

TORBAY COUNCIL

Torbay Council

Local Authority Designated Officer

Annual Report

April 2022 to March 2023

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1. Introduction

This report summarises the work of Torbay Local Authority Designated Officer (LADO) for April 2022 to March 2023.

Working with statutory agencies - Children's Social Care and the Police, it is the responsibility of the LADO to manage and oversee the processes to deal with allegations of abuse against a person working with children and young people in positions of trust.

This report provides an overview of allegations referred to the LADO regarding a person in a position of trust working or volunteering with children in the Torbay area.

2. The statutory role of the LADO and national context

The Local Authority Designated Officer (LADO) responsibilities are set out in Working Together to Safeguard Children 2018 and Keeping Children Safe in Education 2022 (KCSIE Revised: 1st September 2023)

'Working Together to Safeguard Children' and 'Keeping Children Safe in Education' are available on the links below:

[Working together to safeguard children - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/672222/Working_together_to_safeguard_children_2018.pdf)

[Keeping children safe in education - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/672222/Keeping_children_safe_in_education_2022.pdf)

For all other organisations, the procedure falls within the Southwest Child Protection Procedures:

https://torbaychildcare.proceduresonline.com/local_resources.html

The key aspects of the LADO role include the following responsibilities:

- To coordinate the safeguarding and investigative process in response to allegations made against people working with children.

- To provide advice/guidance to employers or voluntary organisations.
- To consult with Police and other agencies including Ofsted and professional bodies such as the General Medical and the General Teaching Council.
- To monitor the progress of referrals/consultations to ensure they are dealt with as quickly as possible, consistent with a thorough and fair process.
- To resolve any inter-agency issues.
- To collect strategic data and maintain a confidential database in relation to allegations.
- To disseminate learning from LADO enquiries throughout the children's workforce.
- To ensure that measures are in place to prevent further harm or abuse and that where required, referrals/consultations are made to the appropriate Social Care team.

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 children 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; or
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children.

3. Regional/National context

The LADO continues to take an active role in the regional Southwest LADO and National LADO network meetings to share learning and improvement.

Close informal arrangements with the regional LADO network include peer observations and audits and continued regular network meetings to support service-led improvement and strengthen effective cross-boundary working.

The LADOs are consistent and comply with statutory guidance and the Southwest Child Protection Procedures. Additionally, the forum is used to share information, best practice and lessons learnt from each other's professional experiences as well as learning from serious case reviews. This forum enables the identification of training needs and input into policy development at a local and national level.

4. Service structure and staffing

In Torbay, the LADO service consists of 1 Full Time Employment post with business support and sits within the Safeguarding and Reviewing Service (SARS).

The Safeguarding & Quality Assurance Service Business Support Office provide administrative support. Their role includes:

- maintaining an up-to-date database, including consultations and referrals.
- arranging LADO meetings and reviews.
- maintaining contact with partner agencies when necessary.
- distributing LADO minutes securely.

