

THE LOCAL AUTHORITY DESIGNATED OFFICER (LADO) | ANNUAL REPORT 2021-22

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Local Authority Designated Officer

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Introduction

The purpose of this report is to provide an overview of the management of allegations made against the children's workforce in Croydon and how the role of the LADO supports the management and investigation of such allegations and complaints. The report covers the work of the LADO over the period 1st April 2021 until 31st March 2022 and sets out the role, and function of the LADO, as well as an analysis of the work completed.

All agencies that provide services for children, provide staff or volunteers to work with, or care for children, are required to have a procedure in place for managing and reporting allegations against staff, which is consistent with statutory guidance published by HM Government guidance in Working Together.¹ This guidance outlines the requirement for the LADO to be contacted and to oversee the effectiveness, transparency and record retention of the process, not only in terms of protecting children, but also ensuring that staff who are the subject of an allegation are treated fairly and that the response and subsequent action is consistent, reasonable and proportionate.

Keeping Children Safe in Education updated in September 2021², sets out the legal duties educational establishments must follow to safeguard and promote the welfare of children and young people. It includes guidance around the management of allegations against the children's workforce.

The detail of the procedure followed by Croydon's LADO to manage allegations against people who work with children is contained within the Pan London Child Protection Procedures.³ Following an update of the procedures, proposed by the London Regional LADO Group, the role of the LADO was expanded to address wider concerns relating to staff and these are addressed in this report.

The role of the LADO

The LADO's key role is to provide advice and guidance to employers or voluntary organisations when there has been an allegation against a member of staff or volunteer. The LADO will liaise with the police and other agencies, including Ofsted and professional bodies and monitor the progress of referrals to ensure that they are dealt with consistently, fairly and in a timely manner. The LADO ensures organisations operate a thorough and fair process of investigating allegations. The LADO will provide oversight of the investigative process through to its conclusion.

The LADO service will also chair, where appropriate allegations against staff and volunteer (ASV) meetings and establish an agreed format to an investigation, whilst

¹ Working Together to Safeguard Children, revised 2020

² Keeping Children Safe in Education, (KCSIE) Revised Sept 2021

³ London Child protection procedures

facilitating the resolution of any inter-agency issues. The LADO will also provide liaison with other local authority LADOs where there are cross-boundary issues. The service collects strategic data and maintains a confidential database in relation to allegations.

The LADO Service disseminates learning from LADO enquiries throughout the children's workforce and wider groups, including safeguarding forums across the Borough. The LADO will also attend children's social care and police strategy meetings held under child protection procedures where there are concerns regarding the children of those working within the children's workforce.

Statutory guidance requires that the LADO is involved where it is suspected that a member of staff has

- behaved in a way that has harmed or may have harmed a child
- possibly committed a criminal offence against or related to a child
- behaved towards a child or children in a way that indicates that they may pose a risk of harm to children
- behaved or may have behaved in a way that indicates they may not be suitable to work with children⁴

In addition, the London Child Protection procedures, in support of the latter criteria, also requires that the LADO considers concerns where the allegations or concerns arise in people working with children's private life. Allegations can also relate to the partner of the person who works with children, whose response or attitude suggest that their ability to fulfil their role might be compromised or where the behaviour raises concerns as to their suitability to work with children. Such circumstances have been termed transferable risk and the LADO supports the employer to assess what transferable risks may exist, document them and reach a decision regarding their suitability to work with children.

⁴ Updated and included in Working together Jan 2021 and in KCSIE Sept 2020

Case Study - Transferable Risk

A Teaching assistant working with primary school children in a Croydon School, advised her employer that her son had been arrested outside of London following a stabbing incident where a young person died. Her son had been charged with murder and was on remand. Her son had been visiting friends over the weekend when the incident had occurred, and she had, as always picked him up and brought him home. There was no indication of a risk raised in respect of the Teaching Assistant.

However, the following day Police contacted the LADO and advised that The Teaching assistant had been arrested for aiding and abetting the murder as she had gone to collect her son and had washed his clothes in an effort to destroy evidence of the crime and protect her son. She has been released on bail to return in a month.

Following this additional information, and allegations that the Teaching Assistant had been more involved in the offence the school, with support from the LADO, completed a risk assessment of the member of staff's role within the school. Given the additional allegations regarding her involvement in the murder, the school felt there were concerns regarding her honesty and integrity. In addition, given the concerns regarding knife crime in the Borough and the schools work with pupils regarding such dangers, it was felt that if the allegations proved correct, this would impact upon her role in the school. As a result, the member of staff was suspended pending the outcome of the police investigation.

Staffing, including administrative support

The LADO service consists of a Senior LADO and LADO, both full time officers who are based within the Safeguarding and Quality Assurance Service within Children's Social Care. Unlike some Local Authorities, but in keeping with Working Together, both LADOs are qualified social workers with experience of children's safeguarding.

