

TORBAY COUNCIL

Torbay Council

Local Authority Designated Officer

Annual Report

April 2023 to March 2024

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1. Introduction

This report summarises the work of Torbay Local Authority Designated Officer (LADO) for April 2023 to March 2024.

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 service 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 LADO responsibilities are set out in Working Together to Safeguard Children and Keeping Children Safe in Education (2023)

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

[Working together to safeguard children - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/working-together-to-safeguard-children)

[Keeping children safe in education - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/keeping-children-safe-in-education)

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

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

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

- To coordinate the safeguarding and investigative process in response to allegations made against people working with children.
- To provide advice/guidance to employers or voluntary organisations.
- To consult with Police and other agencies including Ofsted and professional bodies such as the General Medical and the General Teaching Council.

- To monitor the progress of referrals/consultations to ensure they are dealt with as quickly as possible, consistent with a thorough and fair process.
- To resolve any inter-agency issues.
- To collect strategic data and maintain a confidential database in relation to allegations.
- To disseminate learning from LADO enquiries throughout the children's workforce.
- To ensure that measures are in place to prevent further harm or abuse and that where required, referrals/consultations are made to the appropriate Social Care team.

The LADO should be alerted to all cases in which it is alleged that a person who works with children has:

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

3. Regional/National context

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

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

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

4. Service structure and staffing

In Torbay, the LADO service consists of one full time permanent post with business support and sits within the Safeguarding and Reviewing Service (SARS) within Children's Services. A LADO rota is in place to ensure there is an extra layer of resilience to the role as well as providing LADO cover during sickness and annual leave.

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

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

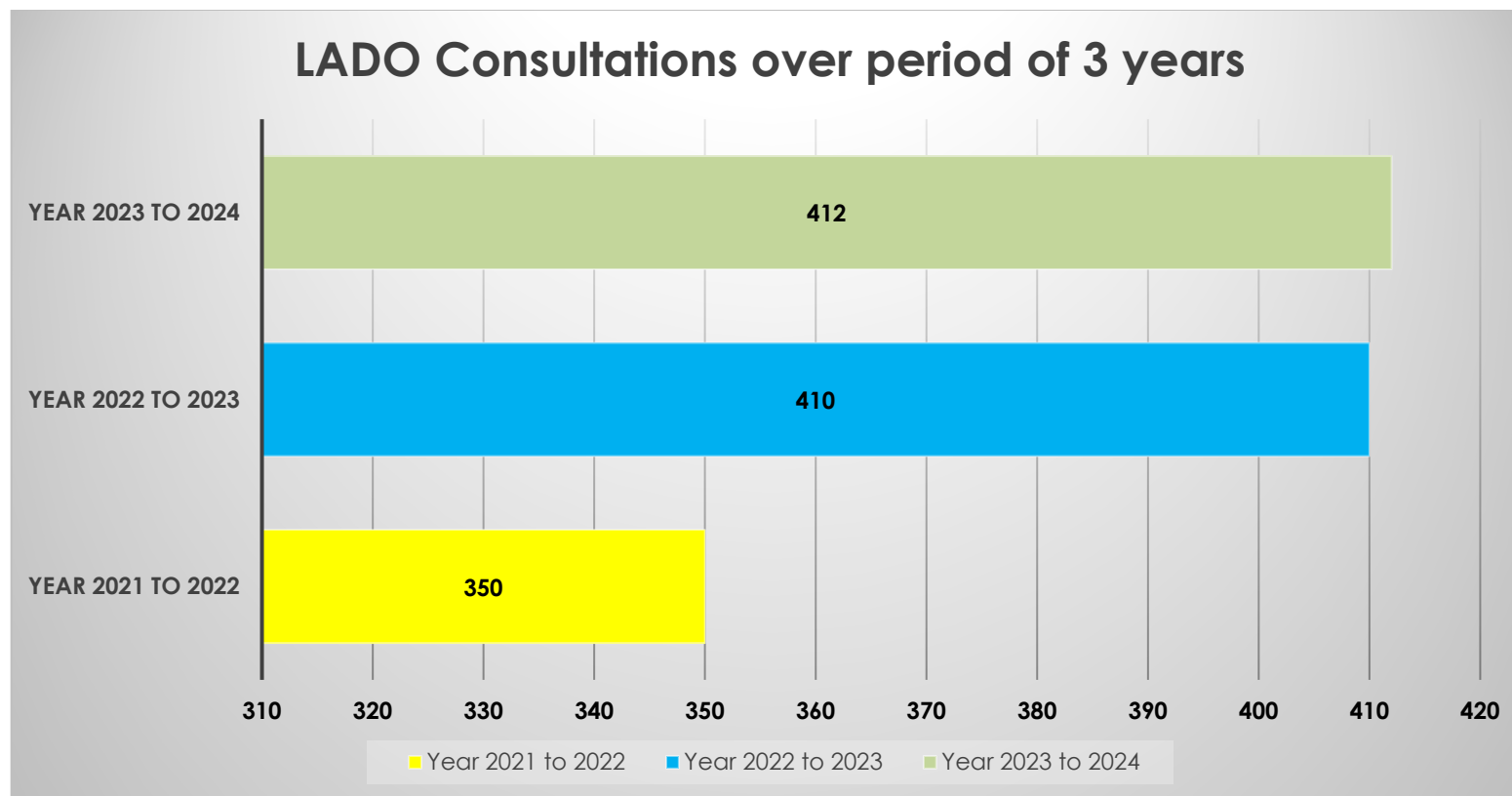
5. Numbers of Consultations and Referrals