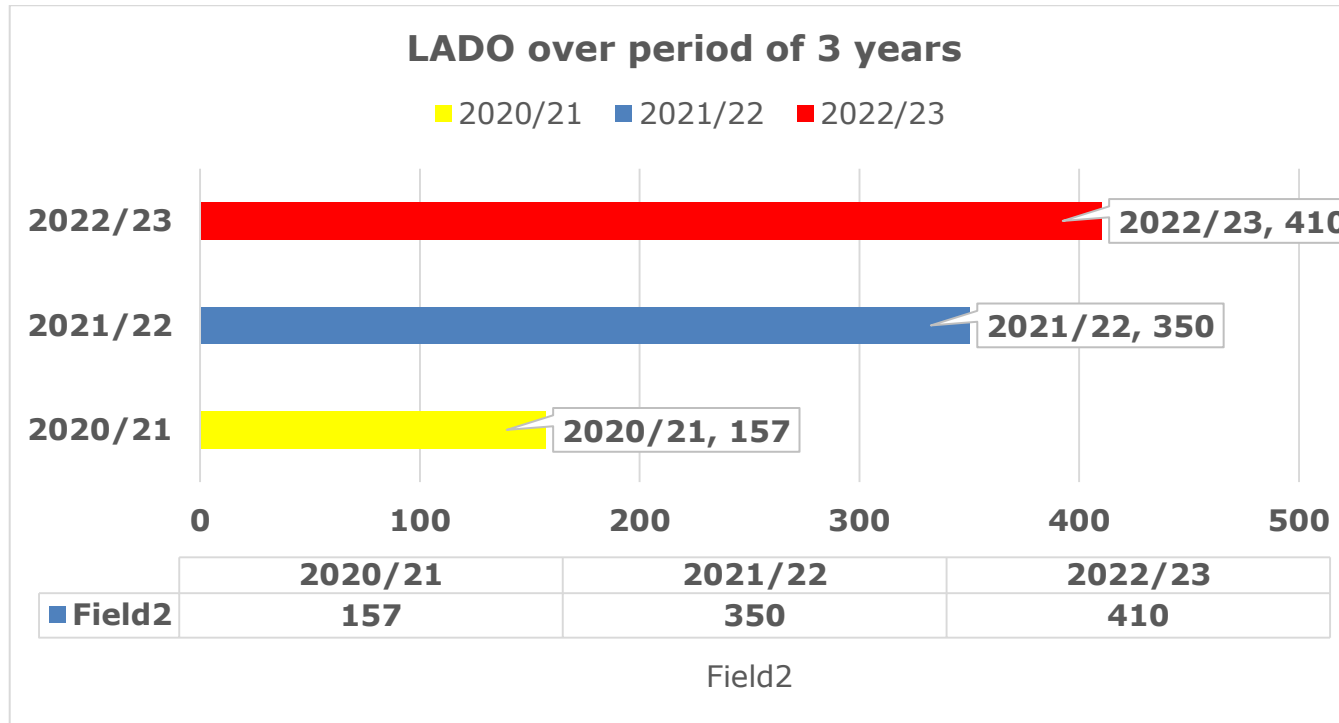
5. Numbers of Consultations and Referrals

Referrals

The LADO receives enquiries from a range of sources and most of these come in the form of a Consultation or Referral.

All Consultations and Referrals are recorded on a spreadsheet and on the LADO database. Torbay have used Liquid logic as a data system since June 2021.

Consultations and Referrals over period of three years (2020 – 2023)

