



**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 2017 to 31<sup>st</sup> March 2018**

**Document Owner:** Becky Cooper (Head of Service for Safeguarding & Quality Assurance) - June 2018

**Author:** Jinder Pal Kaur (Local Authority Designated Officer – Interim Team Manager)

Statistical data provided by Emma Cumberbatch (Contact & Referral Officer & PA to LADO Manager) - June 2018

## **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>, 2017 to March 31<sup>st</sup>, 2018. 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 has been addressed it has meant that the team has been understaffed by up to 50% for a considerable period of the year and supported by temporary staff who, at times, 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.

**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, including other Local Authorities, members of the public, Ofsted, Independent Schools Inspections and others on matters related to concerns about staff conduct and related procedure; and responds to frequent Freedom of Information (FOI) and Subject Access Requests (SAR), Fostering safeguarding checks and LADO Evaluation meetings for Fostering. These 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 previous County LADO Manager set up regular monthly meetings with the County Fostering Manager 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. We have received 153 referrals in relation to 57 allegations, 96 consultations, however it is important to point out that as a service we count foster carers as pairs. We have an established process with the Fostering Service to use the fostering notification form which is now embedded in practice. For example, out of 57 allegations we received notification forms for 84%.

**3.3 School's Personnel, part of Cantium (formerly KCC Schools' Personnel Service)** – The previous 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. 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 People (formerly Education Safeguarding Team)** – We, as a service, are re-establishing our links with The Education People and now aim to meet every quarter.

**3.5 KSCB** – The LADO Service is represented on the KSCB Learning and Development Group. The LADO service has continued to deliver "managing allegations against staff" training through the KSCB, and this will continue and will be implemented by the permanent LADO manager.

**3.6 Residential Care Homes and Independent Fostering Association Forums** – The LADO service has provided specific training with providers where particular concerns have been identified or where specific training has been requested. However, going forward it will be part of our plan for the next year to routinely link I with the residential care homes and IFA forums in improving our partnership working. These sessions have the advantage of being tailored to the needs of the individual organisation or Agency and can reflect any identified

deficiencies in allegations management as well as wider safeguarding issues.

So far this bespoke training has been delivered to Foster Care Associates and Excel 2000, with two scheduled dates for 2018 for Next Steps and Following Whispers.

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** – The majority of the timetabled allegation management training has been delivered with two sessions still scheduled for delivery; one in South Kent and one in East Kent. Following queries from Disabled Children's teams about the LADO process where allegations or concerns arise within Special Schools, the Kent LADO Service will look to address this training need for the District Disabled Children's Service. The Disabled Children's teams currently sit within Adults Services and so the role of Kent's Children's LADO needs to be better established within these teams.

The LADO Service is well publicised among the district and fostering teams as evidenced by the number of contacts, consultations and referrals received by the LADO Team.

**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 three times a year 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-**

The number of referrals of concern to the Kent Children's LADO service has been considerable. The total number of referrals to the team from 1<sup>st</sup> April 2017 - 31<sup>st</sup> March 2018 was 2111. This is an overall increase of 114 referrals compared to last year's statistics.

- 4.1** The team has managed 669 formal allegations against the children's workforce in Kent. This represents a small increase of 13 from the 656 recorded during the previous year. The increase is not significant however one possible reason for this increase 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.
- 4.2** The team has additionally managed a very high number of LADO-related consultations, some 1204. This represents a decrease of 137 from the 1341 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. Based on last year's consultation figures the team has seen a decrease in the use of consultations by 10% (following a similar pattern to last year).
- 4.3** 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.
- 4.4** Statistically, based on these figures, the LADO team is currently managing an average of 13 new formal allegation notifications per week. When combined with consultation requests, the figure rises to some 36 new LADO cases per week. These figures do not consider 184 referrals that were categorised as "For Information Only". In breaking down the figures into categories, 68 were unnamed members of staff (MOS) 23 accounted for unknown settings and the remaining 93 - a mixture of subject access requests (SAR) and Freedom of Information (FOI) requests and referrals that did not proceed to any further action being taken.
- 4.5** As would be expected, there should be a should notable drop in allegation-specific referrals during the school holiday periods. The peak months being January, May and November. The districts of East Kent and South Kent are the two districts which make the most contact with the LADO team. Thanet and Canterbury (East) being particularly high in the numbers of contacts with the LADO team, followed by Ashford (South) and Swale (East).

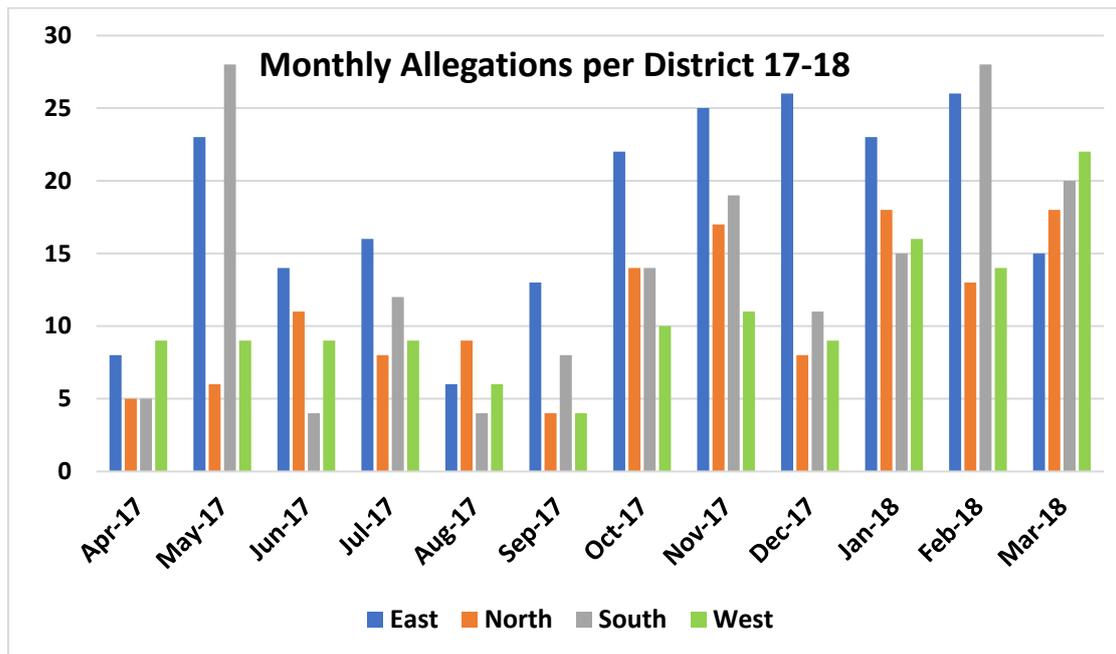
**Number of referrals by District per month:**