Information Systems

Since 2013, when the current LADO Service was established, work has been ongoing to digitalise records regarding allegations management which date back from the mid-1990s, all these paper records have now been digitalised and are held on a central drive, and this was achieved in 2018. Over the last 4 years, these records have been created within the Children's Recording System (CRS) under the adult to which they refer. This work has progressed well but remains a significant task to complete.

During the summer and Autumn of 2021, resources were made available to develop a dedicated workflow system within CRS for the management of allegations to be recorded in a secure area designed specifically for the service. The system went live in January 2022 and all referrals to the LADO are now recorded within CRS. Consultations which do not meet the threshold for LADO oversight (a referral) remain recorded within a spreadsheet and continue to offer management information regarding trends, patterns in behaviour and themes within organisations.

The development of CRS as a recording system for allegations management has enabled cases to be monitored at each stage in the investigative process, to be more easily reviewed, and managed and will, going forward, provide improved and more accessible management information.

Analysis of The LADO Service Casework

The following is a review of the casework undertaken by the LADO Service over the period.

Allegations: Consultations and Referral

Where allegations or concerns are expressed regarding the conduct or behaviour of an adult working with children are raised, the LADO provides consultation and immediate triaging with the employer in order to evaluate the seriousness of the concerns. Where concerns do not meet the threshold for LADO oversight, the service will offer guidance and support for next steps action by the organisation. In some circumstances, concerns do not meet the harm threshold as above, but do indicate a level of care or professional conduct which falls far below that which is expected, the LADO will oversee the investigation of the allegations.

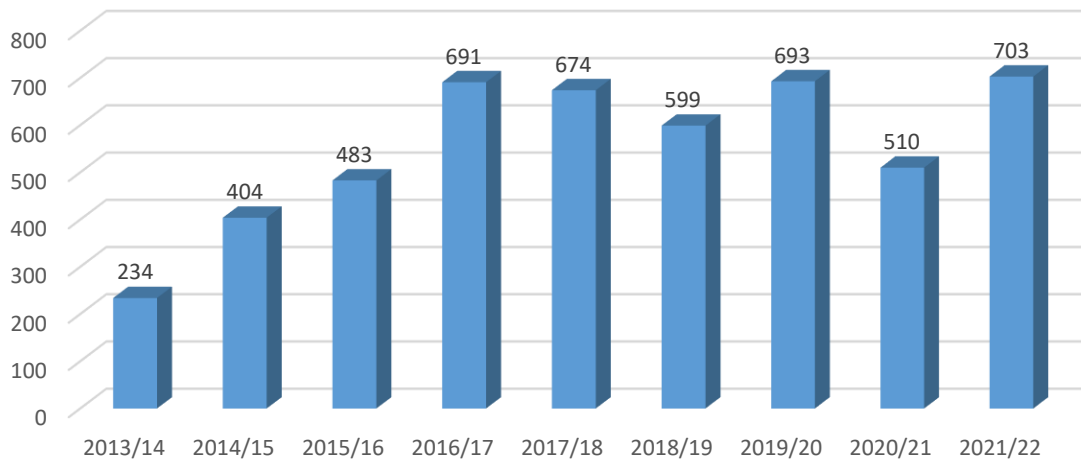
Where the threshold for LADO oversight is met, a referral is completed, and the LADO will evaluate next steps, the most appropriate level of investigation including the involvement of police and Children's Social Care. Where cases are complex, or involve several agencies, a formal evaluation meeting is held to evaluate the concerns and to plan the interventions. In all cases where an investigation is initiated, a final evaluation meeting is convened to agree a multi -agency outcome.

Since the additional fourth criteria were added in 2020 and 2021, there has been an increase in consultations where behaviour has raised concerns regarding an adult's suitability, rather than where there is an allegation of harm, and this supports the increasing role of the LADO service in offering preventative support to the children's workforce. This has been further complimented by the introduction in 2021 for educational settings of Low-Level concerns⁵ in relation to teaching staff's conduct. This

⁵ Keeping Children Safe in Education 2021. Managing allegations Part 2

has led to further increases in consultations to the LADO, as can be seen in Figure 1 below

Fig 1. No's of consultations to the LADO by year



Indeed, as set out in KCSIE, schools are now required to identify and record incidents where staff do not follow expected codes of conduct in working with children. Incidents such as inappropriate contact, and poor behaviour management which do not meet the allegations threshold should be recorded and patterns of behaviour considered. The intention was for schools to develop a safeguarding culture where inappropriate behaviours could be identified and addressed before they became harmful. However, initially schools struggled to differentiate between low level concerns and harmful behaviour, and this led to a reduction nationally in referrals. In London the Regional network identified occasions where schools were not referring issues appropriately and as a result, the London Child protection procedures⁶ were amended to require that schools consult the LADO in such circumstances. In reviewing consultations around Low-level Concerns, it has become apparent that not all schools are equipped to assess thresholds and that schools welcome the support such consultations make.

