



Safeguarding Children

<b>ALLEGATIONS MANAGEMENT</b>	
<b>Annual Allegations Management Report April 2015</b>	
<b>Title of Report</b>	<b>Allegations Management Progress</b>
<b>Date of Report</b>	From 1.04.15 – 31.3.16
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This report is offered to the Gloucestershire Safeguarding Children Board (GSCB) as an annual record of Allegations Management within Gloucestershire. It includes the National, Regional and Local picture, legislative changes and their effect on working, a case study and statistics on Allegations Management referrals and their outcomes throughout the year.

## **1. Allegations Management - National Process**

Working Together 2010, Appendix 5 states that “LSCBs have a responsibility for ensuring there are effective inter agency procedures in place for dealing with allegations against people who work with children, and monitoring and evaluating the effectiveness of those procedures”. Working Together 2013 retained this responsibility, asking LSCBs and Local Authorities to have their own arrangements in place. The South West Policy and Procedures group has adopted the Working Together 2010 (Appendix 5) framework for Allegations Management as the local arrangement with the agreement of all the South West Local Authorities.

The recent Working Together 2015 (April 15) retains the Allegations Management process but ceases to use the term Local Authority Designated Officer ‘LADO’, instead calling officers in this role ‘LA officers’. The South West LADO group met on 16<sup>th</sup> April 2015 and made the decision to retain the term LADO for the time being, as have several other Regional Groups including Stoke, Stafford and Bury. At the National LADO conference in March 2016, attended by the DfE, all but one LA advised they have retained the name LADO. The DfE have agreed to look at retaining the name in future legislative changes and statutory guidance.

## 1.1 Disqualification by Association

In 2015, the DfE launched National guidance for schools on Disqualification by Association. This involves an annual self disclosure for school staff working with under 8s on their own criminal background and also that of those living in their household. Previously this had only been in force for Early Years staff providing care for young children in their own homes e.g. child minders. However, the new guidance (Oct 2014) and later amended new guidance (Feb 2015), requires the same for those working in school hours for Reception aged children and up to aged 8 in Before or After School Provision. The LADO role was newly cited in this guidance for schools as a contact for advice on whether information on a self disclosure warrants an application to Ofsted for a waiver for the member of staff to continue working with children. This has generated additional work for the LADO role and schools have requested advice on Disqualification by Association on a daily basis. At present, the *Disqualification under the Childcare Act 2006* legislation is being reviewed and is out for consultation on removing the 'by association' requirement. If agreed, it is possible that this will remove the duty on LADOs.

## **2. Allegations Management in the South West**

Gloucestershire's LADO continues to chair the South West Local Authority Designated Officer Group. 13 LAs are represented on the group which has been running since 2007. The group has a business plan and terms of reference and its primary functions are to ensure SW LADOs are up to date with National guidance, developments within the South West (as neighbouring LAs) and are working in a comparable way (quality assurance). This year the group has continued to develop the secure web pages so that there is easy access to cross county communication and ensures that each LADO has an opportunity for contact with another LADO to share practice reflections and difficult cases, which are completely anonymised. The group has also set up a process for supporting new LADOs in role which includes a buddy system and the development of an induction pack across the South West.

In March of this year, the South West LADO group hosted the third National LADO conference which was held in Bristol. 120 LADOs from across the Country attended the event. Speakers included the Department for Education, Churches Child Protection Advisory Service, Scouts Safeguarding Association, London LSCB (SCR on Institutional Abuse requiring a LADO response) and 'Steaming' (LADO response to allegations surrounding restraint). The conference included several workshops; WRAP training, National LADO standards consultation, Allegations within Religious groups and working with Managerless Organisations. Feedback from the conference was overwhelmingly positive and to move things forward, the first National LADO Group meeting has been scheduled for 27<sup>th</sup> June and will be hosted in Gloucestershire. Representatives from each Regional Group have been nominated and invited to attend the meeting which will consider the draft National Standards prepared following feedback from the conference, a National set of competencies for LADOs, the development of Allegations Management training, whether we should

have a National audit tool for Allegations Management cases and how we link the National Group to wider agencies and the DfE and Ofsted so that they can use the standards during inspection and consult the group on changes to statutory guidance.