Referrals

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

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

Consultations and Referrals over period of three years (2021 – 2024)



April 2023 to March 2024

Data system recorded that the LADO received 412 consultations. 30 of these met LADO thresholds and progressed to Allegation Management Meeting

April 2022 to March 2023

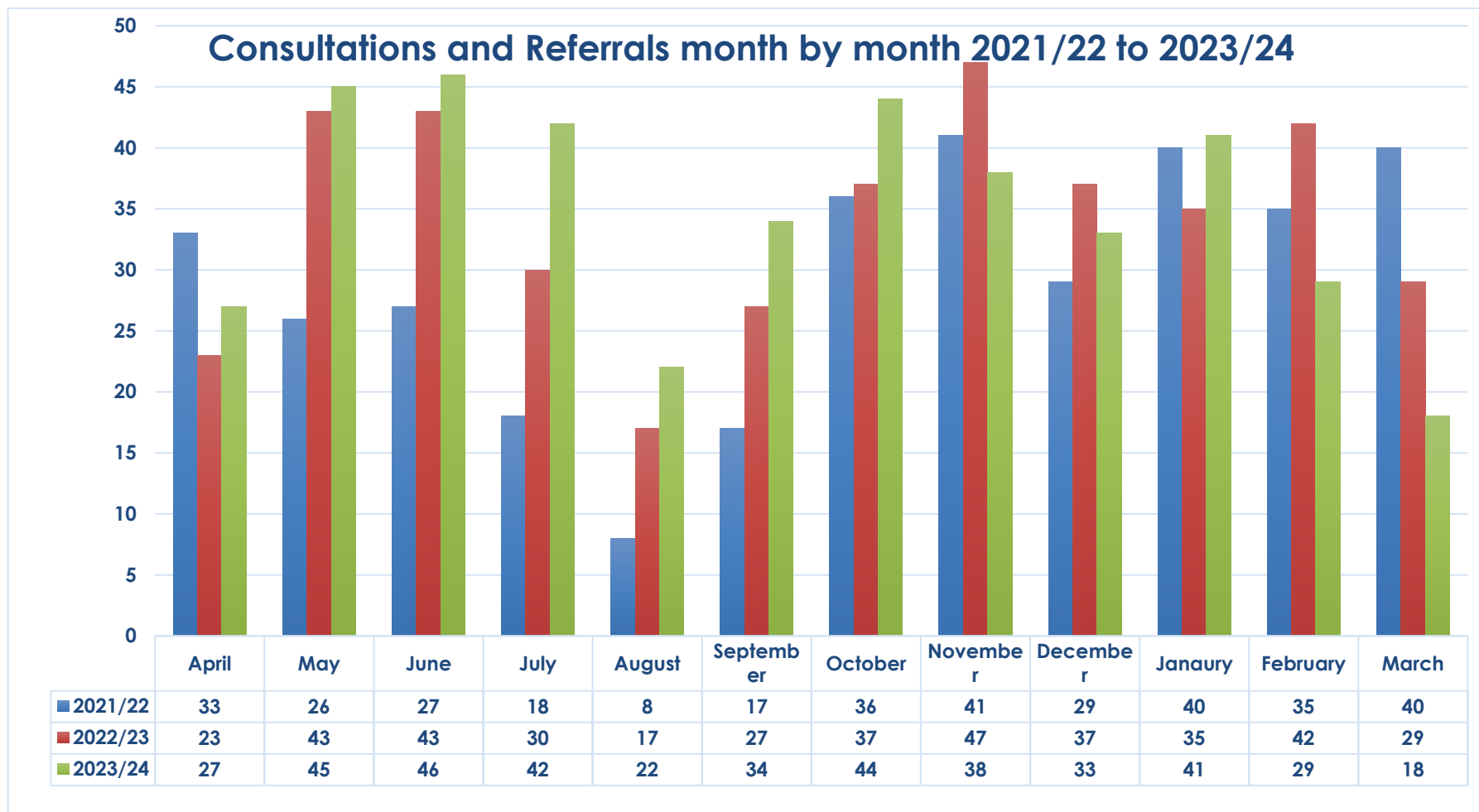
Data system recorded that the LADO received 410 consultations. 30 of these met LADO thresholds and progressed to Allegation Management Meeting.