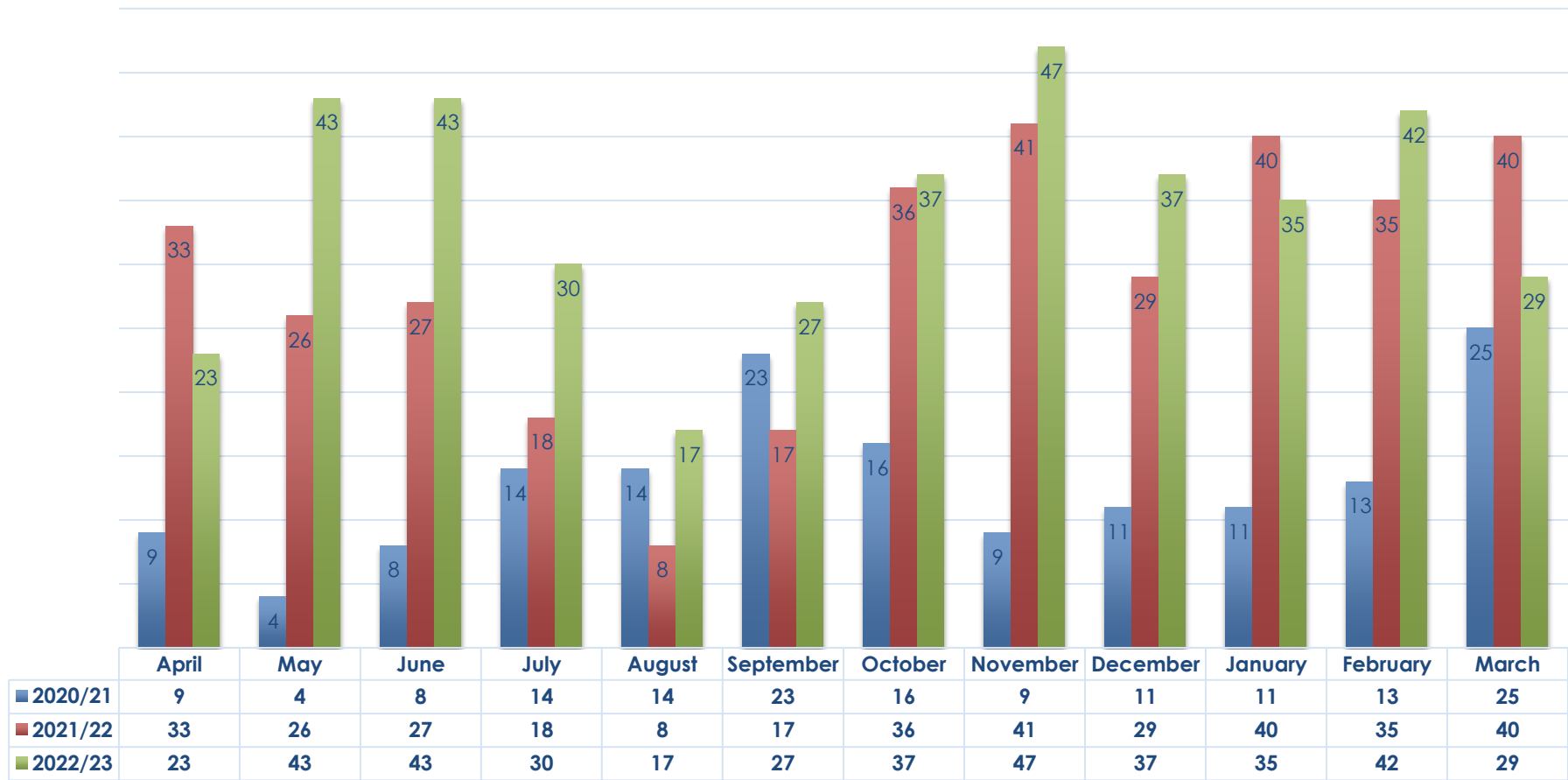


April 2020 to March 2021	Data system recorded that the LADO received 157 consultations. 27 of these met LADO thresholds and progressed to Allegation Management Meeting
April 2021 to March 2022	Data system recorded that the LADO received 350 consultations. 53 of these met LADO thresholds and progressed to Allegation Management Meeting.
April 2022 to March 2023	Data system recorded that the LADO received 410 consultations. 30 of these met LADO thresholds and progressed to Allegation Management Meeting.

There has been a year-on-year increase in the number of consultations being managed by the LADO service in Torbay. By comparison, the Gloucestershire LADO Service reported 968 contacts. Similar to Torbay, Gloucestershire log all contacts within their service, which may also include Ofsted requests for information. The Devon LADO service received 884 notifications and an additional 432 contacts for consultation.

The chart below illustrates the comparisons of LADO Consultations and Referrals received for periods: 2020-21, 2021-21 and 2022-23.

Consultations and referrals month by month 2020/21 to 2022/23



April 2022 to March 2023:

A high volume of consultations during this period related to allegations made against education staff. These came from a combination of:

Early Years	Schools/Academies	Total
21	153	174

Early Years: Consultations come from Early Years settings and OFSTED. The providers notify the LADO of any serious accident to injury to a child or allegation from a child while in their care. Many agencies are working hard to respond to these challenges such as recruitment in the workplace. The data shows a slight drop in numbers from 29 the previous year to 21 this year.

We need to consider that the number of consultations may be due to organisations seeking clarity as to whether the alleged incident meets the harm threshold to trigger the managing allegations procedure.

The LADO ensures that all consultations are recorded as it depicts a potential pattern of behaviour of a person in a position of trust. Regardless of whether the threshold is met, each consultation generates a considerable amount of work to assess, research - including seeking additional information, and record. All correspondence, evaluation, decision making, and actions taken are recorded in detail for each matter.

During the period of 2022-23 the number of consultations /referrals, the LADO recorded in total equated to 410, compared to 350 in 2021/22. This is an increase accounting for 60 overall. This identifies the increase in activity; identifying those organisations are seeking more advice and guidance in relation to wider organisational safeguarding issues.