⁶ London Child protection procedures Chapter 7 2021

Case Study – Low Level Concerns

A year 12 pupil raised a concern with her Head of Year regarding one of her teachers who on a numerous occasions touched her on the shoulder during lessons. He has also referred to her as “daddy’s girl”. These interactions have always been within the classroom where other pupils are present. The pupil reported no other concerns or behaviour from the teacher.

Further discussion with the Head Teacher revealed no previous concerns regarding the Teacher, who was described as popular and committed to his pupils. He was described as tactile in his interactions. It was therefore agreed that the Head would raise the pupil’s concerns with the teacher and discuss the potential for such gestures and comments to be misunderstood.

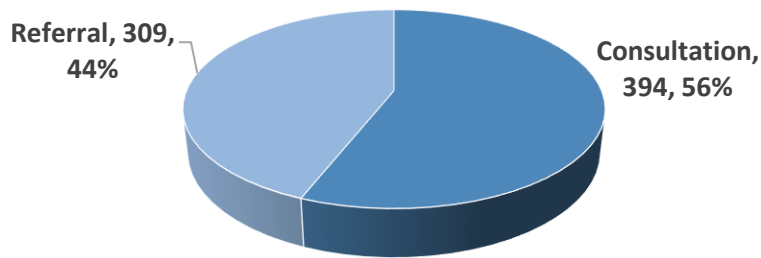
The record was recorded by the school against the teacher’s name, and the consultation was recorded by the LADO as a Low-Level concern and as a consultation and not as a referral.

Later feedback from the school indicated that the teacher was horrified at the pupil’s reaction and agreed to review his conduct in relation to pupils to have personal space.

Indeed, a review of consultations over the last year indicates that 120, 17% of the total consultations would fall into the category of low-level concerns. Indeed, the ability to consult and use the LADO service as a sounding board for schools regarding staff conduct has been has long been valued by schools and the introduction of Low-Level Concerns has supported this further.

Of 703 consultations to the LADO service during the period of this report, some 44% of these contacts were converted to referrals requiring formal LADO oversight and intervention.

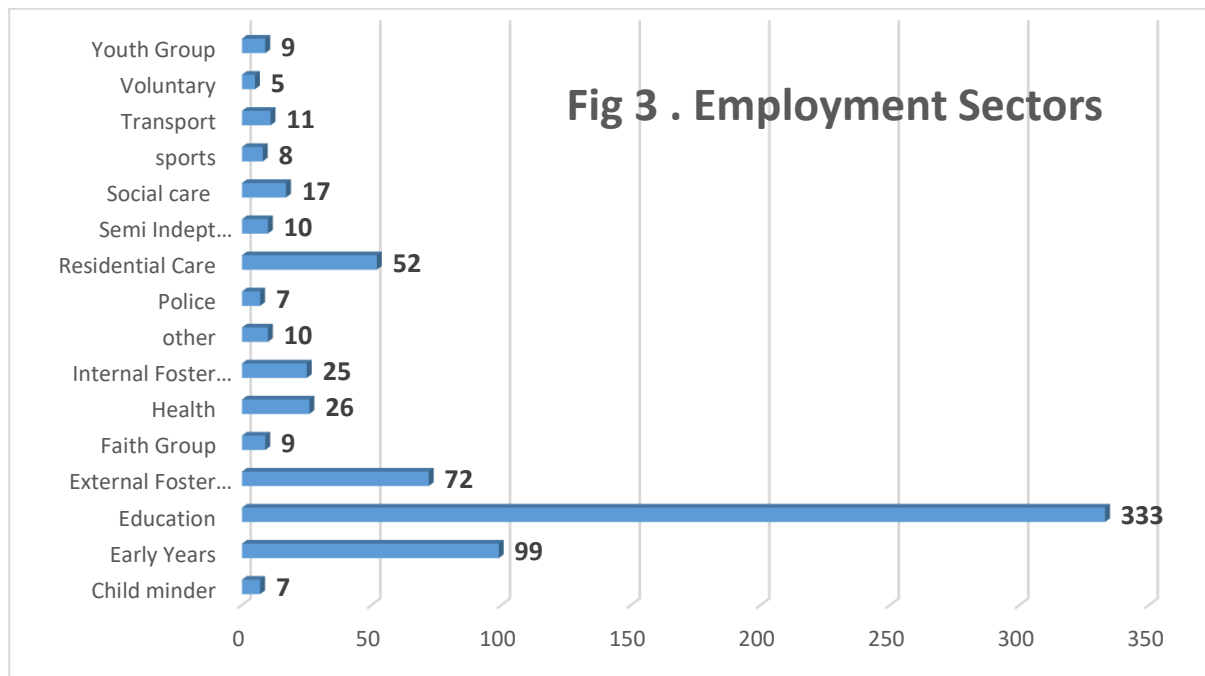
Fig 2. Consultations progressed to Referrals



