

Report No.
CEF21004A

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: CHILDREN, EDUCATION AND FAMILIES PDS COMMITTEE

Date: Wednesday 10th March 2021

Decision Type: Non-Urgent Non-Executive Non-Key

Title: LOCAL AUTHORITY DESIGNATED OFFICER ANNUAL REPORT FOR 2019/20

Contact Officer: Stuart Hills, Head of Service Quality Improvement – Children, Education and Families
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Chief Officer: Janet Bailey
Director of Children's Services

Ward: All

1. Reason for report

The report updates Members on the activity and performance of the Local Authority Designated Officer role (LADO) for 2019/20.

The report provides evidence of the effectiveness of the LADO service provided to and on behalf of Bromley's children between April 2019 and March 2020.

2. **RECOMMENDATION(S)**

Members of the Committee **NOTE** the report.

Impact on Vulnerable Adults and Children

1. Summary of Impact: The national requirement for Local Authorities to appoint a Designated Officer (LADO) to manage allegations against adults who work or volunteer with children is outlined in Working Together and in Safeguarding Children and Safer Recruitment in Education.
 2. The LADO should be alerted to all cases in which it is alleged that a person who works with children has:
 - Behaved in a way that has harmed, or may have harmed, a child
 - Possibly committed a criminal offence against or related to a child
 - Behaved towards a child in a way that indicates they may pose a risk of harm to children.
 3. In 2019-20, 394 referrals were made to the LADO. Of these, 98 met the significant harm threshold to be classed as a referral. Of the others, 197 were classed as contacts to the LADO and 99 were classed as consultations with the LADO.
 4. Where the harm threshold is met, the LAFO must reach a finding based on the available evidence. In 2019-20, 36 allegations were substantiated, 47 were unsubstantiated, 11 were unfounded and 4 are ongoing owing to delays in the criminal justice system. There was no evidence to support LADO findings that allegations were made on a false or malicious basis during the year.
 5. Of the substantiated allegations, 21 individuals were referred to regulatory bodies, agency unions or sporting bodies for consideration of further sanction around those individuals paid or voluntary activities with children. No individuals met the criteria to be referred to the Disclosure and Barring Service (DBS).
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Corporate Policy

1. Policy Status: Not Applicable
 2. BBB Priority: Children and Young People:
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Financial

1. Cost of proposal: No Cost
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: N/A
 4. Total current budget for this head: N/A
 5. Source of funding: N/A
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Personnel

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: Statutory Requirement:

2. Call-in: Not Applicable:

Procurement

1. Summary of Procurement Implications: N/A

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All Bromley children

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable

2. Summary of Ward Councillors comments: Not Applicable

3. COMMENTARY

See Executive Summary and full report below

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

See Section 2 above

Non-Applicable Sections:	Policy Implications, Financial Implications, Personnel Implications, Legal Implications, Procurement Implications.
Background Documents: (Access via Contact Officer)	[Title of document and date]



Local Authority Designated Officer Annual Report

Executive Summary

April 2019 to March 2020

All organisations that provide services for children or provide staff or volunteers to work with or care for children, should operate a procedure for handling allegations that is consistent with Pan London Safeguarding Children Procedures and Working Together to Safeguard Children 2018.

The national requirement for Local Authorities to appoint a designated officer (LADO) to manage allegations against adults who work with children is outlined in Working Together and in Safeguarding Children and Safer Recruitment in Education.

The LADO responsibility sits within the Children, Education and Families Directorate in Bromley Council. Gemma Taylor is employed on a full-time basis and has overall responsibility for discharging the duties of the LADO. The LADO reports to Stuart Hills, Head of Service of Quality Improvement. The LADO and the Head of Service of QI are both new to their posts in this reporting year.

The role of the LADO is to:

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

Every agency that works with children and young people should have a Designated Officer whose job it is to liaise with and refer to LADO.

