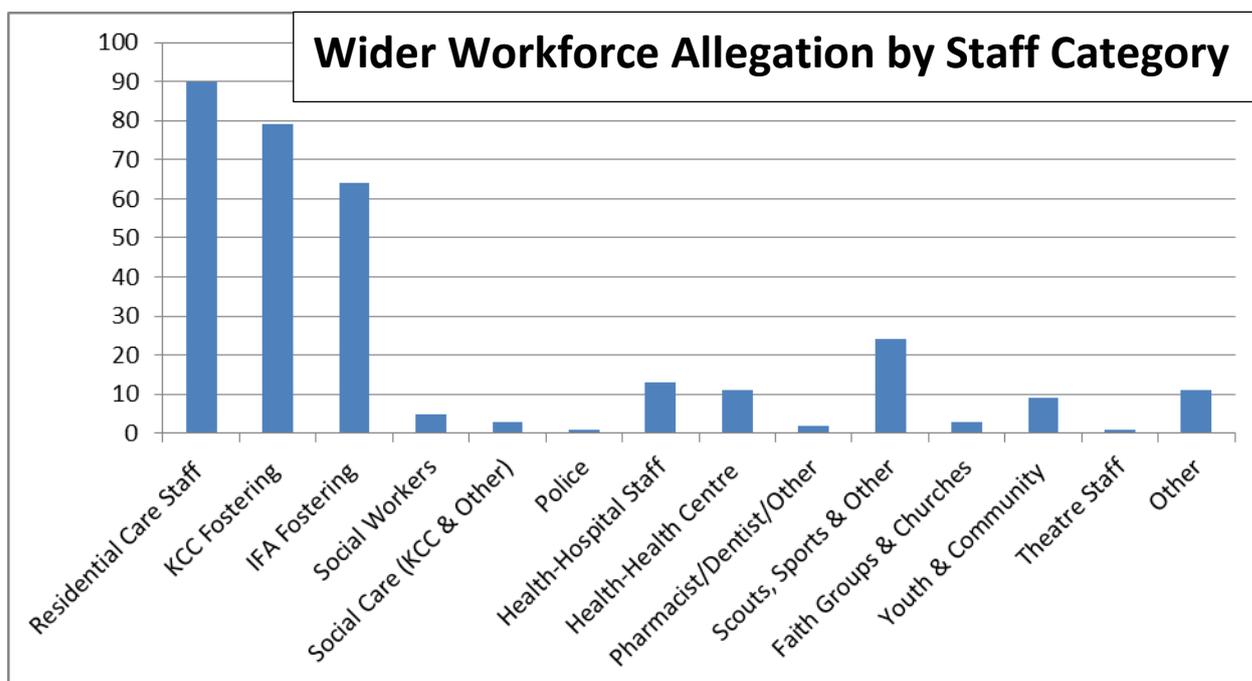


**5.19 Wider Workforce** – 48% of the total number of allegations are made against staff working in the wider workforce. This figure has reached almost 50% of all allegations within Kent’s wider children’s workforce. I would suggest that this increase in allegation referrals is a result of increased awareness of the role of the LADO within a wider number of settings, including the voluntary sector. As already considered it is not surprising that the highest proportions of these allegations are centred within the residential care sector, some 28%; within fostering this is 45%.

**5.20** Of the 143 allegations made against foster carers, 64 are from within the independent sector and 79 are against KCC foster carers. This latter figure is perhaps the most significant as we have seen a 119% increase in KCC Fostering allegations which demonstrates a significant rise in referrals within our own KCC Fostering Service. As previously discussed a lot of work has taken place between the LADO Service and the County Fostering Service and a more efficient reporting procedure to the LADO Service is now in place. The improved consistency of practice in making referrals to the LADO from KCC Fostering has had a notable impact on the LADO Service. As a result of this there is a more focussed piece of work that has now been identified for the training needs of Fostering SWs as well as scrutiny at the time of assessment of potential foster carers that fully considers safer recruitment.

