

Annual LADO Report for BSCB

2015 – 2016

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Introduction and Legislative Framework

This report has been prepared to inform the Bromley Safeguarding Children Board (BSCB) of the work carried out in the London Borough of Bromley to manage allegations that have been made against staff who work with children and young people. The report applies to allegations made against those working in either a paid or unpaid capacity with children in Bromley during the period 1st April 2015 to 31st March 2016.

Section 11 of The Children Act 2004 sets out the statutory requirement for local authorities to have in place clear procedures for responding to allegations of harm or abuse of children by staff or foster carers.

The responsibilities of Local Safeguarding Children Boards (LSCBs) in respect of allegations against professionals are set out in Working Together to Safeguard Children 2013. Regulation 5 of the Local Safeguarding Children Boards Regulations 2006 stipulate that one of the functions is to develop policies and procedures for safeguarding and promoting the welfare of children, including the investigation of allegations concerning adults who work with children. LSCBs have a further function to monitor and evaluate the effectiveness of these multi agency policies and procedures when implemented by the local authority and partner agencies.

Working Together to Safeguard Children (March 2015) makes reference to the expectation that LSCBs have in place clear policies for allegations management and goes on to expound upon the responsibilities of individual agencies including those of the local authority.

The guidance further states that local authorities should designate an officer or team of officers to be involved in the management and oversight of allegations against people that work with children. A change to previous guidance is the requirement for newly appointed designated officers dealing with allegations to be social work qualified unless they have prior experience of the role.

Keeping Children Safe in Education (March 2015) is the statutory guidance outlining the safeguarding procedures for schools and colleges. Part Four of this guidance contains all considerations for both employers and employees in relation to managing allegations against staff who work in educational settings with children and young people under the age of 18. The revised version of this guidance which comes into force 5th September 2016 contains more details about the staff covered by Allegations Management procedures, additional checks to enhance safer recruitment procedures and teacher prohibition orders.

Allegations Management in Bromley

In accordance with Working Together to Safeguard Children 2015 the London Borough of Bromley has a designated officer with overall responsibility for managing and co-ordinating allegations made against those who work with children.

Bromley has retained the title of Local Authority Designated Officer for this role which is held by a Group Manager situated within the Quality Improvement Service, who is supported in the role by another dedicated LADO. The lead LADO is also the Lead Officer for Education Safeguarding although the overall responsibility for safeguarding in Education rests with the Director for Education.

In December 2015 the Director for Children's Social Care commissioned a review of the internal processes for Allegations Management. The review identified the need for increased capacity and resources in terms of the administrative support to the LADO and this was immediately addressed.

The review also led to the trialling of a system where a provisional date, time and venue for a strategy meeting was arranged to take place within 72 hours of the allegation being reported. This was different to the way referrals were responded to previously.

Prior to the 72 hour trial the referrer would discuss the concern with the LADO who in consultation with the employer would decide if the concerns met the threshold for a strategy meeting. The LADO would then determine the availability of the employer to attend a strategy meeting then a date, time and venue would be agreed and an invitation would be sent out to all invitees.

The trial highlighted the need for a review of the 72 hour turnaround from the point of referral. Referrers were unable to attend the strategy meetings at such short notice and consequently a disproportionate number of the provisional dates booked had to be rescheduled. This impacted on the availability of minute takers and venues for other child protection meetings.

The 72 hour timeframe did not allow the Referral and Assessment duty team who make the referrals to the Police Child Abuse Investigation Team to carry out the required checks on the accused person and alleged victim, refer the matter to the Child Abuse Investigation Team and feed back to the LADO before the meeting.

The Child Abuse Investigation Team were unable to carry out the required checks on the accused person and the alleged victim, and confirm whether or not there was to be a police investigation within the given timeframe. This resulted in additional review meetings because there was no decision from the police at the initial strategy meeting about whether there was to be a joint or single agency investigation

In nearly all cases the employer of the accused person is required to attend the strategy meeting. The referrer of an allegation is not always the employer and establishing who the employer is can prove to be a lengthy time consuming process.

The LADOs who it must be remembered chair all the complex strategy meetings, also struggled to make contact and have strategy discussions with the referrers, employers, CAIT and Referral and Assessment making decisions and providing advice within the set timeframe.

As a consequence of these outcomes the trial was reviewed and the timescale for action modified. What has worked extremely well is an undertaking for all referrals to receive an immediate response confirming receipt of the referral and for the LADO to make contact with the referrer within 72 hours with a view to convening a strategy meeting within 5 working days from the point of referral.