The LADO should be alerted to all cases in which it is alleged that a person who works with children has:

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

SOURCE OF REFERRALS

Referrals and consultations come from a range of agencies. Most referrals have been from education and early years. Training and awareness of the LADO role have been focussed on these agencies within the year as well as with faith groups and health agencies. The data highlights the need for the LADO in the coming year to continue to work with the Bromley Safeguarding Children Partnership in improving awareness and links within Police and Health but also the voluntary sector.

2019/20	Contacts	Consultations	Referrals
Number of allegations referred to LADO	197	99	98

CONCLUSION AND SUMMARY

The number of referrals which met threshold for harm is significantly higher than last year, where out of 202 contacts only 29 met threshold. Of the 98 2019/20 referrals, 36 were substantiated, 47 were unsubstantiated, 11 unfounded and 4 are ongoing. There was no evidence to support allegations deemed false or malicious. 21 of these cases were referred to regulatory bodies, agency unions or sporting bodies.

The activity report attached below offers oversight of our LADO service. This report includes recommendations and areas for focus to continue to improve our service during 2020-21.



Local Authority Designated Officer Activity Report

April 2019 to March 2020

INTRODUCTION

The Local Authority Designated Officer (LADO) is responsible for the management and oversight of all investigations into allegations of abuse against people who work and volunteer with children. The LADO is also responsible for the line management and professional development of the Education Safeguarding Officer, who works closely with senior leadership teams in schools to improve and scrutinise safeguarding arrangements and practice within schools in Bromley.

Nationally, all agencies and settings that provide services or staff working with children are required (under statutory guidance – *Working Together to Safeguard Children, 2018*), 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 2018*’ outlines specific requirements considered when managing allegations against staff working in educational settings. The requirements of the LADO process are set out in the London Safeguarding Procedures and are followed by all London boroughs.

The management of allegations should be seen in the wider context of safer employment practices, which has three essential elements:

- Safer recruitment and selection practices
- Safer working practices
- Management of allegations or concerns

This report will primarily focus on the third element, but this activity should be seen in the wider context of the BSCP’s work in respect of safer recruitment, employment and guidance to support safer working practices across the children’s workforce and within the private and voluntary sectors.

When an allegation is made against a professional, the safety of the children with whom the professional comes into contact is the priority. Employers, however, have an additional duty of care towards their staff and therefore the complexities involved in responding to such allegations require balance and careful judgement to ensure risk and support are measured at both levels. The LADO supports this process through advice on thresholds at the stage of notification; mediation with colleagues in other agencies, providing a proportionate response to investigations; guidance on individual risk management including careful consideration of whether suspension of the staff member might be necessary, or temporary adjustments to their duties/role; and support in the analysis of information and evidence gained as investigations progress, to ensure risks are responded to and appropriately concluded.

LADO work is not restricted to allegations against adults whilst working in a professional capacity with children. If there are concerns that a professional has harmed their own children or other children in the community, it may be necessary and proportionate to undertake enquiries and share information with the employer, HR, police, social care, and other relevant parties to form a judgement as to whether they are suitable to continue to work with children. There are also times when people may be out of work, but pose a risk of harm, because of their past employment with children, which has given them credibility with families.

This report provides detail of allegation activity notified within Bromley during the period April 1st, 2019 to March 31st, 2020. The report will also seek to identify trends and issues affecting the children's workforce relating to the management of allegations. It is written to provide statistical data for the BSCP and partner agencies on the number, nature, investigation process and outcome of allegations which are considered to meet threshold.

Bromley had a change of LADO in this reporting year, with the previous LADO leaving the department in September 2019, and the new LADO joining in late October 2019. During this period, although the service was covered within the Quality Improvement Service, there was a period of transition with the new LADO undergoing the two week induction programme and developing a new data recording system (LADO tracker) to monitor the progress of referrals and contacts with the LADO.

During this reporting year a total of 197 'contacts' were made to the LADO Service. A 'contact' being defined as any information received that required an initial evaluation and/or further research to determine if the issue falls under the managing allegations procedure.