**5.21** Allegations against Health staff run currently at 9% (or 26) with the majority of these relating to in-patient child mental health settings where often very vulnerable young people are placed.

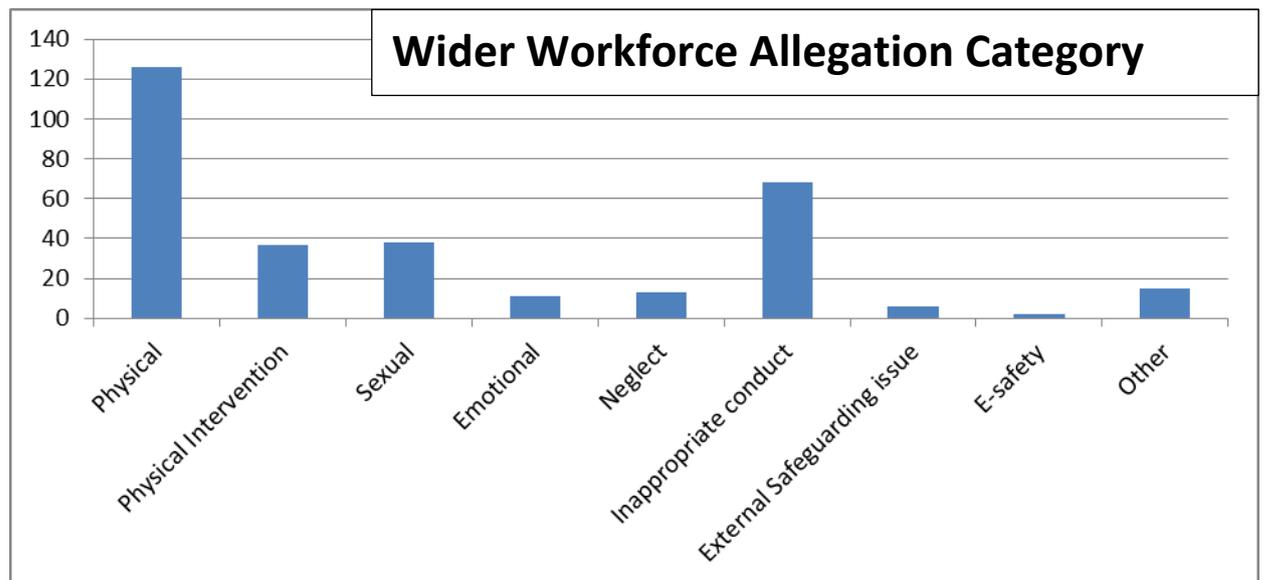
**5.22** The remainder of allegations against the wider children’s workforce are spread across the full breadth of providers who have regular contact with children, including social care, policing and faith groups. Although actual numbers of allegations in these sectors remain small, it is nonetheless an area where we remain vigilant with LADO assessment and advice as many of these lone traders are unregulated.



**5.23** As with other sectors, the highest proportion of allegations remain physical in nature (163 of the 316 recorded or 52%), including allegations specifically linked to physical interventions. The figure relating to allegations of physical interventions continues to emulate from within residential care. Whilst this may rise a concern about the possible 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 physical restraint as a primary concern. General ‘physical’ categorised allegations are a greater worry; we have to also consider that these may have been relayed by the child outside of the context of intervention when in fact they were directly linked to the child’s presenting behaviour. However, the LADO team are well aware of the risks associated with residential culture and the possibility that restraint can become a first intervention within these settings. The LADO assesses each case using a Signs of Safety approach to ensure that the initial LADO scoping immediately checks for 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 identify 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 to ensure 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 vigilant nonetheless.

**5.24** Beyond physical allegations within the wider workforce, 68 (22%) are of inappropriate conduct, 38 (12%) are sexual in nature which remains a similar statistical presentation to the previous year.