Month	East Kent			North Kent			South Kent			West Kent					
	Thanet	Canterbury	Swale	Dartford	Gravesham	Sevenoaks	Dover	Ashford	Shepway	Tonbridge & Malling	Tunbridge Wells	Maidstone			
Apr-17	18	6	16	4	4	6	11	17	8	5	9	8	3	3	118
May-17	33	24	27	9	13	23	34	20	15	10	14	22	12	8	264
Jun-17	28	24	15	9	14	17	8	16	14	15	3	16	6	7	192
Jul-17	22	29	18	17	8	13	9	24	7	18	9	7	6	9	196
Aug-17	10	7	2	9	7	5	3	7	3	4	2	5	2	5	71
Sep-17	25	11	13	4	10	5	12	10	9	7	5	6	6	6	129
Oct-17	20	31	15	16	11	14	9	7	16	11	4	19	8	3	184
Nov-17	25	28	11	9	13	18	12	23	13	5	9	19	4	12	201
Dec-17	12	28	19	7	12	17	11	14	11	6	4	13	8	6	168
Jan-18	20	23	27	12	9	18	14	16	14	10	12	16	5	9	205
Feb-18	28	18	9	7	15	11	26	14	12	12	10	16	9	5	192
Mar-18	22	7	13	15	10	28	19	18	11	21	4	15	3	5	191
<b>TOTALS</b>	263	236	185	118	126	175	168	186	133	124	85	162	72	78	2111

**Number of allegations per district (to show comparison to number of referrals)**

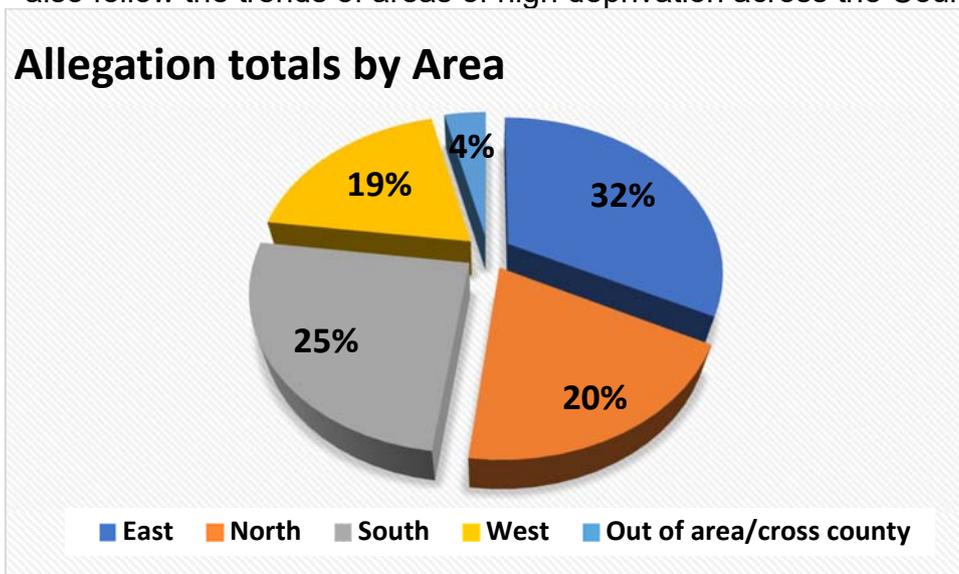
Month	East Kent			North Kent			South Kent			West Kent					
	Thanet	Canterbury	Swale	Dartford	Gravesham	Sevenoaks	Dover	Ashford	Shepway	Tonbridge & Malling	Tunbridge Wells	Maidstone			
Apr-17	4	0	4	1	0	4	3	0	2	3	3	3	0	0	27
May-17	11	5	7	2	1	3	16	6	5	1	2	6	4	3	72
Jun-17	2	6	6	2	6	3	0	0	4	5	1	3	2	0	40
Jul-17	10	6	0	4	3	1	4	7	1	8	1	0	0	0	45
Aug-17	4	2	0	1	4	4	0	3	1	3	1	2	1	0	26
Sep-17	9	1	3	1	2	1	6	1	1	2	2	0	1	0	30
Oct-17	5	12	4	6	3	5	5	3	6	3	0	7	1	1	61
Nov-17	10	9	6	2	8	7	6	11	2	1	1	9	3	1	76
Dec-17	7	4	13	2	5	1	2	6	3	4	1	4	1	2	55
Jan-18	2	12	9	6	3	9	7	4	4	1	7	8	2	3	77
Feb-18	13	8	5	5	4	4	15	7	6	3	4	7	3	0	84
Mar-18	6	3	6	8	5	5	8	6	6	12	2	7	0	2	76
<b>TOTALS</b>	82	71	64	40	44	47	72	55	41	47	25	56	19	6	669

