



# **SOLIHULL LOCAL SAFEGUARDING CHILDREN PARTNERSHIP**

## **REPORT OF SIMON STUBBS**

### **Local Authority Designated Officer (LADO) Annual Report 01 April 2019 to 31 March 2020**

#### **1. Purpose of report**

- 1.1 To update the Local Safeguarding Children Partnership (LSCP) in relation to work undertaken by the LADO during 2019/2020. This work being in respect of allegations received during the period about adults who work or volunteer with children.

#### **2. Action required by LSCP (or others e.g. single agency or other partnership) to improve practice and/or outcomes for children, young people and families**

- (i) The LSCP is asked to note the report and the author's analysis that the data suggests that there is good awareness and understanding of the 'managing allegations' process in the borough.
- (ii) Although there have been fewer cases which have met the threshold for referral into the LADO process there is clear evidence of agencies contacting the LADO to talk issues through appropriately, evidence of matters being progressed in a timely way, and, evidence of the process supporting learning within settings.
- (iii) The LSCP is asked to ensure that key agency leads revisit with their staff groups the contact details for the LADO Service to assist with further embedding this information.

#### **3. Background**

- 3.1 Statutory guidance requires the Local Authority Designated Officer (LADO) dealing with allegations against adults that work with children to report annually basis about work undertaken. This report will provide an overview of the work undertaken with reference to relevant available data in relation to managing allegations against adults who work with children. The report will also inform the LSCP of the wider activity undertaken within the role.

3.2 In Solihull the LADO is Simon Stubbs (Head of Safeguards within the children’s social work service). The LADO is supported by officers of the Child Protection and Review Unit in managing referrals, chairing Position of Trust (POT) meetings, and, in the provision of advice. This arrangement is in line with the statutory guidance within Working Together to Safeguard Children 2018.

3.3 The work undertaken by the CPRU officers is quality assured by the LADO.

#### 4. LADO threshold

4.1 The threshold for LADO cases is described in Working Together 2018 and Keeping Children Safe in Education 2019 as:

An allegation may relate to a person who works with children who 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; or
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

4.2 The statutory guidance requires Local Authorities to have a Local Authority Designated Officer (LADO) to be involved in the management and oversight of individual cases. The LADO should provide advice and guidance to employers and voluntary organisations, liaising with the police and other agencies and monitoring the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process.

#### 5. Analysis of data

5.1 The analysis for this report is based on data held in the dedicated confidential case file records relating to managing allegations made against adults who work with children

5.2 **Table 1** *total number of referrals received over the last 3 years*

<b>Table 1 - Total number of allegations referred to the LADO 2019/20</b>			
<b>Year</b>	2017/18	2018/19	<b>2019/20</b> 01 Apr 2019 – 31 Mar 2020
Number of allegations	94	79	<b>47</b>

- 5.3 The number of contacts leading to formal referrals during the reporting year 2019/20 represents a significant **decrease** against the previously reported 12 month period (2018/19). The figure is a further reduction from the referral rate shown in 2017/18.
- 5.4 In terms of other contact activity, there were **a further 120 contacts** from agencies considering the need to refer to the LADO (or 'checking out' their views and intended actions in relation to particular circumstances) where, after initial consultation, it was agreed that the threshold for LADO involvement was not met or required referral onwards to the appropriate Local Authority area. Quality assurance activity was undertaken by the LADO on 61 of these contacts – confirming that the correct view was reached.
- 5.5 These contacts are actively encouraged by the LADO. This type of contact is included in the relevant procedures, is emphasised during the 'managing allegations' training programme, and, is also emphasised by the LADO when visiting particular groups of relevant staff.
- 5.6 It is important that colleagues in all agencies feel assured that they can contact the LADO for a discussion even if such calls result in no further action from the LADO. **NB:** where a referral is not required these are not recorded on the LADO case management records.
- 5.7 There were also a large number of other contacts from agencies about issues which do not fall under the LADO remit (examples of this are contacts from Ofsted relating to concerns raised about 'culture of practice' within specific settings). Where these contacts are received the LADO service ensures that they are passed over to the appropriate service and the referrer advised of the action taken.

5.8 **Table 2** total number of referrals from agencies over the last 3 years.

<b>Table 2 - Total number of referrals by referring agency 2019/20</b>			
<b>Agency</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>
<b>Social Care</b>	22	14	<b>20</b>
<b>Health</b>	10	1	<b>2</b>
<b>Education</b>	48	28	<b>6</b>
<b>Police</b>	3	9	<b>9</b>
Youth Offending	-	-	-
Probation (NPS & CRC)	-	1	-
CAFCASS	-	-	-
<b>NSPCC</b>	-	1	<b>1</b>
<b>Voluntary Youth Org</b>	-	2	<b>1</b>
<b>Faith groups</b>	1	-	<b>1</b>
<b>Fostering</b>	-	2	<b>2</b>
Care agency/ Residential home	4	-	-
<b>Nursery/Child minder</b>	2	10	<b>3</b>
<b>Other</b>	4	11	<b>2</b>
<b>TOTAL</b>	<b>94</b>	<b>79</b>	<b>47</b>

5.9 **Social Care** staff have been the source of the **majority of referrals** to the LADO (42%).