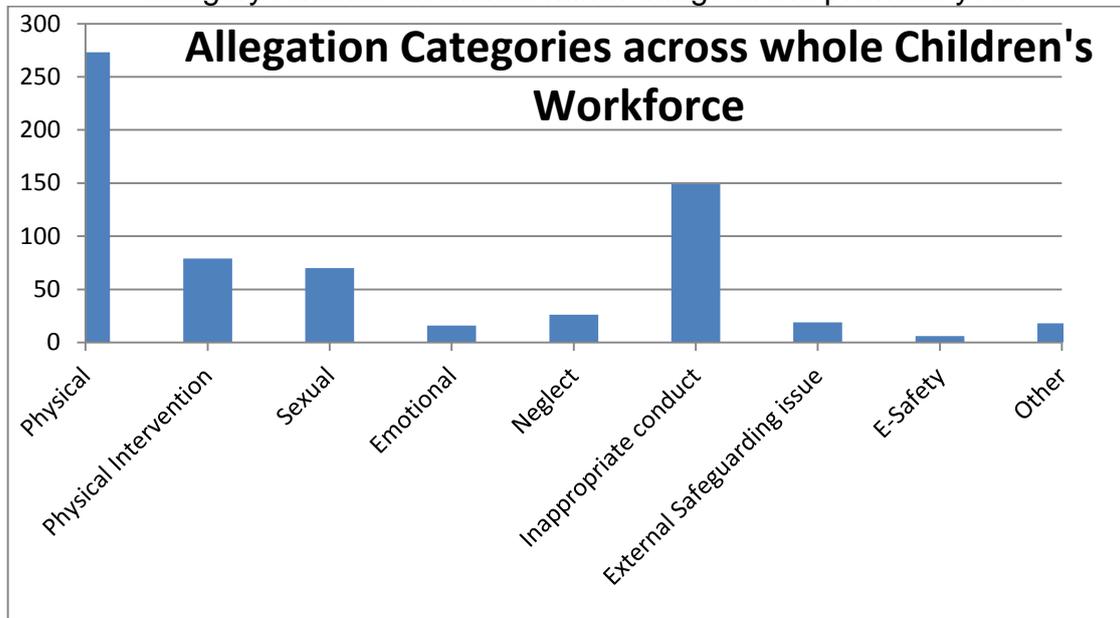


## 6. Allegation Categorisation overall

**6.1** 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 all staff working within the wider children's workforce across Kent and total some 352 out of the overall 656 recorded (or 54%). Regardless of setting or circumstance, there remains a concern about the need for consistent and rolling training and development of skill in managing the complex behavioural demands that staff working with children are presented with. It is suggested that 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 such plans and strategies, if children and staff are to be protected. This continues to be a conversation internally within KCC and with KSCB, including in respect of concerns about OLA placed-children, as well as with partner agencies and other Local Authorities. This is an example of

the challenge that the LADO will provide to employers and social workers as part of their Quality Assurance role.

**6.2** Overall, sexual allegations account for a slight increase up to 11% of the total; emotional allegations – 2%; neglect – 4%; inappropriate conduct - 23%; external safeguarding issues - 3%; e-safety and other issues – 4%. The overall percentage distribution by allegation category remains an almost mirror image of the previous year.



## 7. Investigatory Decision Making and Action

**7.1** Initial decision-making regarding the most appropriate route for investigation and on threshold decisions 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 almost met, with our colleagues in Specialist Children's Services and the Police. This is not always straightforward as child protection concerns for an individual child making an allegation do not always encompass the wider safeguarding concerns for groups of children in settings where there is an allegation against a person within the wider workforce. This is currently being reviewed by the LADO Service with a plan to introduce LADO led Strategy Discussions or "Position of Trust" (POTs) over the next year. This will also bring the Service in line with similar practice carried out by LADOs nationally, although not all, and will enable the LADO to have more control over the process of wider workforce investigations.