## Monthly Allegations Totals

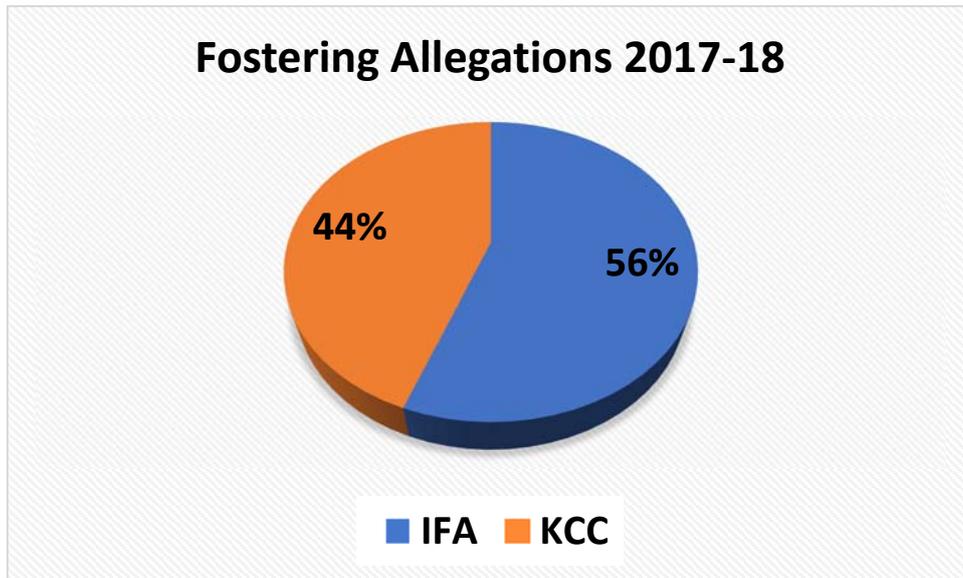


## 5 Allegation Demographics

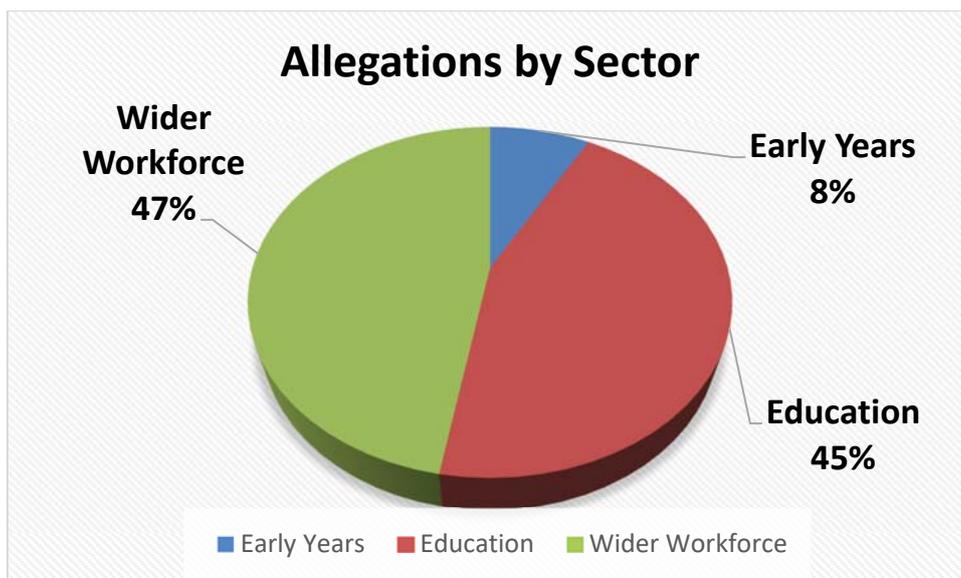
**5.1** Looking at the geographical distribution of formal allegations recorded, the county remains split as it was last year, with a clear line of increased demand coming from the East and South of the County. 385 allegations were notified from these areas (accounting for 57.5% of the allegation workload) as compared with just 259 (or 39%) 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.



## Fostering Allegations 2017-18



- 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 LADO Service has reported for several years that children placed within Kent from other areas have a high level of vulnerability. 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.
- 6** 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 299 of the 669 (45%); 54 come from the early years sector (8%), and the remaining 316 (47%), are made against staff in the wider workforce. This distribution indicates a broad parity with the previous year's figures (with a small increase across all sectors). It is unsurprising that, 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 would support the view that the active work undertaken by the LADO service has led to an increased awareness of the LADO role across the County. This suggests that the work the LADO service have carried out in raising the awareness of the role of the LADO across the County is having an impact.



The LADO team additionally record information on whether allegations are linked to disabled children (including special educational needs (SEN) and with a formal diagnosis). Figures currently indicate 18% of the total allegations are made by or on behalf of disabled children, with these being weighted towards allegations within the education sector. 70 of those are in education, 54 in the wider workforce and 1 in early years. The LADO team additionally record information linked to disabled children and during the time of this report there were 359 (inclusive of SEN) referrals and broken down by sector Early years=7, Education= 204 and the Wider Workforce=147. The number that met the threshold for allegations management were 125; Early Years=1, Education=70 and Wider Workforce=54.

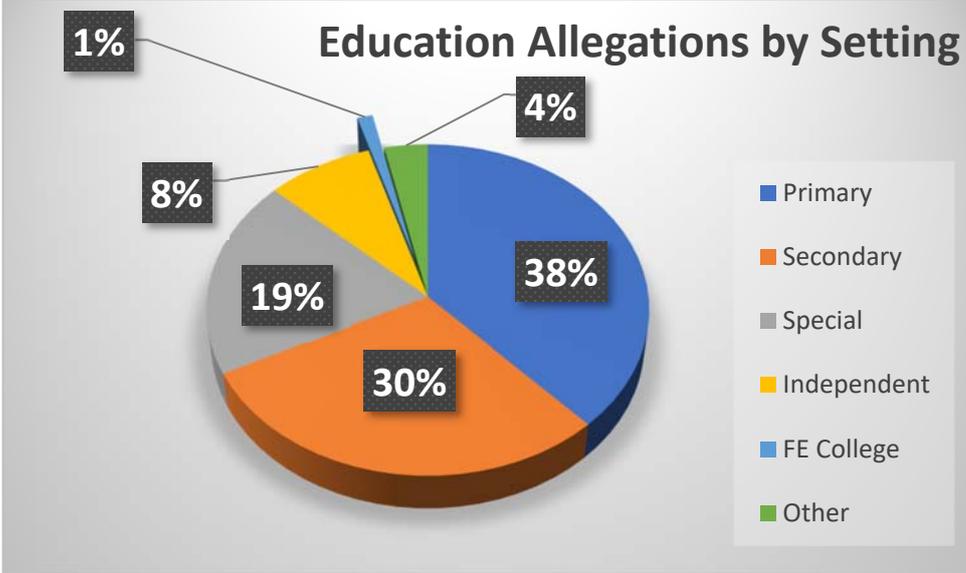
The number of referrals to the LADO service regarding Looked after Children (LAC) within this reporting period was in total 616 – with 250 Kent LAC and 357 as Other Local Authority (OLA) and 9 where the child was unknown. Of these 239 related to allegations:102 are Kent LAC and 137 OLA.

- 7 Education Staff** – The 299 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 (see below chart), but it needs to be placed within the context of this being the largest sector provider with currently 582 schools in Kent (including Academies and the Independents), and 350 of these are Local Authority Schools.

The proportion of these education allegations, 122 (41%) of the 299 made within the primary school age sector, has increased by only 5 since last year; with 32% coming from the secondary level and 21% from special schools (including independent specialist provision) which have remained static. These figures include allegations originating from Academies.

Allegations from general independent schools and FE colleges account for a further 10% 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 still. This is a continuing trend for this reporting period.

**Education Allegations by Setting**



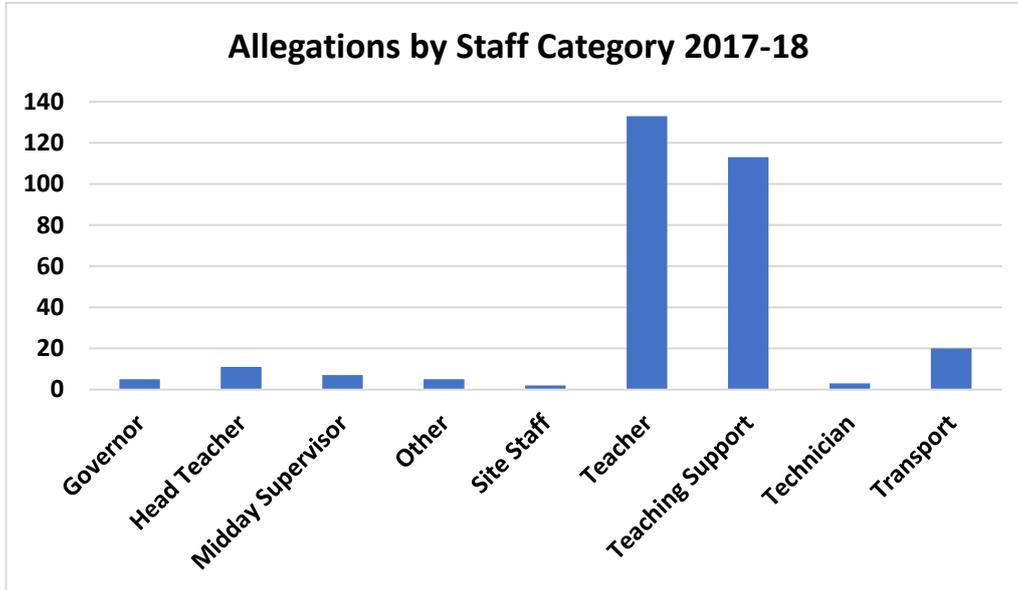
Allegations may sometimes be triggered by a child in a high state of emotional upset, misperceiving well-intentioned actions of staff in their attempt to keep them safe. The often-physical nature of interventions to move children in distress is not always explained before being done and an angry or upset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

- 8 Additionally, parents and children continue to be 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. The LADO service are directly contacted by staff whom the concern is raised against to query the LADO input.