A recent review of 29 London local Authorities, mentioned earlier, initiated by the London Regional LADO group, indicated that this conversion rate was reasonably in line with other authorities where the average conversion rate was 39.9%. This supports the position that a significant role fulfilled by the LADO service is in supporting

Sources of Consultations

Figure 3 shows the employment sectors to which allegations relate. As in previous years, a significant proportion of consultations emanate from schools and colleges which continue to account for approximately 50% of all consultations.



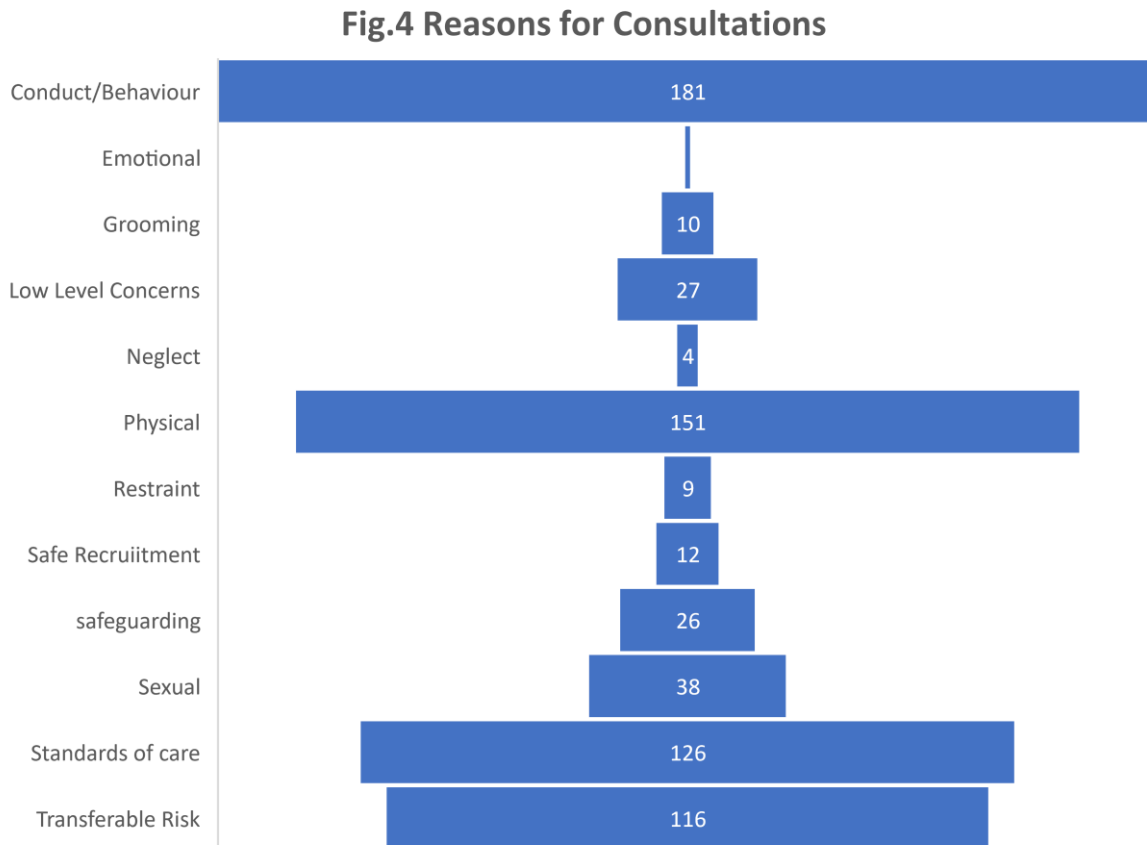
In previous years concerns have been raised within The Partnership regarding the relatively low numbers of allegations raised with regards to health professionals. During the period covered by this report, Fig 3 shows a total of 26 consultations, similar to last year, from this employment sector which is in keeping with other Local Authorities and reflects an appropriate level of consultations for this area.

Reasons for Consultations

As mentioned previously there has been an increase in organisations, particularly schools where issues regarding staff conduct have raised concerns and resulted in consultations with a LADO. These low-level concerns have previously been recorded within the category of conduct/behaviour. For 2012/23 they will be recorded explicitly in order that we can review their impact on numbers of concerns. This partly explains the significance of this category in terms of the concerns raised with the LADO. However, this also reflects the willingness of the service to address general concerns regarding staff under the suitability criteria.