98 of the contacts made to LADO reached threshold for a referral, however, many of the other contacts made required just as much careful attention, as they refer to the safety and welfare of children. These contacts are referred to as Consultations, of which there were 99. Examples of consultations could include contact from Ofsted about concerns within schools, notifications about children experiencing extreme bullying, serious health and safety incidents in regulated provisions, LADO referrals which after investigation have to be referred on to another local authority, and historical allegations within which we are unable to identify the professional etc. These matters can impact on the safety of children and the reputation of the BSCP and Council.

Working Together to Safeguard Children states the criteria for LADO intervention are applied when an individual has:

- Behaved in a way that has harmed or may have harmed a child
- Possibly committed a criminal offence against or related to a child
- Behaved towards a child that indicated he/she would pose a risk of harm if they work regularly or closely with children

STATISTICAL DATA AND INFORMATION ON REFERRALS AND NOTIFICATIONS

The number of contacts to the LADO service for consultation and allegation management support remains high. Between April 2019 and the end of March 2020, the LADO recorded 197 allegations against the children's workforce (including volunteers) in Bromley. Approximately half of these contacts mainly relate to staff conduct issues which, on consultation, are designated as below the allegation threshold or unlikely to result in a S47 investigation and are passed back to employers to manage as practice or professional capability issues. They may also constitute historical matters where staff are no longer working within the children's workforce or could relate to matters of policy guidance.

The LADO continues to track and record not only referrals but also all consultations between the LADO and relevant agencies. The categorisation of a piece of work as a 'consultation' is

deceptive and may suggest lesser input from the LADO. However, many consultations require considerable follow-up from the LADO beyond the initial contact.

Upon determining that LADO threshold of harm has been met, a decision as to whether an Allegations against Staff and Volunteers Meeting (ASV) needs to be convened. These are carried out as indicated in Working Together to Safeguard Children 2013, 2015 and 2018, and the Department of Education Statutory Guidance Keeping Children Safe in Education 2018. The London Child Protection Procedures also guide LADO practice.

The meetings draw together and co-ordinate three strands of enquiries through:

- The police in relation to possible criminal matters.
- Social care in relation to the needs of any child or young person.
- The employer in relation to disciplinary and employment matters, including support to the adult about whom the allegations have been made.

2019/20	Contacts	Consultations	Referrals
Number of allegations referred to LADO	197	99	98

BREAKDOWN REFERRALS FROM AGENCIES/SECTORS

Agency	Referrals
Early Years	16
Schools/Colleges	45/3
Ofsted	3
Foster Carers: Bromley/IFA's	1/5
Health	9
Transport	3
Police	1
Social Care	4
Residential Units	2
Faith Groups	1
Sports Groups	4
Scouts	1
Total	98

It is unsurprising that the staff most likely to have allegations made against them will be those working with children directly and for significant periods of the day and often when the children have experienced difficulties. 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. It is also important that all staff working with children know that they will be subject to certain procedures (without prejudice) should an allegation be made against them, in the interest of keeping children safe. The LADO provides regular Managing Allegations training throughout the year to support the development and upkeep of safe practice in responding to Allegations against professionals.

ALLEGATIONS BY CATEGORY

The LADO referrals are categorised in line with DfE data collation descriptors. This is a crude tool for complex dynamics and is only an indicator of potential harm. At the point where an allegation is made, motivation for the action may not have been established.

Nature of Allegation	Abuse/Behaviour Type
Physical	39
Sexual	13
Grooming	3
Emotional	9
Neglect/Failure to follow Protocol	4/2
Inappropriate Behaviour/Professional Conduct	15/12
Risk by Association	1
Total	98

Physical abuse is the largest proportion of alleged abuse due to the nature of interaction required between teaching staff and early year's practitioners and children. There may be a need for the use of restraint on a child who is deemed to be placing themselves or others at risk due to their exhibiting behaviour. During the incident, the child may make an allegation which could be malicious, or the child may have been unintentionally hurt in the course of being restrained. It is for this reason that schools ensure that staff are fully trained and there are clear guidelines if it is deemed that the use of restraint is required, and appropriate training provided.