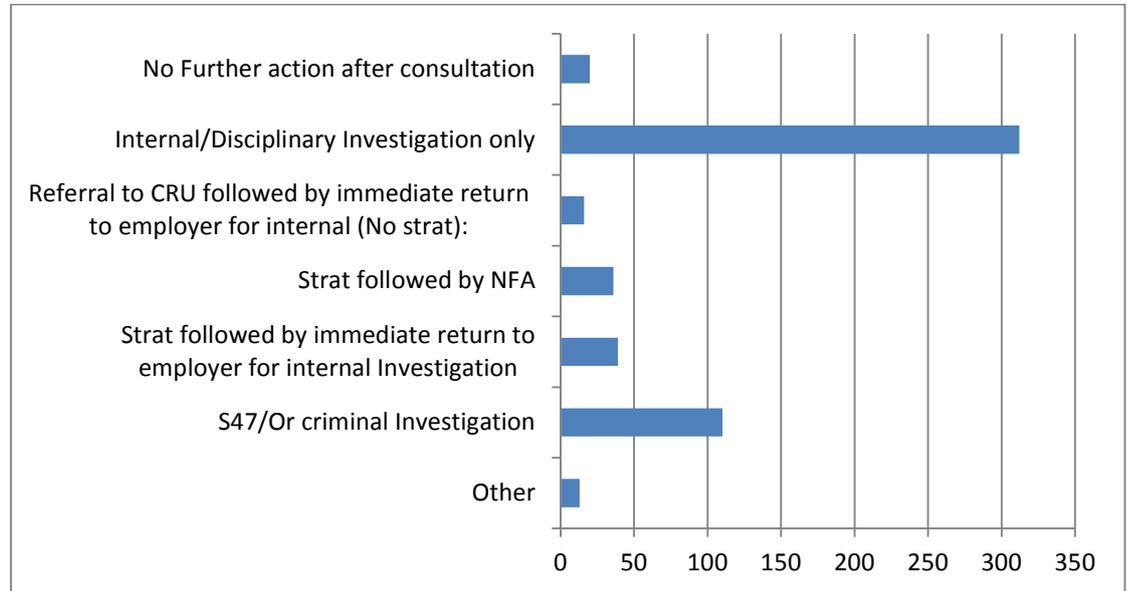
**7.2** Where possible the LADO seeks to direct a proportionate response based on the allegation and available information. Whilst this is generally accepted, we cannot avoid referrals from angry parents

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. This level of negotiation should not be underestimated as the impact on children as well as members of staff where there may be a police investigation can have a significant impact both personally and also professionally for staff.

- 7.3** Equally, we frequently negotiate with LADO colleagues and Social Care staff from other Authorities, where there are disagreements in threshold decisions locally.
- 7.4** 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 or understanding of the LADO function or threshold negotiation.
- 7.5** Training with Specialist Children's Services about the LADO function and allegation-management has been initiated; 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. There is a training calendar to address the specific training needs of Kent's district teams with regards to Allegation Management and this is now being rolled out.
- 7.6** Statistically, of the 546 closed allegations recorded, 201 (33%) resulted in a referral to Children's Services and/or criminal investigation. Of this overall figure 110, 20% resulted in full S47/criminal investigation. This statistic is a mirror image of the statistics for 2015-2016 and perhaps reflects the more consistent approach of the team since their colocation as a team in 2014/2015. LADOs have continued to give careful consideration to the threshold for such investigations and for agreeing the most appropriate and proportionate response, often providing challenge to social work colleagues in ensuring wider safeguarding concerns are given due consideration within the forum of a Strategy Discussion.
- 7.7** 185 (92%) of the 201 SCS referrals were accepted and placed into an initial strategy discussion process which evidences that the majority of referrals that are made to the CRU regarding allegations against someone within the wider workforce are appropriate referrals. This is also a positive reflection on working relationships between teams and services and has assisted in preventing any unnecessary investigations. 16 (3%) were then either returned to the employer for internal disciplinary investigation process or deemed to

have enough information at that stage to decide they were unfounded with no further action necessary (4%).