5.10 Previously **Education** staff have been the largest source of contacts leading to formal referrals however **there has been a significant reduction** in the figure this year – falling from 28 (35%) in 2018/19 to 6 (13%) in 2019/20. That having been said, **there is clear evidence of Education staff contacting the LADO office to discuss potential concerns**. For example, of the 120 contacts referred to at 5.4 above, 60 were from education colleagues.

5.11 There has been consistency in the number of referrals from Police colleagues (equating to 19%)

5.12 The referrals in the ‘Other’ grouping are from Ofsted (x1) and directly from the parent of a child (x1).

5.13 Whilst some of the figures show significant variance in terms of rate of referral, it should be noted that the relatively small total figures mean that % rates can be significantly affected by a small number of cases.

5.14 **Table 3** number of referrals broken down into the agencies that the adult subject to the allegation works in (work is defined as paid or voluntary).

<b>Table 3 - Total number of referrals by employment sector 2019/20</b>			
<b>Agency</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>
<b>Social Care</b>	3	6	<b>4</b>
<b>Health</b>	6	2	<b>7</b>
<b>Education</b>	55	35	<b>14</b>
Police	-	1	-
Youth Offending	-	-	-
Probation(NPS & CRC)	-	-	-
CAFCASS	-	-	-
NSPCC	-	-	-
<b>Voluntary Youth Org</b>	1	2	<b>1</b>
<b>Faith groups</b>	1	3	<b>2</b>
<b>Fostering</b>	6	6	<b>11</b>
<b>Care agency</b>	6	2	<b>1</b>
<b>Nursery/Child minder</b>	8	9	<b>4</b>
<b>Other</b>	8	13	<b>3</b>
<b>TOTAL</b>	<b>94</b>	<b>79</b>	<b>47</b>

5.15 Data in **table 3** suggests that the agency grouping where **staff members are more likely to be the subject of referrals** of concern is **Education** - although the number of cases has reduced from 35 to 14 (in terms of proportion or referral this is also a reduction from 44% to 30%).

5.16 There has been an increase in number of referrals in respect of foster carers (although there were five occasions where the referral was about both carers in a placement - accounting for 10 of the 11 carers referred).

5.17 Agencies/roles listed as 'Other' comprise 1 x LA staff, 1 x sport club staff, 1 x stage school tutor.

5.18 **Table 4** *total number of referrals by abuse category*

<b>Table 4 – Total number of referrals by abuse category during 2019/20</b>			
<b>Abuse Category</b>	2017/18	2018/19	<b>2019/20</b>
<b>Physical</b>	48 (51%)	38 (48%)	<b>23 (49%)</b>
<b>Sexual</b>	19 (20%)	18 (23%)	<b>13 (28%)</b>
<b>Neglect</b>	10 (11%)	8 (10%)	<b>8 (17%)</b>
<b>Emotional</b>	17 (18%)	15 (19%)	<b>3 (6%)</b>
<b>TOTAL</b>	95	79	<b>47</b>

5.19 The smaller total number of cases referred meeting the threshold for LADO process means that percentage rate can be significantly affected by a few cases.

5.20 The proportion of referrals for physical abuse concern has remained stable. Referral rate for emotional abuse concerns shows a significant decrease.

5.21 **Table 5** *number and percentage of cases resolved within the year and associated timeliness of resolution.*

<b>Table 5. Of those cases concluded during the year 2019/20, the number that were resolved within the relevant timeframes (and comparison with previous years)</b>									
<b>Time period in months</b>	<b>Actual number</b>			<b>Percentage of the total completed</b>			<b>Rolling Percentage of total completed</b>		
	17/18	18/19	<b>19/20</b>	17/18	18/19	<b>19/20</b>	17/18	18/19	<b>19/20</b>
Within 1 month	32	33	<b>15</b>	30%	36%	<b>30%</b>	30%	36%	<b>30%</b>
Within 3 months	58	44	<b>26</b>	55%	49%	<b>52%</b>	85%	85%	<b>82%</b>
Within 12 months	13	12	<b>7</b>	12%	13%	<b>14%</b>	97%	98%	<b>96%</b>
More than 12 months	3	2	<b>2</b>	3%	2%	<b>4%</b>	100%	100%	<b>100%</b>
<b>Total concluded</b>	106	91	<b>50</b>						

5.22 Working Together to Safeguard Children emphasises the importance in the LADO role of ‘...monitoring the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process.’ Although there is no indicative timescale for completing enquiries set out in the 2018 statutory guidance, previously, Working Together 2010 suggested that it was reasonable to expect that

90% of cases should be completed within three months. This timescale target is also confirmed in Keeping Children Safe in Education 2019.