Once it has been established that the allegation is not of a criminal nature, or the criminal investigation has been completed, LADO will advise and guide employers in conducting their own Internal Management Investigation (IMI) during this process issues considered would include:

- What/When to disclose details of the allegation
- Guidance through Investigation Process
- Ensuring Employer evidences their Duty of Care
- Ensuring fair and transparent process
- Ensuring timely process

Allegations against Staff and Volunteer Meetings are also under review and we are increasingly holding more meetings where threshold is met particularly where there is a high level of complexity in a case such as multiple suspects and/or multiple victims. This not only builds relationships and trust but also increases challenge from the LADO in holding organisations accountable for their activities in conducting robust investigations when allegations are made against staff/volunteers.

OUTCOME OF ALLEGATIONS

The Department for Education has defined outcomes within four definitions – Substantiated, Unsubstantiated, Unfounded, False, and Malicious. The LADO is required by guidance to collate information on allegation outcomes within these definitions.

Substantiated means sufficient evidence to prove or admitted; **Unsubstantiated** means there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence; **Unfounded** means there is no evidence or proper basis which supports the allegation being made; **False** means there is sufficient evidence to disprove the allegation; and **Malicious** means there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive.

We must be mindful when considering these statistics that any adults deliberately intent on harming children are unlikely to do so in front of witnesses, that a child’s word against an adult’s is unlikely to be accepted as evidence at a criminal level and that many children do not have a voice either due to their young age or communication difficulties, and these are our most vulnerable children. The LADO’s starting point is that children’s allegations are believed and investigations of allegations are conducted from this starting point.

Outcome of Allegations/LADO Findings 19/20	Total
Unsubstantiated	47
Substantiated	36
Unfounded	11
Ongoing	4
Total	98

21 of those cases were referred to other regulatory bodies such as DBS, the TRA, Sporting Bodies like Football, Swimming, Cricket, and we are awaiting CPS decisions on 4 cases.

Below is a graph showing a breakdown of the 19 referrals to regulatory bodies

Breakdown of Agency	Total
Health Governing Bodies e.g. NHS England	2
Sporting Governing Bodies e.g. Football Association, Swim England, Cricket Board	2
Music Governing Bodies e.g. Bromley Youth Music Trust	1
Ofsted	4
DBS	8

Teaching Regulatory Agency	4
Totals	21

It is important to note that the procedures require an automatic referral to the DBS when an employee resigns during an investigation so some of the above data refers to those circumstances and not necessarily when an allegation of harm has been substantiated. We do not get informed of how many referrals to the DBS reach threshold for the Barred List.

LADO liaison with Ofsted has been a developing relationship for the new LADO in continuing the positive work maintained by the previous LADO. The LADO has liaised closely with Ofsted in relation to a Bromley nursery where historical concerns had been raised about their management and treatment of children. 5 parents booked an appointment to meet with LADO to discuss these concerns and how these had impacted upon the emotional wellbeing of their pre-school aged children. LADO provided a sympathetic ear, and a conduit between them and Ofsted, who were addressing the issues, but don't feedback to referrers directly.

TIMESCALES TO CONCLUDE REFERRALS

Working Together to Safeguard Children sets out the expectations that 80% of LADO cases should be resolved within one month of referral, 90% within three months, and all but the most exceptional cases, completed within one year. The graph below illustrates the timescales in which referrals have been concluded by the LADO in the 19/20 reporting year.

Whilst investigations are undertaken by employers, the police and any responsible agency or body, the LADO manages and monitors the investigations to ensure fairness and thoroughness and to challenge where and when required.

It is also the responsibility of the LADO to provide timescales and guidance and although several sectors can work within these timescales, some sectors still struggle to meet deadlines for various reasons. The Covid 19 Pandemic also affected this data near the end of the reporting year.