April 2021 to March 2022

Data system recorded that the LADO received 350 consultations. 53 of these met LADO thresholds and progressed to Allegation Management Meeting.

Previously, the data collected showed that there was a year-on-year increase in the number of consultations being managed by the LADO service in Torbay. However, by comparison, the year 2023-24 compared to the previous year does not differ greatly. The data evidences only a difference of a two consultation increase from last year and a slight increase of six consultations which met threshold. This suggests that the rate of referrals as now stable following the previously identified demand year on year on the service as a result of greater awareness.

The chart below illustrates the comparisons of LADO Consultations and Referrals received for periods: 2021-22, 2022-23 and 2023-24.



April 2023 to March 2024:

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

Early Years	Schools/Academies	Total
19	147	166

Early Years/Schools/Colleges: Consultations initiate from Early Years settings and OFSTED. The providers notify the LADO of any serious accident or injury to a child or allegation from a child while in their care. The data for this year's report almost mirrors that of the previous year.

We need to consider that the number of consultations may be due to organisations seeking clarity as to whether the alleged incident meets the harm threshold to trigger the managing allegations procedure. Early Years and Education staff attend LADO forums and have close contact with the LADO service, to ensure a seamless service is provided to all young people who report harm from an adult in a position of trust.

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 recording the information. All correspondence, evaluation, decision making, and actions taken are recorded in detail for each matter for future reference.

During the period of 2023-24, the number of consultations /referrals the LADO recorded in total equated to 412, compared to 410 in 2022/23. Therefore, this data almost mirrors that of the period 2022-23.

Anecdotally, many of the consultations received may be attributed to the referrer seeking more confidence to determine if any of the criteria are met and/or wishing to have an audit trail of consultation with the LADO service to satisfy expectations by regulatory bodies. Also, Torbay LADO service encourage that a chronology of low levels concerns on an adult is kept. Education establishments in the Torbay area adhere to a consistent approach in dealing with the statutory guidance of Keeping Children Safe in Education 2023 by dealing with

low level concerns of teachers, support staff, and contractors (DFE 2023). Consultations are often held to support a safe approach by schools/colleges.

In-House Foster Carers	Independent Fostering Agencies	Independent Residential Setting	Total
28	27	29	84

Cared for Children: The data shows that a decrease in consultations for cared for children from 109 the previous year to 84 this year. Torbay LADO service is confident that training provided to foster carers is regular and robust and social care audits evidence that the LADO service and the need to consult when appropriate is well embedded in care planning considerations. In addition to this, the Torbay LADO service has collaborated with providers to look at safer recruitment process, induction, and training for all staff.

Torbay LADO and Fostering Services have conducted joint work with all in-house foster carers (new and existing) as well as linking in with residential provisions and semi-independent homes for children. Support is provided to foster carers to have a deeper understanding into the allegations process and how these impacts on children.