Anecdotally many of the consultations received may be attributed to the referrer lacking the confidence to determine if any of the criteria are met and / or wishing to have an audit trail of consultation with the LADO to satisfy expectations by regulatory bodies. Also, Torbay encourage that a chronology of low levels concerns on an adult is kept. To support an agency's decision making, often they will consult with the LADO regarding lower-level decision making.

In-House Foster Carers	Independent Fostering Agencies	Independent Residential Setting	Total
18	36	55	109

The data shows that an increase consultation for cared for children from 85 the previous year to 109 this year. Torbay are seeing an increase in allegations about care providers, where agencies providing care in the community. There is a high demand for such services, and as part of the allegations process, Torbay LADO service have collaborated with providers to look at safer recruitment process, induction, and training for staff.

Torbay LADO and Fostering Services have conducted joint work with all foster carers new and existing as well as linking in with private residential homes and unregulated homes for children.

Research would suggest that children in care are of the higher risk of being victims of abuse and neglect. It is therefore sometimes anticipated that the volume of Consultations and Referrals from this part of the children's workforce may be high.

Most consultations were in relation to allegations of physical abuse followed by neglect. The LADO found that several allegations have been made after the child has left placement or when there are times of instability, for example when there are ongoing court proceedings.

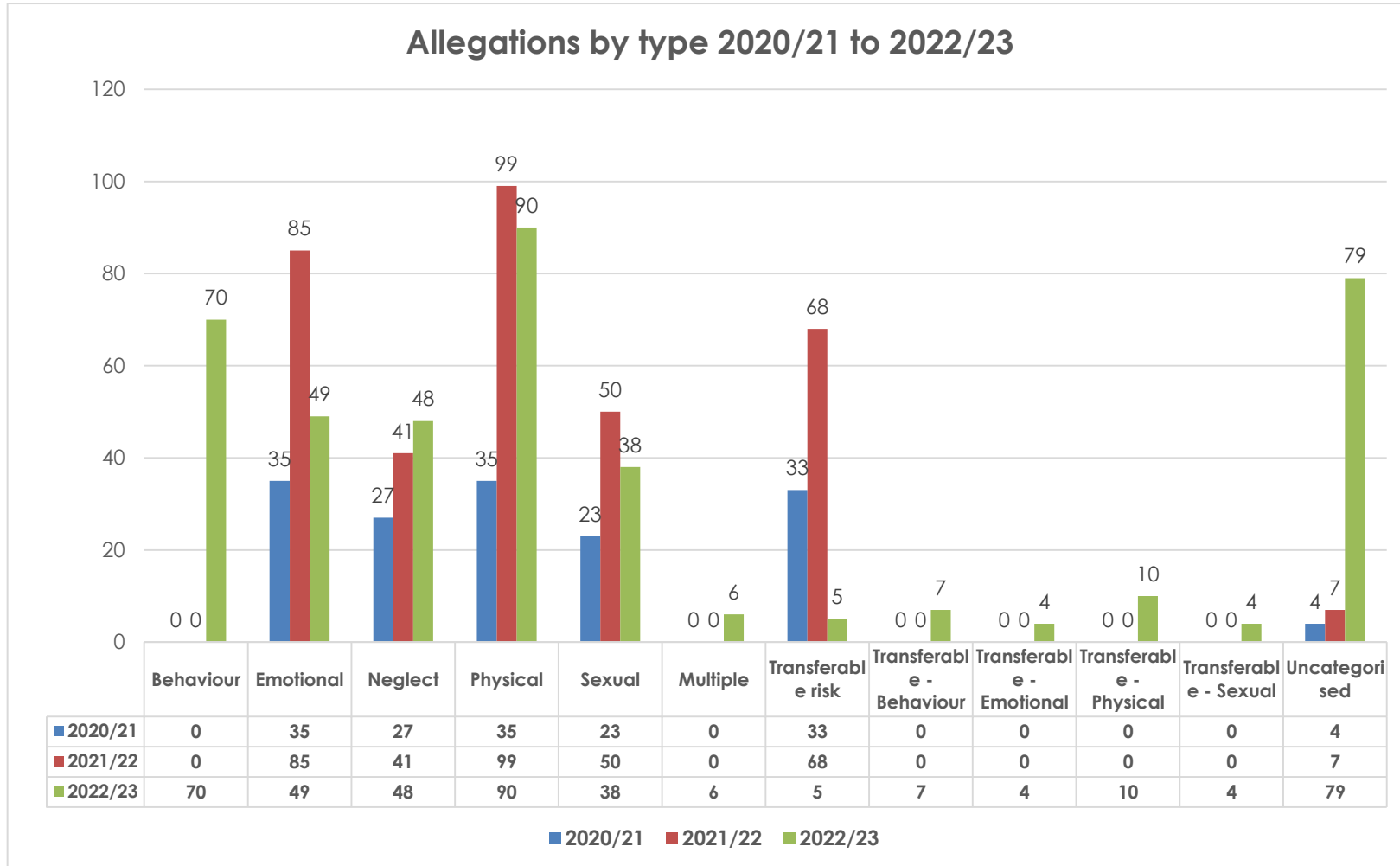
Further work is needed to understand the reason these figures are so high.

All information held by the LADO Service is compliant with Data Protection Act (2018) and General Data Protection Regulations (GDPR). Information is retained in accordance with the Council's retention policy.

6. Profile of work

There has been an improvement in the way LADO records the proportion of consultations and referrals. In this reporting period, the LADO has completed 410 consultations. The period the previous year recorded 350. This is an increase of 60 compared to the previous year.

Type of Referrals



The type of concerns referred to the LADO varies widely.

Types of Allegations

Physical harm remains the dominant concern in allegations in the Torbay area. In total a recorded of figure 97 was made. Torbay LADO service are seeing agencies dealing with children with additional needs, there are frequent reports that staff are having to use interventions to keep a child safe when they are distressed or presenting with behaviours that would place them a risk. This can result in physical contact made and reports of harm shared with the LADO.

Conduct and suitably also remains high and demonstrates a recognition of young people, parents and professionals challenging and striving for better practice and bringing to LADO attention a repeat of low-level concerns. The LADO records any low-level concern shared with them and ensure that the adult is aware that contact has been made regarding the allegations management process. The reports of behaviour of staff reported reached a high of 71.

Emotional harm is recorded at 52.

During training and awareness, the Torbay LADO services encourage a consistent approach to improve culture and practices within agencies which can in turn improve care provided for the children in Torbay.

Sexual harm records figures as high as 38. This can be a combination of non-recent matters being referred in, with older children and adults sharing reports of harm in their past.

Open Referrals:

The number of open referrals is currently 162. Within these numbers there are allegations that are open investigations to Fostering, Police and Education.