Classroom staff continue to be the subject of the highest level of allegations with teachers specifically receiving 44% of the education-only total. Other class-based staff (TA's, LSA's etc.) account for 38%; (quite an increase from 86 staff to 113 since last year) 7% are made against

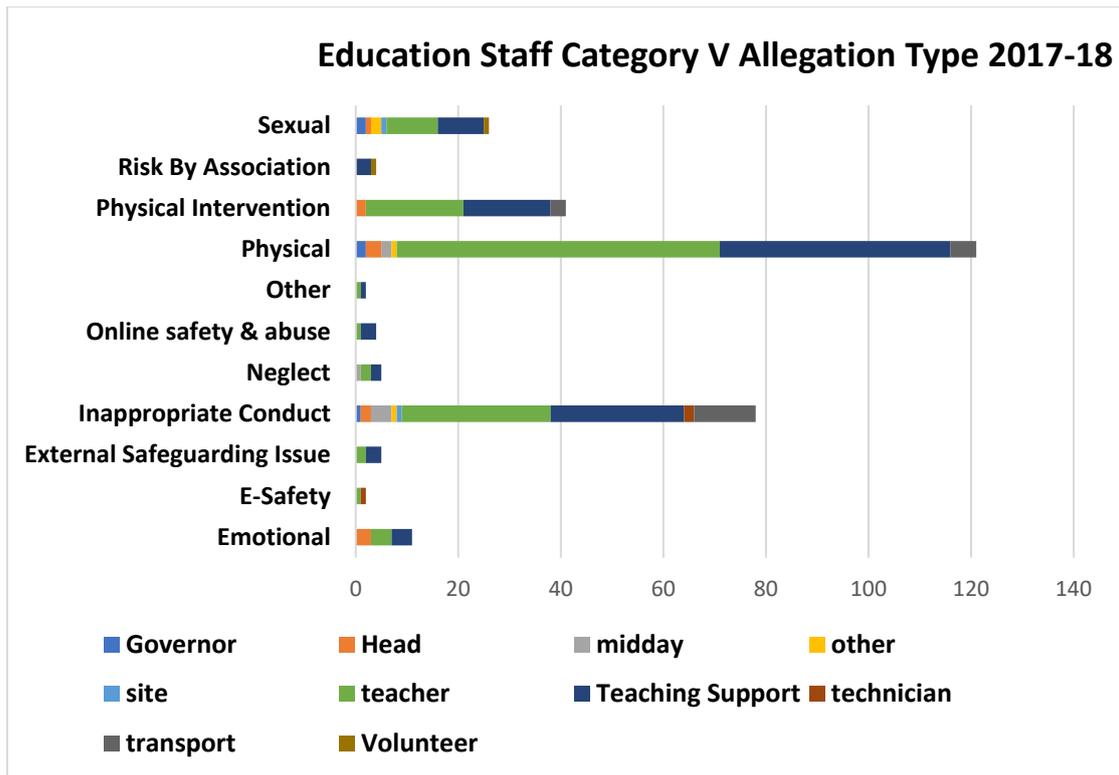
education-linked transport staff (a similar amount to last year); 0.6% against site staff (caretakers etc.); 2% against Lunch Time Supervisors and 4% involved Head Teachers (a decrease from last year).

### Allegations by Staff Category



### Education Staff category V Allegation Type

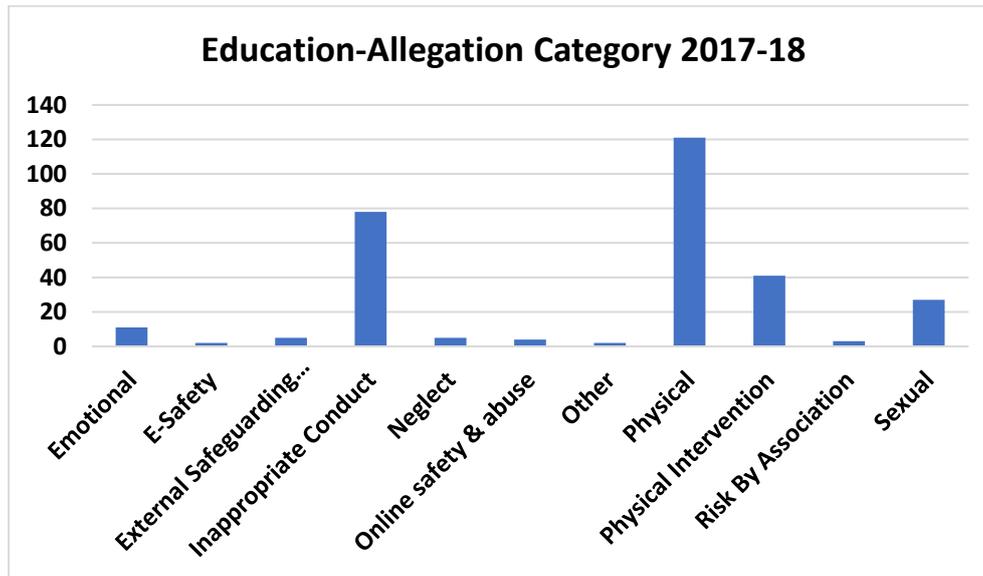
Job Titles	Emotional	E-Safety	External Safeguarding Issue	Inappropriate Conduct	Neglect	Online safety & abuse	Other	Physical	Physical Intervention	Risk By Association	Sexual	Grand Total
Governor				1				2			2	5
Head	3			2				3	2		1	11
midday				4	1			2				7
other				1				1			2	4
site				1							1	2
teacher	4	1	2	29	2	1	1	63	19		10	132
Teaching Support	4		3	26	2	3	1	45	17	3	9	113
technician		1		2								3
transport				12				5	3			20
Volunteer										1	1	2
<b>Grand Total</b>	<b>11</b>	<b>2</b>	<b>5</b>	<b>78</b>	<b>5</b>	<b>4</b>	<b>2</b>	<b>121</b>	<b>41</b>	<b>4</b>	<b>26</b>	<b>299</b>



**8.1** The numbers of allegations against Head Teachers has decreased from 19 to 11 referrals. 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 always reminding staff of the policies and procedures the school has in place regarding safeguarding, revisiting this regularly within staff gatherings and training.

**8.2** As would be expected, within the education sector, 162 out of the total numbers of allegations (299) are physical in nature (including those arising from physical intervention) with 78 allegations are of broader inappropriate conduct and 5 relating to external safeguarding issues. Risk by association-suitability cases are recorded as Consultations, in line with other Local Authorities and risk by association can also be categorised as an allegation. The number of allegations of sexual concern towards a pupil in the setting is now 27 (30 last year). Increased media interest and publicity on the subject may contribute to raising awareness of reporting such concerns. Whilst the clear majority of these allegations do not result in disciplinary action with an ongoing requirement for LADO's to evaluate training needs.