The effectiveness of Bromley's procedures for managing allegations against staff that work with children was noted in the Ofsted Inspection Report following the recent Ofsted inspection of Bromley's services for children in need of help and protection. The report states:

An effective designated officer and a well-resourced service follow up children who are subject to allegations of professional abuse. Complex strategy meetings are held, when necessary, with clear monitored actions to ensure the well-being and safety of children subject to allegations. Good multi-agency systems and relationships ensure that communication and actions are clear. There is also evidence of training and awareness raising regarding the designated officer role and findings from cases. (London Borough of Bromley Inspection Report, 27th June 2016 - OFSTED)

Allegations Overview

From the 1st April 2015 to 31st March 2016 a total of 193 allegations were reported to the local authority (Table 1.2). This is a significant 73.87% increase in the number of referrals received and recorded from all agencies across the borough. The implementation of a new IT application designed to improve the recording of allegations data had led to an anticipated increase in the number of referrals received during the period from 1st April 2014 to 31st March 2015 which didn't materialise. Whilst the statistics for that period showed almost a 10% increase in the number of referrals, on analysis of the figures the increase was shown to be from a different cause.

Examination of this most recent data suggests there are several contributory factors resulting in the 73.87% increase. The first is undoubtedly the robust recording of all allegations reported to the local authority whether or not they meet the threshold for further LADO action. This has been facilitated by the implementation and embedding of the IT application on CareFirst for recording allegations. Allegations that do not meet the threshold for a strategy meeting but are referred back to the employer for a management investigation are nonetheless recorded on the database.

The second factor is the delivery of regular multi-agency Allegation Management Briefings offered as part of the Bromley Safeguarding Children Board comprehensive training programme, along with single agency training devised and delivered by professionals within their own agencies.

The third is the drive to raise awareness of allegation management procedures by reviewing, updating and disseminating the local Managing Allegations Procedures and 1 page quick guide, ensuring there is mention of Allegations Management on the agenda of all safeguarding training, and safeguarding forums and wherever possible encouraging individual agencies to develop their own policies and procedures for managing allegations against staff.

Table 1:1 Allegation Referrals 2015 - 2016

Primary Abuse type by Agency of Perpetrator	Emotional	Inappropriate Behaviour	Neglect	Physical	Sexual	Total
Early Years	3	5	4	15	0	27
Education	11	13	3	46	10	83
Faith Group	0	0	0	0	1	1
Foster Carer	1	4	7	7	0	19
Health	2	2	1	19	2	26
Other	0	2	0	9	4	15
Police	1	0	0	1	2	4
Secure Estate	1	0	0	3	0	4
Social Care	0	1	2	3	2	8
Uniformed Organisations	0	0	1	2	3	6
Total	19	27	18	105	24	193

Table 1:2 Allegation Referrals 2014 - 2015

Primary Abuse Type by Agency of Perpetrator	Emotional	Inappropriate Behaviour	Neglect	Physical	Sexual	Total
Early Years	2	1	0	8	6	17
Education	1	15	2	25	6	49
Foster Carers	2	0	0	6	2	10
Health	0	1	0	12	5	18
Other	0	1	0	6	4	11
Secure Estate	0	0	1	0	0	1
Social Care	0	0	0		1	1
Uniformed Organisations	0	0	0		3	3
Voluntary Organisations	0	1	0	0	0	1
Total	5	19	3	57	27	111

As can be seen from Table 1.1 the sector generating the highest number of referrals was Education. There were 83 allegations from Education which is 43% of all the allegation referrals made to the local authority. This is consistently in line with the previous 2 years in Bromley and also in line with national statistics.

Early Years and Health generated the next highest number of referrals and again this is in line with the previous year. There were 27 (13.9%) referrals relating to professionals working in Early Years settings. Of these 2 were allegations relating to registered childminders and the remaining 25 were relating to nursery and pre-school settings.

The number of allegations received for Health professionals is at 26, (13.4%) a slightly lower percentage than the previous year but still considerably higher than 2 years ago. However given the number of Health professionals working across the borough in hospitals, medical centres, drop in clinics, surgeries and even schools it is felt that the number of referrals remains disproportionately low.

The agencies classified as 'other' encompass those miscellaneous agencies that do not have their own individual category on the database. As can be seen from Table 1:3 when the group is broken down the number of referrals relating to transport workers (4.1%) and sporting organisations (2.36%) indicate emerging concerns. The transport workers include the private taxi/minibus drivers, and the escorts that take children (most of whom have a disability) to and from school. The sporting organisations include tennis, football and rugby coaches.