### **3. Local Arrangements for Allegations Management**

The Allegations Management process within Gloucestershire sits within the GSCB Business Unit. The LADO for Gloucestershire is also the Safeguarding Children Development Officer (education) and the post is funded by Gloucestershire County Council. The LADO provides advice and guidance in relation to allegations as well as monitoring the progress of cases to ensure they are managed consistently across agencies and private employers and are brought to a close as quickly as possible.

Since July 2015, a second LADO has been appointed on secondment for 2 days per week for a period of 2 years to assist with capacity. This has proved very helpful and means cover for Allegations Management referrals is more consistent. The total LADO cover for Gloucestershire remains at only 4.5 days per week which is considerably less than other Local Authorities.

### **4. Allegations Management Framework**

The framework for managing cases under Allegations Management procedures is broader than the remit for criminal investigation or situations where there is reason to believe a child is suffering or likely to suffer significant harm (Section 47 Children Act) or Employment Law situations within the workplace. The procedures also look at allegations that might indicate someone working or volunteering to work with Children is unsuitable to do so or may pose a risk of harm to children. Allegations Management meetings consider all aspects from a multi agency perspective and involve the person's employer or volunteer lead, police, social care and HR for whatever area the adult is working or volunteering. Each step of the process is supported by the LADO who also ties together single agency actions to ensure a full picture is considered when looking at risk for employment.

Where a criminal investigation ceases due to lack of evidence or a child not wishing to make a criminal complaint, often the Allegations Management meeting is reconvened at this point in order for information to date to be shared with the employer. This means information on risk from outside of the workplace can be incorporated into risk assessment for the person continuing to work with children (as per Keeping Children Safe in Education 2015). Below is a case study which is drawn from several different cases and anonymised. All scenarios in this case study are common to Allegations Management and hopefully illustrate that criminal, child protection and employment law are all required within the process.

### Case Example of the Framework in Practice

A member of school staff, Mr X is alleged to have physically pushed an 11 year old child against a wall in anger and shouted in the child's face, holding the front of his clothes and refusing to let him go for a period of 4 minutes. The child has a bruise to the shoulder and the back of his head is sore. He is very shaken. Mr X has 2 children of his own of a similar age to the child in school. His partner has previously reported domestic abuse at home to the police and then retracted her concerns. Mr X says he didn't 'lay a finger' on the child.

Government thresholds are applied - if true, has this person:

**-Harmed or may have harmed a child?**

**-Possibly committed a criminal offence against or related to a child?**

**-Behaved towards a child in a way that indicates he or she would pose a risk of harm to children?**

The LADO considers the answer to all 3 is yes in this case and convenes a multi agency meeting. A criminal investigation is required because a child has received an injury (possible assault). A Section 47 enquiry might be required because Mr X has his own children who may need to be spoken to in light of this incident and the previously reported domestic abuse. A disciplinary investigation will be required because Mr X may pose a risk of harm to children in school. This will require careful managing to ensure it does not impact on any criminal investigation.

Outcome: Mr X is suspended from school pending an investigation. Mr X's children make disclosures to a social worker of feeling frightened at home and of seeing physical domestic abuse against their mother. An assessment is completed and mum is supported to seek help from GDASS and to leave. The child at school does not want to make a criminal complaint and his parents do not wish to take this further or put their child through a criminal investigation. Case closed to the police although a victimless prosecution is considered.

The school as the employer must therefore make an informed decision on the balance of probabilities about whether Mr X poses a risk to children at school. Despite statutory guidance on the matter, school are concerned about taking into account the domestic abuse as this happened outside of the school. However, with advice from the LADO, they do take into account social care's view that should Mr X return home, his own children are likely to be placed on CP plans as at risk of significant harm from Mr X. This makes his position working in a school with other people's children concerning. School also have witnesses to the incident in school which are consistent with the child's account.

The school look at antecedents to the incident, Mr X's account and previous teaching history but feel Mr X does pose a risk to children at the school and move to dismiss him. This is accepted by the Disciplinary Panel. Mr X is then referred to the Disclosure and Barring Service (DBS) as a mandatory requirement and consideration is given to whether he should be barred from working with children.