## Education-Allegation Category



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), have decreased within the education sector. With regard to “Risk by Association”, this particular category of referral 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 remains significant and a complex and challenging process. The government review of the guidance in this area remains outstanding.

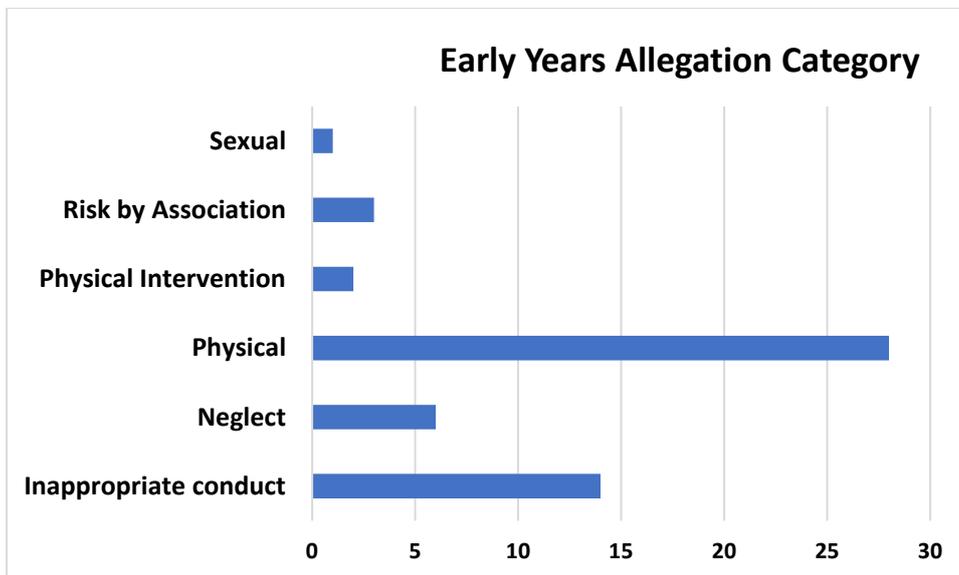
We have an established relationship with our colleagues in POLIT who do regularly refer cases of this nature. Over the reporting period we received 30 referrals, of which 14 were related to education. The breakdown of those 30 referrals being risk by association was 20%.

- 9 Early Years Staff** – Allegations against Early Years staff have slightly increased in the last year, from 50 to 54. Of the total 54 allegations made within the Early Years sector, the majority (80%) are against nursery staff, with a further 12% being against child minders and nannies.
- 9.1** 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 a focus of our attention for the LADO Service. 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. 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).

- 9.2** Within Kent the highest proportion of Early Years’ allegations remain physical (including physical intervention) in nature, some 56% (30 referrals) of the Early Years total. 26% (14 referrals) are for wider inappropriate conduct concerns and 11% relate to emotional maltreatment or neglect issues. There was only 1 recorded allegation of possible sexual abuse.

**Early Years Allegation Category: (54 allegations)**



**10 Wider Workforce**

47% 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%.

- 10.1** Of the 131 allegations made against foster carers, 73 are from within the independent sector and 58 are against KCC foster carers. 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.

### IFA Fostering -Allegations 2017-2018

Inappropriate Conduct	21
Neglect	4
Physical	41
Physical Intervention	5
Sexual	2
<b>Grand Total</b>	<b>73</b>

### KCC Fostering-Allegations 2017-2018

Inappropriate Conduct	15
Physical	33
Physical Intervention	2
Risk By Association	2
Sexual	6
<b>Grand Total</b>	<b>58</b>

### Total Fostering allegations 2017-2018

Inappropriate Conduct	36
Neglect	4
Physical	74
Physical Intervention	7
Risk By Association	2
Sexual	8
<b>Grand Total</b>	<b>131</b>

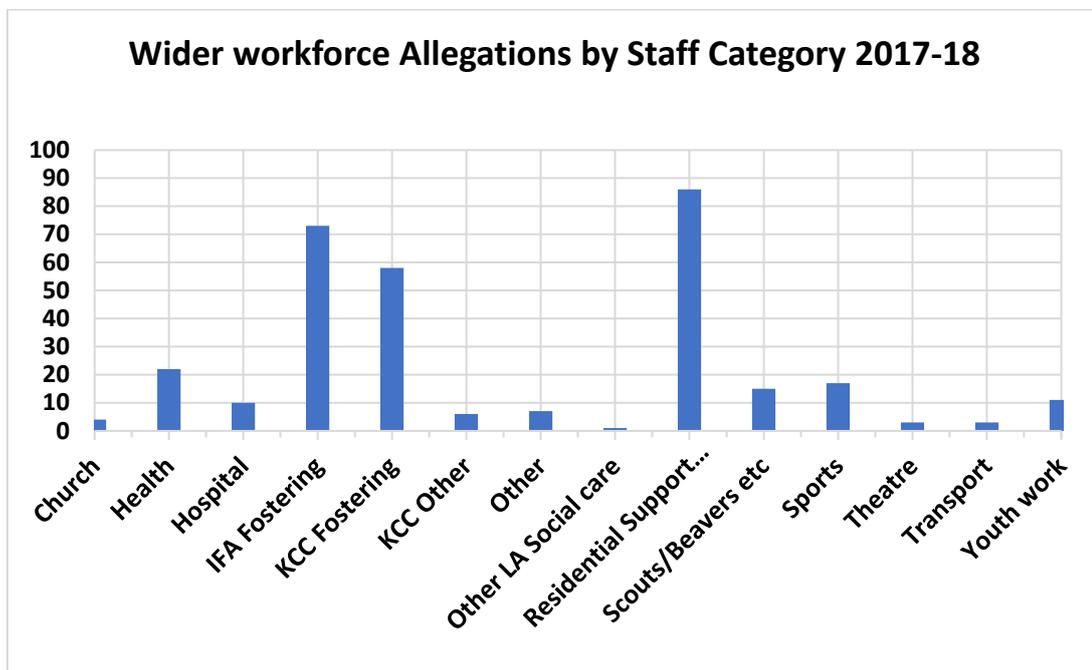
### All Fostering Allegation Outcomes 2017-2018

Outcome	IFA Fostering	KCC Fostering	Grand Total
False - NFA	3		3
Malicious - NFA	1	2	3
Ongoing Police Investigation		1	1
Substantiated - Disciplinary Action	1		1
Substantiated - Dismissal	1	7	8
Substantiated - Management Action	7	8	15
Substantiated - Resigned	3	2	5
Unfounded - NFA	15	11	26
Unsubstantiated - Management Action	12	7	19
Unsubstantiated - NFA	6	4	10
Open	24	16	40
<b>Grand Total</b>	<b>73</b>	<b>58</b>	<b>131</b>

**10.2** Allegations against Health staff run currently at 22 referrals with the majority of these relating to agency care support workers and GP's.

**10.3** 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. Under "other" (7 referrals) this may relate to non-child related occupations, e.g. commercial/public play-centres and driving instructors.