It is difficult to make any significant impact in attempting to address safeguarding training needs within these companies and organisations. Many will have little or no knowledge of allegation management procedures. There is no requirement for proprietors or employees of taxi firms to access safeguarding training. Similarly individual tennis coaches operating on their own or small local football clubs run by local parents and not affiliated to any of the large mainstream clubs will not seek to attend safeguarding training and may therefore not be aware of the procedures for managing allegations.

Uniformed organisations such as the Scouts, Boys Brigade and the Cadets have generated 6 referrals this year. The LADO has seen a considerable improvement in the way these organisations have put safeguarding on their agendas, developing safeguarding policies and procedures and seeking to recognise and take appropriate action in response safeguarding concerns.

It is important to remember the allegations management process is also applicable to professionals where concerns about them in their personal lives raise questions about their suitability to work with children. An example of this would be if a professional was to come to the attention of Children's Social Care following a disclosure s/he has physically chastised their own child.

Table 1:3

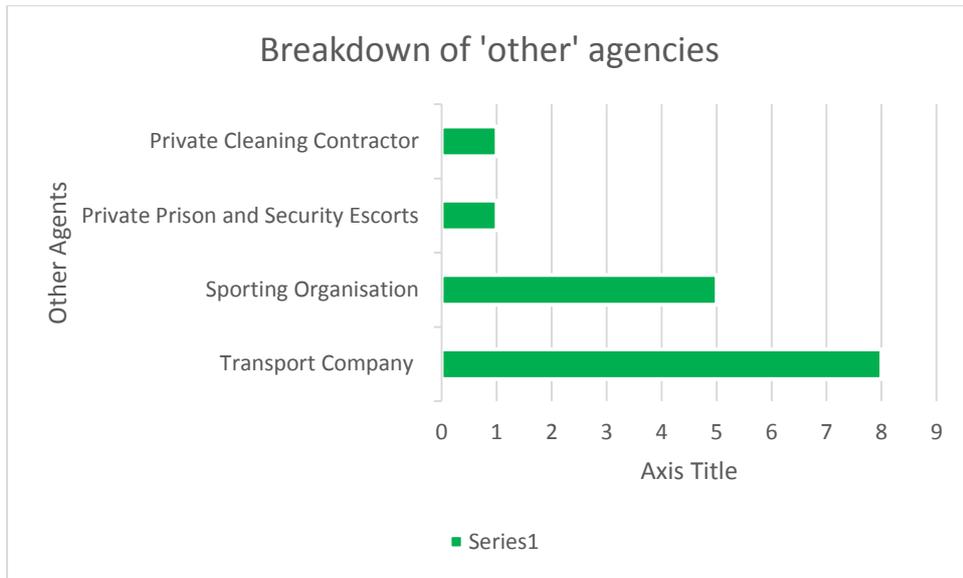


Table 2:1



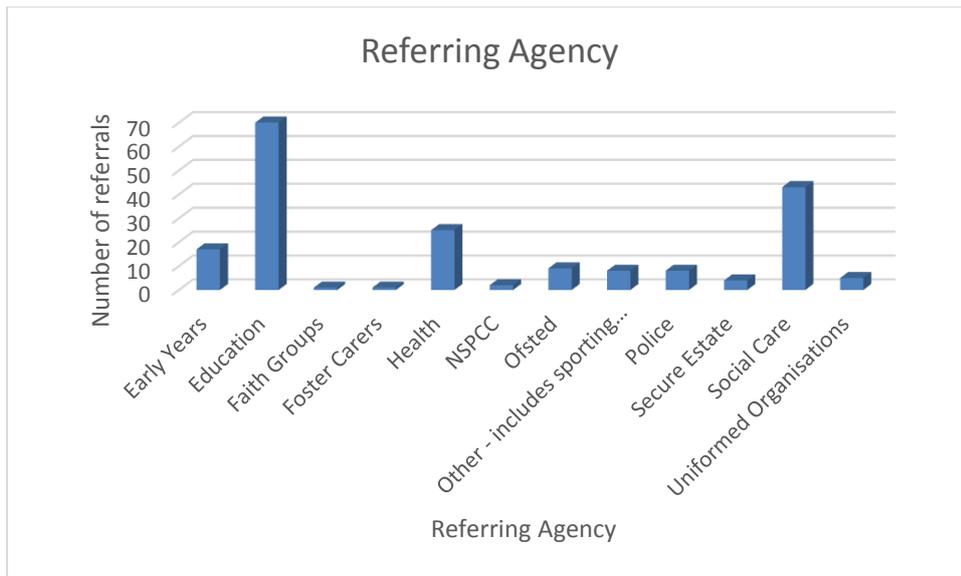


Table 2:2

Table 3:1

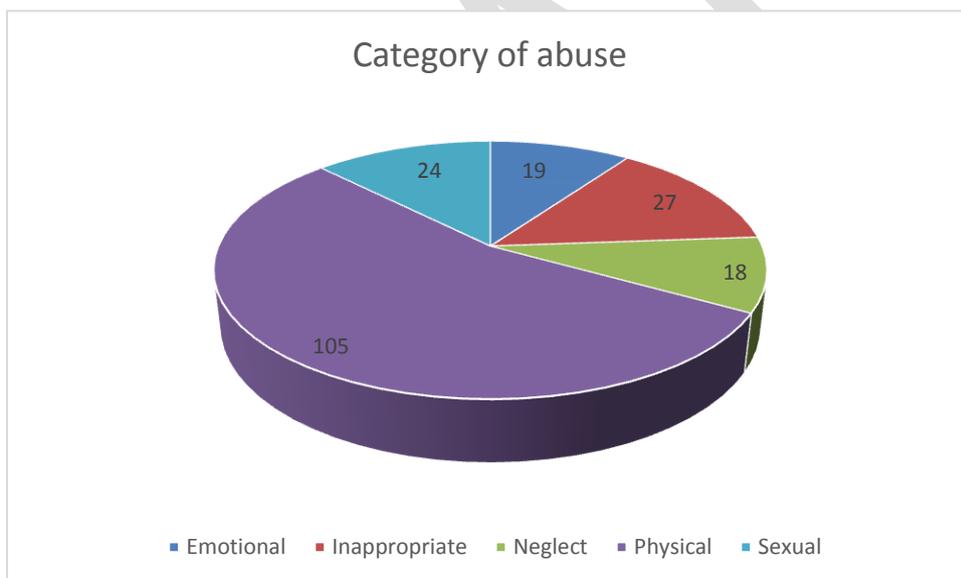


Table 3:1 shows the local authority received 105 allegations of physical abuse which is more than half of all referrals received. Whilst in many of these cases there was a context of physical restraint or physical handling, there were also allegations made by children that they were hit or struck by professionals that work with children and young people. These alleged incidents occurred either in a domestic setting in their personal lives or in a professional setting where the adult concerned was working in a professional capacity.

The next highest category is 'inappropriate behaviour' with a total of 27 (13.9%) referrals. This category covers concerning behaviour that does not fit into the usual 4 categories of abuse. This would for example include a professional sharing cigarettes and smoking with a young person.