5.23 When considered against previous years' data, the **rate of completion of cases within the three month timescale has fallen to 82% from 85%.**

5.24 There were marginally fewer cases taking longer than 3 months to complete in 2019/20 (9 cases) than in the previous year (14 cases) – although the percentage figure actually increased from 15% to 17%. *See table 6 below which illustrates that complexity and the need to follow investigative processes are the main reasons that can lead to cases going beyond a three month timeframe for resolution.*

5.25 **Table 6** breakdown of those cases which took over three months to conclude.

<b>Table 6 shows the reasons for the individual cases in 2019/20 where the conclusion period was longer than 3 months</b>		
<b>Case number</b>	<b>Months</b>	<b>Reasons for delay in completion</b>
678	10	Police investigation linked to historic abuse allegations, social work investigations, multiple LA involvement, criminal Court process
697	10	Police and social work investigations, multiple LA involvement, Private Law Court process
749	7	Several allegations, Police investigations, disciplinary investigation
755	4	Police investigation, historic concerns, liaison with DBS
764	4	Regulatory body investigation
765	12	Police investigation, criminal court process, disciplinary process, notification to professional body
799	4	Multiple roles for subject, Police investigation, disciplinary investigations.
566	27	Police investigation, social care investigations, complex multiple allegations, Criminal trial
727	20	Multiple roles for subject, Police investigation, complex historic allegations with international element,

5.26 **Table 7** *outcomes for cases in 2019/20*

<b>Table 7 Outcomes for cases in 2019/20. The number of referred cases that resulted in:</b>			
<b>Outcome</b>	2017/18	2018/19	<b>2019/20</b>
No further action after initial consideration	1	3	<b>8</b>
<i>Substantiated</i>	Not collated	37	<b>19</b>
<i>False</i>	Not collated	0	<b>0</b>
<i>Being Unfounded</i>	12	5	<b>3</b>
<i>Being Unsubstantiated</i>	15	18	<b>20</b>
<i>Being Malicious</i>	1	2	<b>0</b>
Suspension	26	19	<b>8</b>
Dismissal	10	13	<b>7</b>
S47 investigation	3	1	<b>0</b>
Criminal investigation	39	33	<b>11</b>
Disciplinary procedures	22	24	<b>10</b>
Criminal Prosecution	2	6	<b>3</b>
Caution	1	1	<b>1</b>
Conviction	0	0	<b>0</b>
Acquittal	0	5	<b>0</b>
Referral to DBS	9	14	<b>7</b>
Referral to regulatory body	2	4	<b>1</b>

- 5.27 In relation to outcomes, of the 50 cases concluded during the reporting period, 8 were concluded at a Joint Evaluation Discussion/Meeting where a view was reached that it would not be proportionate to proceed to a Position of Trust meeting.
- 5.28 Of the remaining 42 cases which did move into a Position of Trust meeting, **19 (45%) concluded that the concerns were substantiated**. The percentage rate the previous year was 59%.
- 5.29 It should be noted that one case can be referenced a number of times in **table 7** above, for example, substantiated, suspended, disciplined, charged and convicted could all be one case. Equally cases are referenced in respect of the child alleged to have been exposed to harm/risk of harm by the staff member/volunteer. An adult can, therefore, be listed multiple times where there was more than one victim, possibly on separate occasions. The data for table 7 is given as a snapshot as at 31st March 2020.
- 5.30 'Suspension' is referenced in the table above. This is used by agencies only where this is appropriate and the potential risks relating to the adult referred cannot be managed by a different route. Wherever possible, agencies consider alternatives to suspension providing that these arrangements are safe. Within the 'managing allegations'



process and training sessions, agencies are encouraged by the LADO to undertake a risk assessment to inform their decision making about the use of this route. This helps to clarify the rationale and supports review of any arrangements put in place to manage risk. It also promotes challenge and discussion via the LADO if it is suggested that the arrangements to safeguard children require further strengthening.

- 5.31 The **frequency of criminal investigation has fallen compared with the previous year** from 33 cases (53%) to 11 cases (26%) **although the percentage of those cases moving from criminal investigation into prosecution increased** from 18% (6 cases) to 27% (3 cases). No cases are recorded as having resulted in conviction.
- 5.32 Where an outcome of 'unsubstantiated' is reached (ie the concern cannot be substantiated or disproven), consideration is given at the Position of Trust meeting as to what actions it may be helpful for the work place setting to consider in order to address any training needs and minimise the possibility of potential future risk.
- 5.33 There were no cases where the outcome is recorded as 'malicious'. The definition of 'malicious' in this context is set out in the statutory guidance and refers to situations where 'there is clear evidence to prove that there has been a deliberate act to deceive and the allegation is entirely false'.