## **5- Gloucestershire Allegations Management Statistics 1.4.15 – 31.3.16**

There have been 411 allegations of abuse or neglect by people working or volunteering with children made to the LADO this year. This compares to 316 in the time period 1 April 2014 to 31 Mar 2015. Of these allegations, 135 were taken forward to a multi agency Allegations Management meeting because they met the thresholds under the Government's Allegations Management process. The thresholds are: if the allegation is true, the member of staff has:

- Harmed or may have harmed a child
- Possibly committed a criminal offence against or related to a child
- Behaved towards children in a way that indicates they might be unsuitable to work with children (or for teaching staff behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children.

This compares to 120 meeting the same thresholds for the same period last year and 113 the previous year.

This means that 276 of the 411 allegations did not meet the Allegations Management thresholds following the initial discussion and preliminary investigations. All of these are recorded centrally in case they become a pattern of behaviour and the employer is asked to manage them, coming back to the LADO if there are further concerns. A breakdown of the agencies of the referrers and allegations is attached at **Appendix A.**

### **Trends:**

The previously identified trend for high number of allegations made against education staff continues. Figures for the same period in 2013/14 are shown in brackets. There were 101 (55) allegations made against education staff of physical abuse which is almost double the figure from last year, 34 (22) of sexual abuse and 18 (19) of emotional abuse. In addition, there were 17 (9) (13 the previous year) allegations of neglect made against education staff. This follows a generally consistent pattern across other LA areas in the South West and more widely. The huge jump in allegations of physical abuse against staff in education can partly be explained by one specific setting which received a poor Ofsted judgement for failing to notify the LADO when concerns were raised about restraints. This resulted in them referring through every small concern which didn't meet the threshold for an Allegations Management meeting. All were discussed and carefully recorded and gradually the setting's confidence has returned and referrals have reduced. This doesn't explain all of the increase however.

As in previous years the figures for allegations against Foster Carers remains the next highest category with 10 (19) allegations of physical abuse and 28 allegations of sexual abuse, 12 of emotional abuse and 5 of neglect.

An identified trend last year was the increase in the number referrals coming from foster carers themselves. There have not been enough of these to count in previous years but last year there were been 11. This year also saw 11 referral from foster carers and as last year, all came from a current foster carer listening to a child in

their care speaking about a previous carer. It is possible that the Allegations Management process is now highlighted in training for foster carers or perhaps carers reporting these concerns to their agencies or to social care or IROs who now recognise them as meeting the Allegations Management thresholds. It is also possible that the focus on listening to the voice of the child has meant a steady flow of referrals. The possibilities will continue to be monitored over the next year to see if the pattern remains.

### **Who is making allegations?**

Most allegations remain referred in by Education 114 (70) Social Care 95 (71) and Police 79 (56). These figures increased over the last few years but last year remained fairly consistent with only a slight increase for 2014/15. This year sees a marked increase again.

Referrals from Education remain broad and are not only against their own staff. Schools are continuing to refer drivers, early years settings (for younger siblings) and voluntary groups which might either be using the school site, or are mentioned by pupils making a disclosure. Previously social care mainly referred foster carers for Allegations Management but as with schools, the change in this pattern for social care staff to refer other staff e.g. health workers in contact with social care for domestic abuse or voluntary sector workers whose own children are under Section 47 has continued this year.

The referrals made continue to be more complex in nature, as expressed in last year's Annual Report. This year, 9 referrals were from the police regarding serious on-line/e-safety cases. Several of the allegations have been against high profile members of the children's workforce and have attracted media attention both locally and Nationally.

There is wide range of other agencies referring in Allegations Management cases (see **Appendix A**). These include; care homes, early years settings and foster care agencies and Health. The number of referrals from voluntary Youth Services remains low but is diverse and this year included uniformed groups, riding schools, rowing clubs, dressage, dancing clubs, football clubs and gymnastics groups. Referrals have also been received on a regular basis from Ofsted, CQC, the NSPCC, Young Carers, Children's Homes, Early years, foster carers, Faith groups, members of the public, probation, Housing, District Councils, the Voluntary Sector and members of the public.