Timescales	Totals
1 Month	45
1 -3 Month	33
3 - 6 Month	5
6 - 9month	3
9 -12 month	0
12 month +	8
Ongoing	4
Total	98

The response time in respect of responding to consultation and referrals providing advice and support and responding to referrals of allegations remains positive. However, there was some drop in this during the transition period September – November 2019 between when the previous LADO left the department and the new LADO started. Although the service was covered by managers in the Quality Improvement Service there was a drop in timeliness which will need to be closely monitored with the assistance of the new spreadsheet and increased dedicated Business Support. These measures add resilience to the LADO work process now when the LADO is absent. Given the broader service realignment and transformation alongside the embedding of a new LADO, we are satisfied with the timescales in which LADO investigations have reached conclusions. Overall, we have completed 80% within 1-3 months.

One area of difficulty is the amount of time it takes for the Police to investigate adults who have been subject to allegations of child sexual abuse. Police report that, on average, it can take up to a year sometimes longer for the Police to prepare the case and obtain a decision from the Crown Prosecution Service. Because of this delay, both the child making the allegation and the adult/s requiring justice, experience delay. The person against whom the allegation has been made will often not be able to work during this time and some have reported to have suffered family problems and mental health difficulties during this time. Where the adult is a professional, the LADO process is stalled, with professionals having to wait for the Police to complete their interventions before other investigations can be progressed to a closure, such as disciplinary procedures and Standards of Care Assessments. This is the reason for the four cases noted in the table above to be 'ongoing'.

TRAINING AND AWARENESS RAISING

The LADO has continued to seek to provide information and learning to all partners. This has included the delivery of sessions to the NHS England and the South East London CCG meetings to raise the profile of the LADO within Health along with advice around what constitutes a referral to the LADO and LADO processes.

The LADO has delivered training to the Designated Safeguarding Leads (schools) forum, ESAC and frontline teaching staff. The LADO line manages the Education Safeguarding Officer (ESO) and has been instrumental in supporting the development of the ESO role during the year.

The LADO had planned twilight sessions that would have been delivered in a range of community settings to build the reach of the LADO more broadly to community organisations, including sports organisations. It continues to be a challenge locally to form LADO links with the broader voluntary umbrella of organisations that provide services to children. Unfortunately, the growing difficulty towards the end of the reporting year associated with the pandemic meant that these plans had to be put on hold.

LADO briefings undertaken over the last year 2019/2020:

June 2019 – All agencies

14th October 2019 – All agencies

28th January 2020 – All agencies

2nd March 2020 – Designated Safeguarding Leads in Bromley Schools

13th March 2020 – LADO presentation to Mentors

Although the Covid-19 pandemic has not significantly impacted on the LADO role, the briefings have continued online and have been well attended.

EMERGING THEMES AND CHALLENGES

Some emerging themes worth noting are the challenges in respect of the ongoing issue around referrals and notifications from the police relating to Police officers. This remains a national LADO challenge and LADO's continue to work together to look for more effective ways of addressing this as a collective body.

Like with other LADOs Nationally, the Bromley LADO continues to reflect on various possible reasons such as lack of knowledge of process or that the police are managing/addressing allegations internally via the Independent Office for Police Conduct (IOPC) and/or choosing not to engage with the LADO procedures.

At the recent national LADO conference held on the 10th of May 2019, according to the survey reported by the Paedophile Online Investigation Team Detective Inspector in Surrey, 58% knew what the LADO role is. This remains an agenda item both at the Regional and National level.

The second emerging theme is in respect of managing allegations in respect of individuals and or charities that are not registered with regulated bodies. I.e. independent tutors. LADOs in general (regional and national) find it challenging when individuals or charities undertake activities with children and are not regulated by any 'Body' that they are accountable to, especially if the allegation is against the manager or leader of the group.

The exact numbers of unregistered organisations are unknown and such individuals will only come to light when an allegation is made. Such individuals use church halls and school halls and/or their homes to deliver such services.

The LADO continues to encourage schools and churches to speak to parents about the need to ensure that the adults employed privately to work with their children are safe adults and that the required checks are done.