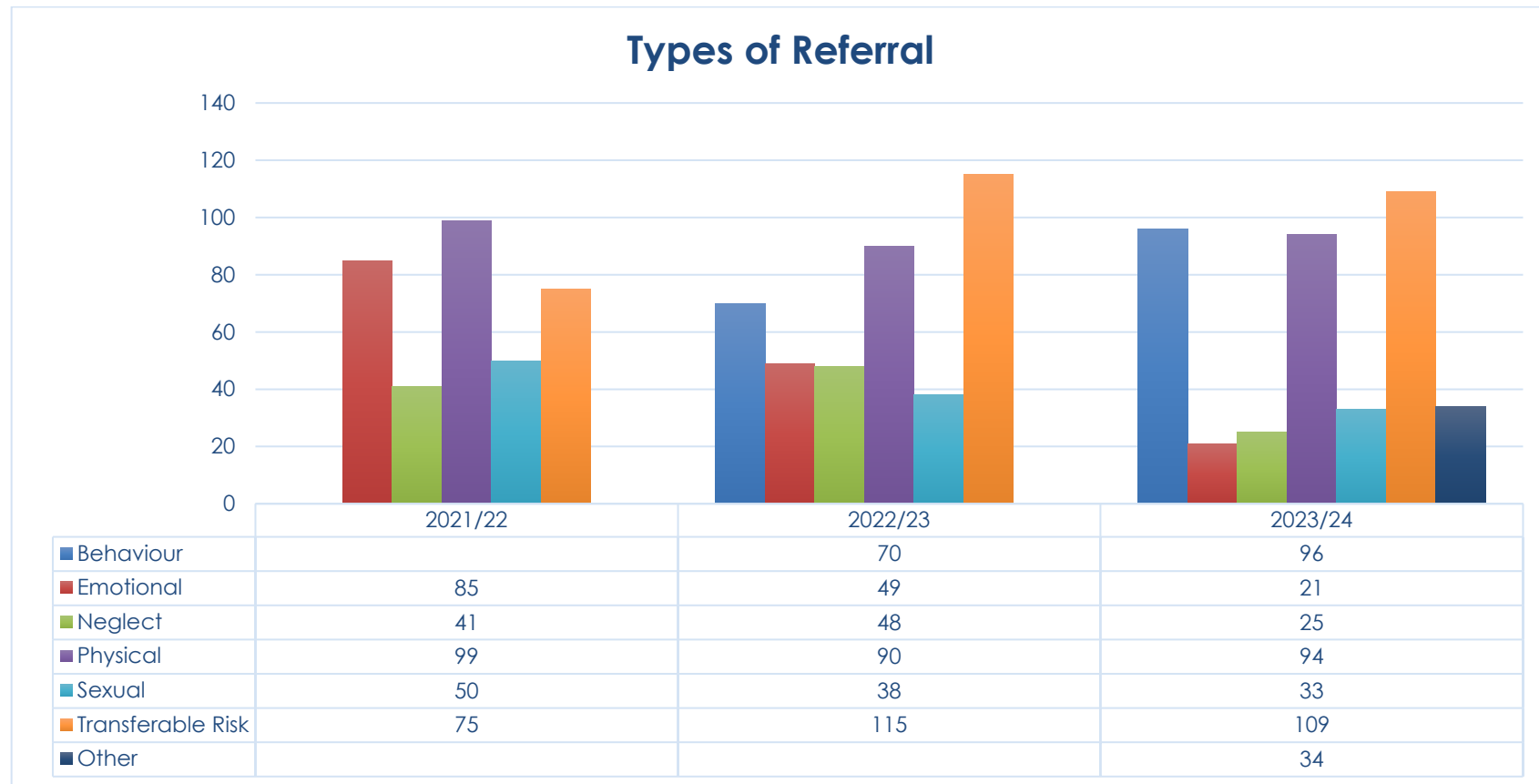
The LADO service is working jointly with the Fostering Service to understand the decrease in reported incidents of harm. However, there is also further work required to understand the reason these figures, which are still proportionately high.

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 Date Retention policy.

6. Profile of work

In this reporting period, the LADO has completed 412 consultations. During the previous year, 410 consultations were recorded. Therefore, there is an increase of 2 compared to the previous year.

Type of Referrals



The type of concerns referred to the LADO varies widely.