Small numbers of referrals have also been received this year from: members of the public, drugs services, Integrated Transport Unit, taxi licensing authorities, National College of Teaching and Learning, other LADOs, prisons, housing, legal aid, Safeguarding Adults, probation, the media and other GCC staff. This continues to be encouraging and is a sign that the knowledge and confidence of other agencies is increasing.

## **Who are the Allegations made against?**

The majority of allegations remain against Education staff (in total 177 compared to 110 last year). Second to Education staff the number of allegations made against foster carers this year was 56 compared to 45 last year. Most allegations were physical in nature. Voluntary agencies now account for 29 of the allegations where previously figures were too small to count. This is particularly encouraging and has been an area targeted for training on Allegations Management. Early Years Settings 26 (34) with 13 (14) being related to neglect, care homes 19 (22) and 20 allegations made against social care staff formed the next most common categories. .

The number of allegations made against health staff has increased over the last few years but this year has remained consistent with last year's figures (13 this year and 15 last year). Allegations made against Religious groups have remained the same over the last 3 years (varying between 8 and 10 per year). This is considered very low bearing in mind the number of adults employed or who volunteer with children within these settings.

Last year the South West LADO group focussed on ensuring that the Police are aware of the Allegations Management process and refer into it. However despite this, the number of allegations made against police officers remained low (6 in 2013/14 and 8 last year). Police representatives on the GSCB have ensured Police Professional Standards are very clear on the process and this year, the number of allegations referred against police officers was 16.

## **Types of Allegations made**

Across all agencies, there were 107 (88) allegations made of sexual abuse against a child. 9 of these (13) were allegations of use of sexual images/inappropriate texting/inappropriate use of social media by staff working or volunteering with children. The highest numbers of allegations of a sexual nature were made against education staff 34 (22), voluntary groups (23), drivers, 10 (9), faith groups 4 (7) and foster carers 10 (7).

There were 197 (163) allegations of physical abuse against children across the agencies. As recorded in previous years, by far the majority of these were lower level allegations made against education staff 101 (55).

There were 55 (46) allegations of neglect, with the majority of these being within the Early Years sector 13 (14) and education 17, This is much higher than usual for education which previously has had 0 more than a very small number but this year has received more allegations of neglect than for foster carers 5 (11). Health referrals regarding neglect have also increased from none to 5. Other agencies all received fairly small numbers of allegations of neglect.

There were 52 allegation of emotional abuse with the majority again being from education 18 (18) and foster carers 12 (11) and included mostly allegations of a bullying nature made against the member of staff.

This year, the number of allegations of physical abuse made during formal and authorised restraint procedures has been much higher than usual as stated above – 43 as compared to 17 last year.

This year there have again been two cases of alleged fictitious illness which followed the more specific procedures laid down in Working Together 2013 but under the Allegations Management process. One of these was particularly concerning and agency chronologies were required. There was good multi agency working and the link between strategy meetings for the children and allegations management meetings for the adults working with young people was strong and well understood.

### **Outcomes from Allegations Management cases**

The Allegations Management process allows for a number of possible outcomes: Unfounded, Unsubstantiated, Malicious, Substantiated, Resignation, Disciplinary, Suspension, Cessation of Use, Dismissal, Referral to regulatory body, Referral to Disclosure and Barring Service (DBS), Criminal Investigation, Caution or Conviction. This means that for most cases, more than one recording will be made to show progress through the process e.g. someone suspended pending a criminal investigation who then resigns and is later convicted will have all of these recorded against their case at any one point.

The new guidance for educational settings<sup>1</sup> (and its update in 2015) reduced these recordings for teaching staff to; Substantiated, Malicious, False and Unsubstantiated as a final recording. This is because the DfE viewed Unfounded and False as meaning the same. The SW LADO group did not agree and following an approach to the DfE, the South West LADO group decided, with DfE permission, to keep the term Unfounded. The definition used for this is: *This indicates 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 or the circumstances. For an allegation to be classified as unfounded, it will be necessary to have evidence to disprove the allegation.* In the opinion of LADOs, this is not the same as False, which implies that the person has been untruthful. Other regional LADO groups also retained the term Unfounded for the same reason. This year at the National LADO conference LADOs put this to the DfE and hope that once the National LADO group is in place at the end of June 2016, we will be able to work with them to agree any changes to terms.