Referrals relating to sexual abuse total 24 (12.4%) and these include allegations that relate to 'abuse of position of trust' where for example an adult professional is alleged to have engaged in an inappropriate relationship (sexual or otherwise) with a young person. Allegations of grooming, (face to face or via social media) with a view to engaging a young person in an inappropriate relationship is also recorded under this category.

Neglect referrals make up 9.2% of all referrals and consist of a wide range of concerns from children getting lost while in the care of a professional to Early Years practitioners failing to clean and change the nappies of very young children. It is anticipated that plans for a drive to raise awareness of neglect issues throughout the borough may lead to an increase in the number of referrals relating to cases of neglect.

Health

The LADO had noted the low number of allegation referrals received from the Health sector overall and had also picked up that the referrals made were very often of a poor quality. It was further noted that only a very small number of professionals from Health were attending the Allegations Lunchtime Briefings.

. The Head of Nursing and Safeguarding had also identified concerns around the lack of consistency among various Health professionals in relation to reporting allegations within the required timescales, the failure to report allegations to the designated lead doctor and designated lead nurse and failure of staff to comply with the requirement for professionals to follow the London Child Protection Procedures (LCPP) and the NHS procedures in parallel.

In March 2014, NHS England published their own policy and procedure guidance outlining the framework for 'Managing Safeguarding Allegations Against Staff'. This was updated in June 2015. There appeared to be some incognizance among Health professionals about the need to follow both the NHS procedures and the LCPP.

The LADO and Head of Nursing agreed to jointly provide the Health Sector with bespoke training raising awareness of both the London Child Protection Procedures and the NHS Commissioning Board procedures and reinforcing the need to for professionals from the Health sector to follow both when responding to allegations made against staff.