Indeed, as the London Child protection procedures indicate

“Whether an incident constitutes an allegation and hence needs to be dealt with through these procedures, may need to be discussed by the LADO and the employer’s safeguarding lead. If it falls short of this threshold there may still be a role for the LADO to provide advice and support to the employer. Where the matter constitutes a conduct or performance issue, the employer should follow the appropriate disciplinary procedures and let the LADO know of the outcome.”

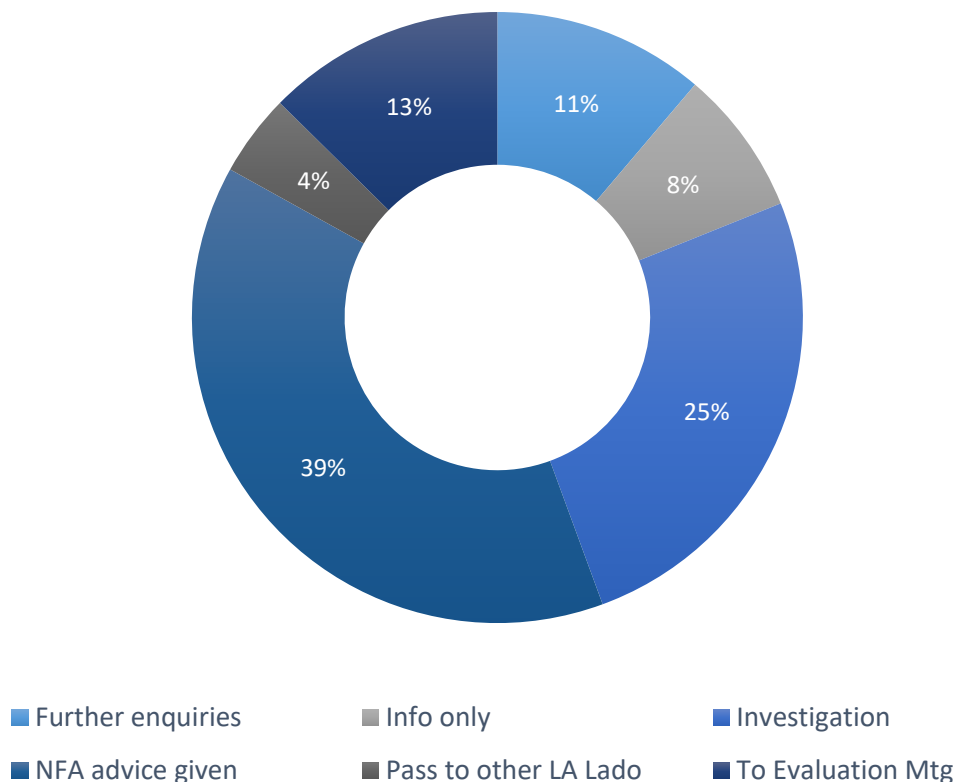


Outcomes from Consultations

The bulk of contacts with the LADO service are dealt with and resolved without the need for formal LADO intervention. These are often contacts where staff conduct, or behaviour is of concern or where a complaint has been received relating to safeguarding concerns. Many can be resolved quickly with advice/guidance or referrals to Human Resources. As the London Child Protection Procedures point out

Figure 5 indicates the disposal of consultations with the LADO and from the graph 39% of allegations are closed following advice or guidance being offered. Of these 90% are concluded on the day of referral.