For this annual period, there were<sup>2</sup>:

- 135 (121) disciplinary investigations
- 48 (65) criminal investigations
- 22 (31) suspensions
- 2 (5) resignations
- 24 (23) allegations were eventually recorded as unfounded
- 18 (17) allegations were recorded as unsubstantiated following investigation

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<sup>1</sup> Keeping Children Safe in Education DfE published July 2015 (supersedes Safeguarding Children and Safer Recruitment in Education (2007))

<sup>2</sup> NB the total number of recordings will be more than the total number of Allegations going through to a multi agency meeting because recordings change as the case moves through a criminal investigation to a disciplinary hearing and ultimately to its final recording.



- 13 (15) dismissals,
- 12 (19) referrals to the Disclosure and Barring Service,
- 5 (7) cautions, convictions or imprisonments
- 5 (7) people are currently charged with a further number currently on police bail.

There have been fewer non current (historical) allegations made this year than in the previous 2 years. It is possible that there was a sudden increase in non current allegations due to the publicity surrounding Jimmy Saville and that these are now reducing. However, non current allegations have continued albeit in much smaller numbers. In 3 cases, members of the public have called in to speak to the LADO about what has happened to them and not wished to take things further, in one case, telling the LADO that the fact they would have been believed if they had wanted to come forward was enough. In some cases, people are unsure about coming forward because of the criminal process. Often police in these cases are willing to speak to members of public just to explain what would happen if they came forward. This has been especially helpful.

This year, one allegee this year committed suicide during the Allegations Management process. This was particularly distressing for employers, the young people and those working with them.

15 (16) families were opened to social care under Section 47 of the Children's Act due to allegations made against their parents who also work with children.

### **High Profile Cases**

There have been several high profile cases this year which have gone to Crown Court. Press interest is expected on 2 others where we are awaiting a Court decision. Where these have been employed by a setting that require it, the LADO has assisted the managers to draft letters for parents once the allegation is in the public domain. Links between the LADO and the Police and GCC press offices have been much improved this year.

### **Challenges and Learning from LADO cases**

#### **Quantitative and Qualitative Data**

This year's statistics and qualitative data show that the number of cases remains high. Despite there being no increase in the number of allegations last year, there has again been a significant increase this year. The number of cases going to a multi agency meeting, which is higher than ever before, has led to a discussion between the LADOs on thresholds to ensure they are correct. As last year, the cases going on to a multi agency Allegations Management meeting are becoming more complex. This is borne out by the relative reduction in the number of cases recorded as unfounded and unsubstantiated.

The figures continue to show that agencies making referrals remain diverse, as are employment settings where those who have allegations against them work. It is hoped that this is due to continued roll out of training and an increase in knowledge across the county. The LADO continues to sit on the Diocese Safeguarding Board and works closely with the Diocese Safeguarding Officers. There has also been

improved communication between non Christian religious groups much aided by police officers based within the community.

### Multi Agency Capacity

Last year the LADO reported that due to multiple demands on time, police have undertaken more and more Allegations Management meetings by conference phone. This has continued but where the LADO assesses that a meeting might be particularly difficult or an employer might need assistance in understanding the nature of a crime, police prioritise meetings to attend in person.

Currently, there are conference phone facilities for meetings but there is only one phone line. This means that where the police are on conference phone and perhaps social care are unable to attend, we are resorting to using mobile phones on loud speaker in order to avoid cancelling a meeting which an employer is already nervous about or may have travelled some distance to attend. The sense of teamwork in this is excellent, but proper facilities would be preferable.

### Manager-less Organisations

There has been a particular focus in the last 2 years nationally on manager-less organisations. These are particularly difficult to address using the Allegations Management because there is no manager to invite to the meeting or hold an individual to account. Examples of this include small sports settings such as a single person martial arts clubs, individual music teachers, self employed home tutors etc.