The training workshop incorporated both sets of procedures providing an overview of all action required and detailing in sequence the points at which action from either of the procedures should be taken. The workshop also outlined clearly the precise nature of the action required, highlighting the do's and don'ts and common mistakes.

Invitations were sent to all Health Safeguarding Leads and Health Human Resource Teams within Bromley by the Clinical Commissioning Group and the Bromley Safeguarding Children Board with the expectation that there would be a mixed group of professionals in attendance from across the Health sector.

Unfortunately despite invitations being sent out in a timely fashion to all stakeholders the training session was poorly attended.

Foster Carers

Whilst the number of allegations against foster carers appears to have doubled with an increase from 10 (9%) last year to 19 (9.8%) this year, the overall percentage has only increased by 0.8%. The threshold for convening a strategy meeting where the alleged victim is a child looked after is set lower than is normal due their increased vulnerability. A strategy meeting also offers the opportunity for additional scrutiny of the foster placement and consideration of how well the child's needs are being met.

The fostering teams have worked very closely with the LADO to ensure foster carers are adequately supervised, trained and supported to provide safe, nurturing and caring home environments for the looked after children in their care.

The fostering social workers and managers have been swift to identify and take decisive action to safeguard children when concerns have been raised about foster carers' standards of care and have attended strategy meetings fully informed and prepared to take forward any actions assigned to them.

Education

As mentioned earlier the referrals relating to Education staff account for 43% of all allegations received. Schools are now required to have their own policies and procedures around responding to allegations of abuse made against professionals that must be written in accordance with the local authority's Procedures for Managing Allegations against Professionals. This should have a positive impact on how whole school staff teams respond to allegations.

Schools in Bromley have demonstrated a robust approach to identifying and reporting allegations made against professionals working in Education however it must be noted that of the 83 concerns reported, Table 2:2 shows only 70 referrals

were received from educational establishments. This shows that not all concerns relating to education staff are reported to the LADO by education.

Table 4:1

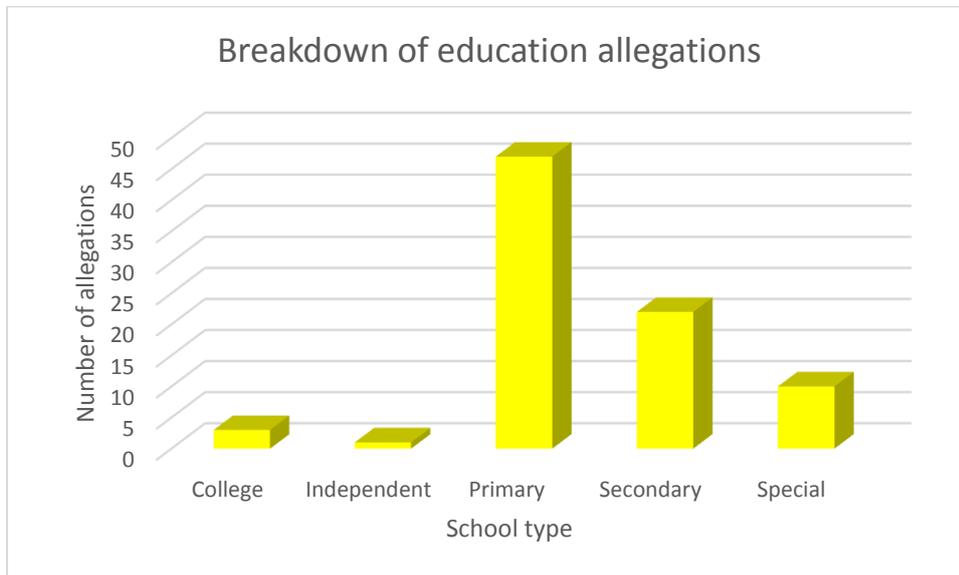


Table 4:1 shows the breakdown of allegations received relating to concerns around those working in educational settings. The high number of allegations from primary schools (56%) compared with secondary schools (26%) reflects the high number of primary schools in the borough compared to the number of secondary schools.

The number of safeguarding referrals from educational establishments overall continue to peak towards the end of the week, with significant increases before half term and before the end of term. This is reflected in the number of allegation referrals received during these peak periods. It is acknowledged that unlike general safeguarding concerns it is difficult to prevent this influx of allegation referrals because towards the end of term staff and students alike are becoming exhausted and irritable causing tolerance levels to drop, tempers become very short and situations develop that result in the need for a LADO referral.