Fig 5 Outcomes of consultations

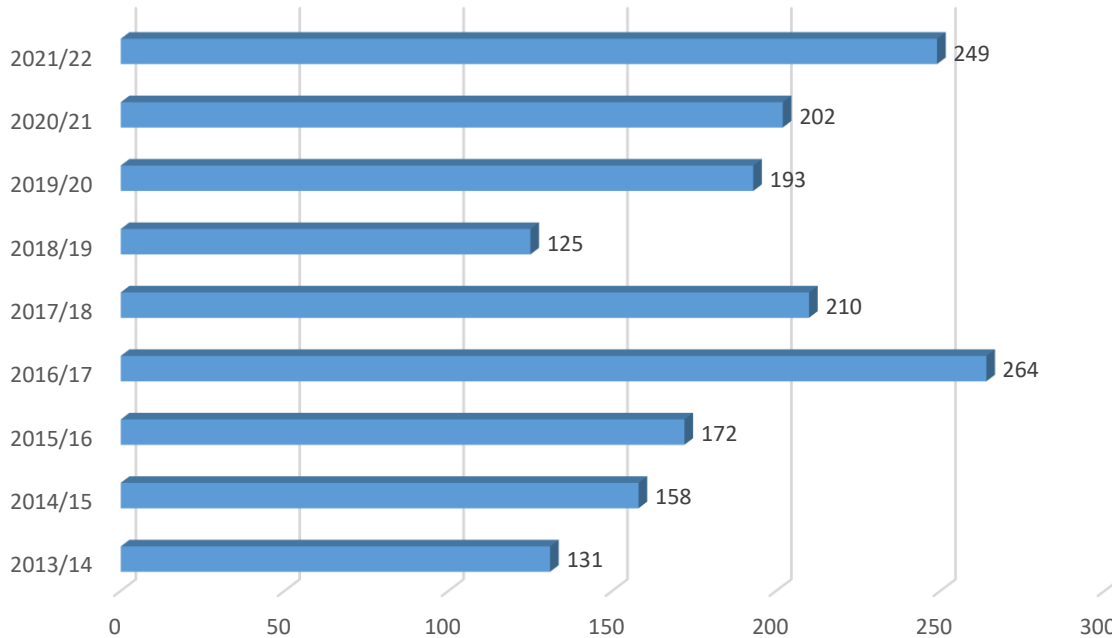


Investigations overseen by the LADO

In recent years there has been an increase in the numbers of investigations overseen by the LADO where a “single agency” investigation is initiated by the employer and police are not involved. This has been partly due to the repositioning of the LADO role from merely dealing with matters of harm, to those of serious standards of care and issues around transferable risk, but also as a result of an ongoing positive working relationship between the police CAIT Teams and the LADO service where police are

reassured that action will be taken in respect of such concerns. Figure 4 reflects this trend.

Fig 6. Investigations by Year



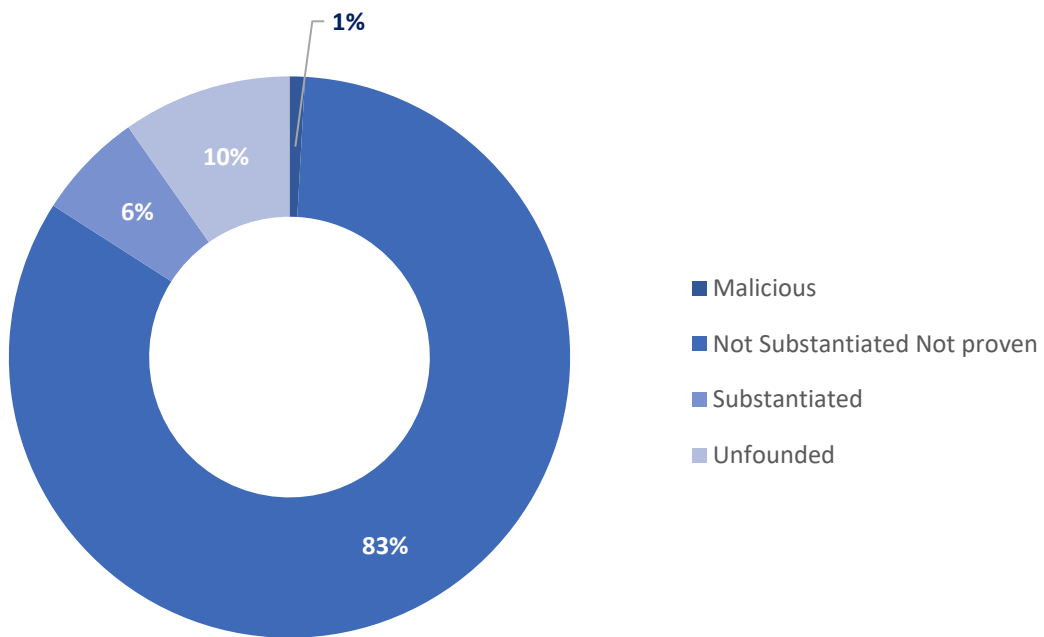
Whilst it is no longer an indicator required to be reported on by the Department of Education, where an investigation is initiated, investigations can be stressful for all concerned and clearly the quicker they can be concluded appropriately, the better. Where allegations are investigated by employers' oversight by the LADO can ensure that the matter is concluded in a timely manner. As a result, 67% of allegations are completed within a month and 88% within 3 months. However, there remain some cases where investigations take longer, and these are primarily as a result of police investigations where the "beyond reasonable doubt" threshold requires lengthier processes. However, performance in this area continues to improve year on year.

The outcome of such investigations is then considered at an Evaluation meeting between the LADO, the employer, and any other partners involved, to agree if the allegation is substantiated and, if so, whether the remains ongoing risk.