### Countywide Investigative Process (of 546 closed cases)



**7.8** 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. Whilst this facility is invaluable to the timeliness of Strategy Discussions, anecdotally these facilities remain inconsistent and for some area teams non-existent, which has added additional strain and inefficiency on the service.

**7.9** At the end of 2016 the LADO team eventually moved to an independent space in Kroner House. This has achieved greater confidentiality when talking to employers about highly confidential matters and ensures greater compliance around data protection.

**7.10** Of the remaining allegations not referred to Specialist Children’s Services, 312 (48% - a 13% reduction to the previous year) were directed for disciplinary investigation process immediately by the LADO with the employer. Whilst there is no obvious reason for this reduction it is perhaps best explained by an increase in parents being more involved and vocal in determining their wishes and feelings for investigations to be carried out outside of the employee setting. The LADO service has experienced an increase of direct correspondence with parents and carers regarding the investigatory

process. Additionally, the high percentage of agreed referrals to the CRU suggests that the LADO service have established a more consistent and agreed approach to thresholds over the last year.

## 8. Outcomes

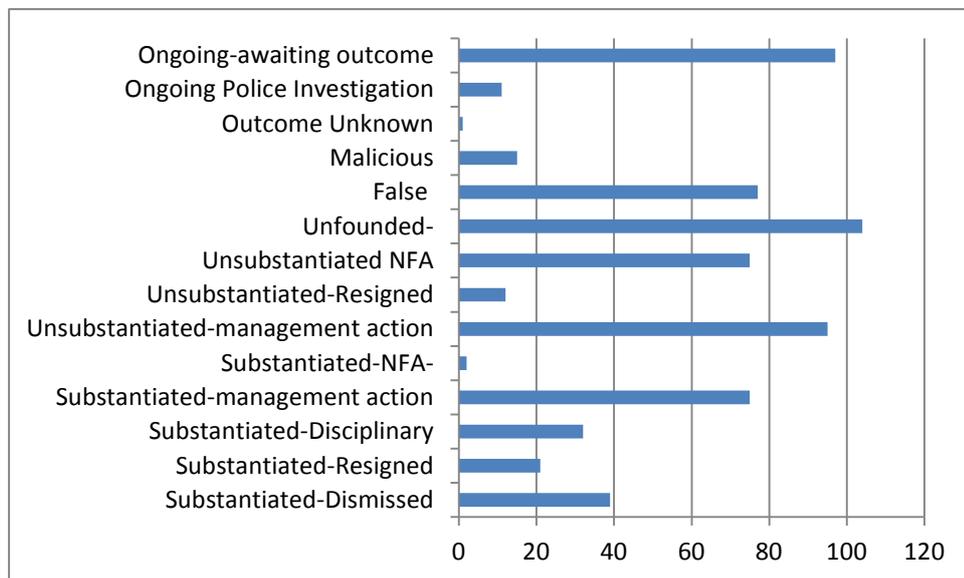
- 8.1 The LADO is required by guidance to collate information on allegation outcomes within category definitions: Substantiated; Unsubstantiated; Unfounded; False; Malicious.
- 8.2 All cases will be closed with a clear recorded outcome and the LADO admin support and quality assure this process. Some 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.
- 8.3 In the reporting period 2016 - 2017, 169 allegations were concluded to be **Substantiated**: there is sufficient identifiable evidence to prove the allegation. This represents a similar picture to last year (31%) and provides some consistency to the LADO/employer approach.
- 8.4 Of these, 39 were so serious as to result in dismissal of the staff member, 32 of the substantiated allegations resulted in another disciplinary sanction and 75 concluded with the employer providing other management action, such as advice, training, mentoring, etc. In 21 cases, where we have a clear decision that the allegation was substantiated at some level, the member of staff resigned from their post. Thus 60 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 slight increase of 5 from last year's total of 55.
- 8.5 There were 32 staff known to have been referred to the Disclosure and Barring Service (DBS) for consideration of on-going professional suitability. This process is mandatory and the responsibility of the employer who has a duty to refer under such circumstances 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 best explained by the fact that some members of staff 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.