It would be beneficial therefore for senior leadership management teams to include discussion around the end of term peak in referrals during staff safeguarding training. Staff can be reminded of the reasons why it happens and discuss the preventative measures they need to employ to protect themselves as well as the children. This will include enhanced self-awareness, rigidly adhering to set boundaries and codes of conduct, and the use de-escalation and behaviour management strategies.

The revised and amended Keeping Children Safe in Education 2016 which comes into force 5th September 2016 introduces further checks in addition to enhanced

Disclosure and Barring Service checks to be conducted as part of the Safer Recruitment process.

The additional checks will identify whether someone has been barred from working with children thereby further helping to prevent unsuitable people from working with children.

Early Years

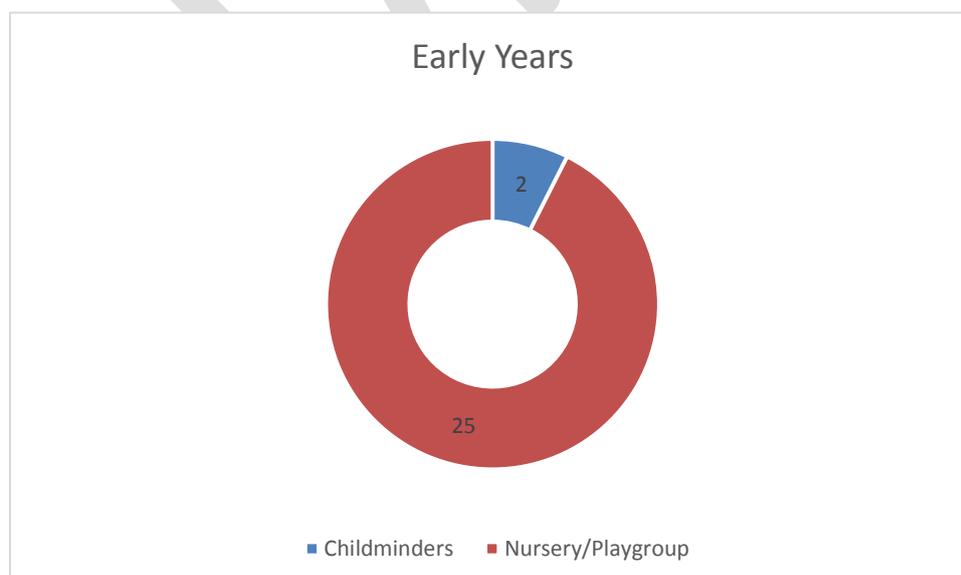
Of the 27 Early Years concerns, 55% were in relation to physical abuse which raises questions about whether there is a need for Early Years provisions to ensure all grades of their practitioners receive behaviour management and positive handling training.

When strategy meetings are convened in respect of Early Years provisions, a representative from the London Borough of Bromley Early Years team is invited to attend. During the meeting the Chair will consider whether the recruitment process leading to the appointment of the accused person was in accordance with safer recruitment procedures. The meetings have revealed that not all Early Years provisions are following safer recruitment procedures when recruiting staff.

The London Borough of Bromley Early Years team have been seeking to address this issue for the past few years and this year they were able to commission safer recruitment training specifically for Early Years providers. The training is offered without cost to providers and is tailored to meet the needs of Early Years settings.

The safeguarding training for designated leads in Early Years settings offered by LBB Early Years team has also been modified to give greater emphasis to safer recruitment.

Table 5:1



Strategy Meetings and Investigations

Strategy meetings are convened when the threshold for harm or potential to a child is met and or the concerns indicate the professional may not be suitable to work with children or young people. As mentioned earlier the threshold for an allegation involving a looked after child is lower. There are other situations that may give rise to a strategy meeting when the threshold for harm to a child is not met. These include situations where the concerns need to be investigated via a management investigation but the LADO is not confident the employing agency or organisation has robust disciplinary procedures and processes in place. When a strategy meeting is convened under these circumstances the LADO will seek to ensure the organisation is in receipt of appropriate support, advice and guidance either from herself or another party.

Of the 193 referrals made to the LADO 112 (58%) resulted in strategy meetings. The increase in the number of strategy meetings is commensurate to the overall increase in the number of referrals received. When a strategy meeting has been agreed the matter is referred to the police if the concerns indicate a crime may have been committed.

A total of 47 (24.4%) referrals were investigated by the police. The level of investigation varied from police checks and initial information gathering then no further action to full scale investigations lasting several months and resulting in cases being tried in court. Although the LADO works primarily with the Child Abuse Investigation Team, many cases have involved police officers from across the Metropolitan Police including the Paedophile Unit, Sapphire (Sexual Offences) and the Youth Policing Team.