## 6. Training

- 6.1 During 2019/2020 The LADO provided **three multi agency training sessions** on behalf of the LSCP on the 'managing allegations' process. The LADO was supported in delivering these training sessions by staff from the Local Authority's Human Resources team. These training sessions have been well attended and the evaluations have been very positive.
- 6.2 The training is aimed at those with supervisory responsibilities for staff undertaking safeguarding work, and, managers and strategic leads in multi-agency organisations. The workshop provides an essential grounding for managers to enable them to manage allegations of abuse against staff.
- 6.3 Following the courses delegates reported finding the training helpful in updating their knowledge of the procedures and processes relevant to managing allegations against staff. One delegate reported that the course had encouraged their agency to introduce a system for dealing with allegations.
- 6.4 A common theme from the evaluations of attendees was that they felt they would be more confident in knowing what to do should an allegation be made. There was recognition of the importance of

handling any allegations in a sensitive and appropriate manner whilst ensuring that relevant investigative processes were not compromised.

- 6.5 Further training sessions are planned for 2020/21.
- 6.6 There is a **West Midlands Regional LADO Network**. The Solihull LADO has been actively involved with this network and has participated in the exploration of issues arising for the role across the region. Colleagues from other agencies have been invited to attend the regional meetings to work through issues arising in terms of practice, and, to scope out working arrangements moving forward.
- 6.7 The regional network also works towards a consistency of approach across the region and is a source of specialist support and knowledge across LADO services when dealing with specific issues. Work has been completed to formalise and agree a West Midlands regional protocol where cross border issues may have a bearing. In practice this means that the LADO for the LA where the adult referred works or volunteers would be responsible. Where the adult referred is employed in a position of trust in Solihull but also volunteers in a young person's sports club in the other LA area where he/she lives, there would be negotiation as to which LADO would lead the process.

## **7. Lessons Learned from cases**

- 7.1 There has been **learning for agencies/settings arising** from specific cases. This has included ensuring that the internal structures and guidance about reporting and managing concerns about staff are understood and acted upon to ensure referral to the LADO in good time.
- 7.2 **Specific learning for settings** has also resulted in settings
- Reviewing record keeping practices and guidance
  - Revisiting training for staff re physical interaction/restraint
  - Training/briefing staff and service user to raise awareness about risk from use of mobile phones. Sharing setting's expectations about this.
  - Refreshing induction process for new agency staff to make them more robust (including direct observations being undertaken)
  - Reviewing internal processes for providing support to the staff members being considered within the LADO process
  - Reviewing and reinforcing processes for daily checks of internal communication systems for staff (alarms/radios)
  - Reorganising physical spaces within the setting (eg placement of furniture)
  - Understanding the differences between safeguarding processes relating to child protection and those relating to managing allegations against staff

7.3 The LADO has endeavoured to **support broader learning for settings**. Where concerns have been raised relating to a setting (for example via Ofsted) but the threshold for formal LADO involvement has not been evidenced, the information has been passed to relevant officers (for example Early Years' Service or Schools Improvement Service) to inform their involvement and support of these settings going forward.

7.4 Where necessary the LADO has provided evidence (including witness statements and attendance at fitness to practice hearings) to professional bodies to support decision making at professional hearings.

## **8. What are the key issues and/or learning the LSCP needs to know?**

8.1 These information above suggests that there appropriate awareness and understanding of the 'managing allegations' process in the borough.

8.2 Although there have been fewer cases which have met the threshold for referral into the LADO process there is clear evidence of agencies contacting the LADO to talk issues through appropriately, evidence of matters being progressed in a timely way, and, evidence of the process supporting learning within settings.

8.3 The responsibility for the LADO function remains with Simon Stubbs – Head of Safeguards within Children's Services. He is supported on a day to day basis by the Independent Reviewing Officers (IROs) within the Child Protection and Review Unit.

8.4 Board members are asked to continue to ensure that their staff members are aware of the arrangements in relation to allegations that are made against adults who work with children ie:

**LADO - Simon Stubbs – supported by IROs in CPRU**

*The preferred method of referral is via the central points listed below.*

**Telephone: 0121 788 4310**

**Secure email: [lado@solihull.gov.uk](mailto:lado@solihull.gov.uk) Please put 'LADO issue' in the subject heading**

**Report Author: Simon Stubbs**  
**Title: LADO/Head of Safeguards**

(Presented at LSCP Assurance and Review Group 16 Sept 2020)