- 8.6** 182 cases (33% of those concluded) were completed as unsubstantiated. **Unsubstantiated**: this is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence. Such cases can present a dilemma for the LADO 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 where necessary.
- 8.7** The reduction of 48 unsubstantiated cases from last year may be seen as a positive change in outcome reporting. Given the often ambiguous decision making for unsubstantiated allegations it is perhaps more helpful that this figure has reduced, meaning that employers are looking at alternative outcomes that follow robust investigations. Additionally, the LADO Service has the option to hold an Evaluation Meeting where an unsubstantiated allegation can be further debated with a decision being reached on the balance of probability rather than beyond all reasonable doubt. Where there are unsubstantiated (and substantiated) allegations in relation to KCC foster carers, Evaluation Meetings are now routinely held as previously discussed.
- 8.8** 181 of completed cases were deemed to be either **unfounded**: there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the allegation or was mistaken about what they saw. Alternatively they may not have been aware of the circumstances. Alternatively there was an outcome of **false**: there is sufficient evidence to disprove the allegation. In these cases, an incident is likely to 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).

**8.9** Only 15 allegations were deemed to be **malicious**: there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false, which has decreased by 10 from last year. This 3% reflects accurately that 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 suitable and additional support.

**Allegation Outcomes of 546 closed cases**



**8.10** It is important to reflect on the impact of investigations into allegations against staff and this 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.

**8.11** 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”. However, the LADO team have commenced a Data Protection Project that is being led by the LADO Manager and knowledgeable admin support officer. During 2016-2017 Phase 1 of this project

commenced and all of the LADO paper files (pre-Liberi) were archived. Phase 2 is due to commence in September where the LADO workspace on Liberi will be fully reviewed to be in line with the electronic destruction of cases that meet data governance schedules.

## **9. Key Themes and Conclusions**

- 9.1** The LADO service in Kent remains significantly busy and numbers of referrals remain high with an increase year on year. It should be acknowledged that Kent has more schools, independent residential children's settings and fostering agencies than any other authority and as a result this has an impact on referral rate to the LADO Service. 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. This should also be weighted by evidence of employers following safer recruitment procedures ensuring that the most vulnerable children in Kent are adequately safeguarded at the earliest opportunity.
- 9.2** 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. Within Kent County Council this role is pivotal for social work staff including IRO's and Fostering and Childrens' Social Workers in ensuring that the wishes and feelings of children are gathered at every opportunity.
- 9.3** There remains the need to continually raise the awareness of the LADO function, responsibility and role across all agency sectors. The LADO Team have provided briefings to all the Fostering Service 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. In addition training has been rolled out this year with a clear mandate for training next year to and on behalf of The Schools' Personnel Service Consultancy Team, The Education Safeguarding Team, KSCB, Residential Care Homes and Independent Fostering Association Forums, KCC District Teams and KCC Transport.
- 9.4** 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 using a clear issue resolution process, the concern remains highlighted as a priority for training in the coming year once we have a stable and permanent team in place.

- 9.5** Additionally, there remain concerns about the patchy use of 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. The location of meetings across the County mean that it is very difficult for individuals to travel lengthy distances to attend meetings and the use of conference calls makes this more widely achievable. This is especially effective within the CRU.
- 9.6** 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). LADO's use their professional judgement and authority to challenge delay at every level wherever possible.
- 9.7** For a number of years concern has been 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 has been given greater consideration this year both in respect of local understanding and response as well as at a wider political level. The LADO Manager has begun more targeted work with the OLA Officer for Kent in establishing a firm partnership with Residential Care Homes and Independent Fostering Association Forums. KSCB continue to seek ways to address this strategically across the board and the LADO Team will continue to inform and work with KSCB and the OLA Officer to support work being undertaken. The LADO team will continue to work with Strategic Commissioning within the agreed protocols that are now in place to ensure any allegations against a member of staff within settings that Kent have children placed are immediately notified to this team for action.
- 9.8** Significantly within the Fostering Teams across Kent there is a planned programme of training delivery for the Fostering Service in response to the significant concerns relating to allegations of sexual abuse against foster carers. This is to be planned and delivered by the Safeguarding Unit and County fostering Manager which the LADO Service will have a notable contribution to.