The LADO has been in recent discussion with police about whether bail conditions can be set in these instances to state that an individual cannot work alone with a child. However, often individuals are not arrested but are invited in by police for a voluntary interview. If they comply with this, there is no requirement to arrest and therefore no bail or bail conditions despite a potential criminal investigation. It proves very difficult to hold an Allegations Management meeting or to discuss the possibility of suspension (because there is no management) and therefore the individual is free to continue to work alone with young people pending any criminal charge. Police have a legitimate concern that bail conditions, where a person is arrested, which remove their ability to earn an income could be subject to legal challenge. There appears no easy answer to these concerns but it is possible that early discussion between police and LADO might be preferable. It is also something that might be taken forward by the National LADO Group.

### Working with other processes

As well as learning from figures and trying to target responses to specific areas, the Allegations Management process is interlinking with other processes such as: Multi Agency Safeguarding Hub (MASH), Multi Agency Public Protection (MAPPA), Domestic Abuse Service Processes, Multi Agency Risk Assessment Conference (MARAC), Gang Support, General Medical Council assessment process, National College for Teaching and Leadership (NCTL) disciplinary processes and drug support services.

This has contributed to learning but also ensured that referrals through to Allegations Management are included within other relevant processes and action can be taken

much earlier than previously. Working in an interlinked way enables an earlier outcome and also ensures that any learning is disseminated across other processes and is therefore multi agency. It also complies with the requirements within Working Together 2015.

Interestingly, despite the number of schools converting to Academy Status, there has been no perceivable change in the response to Allegations Management between maintained schools or academies. Independent schools show a good understanding of the Allegations Management process and regularly seek advice from the LADOs.

### **How can we improve? Future areas for development**

Allegations against Education staff continue to be high and this is likely to remain the case. It is a National trend across England. Following the publication of *Keeping Children Safe in Education (2014 and 2015)* schools are now required to provide a Safeguarding Induction to all new staff and are using the Induction Pack written by the GSCB Business Unit. This includes the Allegations Management process. All schools are also asked to ensure that every member of staff is provided with, and must sign to say that they have read, the Guide to Safer Working Practice.

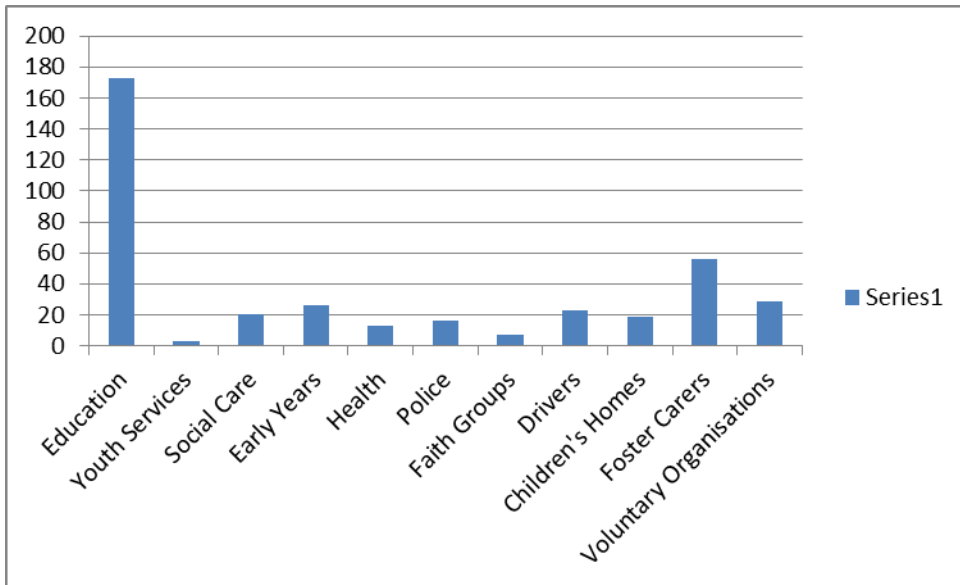
With more LADO capacity from the addition of a second part time LADO, it is hoped that the 28 day chases for each case will now be met. This has been a huge task to bring up to date, as agreed by all South West LADOs, but has proved worthwhile.

