

**Thurrock Council****Local Authority Designated Officer (LADO) Annual Report****1<sup>st</sup> April 2018 - 31<sup>st</sup> March 2019****1. Introduction**

All agencies that provide services for children, or provide staff or volunteers to work with or care for children, are required to have a procedure in place for managing and reporting allegations against staff and volunteers, which is consistent with statutory guidance published by HM Government (revised guidance: *Working Together to Safeguard Children 2018*). This guidance outlines the requirement of the Local Authority Designated Officer (LADO) to be involved in the management and oversight of allegations against people who work with children and to ensure that allegations against people who work with children are not dealt with in isolation. Any action necessary to address corresponding welfare concerns in relation to the child or children involved should be taken without delay and in a co-ordinated manner. The LADO oversees the effectiveness of the process not only in terms of protecting children but also ensuring that those who are the subject of an allegation are treated fairly and that the response and subsequent action is consistent, reasonable and proportionate.

*Working Together 2018* defines what constitutes an allegation as when a person who works or volunteers with children has allegedly:

- 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; or
- behaved towards a child or children in a way that indicates s/he might pose a risk to children.

In Thurrock, all agencies are expected to follow procedures as set out in in the Southend, Essex and Thurrock Safeguarding and Child Protection Procedures. These have been endorsed by the Thurrock Safeguarding Children Board (now Partnership).

The revised *Working Together 2015* removed the automatic title of LADO and refers instead to “designated officers”. Along with most other authorities, Thurrock continues to use the title of LADO. *Working Together 2015* also allowed Local Authorities scope to change the arrangements for the referral of cases to the LADO, in line with local arrangements. It has been decided in Thurrock that the majority of referrals will continue to come directly to the LADO for initial consultation rather than requiring them all to be directed through the MASH.

This annual report provides information for the Thurrock Safeguarding Children Partnership and stake-holders on the number, nature and outcome of allegations made against staff within the children’s workforce in Thurrock, between 1 April 2018 and 31 March 2019. In addition to providing data collated from records maintained by the LADO, the report will provide an analysis of issues and trends that are considered to be relevant regarding inter-agency working together arrangements to improve outcomes for children and staff/volunteers involved in this process.

## **2. Allegations Management in Thurrock**

The detailed procedures can be found on the Thurrock LSCP website:

<https://www.thurrocklscp.org.uk/lscp/professionals/managing-allegations-against-adults-in-a-position-of-trust-who-work-with-childr>

Outline of the process:

When there is an allegation or concern that any person who works with children, in connection with their employment or voluntary activity, has:

- Behaved in a way that has harmed a child, or may have harmed a child;
- Possibly committed a criminal offence against or related to a child;
- Behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children.

These behaviours will be considered within the context of the four categories of abuse i.e.:

- **physical** (Including restraint or deprivation of liberty) ,
- **emotional abuse**
- **neglect** ( including a breach in the expected duty of care) .
- **sexual** These include concerns relating to inappropriate relationships between members of staff and children or young people, for example:
  - Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (see ss16-19 Sexual Offences Act 2003);
  - 'Grooming', i.e. meeting a child under 16 with intent to commit a relevant offence (see s15 Sexual Offences Act 2003);
  - Other 'grooming' behaviour giving rise to concerns of a broader child protection nature (e.g. inappropriate messages or images, gifts, socialising etc);
  - Possession of indecent photographs/pseudo-photographs of children.

The person to whom an allegation or concern is first reported should treat the matter seriously and keep an open mind.

They should not:

- Investigate or ask leading questions if seeking clarification;
- Make assumptions or offer alternative explanations;
- Promise confidentiality, but give assurance that the information will only be shared on a 'need to know' basis.

They should:

- Make a written record of the information (where possible in the child/ adult's own words), including the time, date and place of incident/s, persons present and what was said;
- Sign and date the written record;
- Immediately report the matter to the designated senior manager, or the deputy in their absence or; where the designated senior manager is the subject of the allegation report to the deputy or other appropriate senior manager in cases of allegations concerning a Head Teacher the chair of Governors should be contacted.

The designated senior manager or Chair of Governors should report the allegation to the LADO and discuss within one working day. Referrals should not be delayed in order to gather information and a failure to report an allegation or concern in accordance with procedures is a potential disciplinary matter.

The referrer will follow up the discussion with the LADO by completing the LADO referral form which will be sent by the LADO.

### **Initial consideration by the designated senior manager and the LADO**

There are up to three strands in the consideration of an allegation

- A police investigation of a possible criminal offence;
- Social care enquiries and/or assessment about whether a child is in need of protection or services;
- Consideration by an employer of disciplinary or capability action.

The LADO and the designated senior manager should consider whether further details are needed in order to establish whether the allegation meets the threshold for LADO involvement.