- 9.9** The number of allegations against transport staff (taxi drivers and escorts) has continued to stabilise but remains 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 protocol (drawn up between the KCC Transport and the LADO Service), for the management of transport allegations, has continued to support the understanding of roles. Additionally, this has ensured greater consistency in the follow-through of these allegations during the last year. The LADO Manager will continue to meet with her counterpart within KCC Transport provision quarterly to review and audit cases as well as considering any lessons learnt that can improve future practice. This has also been supported by the new Delivery Model for KCC Transport provision linked to the retendering of services and has meant that schools have more ownership of their contracts and can offer bespoke safeguarding training to their providers that address the needs of their children. This is well supported by KCC transport and additionally by the LADO service and KSCB.
- 9.10** 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.
- 9.11** It is evidenced by the allegation statistics as provided in this report 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.
- 9.12** It is evidenced by the allegation statistics as provided in this report that that Kent's wider Childrens' workforce has an increased knowledge of the role of the LADO borne out by the increase in referrals from the wider workforce sectors.
- 9.13** It is evidenced by the allegation statistics as provided in this report that there is a more proportionate response to managing allegations against members of staff with a lesser percentage of suspensions as an initial response to allegations made.

## **10. Recommendations**

- 10.1** The continued need for training across the board in respect of LADO process and function needs to be progressed both at a local, LADO team level and in the wider context of KSCB and multi-agency services. Participation at key events such as the EST conferences, Fostering Service Meetings and KSCB sub-groups to provide presentations and information regarding the LADO role will facilitate this. This wider annual training programme will include on-going workshops and training as part of LSCB training. Evaluation is required to evidence what impact this has.
- 10.2** To ensure tracking and recording of information regarding LADO referrals and actions is SMART and uses Signs of Safety. There should also be a clear analysis and rationale as to why decisions are made to ensure that there is consistent recording within the service.
- 10.3** To ensure the LADO role is consistent and accountable to KSCB policy and improvement in service delivery. The team will continue to foster links with KSCB and promote training and awareness.
- 10.4** The improvement in the resolution of cases to improve and minimise drift and delay. 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 with ongoing professional challenge as required.
- 10.5** To continue to build on-going positive working relationships with CDT, Police and Children's Services. Continued discussion with the managers for the Kent Independent Reviewing Officer Service and Child in Care teams in respect of the findings of this report.
- 10.6** To consider policy change within Kent specifically around LADO Evaluation Meetings where the attendance of the Police can be critical in reaching a decision based on the balance of probability rather than beyond all reasonable doubt. As LADO Evaluation Meetings are not the same as Outcome Strategy Discussions, the Police will not currently attend these and a conversation with KSCB to challenge this and would be welcomed.
- 10.7** Data Protection issues to be explored with Information Governance and Legal teams to ensure LADO recording is compliant. This may result in changes to LADO recording. In addition the LADO database is to be reviewed; this will ensure data capture is pertinent

to on-going LADO need and referrals are succinct with the salient information required to progress referrals. There is likely to be a change in the referral process introduced in 2017-2018 to assist the team's efficiency.

- 10.8** 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.
- 10.9** The LADO Team needs to be working in conjunction with the Education Safeguarding Team; this should have a particular focus on the full understanding of significant safeguarding reviews undertaken at schools across the County.
- 10.10** The LADO team to introduce improved tracking of information and progress of cases with the introduction of the LADO dashboard on Liberi. This aims to improve reporting for the service and provide greater evaluation and evidence regarding the LADO service effectiveness to ensure it is efficient and decision making is robust.

**Becky Cooper (Local Authority Designated Officer – Team Manager) – June 2017**