### Wider Workforce Allegations by Staff



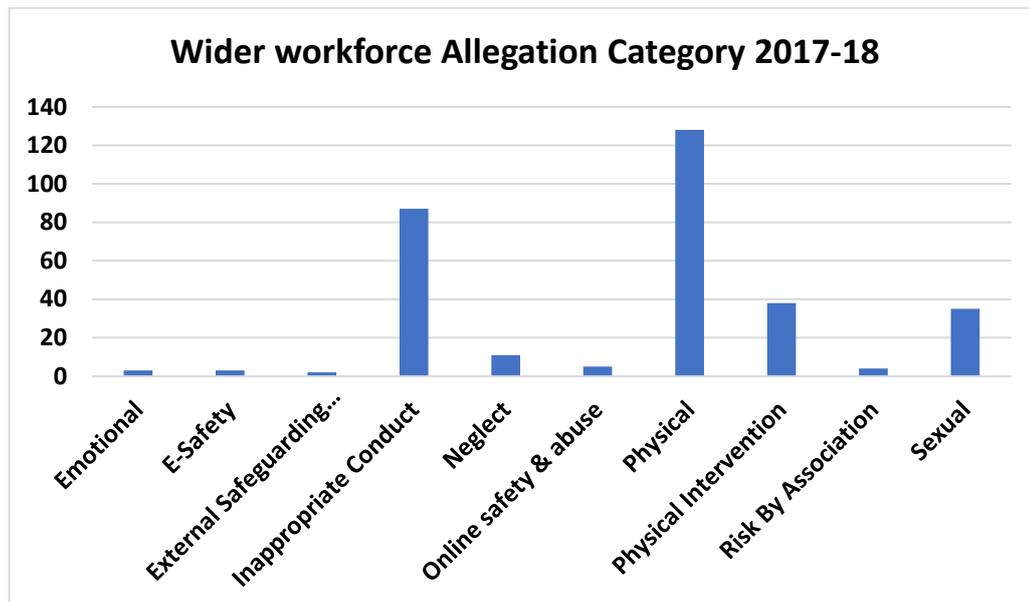
**10.4** As with other sectors, the highest proportion of allegations remain physical in nature (166 of the 316 recorded), including allegations specifically linked to physical interventions. The figure relating to allegations of physical interventions continues to emulate from within residential care. Whilst this may raise 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., However, the LADO team are 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 within this reporting period have worked 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. The high numbers of restraint allegations against staff in children's residential placements are as likely to reflect the considerable emotional distress and trauma responses experienced by very troubled children, but the LADO team continue to remain vigilant.

Within the wider workforce, 84 are of inappropriate conduct and 35 are sexual in nature. There has been a significant increase in inappropriate conduct allegations particularly in relation to foster carers and residential children's home staff. There has been no clear analysis as yet that would account for the increase, however, going forward we are in the process of introducing an evaluation tool to capture evidence and specific trends.

One explanation of this increase can be due to the increased awareness of the role of LADO in the children's workforce. This increase is providing the LADO service with more opportunity for dialogue with providers to consider suitability issues of those staff working within the wider children's workforce.

### Wider Workforce Allegation Category

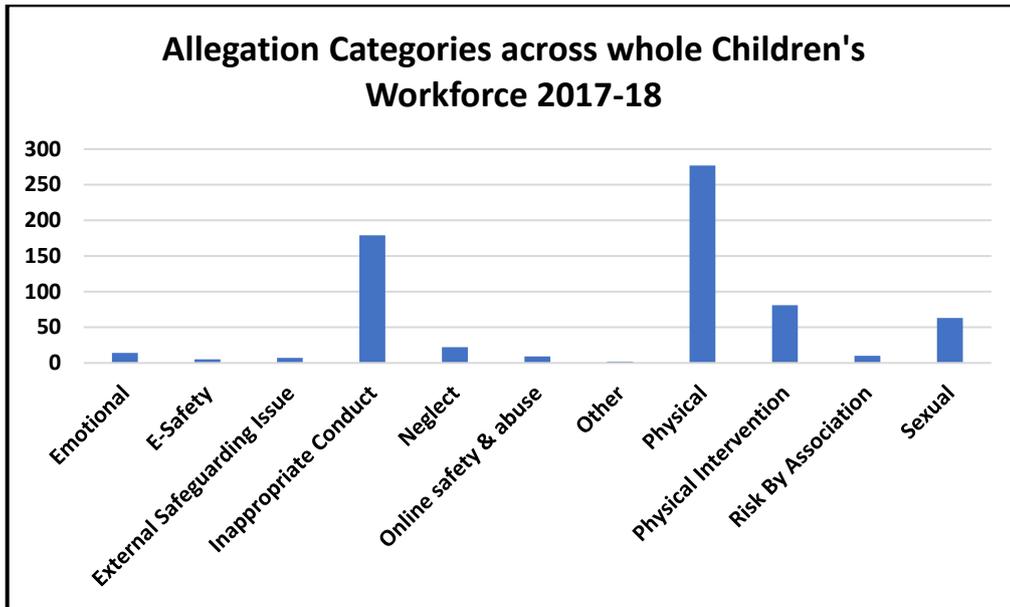


## 11 Allegation Categorisation overall

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 358 out of the overall 669 allegations recorded. 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.

### Allegation Categories across the whole Children’s Workforce

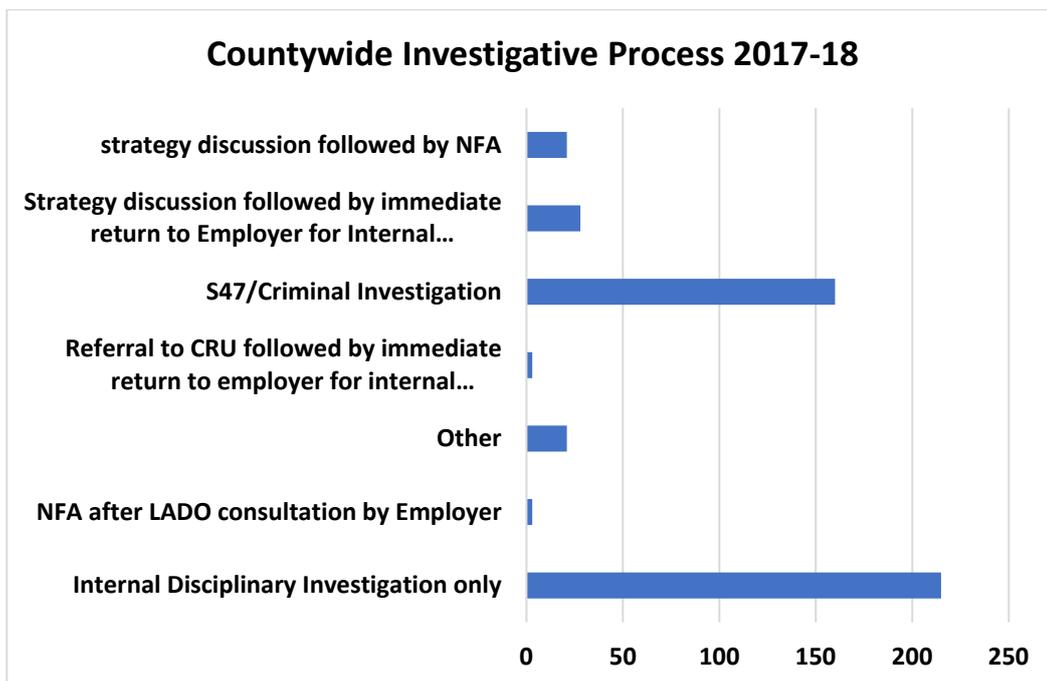


## 12 Investigatory Decision Making and Action

**12.1** 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 has been reviewed by the LADO Service with a plan to introduce LADO led Strategy Discussions or “Position of Trust” (POTs) over the next year. This is currently on hold due to change of management and turnover of staff and will be reviewed when a permanent LADO Manager is appointed and the LADO service has a permanent and stable workforce. 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.