The police investigations have resulted in 2 perpetrators receiving custodial sentences, 1 perpetrator receiving a non-custodial sentence and 2 perpetrators receiving a Police Caution.

The referrals that did not result in a strategy meeting were referred back to the employers for internal management action. This may include a disciplinary management investigation leading to a formal warning or standard setting, training, mentoring or repositioning.

If the concerns are referred back to the employer for action the case remains open until the LADO receives confirmation the investigation has reached a conclusion.

The records show that despite a number of reminders being sent out to employers requesting the outcome of management investigations there are a high number of cases where the LADO is awaiting outcomes.

Table 6:1

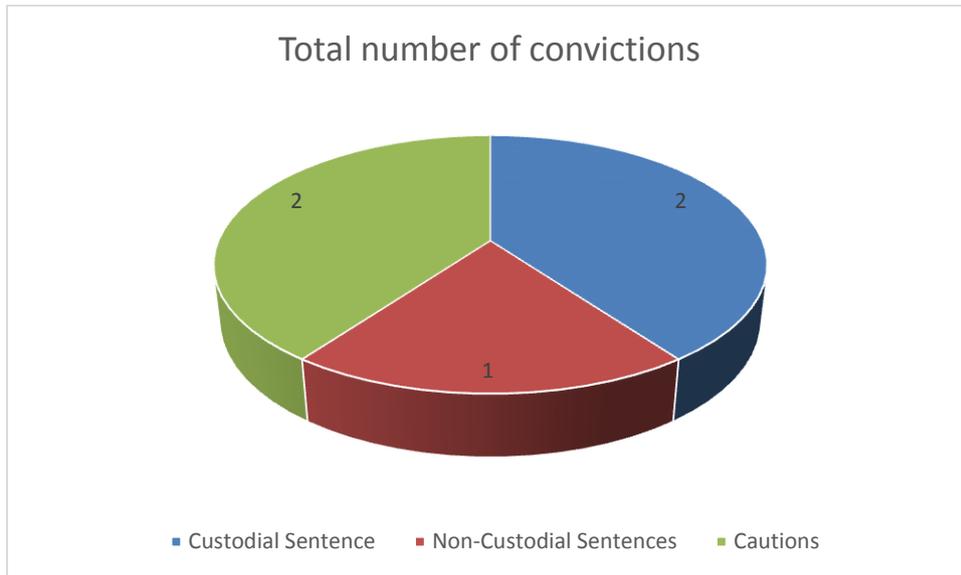
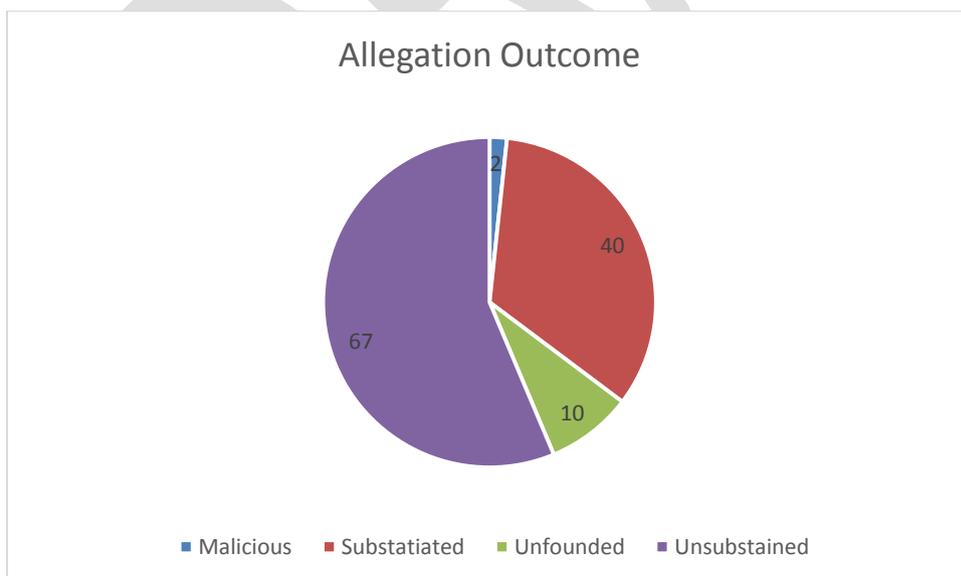
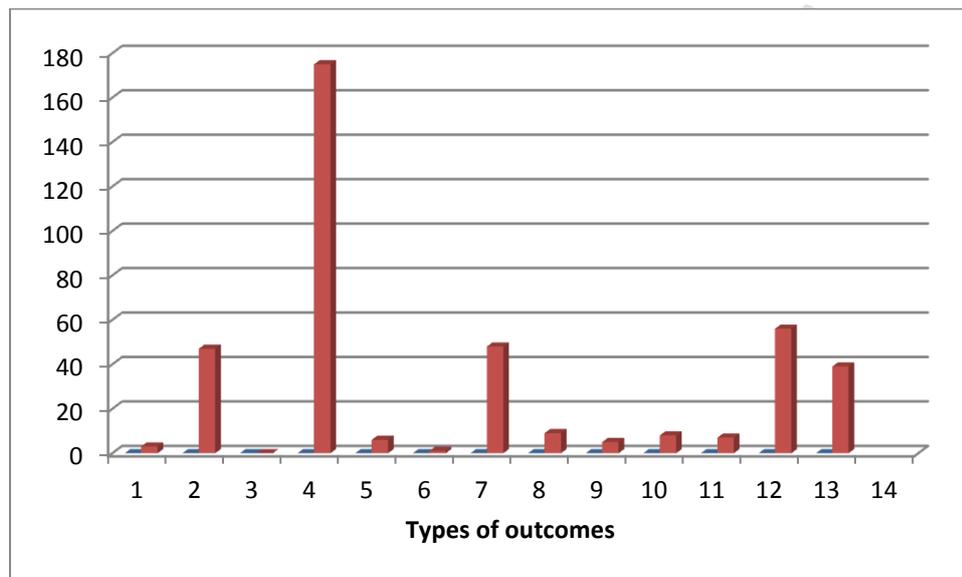


Table 6:2



Once the investigation into a reported concern has concluded the outcome of the investigation is recorded as either ‘malicious’, ‘substantiated’, ‘unfounded’ or ‘unsubstantiated’. There is a general misconception that if allegations do not progress to criminal police action or dismissal then the allegation was false. This is not the case as the vast majority of allegations are unsubstantiated as there is not enough evidence to prove or disprove the allegation. Table 6:3 shows the number of outcomes recorded. It is evident that agencies have not been systematically notifying the LADO of the outcome of their internal management investigations.

Table 6:3



1. Cessation of use
2. Criminal investigation
3. Deregistration
4. Disciplinary procedures
5. Dismissal
6. Inclusion on barred/restricted employment list
7. Internal action by service
8. Referral to DBS
9. Referral to a regulatory body (e.g. Ofsted, GMC)
10. Resignation
11. Social Care intervention (personal)
12. Suspension
13. Training need identified

As can be seen from above there is a wide range of actions that can be taken in response to allegations made against those who work with children and young people and this list is not exhaustive.

As the figures show almost all allegations will result in some form of disciplinary action even if the concerns go to court.

Training

In order to promote a better understanding of and a consistent approach to allegations management in accordance with both local and national procedures, the BSCB training sub-group identified the need to provide multi-agency Allegations Management training.

The multi-agency sessions were offered without charge to all partner agencies, foster carers and voluntary organisations.

- Provide an overview of the BSCB procedures for managing allegations
- Raise awareness of the thresholds for reporting allegations
- Provide an understanding of the role of the LADO
- Raise awareness of where to seek advice and what to do when an allegation is made
- Provide an overview of allegations against staff in Bromley

The termly sessions were delivered by the LADO as lunchtime briefings running from 12.00pm until 2.00pm and included powerpoint presentations, and interactive learning using real life Bromley case studies. All attendees were provided with a copy of the local procedures for managing allegations and a one page quick guide. Over the 3 sessions in excess of 70 professionals attended the briefings and the feedback from delegates was that the sessions were excellent.

The LADO and the Head of Nursing and Safeguarding met to discuss how best to improve the quality, quantity and process of allegation referrals concerning Health professionals. The LADO had noticed the number of allegation referrals received from the Health sector was disproportionately low and the quality of the information provided was at times poor.

The Head of Nursing and Safeguarding had identified inconsistency across Health in terms of the timescales for reporting allegations, whether or not the designated nurse or designated doctor had been notified, and whether correct procedures had been followed.

Following their meeting the LADO and Head of Nursing developed a bespoke training workshop for Health professionals and all Bromley Health designated safeguarding leads, named safeguarding leads, and Human Resource teams in Health were invited to attend.

Although the workshop was attended by only 5 professionals from the across the Health sector, once again the feedback from delegates was that the workshop was excellent.

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