A further area of work this year will be that of restraints and safe rooms within schools. Legislation has changed regarding deprivation of liberty and special schools within the county are finding it a concern that allegations may be made against their staff when safe rooms are used. Discussions with special schools, SEN, the police and the DfE are ongoing and the Independent Chair of the GSCB has written to the DfE for more clarity on the matter.

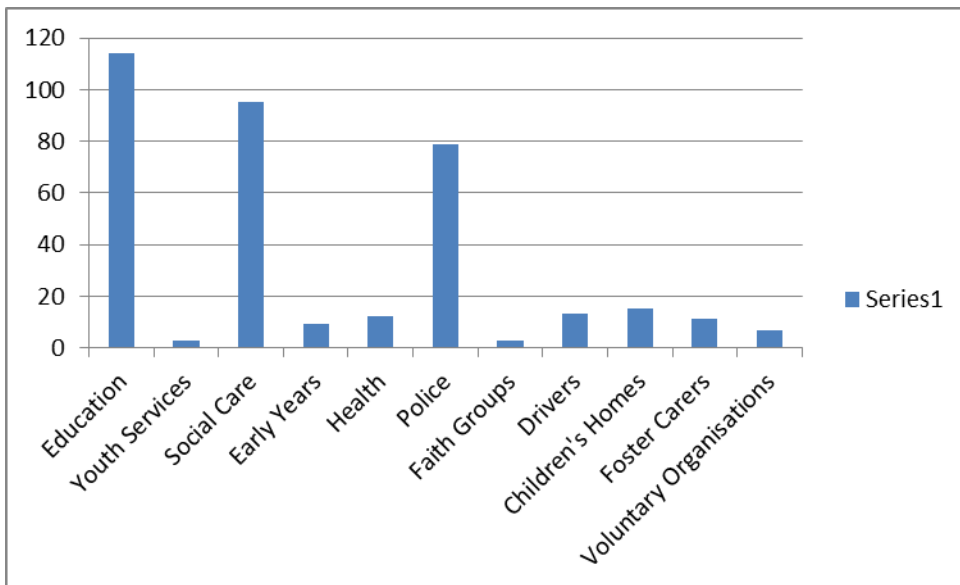
Jane Bee  
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## Appendix A – Statistics:

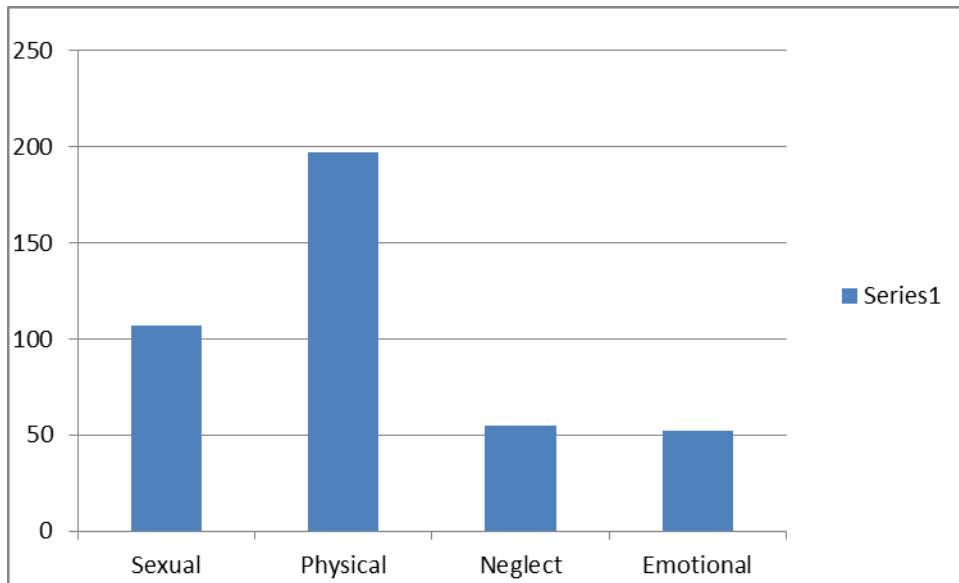
### Agency of Allegree



### Agency of Referrer



### Category of Abuse



### Outcomes:

