

**TORBAY COUNCIL**

---

**Torbay Council**

**Local Authority Designated Officer**

**Annual Report**

**April 2021 to March 2022**

**Version Control**

18 July 2022	LADO REPORT 2022 Draft Version

## **Table of Contents**

<b>1</b>	Introduction	4
<b>2</b>	The statutory role of the LADO and national context	4
<b>3</b>	Regional context	5
<b>4</b>	Service structure and staffing	5
<b>5</b>	Numbers of consultations and referrals	5
	- April 2021 to March 2022	6
	- LADO Consultations and Referrals Graph	7
<b>6</b>	Profile of work	8
	- Type of /Consultations/Referrals	8
	- Allegations by Type Graph	8
	- Types of Allegations	8
	- Physical Harm	8
	- Sexual Harm	9
	- Neglect	9
	- Emotional Harm	9
	- Transferable Risk	9
	- Children In a Position Of Trust	10
	- Open Referrals	11
	- Referral Source and Subject	11
	- Allegation Referral Source Graph	11
	- LADO Consultations	12
	- LADO Consultations Outcomes Graph	13
	- Of the Total consultations received 350	13
	- Breakdown of Outcomes and Concluding Actions	14
<b>7</b>	Outcomes of Allegations	15
	- Allegations Management Meets (AMM)	15
	- No of Allegations Management Meeting Graphs	15
	- Substantiated	15
	- False	16
	- Malicious	16
	- Unfounded	16
	- Unsubstantiated	16
	- Letters to Children	16
	- Management Oversight	16
	- Timescales to close consultations	16
	- Limiting Factors	17
	- Outcome	17
	- Participation and Partnership	17
<b>8</b>	Complex case	18
<b>9</b>	Training and Service Awareness	18

## 1. Introduction

This report summarises the work of Torbay Local Authority Designated Officer (LADO) for April 2021 to March 2022.

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 2021 (KCSIE).

'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/612222/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/612222/Keeping_children_safe_in_education_2021.pdf)

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

[https://torbaychildcare.proceduresonline.com/local\\_resources.html](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 Council and the General Teaching Council.
- To monitor the progress of referrals 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 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.

(Please note - the last bullet point above includes behaviour that may have happened outside of a person's work, which might make an individual unsuitable to work with children; this is known as transferable risk.)

### **3. Regional context**

The LADO continues to take an active role in the regional Southwest LADO network and attends 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 complies 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 one Full Time Employment post and sits within the Safeguarding and Reviewing Service (SARS).

The Safeguarding and Quality Assurance Service Business Support Officer provides 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; and
- tracking and follow up of agreed actions

### **5. Numbers of Consultations and Referrals**

#### **Referrals**

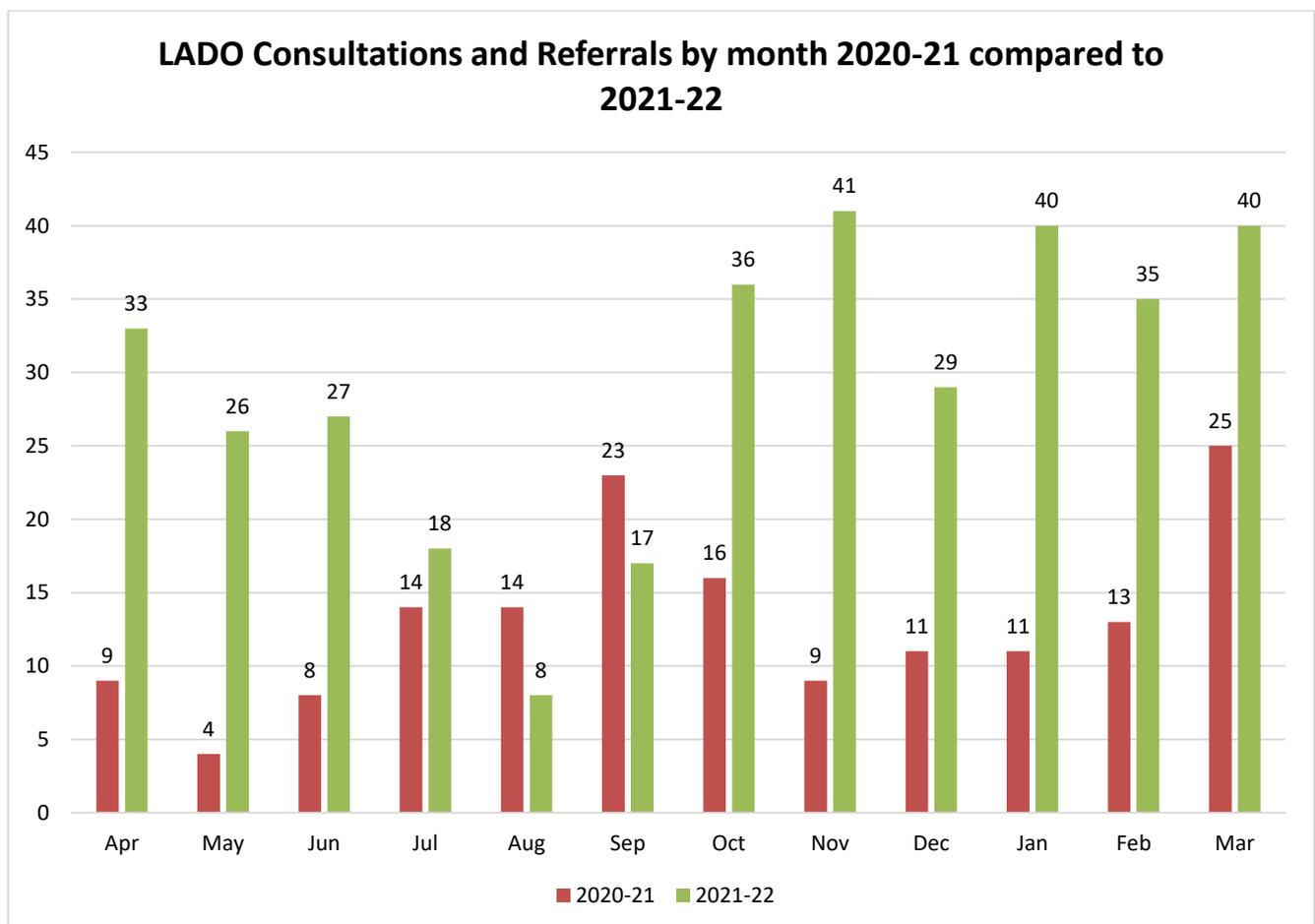
The LADO receives enquiries from a range of sources and most of these come in the form of a Consultation or Referral.

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

### Consultations and Referrals.

- April 2020 to March 2021: the data system recorded that the LADO received 157 consultations. 27 of these met LADO threshold and progressed to an Allegation Management Meeting.
- April 2021 to March 2022: the data system recorded that the LADO received 350 consultations. 53 of these met LADO threshold and progressed to Allegation Management Meeting.

The chart below illustrates the comparisons of LADO Consultations and Referrals received for the periods 2020-21 and 2021-22:



The LADO completed 350 consultations during this year, compared to 157 last year.

## **April 2021 to March 2022:**

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

<b>Early Years</b>	<b>Schools/Academies</b>	<b>Total</b>
29	142	171

Early Years: Consultations come from Early Years settings and OFSTED. Early Years providers notify the LADO of any serious accident or injury to a child or allegation from a child whilst in their care.

The effect of the pandemic on the children's workforce are evident and may have contributed to the increase in allegations against people in positions of trust. It was clear that many agencies were working hard to respond to these challenges in the workplace. The data shows a slight drop in numbers from 23 in September 2020 compared to 17 in September 2021. Coincidentally, in September 2021, KCSIE introduced changes to legislation for clarification on what constitutes a concern and what to report. The figures may be related to agencies familiarising themselves with changes in how to manage lower-level concerns.

The figures from September 2021 onwards saw a sharp rise. This may be related to a combination of challenges in the recovery from the pandemic and changes in legislation which in turn led to an increase in the reporting of allegations. This combined with staff absence due to Covid may have been an issue, making it more difficult to recruit staff and therefore placing more stress on the workforce.

KCSIE 2021 highlight that a low-level concern is any concern that a person in position of trust has acted in a way that:

- Is inconsistent with staff code of conduct, including inappropriate conduct outside of work.
- Does not meet the threshold of harm and is not considered serious enough for the agencies to refer to the LADO.

We need to consider that the number of consultations may be due to organisations seeking clarity as to whether or not the alleged incident meets the harm threshold to trigger the managing allegations procedure.

The trend of consultations being lower when there are school holidays, for example Easter, Half term, continues. Following the return of schools in September, the Autumn months were typically higher in terms of consultations and referrals than the preceding months of April to August 2021.

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 2021-22, the number of consultations /referrals the LADO recorded in total equated to 350, compared to 157 in 2019/20. This is an increase amounting to 193 overall. This identifies the sharp increase in activity, identifying that organisations are seeking more advice and guidance in relation to wider organisational safeguarding issues.

The addition of the fourth Criteria in 2020 and the further addition in 2021 in Keeping Children Safe In Education regarding lower-level concerns and the impact of the LADO awareness training may account for this increase.

- September 2021 to March 2022 reports of 238 consultations being held compared to 108 for that same period the previous year (2019-20).

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.

<b>In-House Foster Carers</b>	<b>Independent Fostering Agencies</b>	<b>Independent Residential Setting</b>	<b>Total</b>
32	20	33	85

The data shows that 85 of the consultations related to cared for children. A comparison of the previous year was recorded as 49. 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.

During 2020-21, the LADO has delivered awareness training to residential providers and Foster Carers and also met with agencies for learning reviews.

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

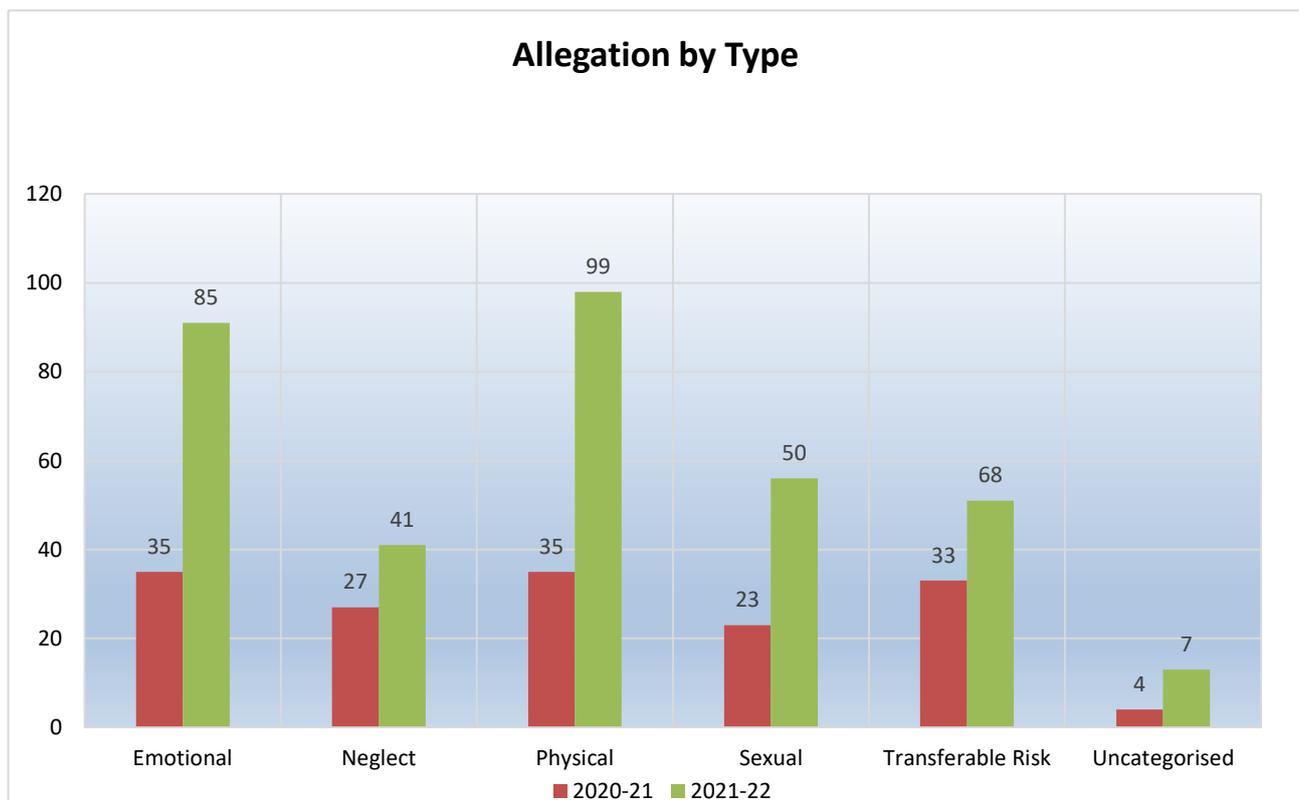
Further work is needed to understand the reason these figures are so high.