**12.2** Statistically, of the 451 closed allegations recorded, 212 resulted in a referral to Children’s Services and/or criminal investigation. Of this overall figure 167 resulted in full S47/criminal investigation. LADOs have continued to consider 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.

**Countywide Investigative Process (of 451 closed cases)**



**12.3** Of the remaining 239 allegations not referred to Specialist Children’s Services, 215 were directed for disciplinary investigation process immediately by the LADO with the employer. Whilst there is no obvious reason for this year on year reduction this could be, in part, down to parents in determining their wishes and feelings to be carried out independently of the employer. The LADO service has experienced further increase in direct correspondence with parents and carers regarding the investigatory process, as well as from the alleged offender themselves.

**13 Outcomes**

**13.1** The LADO is required, by the Department for Education (DfE) guidance, to collate information on allegation outcomes within category definitions: Substantiated; Unsubstantiated; Unfounded; False; Malicious.

- 13.2** All cases will be closed with a clear recorded outcome and the LADO admin support quality assure this process. Some cases are awaiting outcomes because of on-going court and criminal investigation processes and some outcomes have been delayed where employees have been signed off sick, which has prevented completion of investigations
- 13.3** In the reporting period 2016 - 2017, 121 allegations were concluded to be **Substantiated**: there is sufficient identifiable evidence to prove the allegation. This represents a reduction of 48 on last year's figures.
- 13.4** Of these, 33 were so serious as to result in dismissal of the staff member, 16 of the substantiated allegations resulted in another disciplinary sanction and 48 concluded with the employer providing other management action, such as advice, training, mentoring, etc. In 24 cases, where we have a clear decision that the allegation was substantiated at some level, the member of staff resigned from their post. Thus 57 staff were either removed from or resigned their roles working with children because of substantiated/part-substantiated allegations made against them. Whilst this is a slight decrease of 3 from last year's total of 60 the numbers are comparable to last year.
- 13.5** There were 50 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 because 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.
- 13.6** 140 cases 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 (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 procedures with the DBS.

The reduction of 42 unsubstantiated cases from last year may be a positive change in outcome reporting.

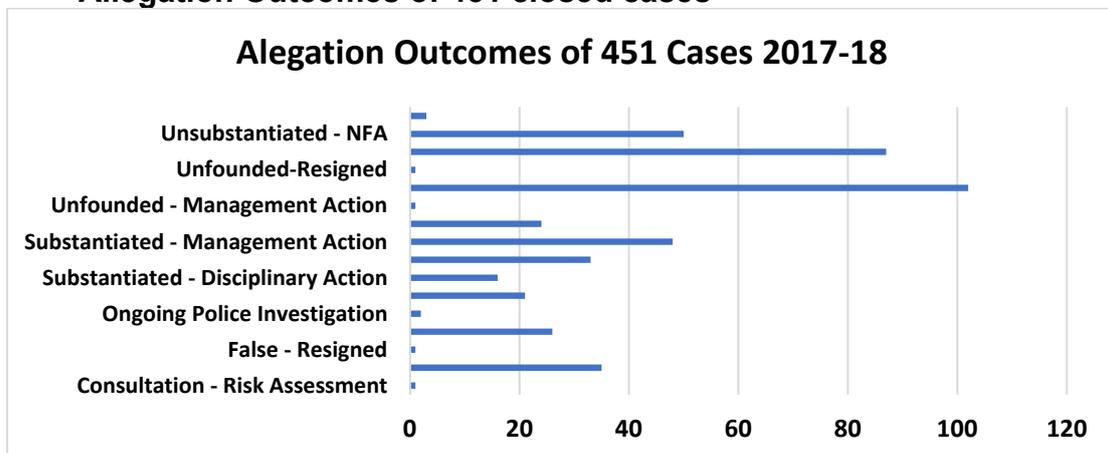
The LADO Service has the option to hold an Evaluation Meeting where an unsubstantiated allegation can be further debated with a decision being reached on the balance of probability rather than beyond all reasonable doubt. Where there are unsubstantiated (and substantiated) allegations in relation to KCC foster carers, Evaluation Meetings are now routinely held as previously discussed. These meetings are useful to both services and helps to cross reference cases held in both teams as to accuracy and response. The LADO evaluation meetings are an additional quality and assurance role offered by the LADO team. Within this reporting period Kent LADO Service have convened 33 in total.

The LADO service undertook 218 checks on potential foster carers and re-checks on current carers which assists our partners in safer recruitment.

**13.7** 104 of completed cases were deemed to be **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, or they may not have been aware of the circumstances. Where 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.

**13.8** Only 26 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 increased by 11 from last year.

### Allegation Outcomes of 451 closed cases



**13.9** 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 something of a professional hazard for those working with children in a modern world, the receipt of an allegation has far reaching consequences.

**13.10** The LADO maintains records of allegation investigations and their outcomes to identify patterns and frequency of concerns. These records are retained in line with the General Data Protection Regulation 2018 (GDPR).

## **14 Key Themes and Conclusions**

**14.1** The LADO service in Kent remains significantly busy and numbers of referrals remain high with a 5% increase within this reporting period. 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. 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 and employers following safer recruitment procedures.

**14.2** 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.

**14.3** 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 People 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, part of Cantium Service, The Education People, KSCB, Residential Care Homes and Independent Fostering Association Forums, KCC District Teams and KCC Transport.

**14.4** 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.

- 14.5** For several years concern has been highlighted in respect of allegations against staff in independent residential provision in Kent and the 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 a wider KCC response. The LADO team will continue to work with Strategic Commissioning within the agreed protocols that are 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.
- 14.6** Significantly within the Fostering Teams across Kent there has been 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 was planned and delivered by the County Fostering Service and supported by the Safeguarding and Quality Assurance Unit.
- 14.7** 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 SEND 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.
- 14.8** 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 disproportionate. The concerns have been addressed within the LADO Team in respect of discussions and advice they give to employers in considering risk, and 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.

- 14.9** 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.

It is evidenced by the allegation statistics as provided in this report that that Kent's wider children's' workforce has an increased knowledge of the role of the LADO borne out by the increase in referrals from the wider workforce sectors.

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.