In addition to this, the BSCP have also supported in targeting such individuals by providing some sectors with guidance on what to look out for when employing the services of private tutors and or coaches.

According to the LADO procedures, when an allegation is made against an individual working with children, the LADO will liaise with their employer and manager and in cases where the allegation is made against the manager, the director, and chair of trustee and or regulatory body will work with the LADO to manage the allegation. However, with charities and individual led companies, this becomes a challenge. The LADO must be creative in seeking multi agency support and/or involving the DBS if the allegation meets the threshold.

LADO continues to manage the Education Safeguarding Officer (ESO) Joan Keenan-O'Malley and works very closely with her in liaison with the Director of Education, Jared Nehra to agree and implement themed strategies to improve the relationship between Children, Education and Families Services and Schools. Schools have provided regular feedback about how much

they have appreciated the ESO's support in communicating with CSC, understanding LADO thresholds, and managing challenging issues such as Bullying and CSE.

During the changeover of LADO's, there was also a loss of Business Support Staff, as a result any administrative support needed to come from the pool of Quality Improvement Business Support Officers who had competing priorities. This proved challenging and resulted in the development of a cohesive and effective recording system and LADO tracker being delayed.

WIDER LADO NETWORK

The Bromley LADO is a member of the Regional London Network. The Regional LADO's have a bi-monthly meeting where best practice is shared and case work experiences as well as reviewing interfaces and cooperation across boroughs, including identifying themes and emerging patterns.

The regional group continues to develop with its prime focus of ensuring that practice and processes between London LADOs are consistent in complying with statutory guidance and the Pan London Child Protection Procedures.

This offers significant opportunities to compare and benchmark thresholds and levels of intervention, draw on the experience of others, and consider alternative approaches as evidenced in the benchmarking above. The Group also meets regularly with members from a variety of stakeholders.

The National LADO conference for 2019 was hosted by the London LADO group and took place on the 10th of May 2019, which the Bromley LADO attended.

CONCLUSIONS

The LADO is focussed on the steps needed to work with the Local Authority on the road to excellence and is positive about the year ahead. It has been a very productive year for the LADO service, and it continues to establish itself within the safeguarding network in Bromley and is seen as a positive and supportive provision. Professionals continue to feedback the benefits of learning and knowledge acquired because of working with the LADO.

With the progress and achievement made this year, the LADO acknowledges that there is still ongoing work to be done and more sectors to reach within Bromley such as newly employed staff in organisations as well as Designated Safeguarding leads in schools and charities. More collaborative work needs to be done with the police and voluntary organisations.

The LADO recommends that the information and details provided within this report is noted and that partners ensure that their respective services are aware of the LADO function and if not, arrange for the LADO to attend key forums within their various departments and organisations or for their staff to attend the regular LADO training.

ACTIONS FOR 2020/21

- Review of LADO Business Support to obtain dedicated service to improve LADO response to enquiries, referrals, distribution of minutes and data collection

- Continue to disseminate LADO procedures, processes and thresholds through regular training sessions, contribution to inductions and attendance at various service meetings. With particular focus on R&A, Schools, Nursery's, and Frontline
- Revise and update the LADO referral form for professionals
- Development of a leaflet explaining LADO role and procedure for parents and carers, Staff & Volunteers.
- Seeking out various ways of engaging Charities/Voluntary Agencies and self-employed staff
- Continued attendance at monthly MAPPA meetings
- Continued attendance at the bi-monthly London LADO Group
- Continued attendance at the NHSE/CCG Meetings
- Active review and update of LADO information and documents on the BSCP website
- Increase the timeliness of referral outcomes
- To continue to participate in the developing of effective data recording systems linking up the LADO spreadsheet/Carefirst/Liquid Logic and management of the shared LADO drive
- Continue to support and develop the Education Safeguarding Officer's role in liaison with the Education Department's objectives
- The Annual Report for 2020/21 to include benchmarking data agreed by the National LADO Network.