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 350 consultations. The period the previous year recorded 157.

### Type of Referrals



The type of concerns referred to the LADO varies widely.

### Types of Allegations

#### Emotional Harm:

There has been a considerable increase in incidences involving emotional / verbal harm from 35 in 2020-21 to 85 in 2021-2022.

#### Neglect:

The trend of a yearly incremental increase in neglect/inappropriate behaviour continues. Data shows that 2020-21 records 27 compared to an increase to 41 in 2021-22.

### **Physical Harm:**

The trend over the last two years indicates a higher proportion of consultations overall about physical concerns recorded at 99 and this would mirror practice experience of a high proportion of education consultations relating to physical handling/restraint. The previous year recoded as 35.

Since we began collating figures on LADO physical abuse has remained the highest reported category given this may be as it is the most easily identifiable of the abuse category.

### **Sexual Harm:**

For the category sexual abuse there is an increase in the number of consultations. Last year (2020 – 2021) this figure showed 23 compared to this year (2021 – 2022) recorded at 50.

### **Transferable risk:**

The LADO harm threshold test was introduced in line statutory guidance in 2020, (Keeping Children Safe in Education and Working Together): Behaved or may have behaved in a way that indicates they may not be suitable to work with children’.

The suitability criteria is to take account of situations where a person’s behaviour outside a work context (i.e., school) may suggest ‘transferable risk.’ It allows for a degree of interpretation that may not easily be defensible to qualify. The fourth additional criteria of suitability will apply in situation as follows (please be aware the examples below is not a definitive list):

- Mental health
- Domestic abuse
- Offences against adults
- Substance misuse

We appreciate that the fourth criteria may be confusing for some practitioners and to support practitioners and the LADO around the new Criteria. This has increased the scope of behaviours that will fall under the Allegation Management process managed by LADO and as a consequence there has been an increase in workload within the service since November 2020. It has as result seen a significant increase in the number of consultations requests related to suitability issues.

During 2020- 2021 there were 33 consultations that related to transferable risk. This has increased this year to 68.

The uncategorised section relates to behaviour/conduct.

## Children in a Position OF Trust:

An adult who is working or volunteering with children or coming into contact with children through work on a regular basis would be seen as being in a Position Of Trust. In addition, this would also apply to someone under 18 in the same position e.g. a 17-year-old teaching a musical instrument or instructing a group. The role of the LADO goes beyond that of regulated activity as defined by the DBS.

For the period of 2021-22, the LADO was consulted four times regarding person(s) under the age of 18 who were in Positions Of Trust. All of which related to concerns under the category of sexual abuse.

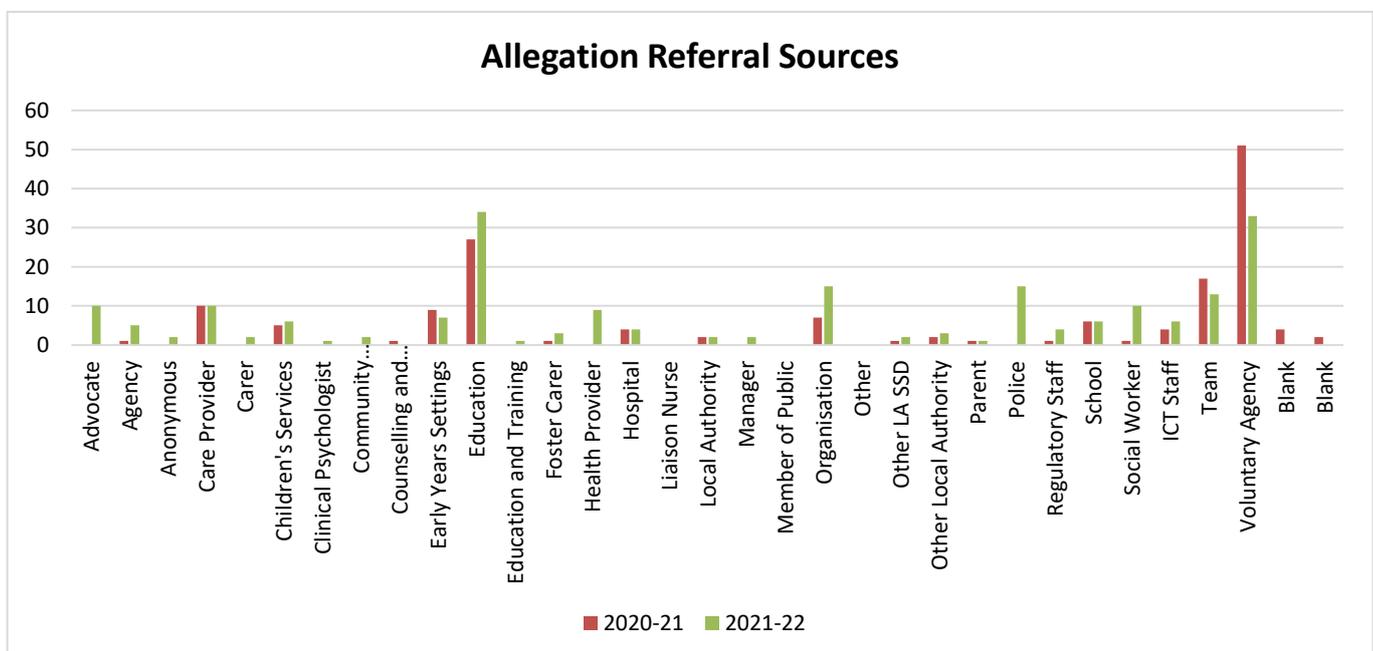
## Open Referrals:

The number of open referrals is currently 60. 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 has a timescale for 'internal investigations' to be completed within 21 days. If the allegations are substantiated or unsubstantiated these must then be presented to Fostering Panel.

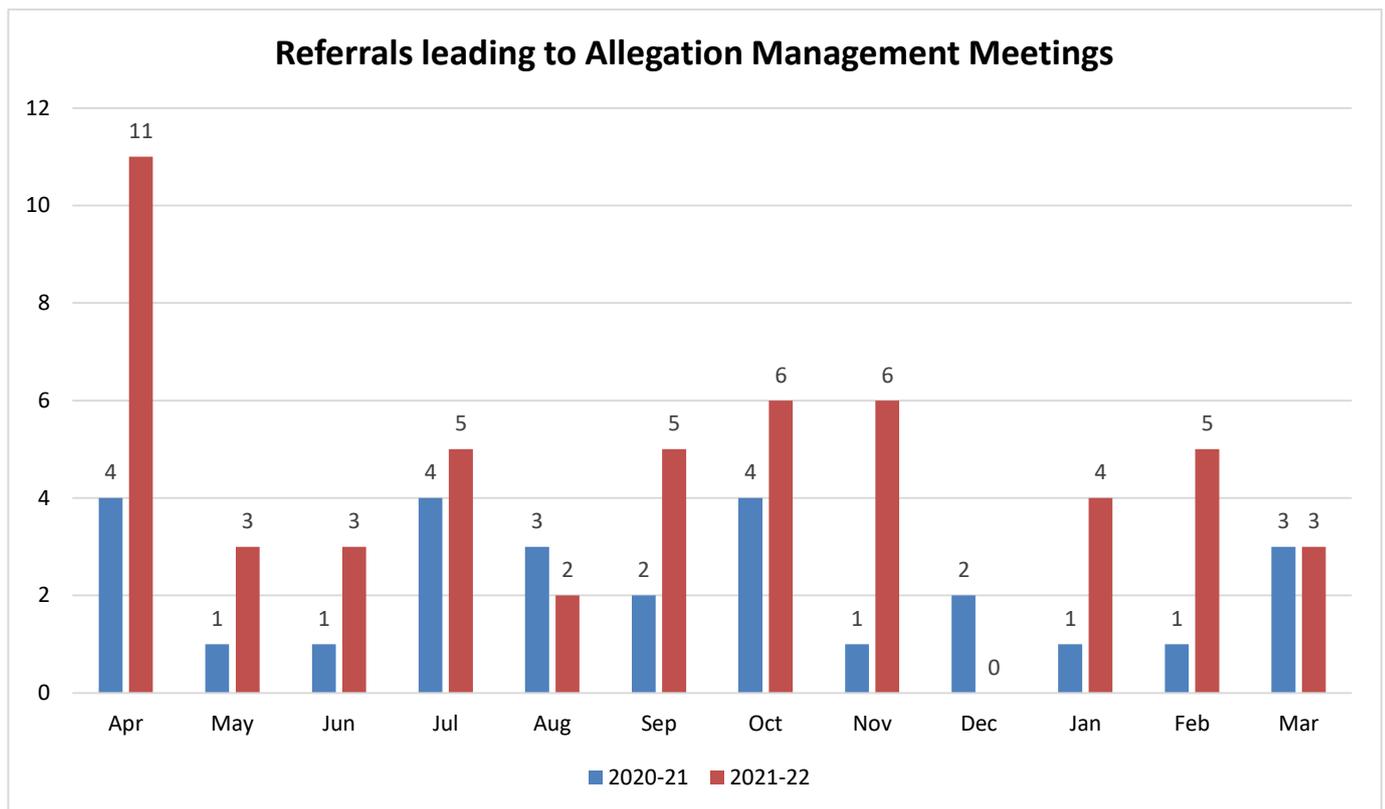
## Referral Source and Subject



During 2021 – 2022, the LADO received 139 consultations from Children's Services compared to the same sector referring into LADO a total of 80 times the previous year. This could be due to the fact that the role of the LADO is now better understood within the Council.

In 2021-22, the source and subject of consultations and referrals continue to be heavily weighted towards education with 99 Consultations compared to 2020-21 recorded at 40.

### LADO consultations



**Of the total consultations received: 350.**

This category is further broken down into the following:

- Progressed to LADO: 53 Allegations Management Meetings compared to previous year which was recorded at 27
- Does Not Meet LADO Threshold: 208
- Transferred (to another LADO): 13 compared to previous year recorded as 3
- Does Not work with child: 16
- Refer to Adults: 5
- Pending outcome: 55

The high numbers of consultations, including those not meeting the threshold, continues to create capacity issues. Each notification 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 the impact of the 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.

This type of consultation is likely to increase with the introduction of the fourth criteria - 'behaved or may have behaved in a way that indicates they may not be suitable to work with children.' This widening of the scope is likely to lead to a wider interpretation by organisation of what meets the threshold for notifying the LADO.

### **Breakdown of Outcomes and Concluding Actions**

In 2021-22, the total number of dismissals/resignation/cessations of use equated to 22 with 8 being referred to DBS. The previous year this was 11 with 6 referrals to DBS.

- The criteria to make a DBS barring is two-fold - the employer has withdrawn permission for the employee to work in a regulated activity and the individual has either 'engaged in relevant conduct' or 'satisfied the harm test.' Therefore, not all employees / volunteers work in a regulated activity and / or it is not deemed to be relevant conduct or to meet the harm test i.e., the individual has deliberately harmed a child, or the nature of the allegation is so serious that they pose a risk of harm to children if continuing in a role working with children.
- Further training / written warnings / verbal warnings / management.  
Advice & guidance are embedded under not meeting the LADO threshold
- No further action: This outcome covers those instances where the investigation determines that the employee is not culpable for harming the young person. Such instances might include accidental harm e.g., slight physical injury to a young person during an incident of restraint that was considerable necessary, or where there is evidence that the employee had no deliberate intention to cause harm.

### **Analysis of the High Number of Consultations Not Meeting the Threshold.**

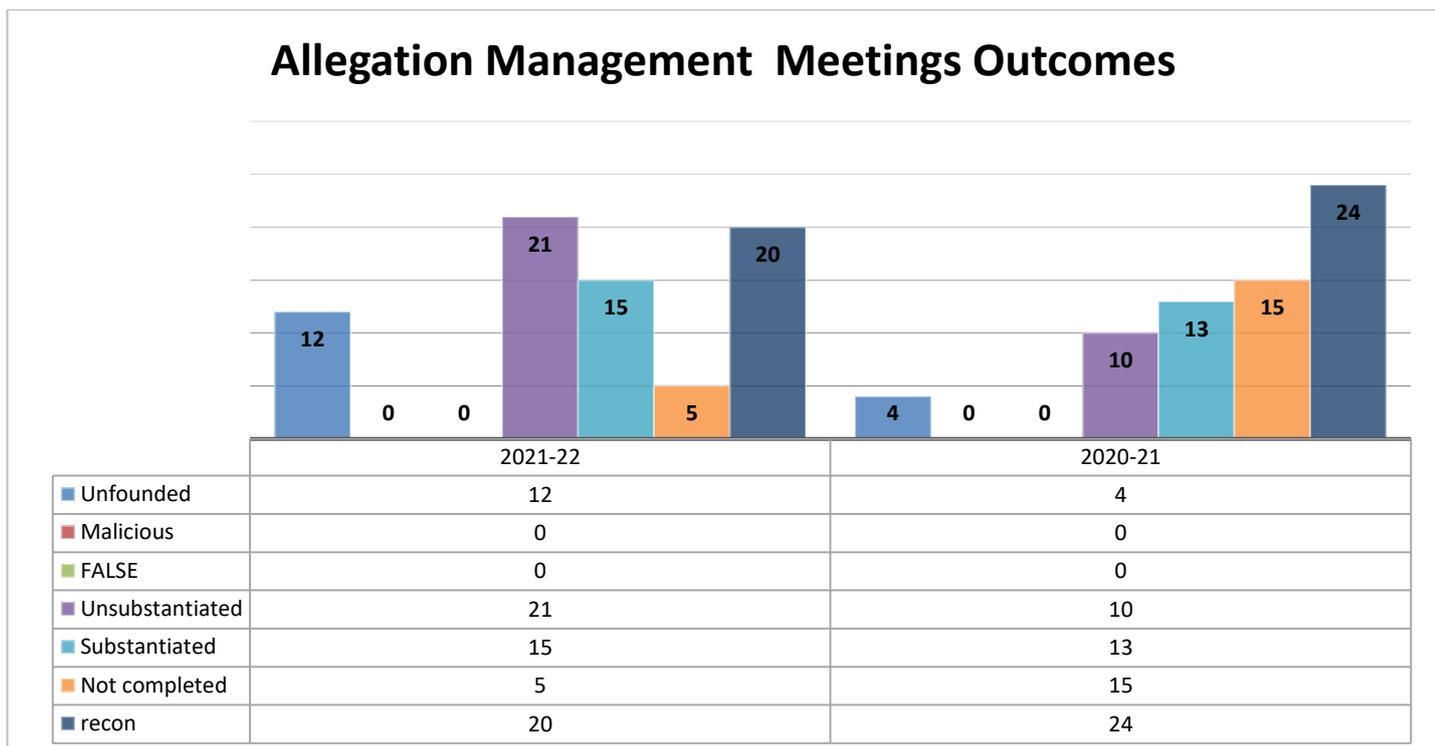
- There continues to be a large number of consultations that are received in which none of the four criteria, to trigger the managing allegations procedure, was assessed by the LADO as being met.
- This is an exceedingly high number resulting in a significant investment of time and resources. It is appropriate that there should be continuous oversight and consideration of this as it impacts on capacity of the service.

## 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:



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 second year we have reported on the number of cases requiring reconvened meetings. As can be seen, 20 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 is a similar, compared to last year, which was previously 24 in 2020/21. This has adversely

impacted on timeliness of outcome for those adults subject to the Managing Allegations Process. In these cases, in particular, it is difficult for the LADO to ensure that matters are concluded in a timely fashion, although we do consult with police colleagues for monthly updates if necessary.

Of note this year is the change in outcomes for Substantiated and Unsubstantiated cases. There is a slight increase in Substantiated outcomes (15 compared to 13) compared to last year, but a notable increase meeting result in an Unsubstantiated outcome (21 compared to 10 previously in 2020/21), suggesting the threshold decision to proceed to a formal meeting is proportionate and robust.

At the final meeting, members of the strategy meeting 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 2021 to 31st March 2022 the LADO wrote to 34 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 a number of 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 final 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.
- And when there are concerns about 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 as a result 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 to 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.