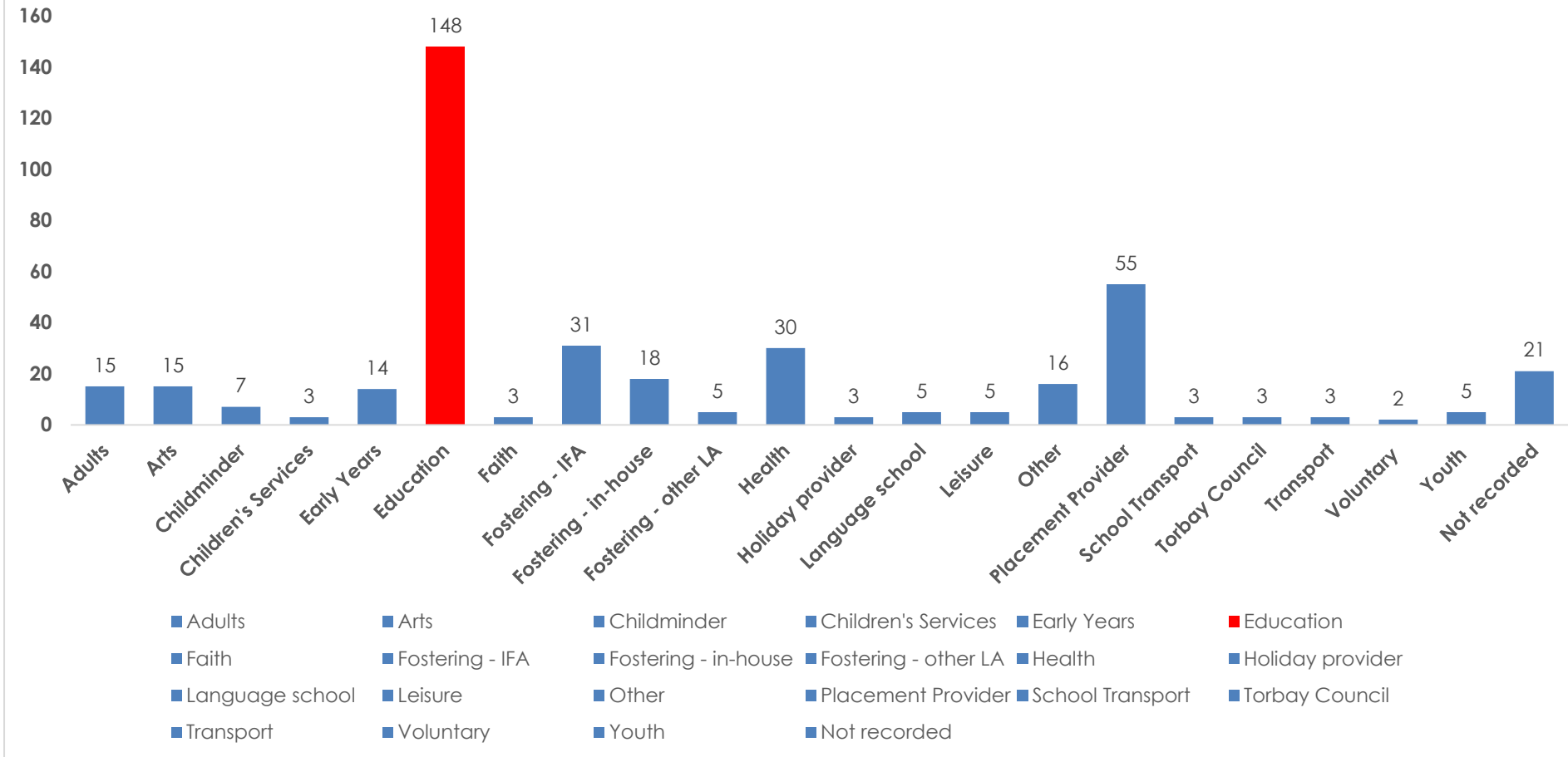
Outcomes will be recorded following the completion of a police investigation which may mean that some cases are kept open on the LADO database without a timescale.

In relation to investigations in respect of foster carers, Torbay Council have a timescale for 'internal investigations' to be completed within 21 working days. If the allegations are substantiated or unsubstantiated these must then be presented to fostering panel.

Referral Source and Subject

During 2022 – 2023 the LADO received 111 consultations from Children’s Services compared to the same sector referring into LADO a total of 139 times the previous year. This could view that the LADO role is now better understood within the Council.

Number of consultations and referrals



role of

LADO consultations

Number of Consultations for 2022 to 2023 reached 410 of which 30 reached thresholds for Allegations Management Meeting. Compared this to the previous year 2021-2022 with 350 Consultations and of 53 reached thresholds for Allegations Management Meeting.

Of the total consultations received 410

This category is further broken down into the following:

- Does Not Meet LADO Threshold: 193
- Transferred (to another LADO):24
- Does Not work with child: 7.
- Refer to another Local Authority: 24
- Pending outcome: 162

Total: 410

The high numbers of consultations, including those not meeting the threshold, continues to create capacity issue. Each consultation requires considerable administrative processing e.g., logging on databases, and evaluation of the information. The time devoted to this can be extensive including the need to collate and clarify information received before determining if the criteria is met.

One contributory factor to this high number is the requirement by Ofsted on regulatory settings to send consultations on all incidences involving inappropriate behaviour by staff. Furthermore, there has been an increase in the reporting of lower-level concerns following changes in legislation and LADO awareness training.

For instance, when an allegation is made following an incident of physical restraint where it is the judgement of the care provider that the staff member has legitimately intervened and acted in accordance with policy, procedure, and training requirements. Increasingly consultations are identifying transferable risks in which the behaviour of a professional in their private life may indicate they pose a risk of harm in their role e.g., incidences of domestic abuse.

7. Outcomes of Allegations:

Allegations Management Meetings (AMM)

Managing Allegations Meeting refers to the multi-agency meeting process in respect of the individual who is subject of the allegation or concern. The person who is the subject of the allegation or concern is referred to as the 'adult of concern'.

The following table displays the outcomes of Allegations Management Meetings:

	2020-21	2021-22	2022-23
Unfounded	4	12	4
Malicious	0	0	0
False	0	0	0
Unsubstantiated	10	21	11
Substantiated	13	15	15
Pending outcome	5	15	7
Recon	20	24	14

Managing Allegation Meetings are sometimes able to conclude the outcome of a concern at an initial meeting. Sometimes, however, additional information is needed through the completion of actions agreed at the initial meeting and attendees need to re-convene once, or more often in complex cases. This is the third year we have reported on the number of cases requiring reconvened meetings. As can be seen, 14 of matters needed more than one meeting. This is due to ongoing police investigations where all parties need to be interviewed, or where forensic examination of devices is required. This does impact on timeliness of outcome for those adults subject to the Managing Allegations Process. In these cases, it is difficult for the LADO to ensure that matters are concluded in a timely fashion, although we do consult with police colleagues for regular updates if necessary.

Of note this year is the change in outcomes for Substantiated and Unsubstantiated cases. There Substantiated outcomes recorded at 15 for 2022-23 mirrors that of the previous year 2120-22, and remarkably similar to 2020-21 recorded at 13. Unsubstantiated outcomes have decreased from 11 this year compared to 21 the previous year. This is continued evidence that the threshold decision to proceed to a formal meeting is proportionate and robust.

At the final meeting, members will decide whether the allegation is:

1. **Substantiated** – where there is sufficient identifiable evidence to prove the allegation.

2. **False** – where there is sufficient evidence to disprove the allegation.
3. **Malicious** – where there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false.
4. **Unfounded** – where 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 incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances.
5. **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

Where concerns are unfounded or unsubstantiated, it may still require further internal investigation by the employer or other action to be taken and does not necessarily mean there are no concerns at all.

Letters to Children and Parents.

The parents and the child, if sufficiently mature, should be helped to understand the process and be kept informed about the process of the case and the outcome where there no criminal prosecution. This will include the outcome of any disciplinary, but not the deliberations of the hearing. During the period of 1st April 2022 to 31st March 2023 the LADO wrote to 67 children to inform them of the outcome of the allegation process.

Management Oversight.

Torbay Council ensure effective management oversight includes elements of quality assurance, LADO supervision, dealing with developing area of concern in individual cases and facilitating improvements in LADO practice.

Timescales to Close Consultations

The statutory guidance requires that all consultations are resolved as quickly as possible consistent with a fair and thorough investigation. To this end, a key aspect of the role of LADO is to be involved in the management and oversight of all consultations/referrals ensuring that agencies and organisations involved avoid unnecessary delays.

Limiting Factors

There are several factors that make these timescale targets challenging to achieve including:

- The length of time a referral may take to work through the criminal justice process to conclusion.
- Employers awaiting the outcome of a criminal investigation before formally investigating the concerns under its disciplinary procedures.
- Practical considerations such as the unavailability of people for interview.
- Capacity of the LADO to monitor and follow-up on processes being followed e.g., disciplinary investigation by the employer.

Outcomes

- Participants are informed of the outcome by the referrer.
- Young people may also be written to informing them of an outcome, depending on the suitability of this in individual circumstances.
- It is not always appropriate for the referrer to be informed of an outcome – for example if this is a member of the public – however, they are made aware that the information they have provided has been dealt with appropriately.
- The LADO deals with sensitive information and seek guidance on the sharing of this as appropriate through the Information Governance team and HR colleagues.

Participation and Partnership

The LADO continues to work in close partnership across a variety of agencies. Information and guidance are on the Torbay Safeguarding Children's Partnership (TSCP) website to support understanding of the LADO role.

This has developed further following the redevelopment of the TSCP website to include.

- Advice for organisations.
- Attending a LADO Allegations Management Meetings.
- What happens when an allegation is made against you.

- When there are concerns raised about you in your personal life.

8. Complex cases

At times, the LADO responds to concerns of a sensitive nature that may attract public interest either by virtue of the media profile of an individual or because of information being shared that raises concerns about the wider safeguarding practices of an organisation. In these cases, the LADO provides alerts and updating information to Senior Managers who take responsibility for information management with the media and/or strategic responses.

9. Training and Service Awareness

The LADO continues deliver training to a wide range of agencies across Torbay.

The training includes an overview of the LADO role, process of managing allegations as well as how staff can protect themselves from allegations being made. This has raised the awareness for those in the children's workforce regarding appropriate behaviour and safe practices resulting in timely response to incidents as well as professionals feeling more able to contact the LADO for advice and support prior to matters escalating.

The LADO Service in Torbay advocates for the importance of safer working cultures that not only protect children dynamically but also proactively, ensuring safer recruitment practices are adhered to and advocating for all within organisations. As such, the Torbay LADO service provide joint safer recruitment training with Human Resources and can provide high quality advice to organisations to consider risk and allegations as they occur, as well as supporting organisations to improve their recruitment process and develop a safer working culture for the children and young people that use their services.

10. Actions for 2023-2024

- Quality Assurance with File Audits of LADO cases: creating a Performa to look at processes and decision making. Considering consistency in how the LADO's work and the service provided.

- Continue to work together with Local Safeguarding Partnership to assess the safeguarding issues within the secure estate, ensuring the correct agencies are actively scrutinising and challenging the use of force and care of the children within the establishment. Continue to raise awareness and offer support to agencies to ensure the young people are adequately safeguarded within the secure estate.
- Seek feedback from young people regarding their experiences on the Torbay LADO services.
- Work with the Safeguarding Partnership and Devon and Cornwall Police to ensure information sharing occurs when the criteria set out in Working Together is met for a serving officer and that there is liaison between Professional Standards and the LADO service. Also, to develop closer working relationships with the DBS department locally to ensure the appropriate exchange of data.
- Developing a LADO Induction Pack that clearly sets out all the aspects of the LADO services and the intricacies of how it works to enable any Duty LADO to assist with the service.
- There are key agencies primarily the Teacher Regulation Authority, Social Work England, and Disclosure Barring Service, that Torbay LADO service link with when there is a substantiated concern regarding an individual. As a service Torbay Council need to explore how we can collaborate more closely with them in receiving outcomes of cases referred to them.
- LADO Handbook: The sharing of the LADO handbook with senior management. The purpose of this handbook will be to provide a clear outline of the roles and responsibilities of the LADO and how these should be applied when allegations and serious concerns have been raised against people who work with children.
- In response to this, the LADO service in Torbay is progressing with the development of better practices. The LADO Service works proactively closely with Children's Services Commissioning and our regional partners to ensure information and concerns are addressed in a systemic and timely manner to protect children and young people.

11: Feedback

The Torbay LADO services like many have been faced with the challenge of improving the allegation management process. One of the most important steps in improving processes is gathering feedback from agencies.

Feedback gathered 2022-23

<p>Foster Carers Feedback April 2023</p>	<p><i>“.... fed back how good the LADO training was today. She felt it was informative and appreciated your knowledge in this area....”</i></p>
<p>NSPCC: May 2023</p>	<p><i>“...I had an excellent experience. The timescale exceeded expectation. A meeting was convened within 2 days.</i></p> <p><i>The meeting was chaired with purpose and clarity. Other professionals were relevant and brought the right information to decide. Actions were agreed and time limits set...”</i></p>
<p>OFSTED April 2022:</p>	<p><i>“...The local authority designated officer is experienced, well informed, and well connected to a wide range of partner agencies. This helps to ensure a robust response to allegations against professionals and the effective protection of children...”</i></p>