Where a criminal offence and/or child protection issues are identified the case will be referred immediately to Thurrock MASH and the LADO will be informed and attend the strategy meeting.

Where actions are required under any or all of the strands above a **management planning meeting** will be called by the LADO to oversee the processes of investigation. All agencies have a duty to co-operate with this process and provide information and attend the meetings. In some cases the child protection and Police investigations will have begun before the management planning meeting takes place.

The LADO has a duty to track the progress of the investigations to their conclusion, this is through either review management planning Meetings or direct follow up of the LADO to the relevant agencies

There are four potential outcomes\* for an allegation

- **Substantiated** - sufficient evidence to support the allegation
- **Unsubstantiated** - Insufficient evidence to prove or disprove. This is not the same as a false allegation and does not imply guilt or innocence.

- **Unfounded** - Evidence was available to disprove the allegation or information has been misinterpreted. This means there was no intent to harm or neglect.
- **Malicious** - A deliberate act to deceive. For an allegation to be classified as malicious, it will be necessary to have evidence which proves malicious intent.

If the allegation is substantiated and the person alleged to have committed the act is dismissed, or resigns before their dismissal their employer is legally obliged to refer to the Disclosure and Barring Service (DBS) who will decide whether they should be barred, or have conditions imposed, working with children.

\*(The draft Keeping Children Safe in Education 2019 includes “False” as a category)

### **3.Thurrock LADO Service**

The Strategic Lead for Quality Assurance and Reviewing holds the overall responsibility for delivering a LADO service across Thurrock. There is currently a dedicated LADO within the service who will respond to referrals. In her absence the role is shared between the Strategic Lead and the Service Manager for Plans and Reviews. All completed referrals should be sent to the dedicated LADO e mail box which is checked regularly throughout the day by dedicated administrator or cover in her absence. This allows for a service to be available Monday to Friday during office hours. Outside of Office hours issues can be raised with the Emergency Duty Team social workers and passed back to the LADO the following working day.

### **4. Analysis of Allegations Activity in Thurrock 2017-2018**

#### **4.1 Number of Allegations made against a person in a position of trust**

<b>2016 -2017</b>	<b>2017 -18</b>	<b>2018 -2019</b>
<b>64</b>	<b>53</b>	<b>49</b>

The number of allegations received over the past three years has declined. There is a need to review the possible reasons for this by promoting the LADO function across the LSCP member organisations. The information provided about the role and the use of the website will be reviewed alongside the Allegations Management Training offer. This will ensure partner agencies are aware of their responsibilities both in terms of safer recruitment and also in relation to referring allegations to the LADO.

#### **4.2. Allegations by Sector**

	<b>2017 -2018</b>	<b>2018 -2019</b>
<b>Education</b>	<b>27</b>	<b>20</b>
<b>Early Years Provision</b>	<b>9</b>	<b>8</b>
<b>Fostering</b>	<b>8</b>	<b>9</b>
<b>Health</b>	<b>2</b>	<b>0</b>
<b>Residential Care</b>	<b>4</b>	<b>1</b>
<b>Voluntary Sector</b>	<b>3</b>	<b>5</b>
<b>Other</b>	<b>0</b>	<b>6</b>

Although overall numbers are lower this year, the proportions have remained consistent with most referrals coming from educational settings. Most of these referrals refer to physical restraints or interventions by education staff. In comparison with other areas we have a low number of fostering and residential referrals which reflect the lower number of suppliers based within Thurrock. However, we are working with fostering agencies to ensure they are aware of the LADO role. There have been few referrals this year from the voluntary and transport sectors and there is a plan to review the training and information provided to those areas to ascertain if action should be taken to raise referral rates.

The LADO works with the council licencing department and ensure child protection training is available to taxi and school transport providers.

#### 4.3. Type of allegation made

	<b>Physical</b>	<b>Sexual (including down loading of abusive images</b>	<b>Emotional</b>	<b>Breach of professional standards</b>	<b>Incident in private life causing concern</b>
<b>2017-2018</b>	<b>27 (7 Restraint)</b>	<b>6 (2 downloading)</b>	<b>7</b>	<b>8</b>	<b>5</b>
<b>2018 -2019</b>	<b>33 (4 Restraint)</b>	<b>11 ( 3 downloading)</b>	<b>2</b>	<b>2</b>	<b>1</b>

In line with previous years many allegations related to physical incidents– either restraint or chastisement. There was an increase in referrals from parents alleging teachers or teaching assistants had hurt their child in the context of a dispute between the school and parents. This has coincided with a rise nationally in safeguarding complaints about schools to OFSTED. The LADO role is seen as independent and some parents see this as holding schools to account. An issue which has been raised with academies is how to assure parents that their complaints will be impartially investigated.