### **Miscellaneous Information**

#### **Changes to Bail legislation-**

Under the changes to the bail legislation in 2017 ([Policing and Crime Act 2017](#)) those charged with offences against children can only have bail conditions set during investigations for up to 28 days without the consent of a senior officer or court. This is likely to impact on safeguarding / child protection matters whilst the police enquiries are ongoing.

The Safeguarding and Quality Assurance Unit may need to draft local procedures in response to endorse local arrangements regarding the challenges in managing risk.

#### **Changes to the Teacher Regulatory body-**

The National College for Teaching and Leadership (NCTL) has been repurposed and no longer exists.

NCTL was an executive agency, sponsored by the Department for Education. It existed from 29 March 2013 to 31 March 2018

Regulation of the teaching profession, including misconduct hearings, will continue to be handled by an executive agency of the Department for Education, the Teaching Regulation Agency (TRA). The Teaching Regulation Agency started operation on 1 April 2018.

All other NCTL functions have been moved into the Department for Education.

## **Changes to the current Disclosure and Barring Service (DBS)-**

- a. LADO can request information to confirm if a referral has been made for inclusion of an individual on a DBS barred list
- b. If LADO can evidence they have a legitimate interest DBS will confirm if an individual is included on a DBS barred list
- c. DBS is amending their policy to enable each organisation to decide if, and for how long, they retain DBS certificates

## **Changes to LADO Retention Policy-**

For details of the current retention policy please use below link:

[https://www.kent.gov.uk/\\_data/assets/pdf\\_file/0008/71468/Retention-Schedule.pdf](https://www.kent.gov.uk/_data/assets/pdf_file/0008/71468/Retention-Schedule.pdf)

## **LADO Privacy Notice**

Kent LADO Service have written a LADO privacy notice in line with the General Data Protection (GDPR):

<https://www.kent.gov.uk/about-the-council/contact-us/access-to-information/gdpr-privacy-notice/specialist-childrens-services/kent-supported-employment-privacy-notice>

## **LADO Referral Forms**

The LADO Service went live (in May) with a new, digitally available referral form which can be found on the following websites:

**Kelsi** <http://www.kelsi.org.uk/child-protection-and-safeguarding/managing-staff-allegations> or

**KSCB** <http://www.kscb.org.uk/procedures/local-authority-designated-officer-lado>

Whilst this process has streamlined the referral protocol immensely, enabling the team to have much more detailed and specific information to hand from the outset, it has also removed the length of time admin staff are kept on the phone at any one point.

The process has been well adopted with referring partners with only minor technical glitches when password-protecting it.

## **15 Conclusion**

- 15.1** It has been another busy reporting period for the LADO service in Kent and numbers of referrals remain high with a 5% increase. It should be acknowledged that Kent has more schools, independent residential children's settings and fostering agencies than any other Local Authority and as a result has an impact on the referral rate.
- 15.2** Within this reporting period there have been multiple allegations against staff by children, placed by other Local Authorities in Kent. This has resulted in joint working with Ofsted and the Kent LADO service to achieve resolutions and outcomes.
- 15.3** Physical abuse continues to be the primary reason for contact with the LADO and Education continues to be the highest referrer to the LADO service. Due to the number of education staff they have who are in a position of trust with children.
- 15.4** This has been also a period of considerable change in the LADO service in relation to staff and improving internal processes.

The aim of the Kent LADO service has been to ensure that we provide the best possible service in managing and overseeing allegations against people that work with children. The LADO is focused on driving a culture of safer organisations for all children in Kent.

However, the current staffing levels have hugely impacted on the service and not provided the capacity to provide the optimum service due to the level of intake work to the team.

- 15.5** Timely case closures are actively worked by the LADO's ensuring focus on task and improved service delivery. However, there are some cases which will sit outside of the reporting period. The average length of time for a case to be closed is being monitored by the LADO manager to ensure this is in line with national LADO expectations:
- 80 % of cases should be resolved within one month
  - 90 % within three months, and
  - All but the most exceptional cases should be completed within 12 months
- 15.6** The number of referrals from the health services about health professionals remain disproportionately low, given the number of various health facilities in the County. Most of the referrals received within this reporting period were from Cygnet Hospital and the Kent LADO service remain significantly proactive in working closely with the hospital to ensure that all referrals are appropriate and timely.
- 15.7** It is of interest to note that referrals from the police *about* police professionals are non-existent. In acknowledgement of the concern there remains a need to raise awareness of the LADO function and responsibility.

## **16 Recommendations**

The LADO recognises that children from vulnerable groups such as children with disabilities/SEND have been victims in allegations against professionals, as a result there is scope for more analysis of allegations concerning these groups in the future. To this end it is vital for the LADO service to ensure accurate categorisation by recording for easy identification of children with disabilities/ SEND.

The number of referrals to the Kent LADO service continue to rise. The LADO Service needs to maintain boundaries with enquiries that do not meet the LADO threshold and this is an area of ongoing monitoring and work.

- 16.1** The Kent LADO Service to undertake a review of training/awareness raising to ensure that allegations management processes are understood by all relevant professionals within the children's and wider workforce and to ensure that appropriate referrals are coming in.  
To complete schedule of allegations management training to KCC staff/districts and to consider bespoke training to IFA's, residential children's homes and wider children's workforce, upon request.
- 16.2** To bench mark LADO referrals and consultations with statistical neighbours to establish a common definition of threshold and understanding of roles and responsibilities across borders. The National LADO network is in the process of producing a set of LADO principles. This has been in discussion for a number of years with no formal oversight from the Department for Education. This is currently being considered by those members of the National LADO network.
- 16.3** Increased awareness of LADO role within the following external partners:
- Health and Police services as they are underrepresented in referrals to the LADO e.g. no referrals made directly to the LADO by the Police regarding Police employees. This will be taken forward by the LADO Service, via KSCB and the named partner agencies.
  - LADO to review links to all faith groups, including development of links to Mosques and Gurdwaras and ensure that LADO information and procedures are accessible to diverse groups (including voluntary services). Consideration will be given as to how best these groups and or communities can be accessed, and a starting point may be via the Local Community Partnership/ liaison Officer. The Head of Service for Safeguarding and Quality Assurance has met with Akua Agyepong, Corporate Lead for Equality and Diversity and she is keen to work with the permanent LADO manager to consider these wider links across the county.
- 16.4** The LADO service will foster effective working relationships with the following internal partners:

- The Education People and the Area Education Officers and continue to build on positive working relationships with all internal and external partnerships.
- To build on current positive working relationships with Front Door Services and PPU and take forward the proposal to pilot LADO's chairing strategy meetings where there is an alleged an incident of concern involving Other Local Authority Child(ren) (OLA). This will be further addressed once the transition period within the front door service is concluded.

**16.5** Ensure the timeliness of allegations management investigations and outcome reporting by employers to the LADO service via audits and staff supervision, to avoid drift and delay with the resultant impact on the employer and the employee.

**16.6** All concerns that are referred to the LADO service are recorded on the Liberi LADO workspace, however there are still areas of the system that need further development to enhance the LADO recording and pulling off performance data. Investment in further improvements to the LADO workspace will allow for greater efficiency and management oversight.