Outcomes of Investigations

Outcomes are defined against two thresholds, where harm or the risk of harm has been caused, and where the standard of care fell below that which could be reasonably expected. In cases where the harm threshold is met (Fig7), criminal prosecutions are normally considered and referrals to DBS and professional regulatory bodies take place. Over the last twelve months 14% of cases which met the harm threshold were substantiated.

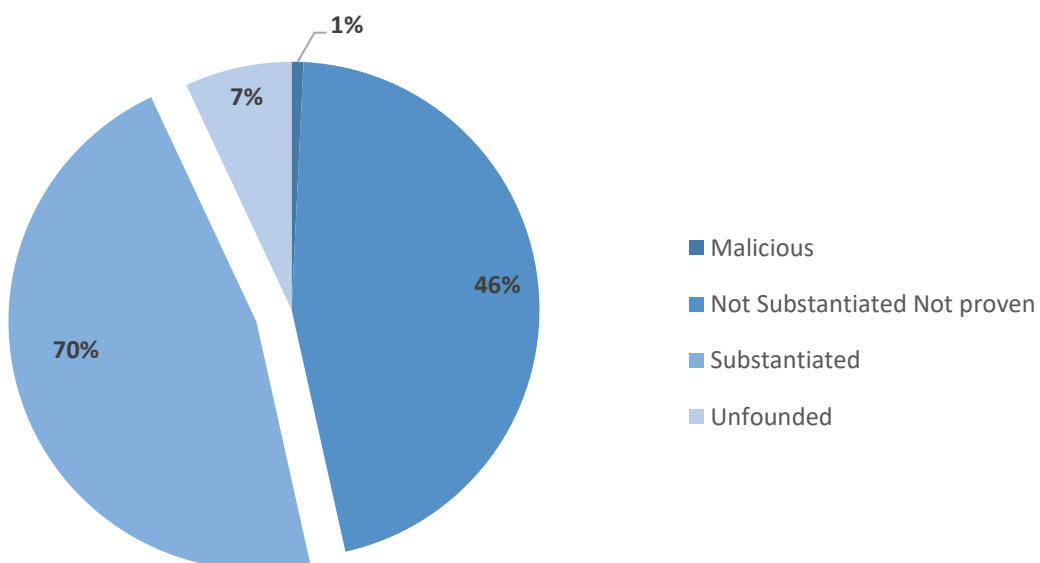
Fig 7. Outcomes where Harm Threshold is identified



Of those substantiated, 4 resulted in dismissal and 3 to resignation. All were referred to the Disqualification and Barring service. In addition, two were referred to the teaching Regulatory agency.

In relations to the lower concerns regarding circumstances where the standard of care or behaviour fell below that expected within the children’s workforce, some 70 cases were substantiated and resulted in disciplinary action (20), additional training or mentoring (33), or the member of staff leaving their role (17).

Fig 8. Standards of care Outcomes



Feedback on the Service

Feedback from consultations from a variety of organisations indicates the LADO service within Croydon is well received and valued. Below are a sample of the feedback received from partner agencies

“Since you have overseen our safeguarding referrals, everything is well managed, sensible, you are always approachable and have offered balanced and practical advice. Because of you both I have developed a basic working understanding of what safeguarding is, within our service. You have also helped me to arrive at logical conclusions and to protect those members of staff that needed protection, whilst also having the child’s needs as paramount.”

Transport for SEN Manager

“I don’t work Wednesdays, so this is the first opportunity I have had to thank you for Tuesday. Panel members have all told me how interesting and informative they found the session and really appreciated how you had tailored it to the role of panel.”

Fostering Panel administrator

“Thank you so much for sending out the relevant correspondence today. You have certainly put my mind at rest for the weekend and for that I am most grateful.”

Early Years Nursery Manager

“I just wanted to say a big thank you for the support you provided the school and myself during a difficult time managing a concern regarding a member of my staff. Your advice was considered and clear and helped us to manage the situation in a pragmatic and proportionate way. Thank you again for your support”.

Head Teacher of Croydon secondary School

Oversight of Practice

The LADO service provided quarterly data on activity to the QIG via a dashboard created from the LADO case records. In addition, the partnership receives and reviews the Annual LADO report each year. Both LADOs have weekly meetings to review active and closed cases and a spirit of challenge and curiosity is encouraged and is very much part of these sessions.

The Senior LADO discusses cases with the head of Quality Assurance Service on a monthly basis during supervisions and cases where a high profile is envisaged are shared and passed on to more senior managers as appropriate.