*Keeping Children Safe in Education* (OFSTED 2018) clearly sets out schools responsibilities and the *Use of reasonable force guidance* issued by the DFE in 2013 provides useful guidance on the scope and limits of teacher's ability to use force. Most of these allegations were unsubstantiated or unfounded, in most of the cases where they were substantiated and the child had suffered a bruise the staff required further training and guidance and the police did not pursue the matter as the injury had not been intended. On the minority of cases the staff members approach was seen to be unsuitable and lead to their dismissal.

This year the allegations relating to sexual abuse, have been quite serious with some historical allegations which have not been carried forward by the LADO after it was established the persons were no longer working with children or likely to work with children. The police investigation of people for downloading abusive images continues to be a source of referrals to the LADO. A common feature of these allegations is that prior to the police investigation there had been no concerns about the individuals conduct. A learning point for agencies is the need to be vigilant about safeguarding procedures.

#### 4.4. Responses to allegation

	<b>Employers Investigation</b>	<b>Police Investigation</b>	<b>Child Protection</b>	<b>Did not meet threshold</b>
<b>2017 - 2018</b>	<b>40</b>	<b>13</b>	<b>7</b>	<b>10</b>
<b>2018 - 2019</b>	<b>21</b>	<b>23</b>	<b>24</b>	<b>17</b>

There were a higher number of police and social care investigations this year. Factors which lead to this were the number of serious sexual abuse allegations, parental complaints directly to the police about education staff, and the higher number of children in care to local authorities making complaints about carers, education staff and others.

#### 4.5. Outcomes of Allegations

	<b>Substantiated</b>	<b>Unsubstantiated</b>	<b>Unfounded</b>	<b>Malicious</b>
<b>2017 /2018</b>	<b>20</b>	<b>5</b>	<b>12</b>	<b>0</b>
<b>2018 /2019</b>	<b>17</b>	<b>14</b>	<b>9</b>	<b>1</b>

#### Eight are not completed – 3 relating to Police enquires –

The ongoing police enquires related to processing time required for computer equipment and associated technical delays.

One allegation this year was thought to be malicious. We had a rise in the number of unsubstantiated allegations, a number of these related to young people who made an allegation but subsequently did not wish to co-operate with either the police or social care investigation. A number of the unfounded allegations related to disputes between schools or nurseries where parents believed their child was being bullied or picked on by the teacher. A learning point for the LADO and employers is to look at how mediation can be used to reduce tensions and seek resolutions without the need to make allegations. The majority of substantiated allegations related to allegations of physical chastisement or downloading of abusive images.

#### 4.6. Outcomes for subject of allegations

	<b>2017 -2018</b>	<b>2018 - 2019</b>
<b>Referral to regulatory body/DBS</b>	<b>2</b>	<b>3</b>
<b>Resigned</b>	<b>2</b>	<b>1</b>
<b>Dismissal</b>	<b>7</b>	<b>4</b>
<b>Internal support and training offered</b>	<b>6</b>	<b>12</b>

We had 17 substantiated allegations this year 4 lead to dismissal and referrals to regulatory bodies due to the seriousness of concerns. The majority relating to the use of physical restraint lead to internal disciplinary and support arrangements. A feature of these were that there had been no intent to harm the child, but the method of restraint or approach had caused an accident. Learning from this is that agencies need to ensure that staff have enough training on the use of restraint

#### 4.7. Timescales for completion of cases

	2017 -2018	2018 -2019
<b>Cases completed within 1 month</b>	<b>25</b>	<b>33</b>
<b>Cases completed within 3 months</b>	<b>4</b>	<b>11</b>
<b>Cases completed within 6 months</b>	<b>2</b>	<b>0</b>
<b>Cases completed within 12 months</b>	<b>6</b>	<b>0</b>
<b>Cases awaiting completion</b>	<b>3</b>	<b>8</b>

The majority of cases were completed within one month of the initial allegation; in some cases, the issue was resolved within a week. The cases which resolved quickly related to allegations made by parents in respect of incidents which were alleged to have taken place between teachers or nursery workers where the supervisory environment was such that they could be quickly investigated and resolved. The key learning was the need for safe handling procedures and careful use of environments. This meant that where restraint was required this was done in pairs, or that the classroom or play environment was such that staff were always visible.

#### 5. Progress on Service Development and Prevention Activities 2018 -19

- The service processes were reviewed with the aim of making the system more efficient. A tracking spreadsheet was redeveloped, and a new referral form designed to capture key information in a consistent manner
- LADO poster was developed to provide easy reference for agencies
- LADO role was promoted through the Designated Teachers Forum

#### 6. Service Development and Prevention Activities 2019 -2020

- Training activities to be developed to promote safe working practices and provided through sessions to partner agencies
- Capacity requirements will be reviewed to ensure timely responses
- Awareness raising activity and training to promote the LADO role in Thurrock

#### Report by:

**Ruth Murdock: Strategic Lead Quality Assurance and Reviewing**

**Date: 13<sup>th</sup> August 2019**