In addition, to ensure managerial oversight, two monthly meetings with the Head of Service to sample and review case work and this provided the Head of Service with valuable information about current cases as well as trends in activity and behaviour. Over the last three months these have not been held as regularly as intended due to other pressures but are now firmly back in the diary

Safer recruitment issues

The LADO service, in its management of allegations and concerns regarding staff has previously provided support and advice regarding safe recruitment issues for the children's workforce in Croydon. This has included advice in respect of references, positive Disqualification and Barring checks, and appropriate processes. Currently this support and guidance has been provided using individual experience. To ensure that this advice is supported by the most up to date thinking, both LADOs will be attending The Safer Recruitment Consortium accredited "Train the Trainer" course, provided by the Lucy Faithful trust. This 5-day course will update knowledge but also allow the LADO Service to provide accredited training to employers. Indeed, plans are already in place to provide training to early years Managers in November 2022.

Training and briefing sessions

As part of its remit to support the children's workforce in Croydon to ensure the safety of children and young people with whom they engage, the LADO service provides a variety of training support to employers in relation to allegations management as well as safer organisational culture for organisations working with children.

Over the last 12 months therefore the LADO Service has provided training input as required and the list below offers a flavour of such training

- Managing allegations Training for Early years Settings
- Conducting Investigations for early years
- Briefings to Early years safeguarding forum
- Training for Governors in Allegations management

- Training in allegations management for Independent Fostering agencies.
- Briefings for Designated Safeguarding leads in Schools
- Outlining the role of the LADO with social work staff, medical practitioners, and others.
- Training for Foster carers regarding allegations
- Tailored training for individual Early years settings
- Briefings on safe working practices for Early Career Teachers
- Introductory meeting with Head Teachers new to Croydon
- Training for Croydon Foster Carers and Fostering panel
- Induction discussions with new managers and social workers within social work teams in Croydon

External Contacts

As well as providing a service to organisations working with children within the Borough, the LADO service has also played a part in the Management of Allegations at Regional and National levels.

London LADO Group

The Croydon LADO is currently one of three coordinators of the group, acting as liaison with London wide partners, coordinating two monthly meetings. The group is open to all LADOs working within the 32 London Boroughs and meets on a two monthly basis, sharing challenges and issues across the capital. This has included meetings with National and London wide partners such as Police, Sporting organisations, Health services and voluntary Groups. The group also provides an opportunity for LADOs to discuss case examples and thresholds, providing some quality assurance across London. In addition, working closely with the London Safeguarding partnership, the group has been instrumental in developing Chapter 7 of the London Child protection procedures which deals with allegations against adults who work with children.

This year the group shared statistical information regarding levels of referrals and consultations in attempts to increase consistency and to provide some level of benchmarking across Boroughs. Whilst this information has been helpful and has been referenced later in this report, it should be recognised that levels of consultations are more dependent on availability of services within each local authority rather than in terms of deprivation and demographics. For this reason, Croydon's position amongst its peers in London is impacted upon by the size of the children's population, the number of schools a nursery provision and the number of children placed within the borough who are looked after by other local authorities. All these factors result in consultations and referrals in Croydon to be slightly higher than out statistical neighbours.

National LADO Group

Over the last three years the coordinator has chaired the National LADO Network (NLN) what is it and in 2021 became the first elected chair of the network. The NLN meets virtually on a monthly basis, providing similar support to LADOs across the country. In addition, the NLN meets regularly with national organisations such as the Department of Education, social work England, and the Disqualification and Barring Service, acting as an advocate for LADOs and local authorities in relation to allegations management and safer recruitment practises. The network organised an annual virtual conference which was open to all LADOs and was positively received by over 180 participants.

In addition, the LADO service has also engaged in peer audits with other local authorities.

Working with Other LADOs

The Croydon LADO service has enjoyed consistent staffing over the last 9 years and is recognised as experienced across the field of allegations management. As a result, the Service has provided some support to newly appointed LADOs and is often contacted to discuss areas of dispute between LADOs, to clarify thresholds and appropriate actions, and is used as a sounding board for decision-making on specific cases.

Conclusion.

As a result of the pandemic, the last 24 months have proven a challenge to all services working with children and the LADO Service has been no exception. However, despite these challenges, the LADO service has continued to maintain its profile within the children's workforce and working virtually has not reduced awareness of the service and its role in maintaining the safety of the children's workforce. In addition, the use of virtual meetings has led to greater attendance of partner agencies which has led to fewer cancelled or ineffective meetings and speedier resolution to concerns and allegations. Indeed, given this performance, it is intended to retain the use of meetings via MS Teams and zoom for the foreseeable future.

Moreover, the increased use of virtual communications such as Zoom, and MS Teams has created more flexibility and inclusivity in the way in which LADO meetings are held and the benefits are evident. As a result, as we return to the office, a "mixed economy" of virtual and face to face meetings will develop and provide increased efficiency in convening meetings.

With the development of a dedicated pathway within the children's recording system, the LADO service will have a more integrated recording system, and this will result in improved management information as well as improved transparency within the wider system.

Recommendations

That the report be accepted by LIG

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