Types of Allegations

This year 'transferable risk' was identified in relation to 109 allegations. This high figure may relate to the LADO having management oversight over incidents of harm as identified in Keeping Children Safe In Education (Transferable Risk), which includes behaviour taking place both inside and outside of the school, for example behaviour in an individual's private life that raises concerns or a close association with someone in an individual's personal life who may present a risk of harm to children. The number of allegations which identify 'transferable risk' is slightly lower in 2023/34 compared to the previous years.

The next significant category is behaviour with appears to be an emerging issue and physical harm continues to be a category of harm which is prevalent.

Torbay LADO service is seeing agencies who work with children who experience special educational needs, disabilities or additional needs frequently reporting that staff are using interventions to keep a child safe when they are distressed or presenting with behaviours that would place them a risk. This can result in physical contact made and reports of harm shared with the LADO service.

Conduct and suitably also remains a key area within concerns raised and demonstrates a recognition of young people, parents and professionals challenging and striving for better practice and bringing to the LADO's attention any repeat pattern of low-level concerns. The LADO service records any low-level concern shared with them and ensure that the adult is aware that a consultation has been held regarding the allegations management process. The number of reports relating to concerns around the behaviour of staff reported reached a high of 96.

Allegations associated with emotional harm is recorded at 21 for the 2023-24 year.

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

Allegations involving concerns relating to sexual harm concerns have decreased on last year at 33. This can be a combination of non-recent matters being referred in, with older children and adults sharing reports of harm in their past. Irrespective of this, if the allegation of harm relates to non-recent abuse and the adult of concern is still in a position of trust then the LADO service deals with this as a contemporaneous matter.

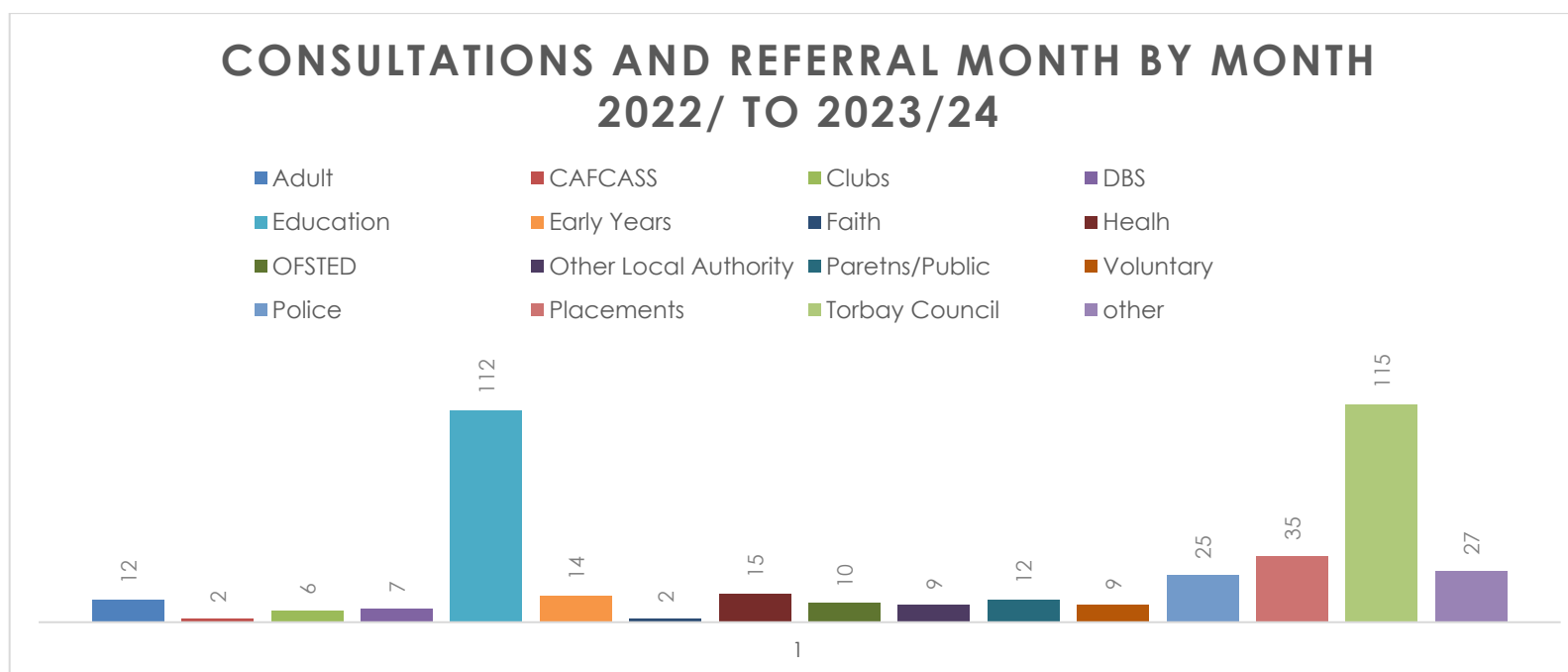
Outcome Referrals:

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

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

Referral Source and Subject

During 2023 – 2024, the LADO service received 115 consultations from Children's Services which highlights a consistent approach and greater understanding of the allegation process to ensure reports of harm against people in positions of trust are addressed using a seamless approach. All council staff receive training on the role of the LADO and are made aware of how and when to seek advice and guidance.



LADO consultations

As noted previously in this report, the number of Consultations for 2023 to 2024 reached 412 of which 30 reached thresholds for Allegations Management Meeting. This mirrors the previous year 2022-2023 with 410 Consultations and of 30 reached thresholds for Allegations Management Meeting.

Analysis of the total consultations received (412)

This category is further broken down into the following:

- Does Not Meet LADO Threshold: 185
- Referred to another Local Authority: 25
- Does Not work with child: 9.
- Info and Advice: 38
- NFA: 9
- Chaperone Interviews: 20
- Referred to CQC: 16.
- Pending: 110

Total: 412

The high numbers of consultations, including those not meeting the threshold, continues to create pressures on capacity. Each consultation requires considerable administrative processing time 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 for the allegation management meeting process to be triggered.

One contributory factor to the high number of referrals is possibly due to the requirement by Ofsted on regulatory settings to send consultations on all incidents involving inappropriate behaviour by staff. Furthermore, there has been an increase in the reporting of lower-level concerns following changes in legislation coupled with greater awareness of the LADO achieved through training to internal and external workforces.

7. Outcomes of Allegations:

Allegations Management Meetings (AMM)

Allegations Management Meeting refers to the multi-agency meeting process in respect of the individual who is subject of an 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 demonstrates the outcomes of Allegations Management Meetings:

	2021-22	2022-23	2023-24
Unfounded	12	4	10
Malicious	0	0	0
False	0	0	0
Unsubstantiated	21	11	7
Substantiated	15	15	9
Pending outcome			4

Allegations Management 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 on a further occasion, or more often in complex cases. This is due to ongoing police investigations where all parties need to be interviewed, or where forensic examination of devices is required for example. This does impact on timeliness of outcomes for those adults subject to the Managing Allegations Process. In these cases, it is difficult for the LADO to ensure that matters are concluded in a timely fashion, although the LADO service does consult with police colleagues for regular updates where necessary.

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.

Of note this year is the change in outcomes for Substantiated and Unsubstantiated cases. There were substantiated outcomes recorded at 15 for 2022-23 which mirrors that of the previous year 2021-22, however, there has been a decrease in 2023/24 to 9. Unsubstantiated outcomes have also decreased from 11 to 7.

Management Oversight.

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

Timescales to Close Consultations

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

Limiting Factors

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

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

Outcomes

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

Participation and Partnership

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

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

- Advice for organisations.
- Attending a LADO Allegations Management Meetings.
- What happens when an allegation is made against you.
- When there are concerns raised about you in your personal life.

8. Complex cases

At times, the LADO responds to concerns of a sensitive nature that may attract public interest either by virtue of the media profile of an individual or because of information being shared that raises concerns about the wider safeguarding practices of an organisation. In these cases, the LADO service provides alerts and updating information to Senior Managers who take responsibility for information management with the media and/or strategic responses. Such matters are usually conveyed to senior manager via the established 'Need to Know' process.

9. Training and Service Awareness

Raising the profile of the LADO role across the partnership has increased in the reporting year. The LADO service continues undertake a series of virtual presentations on the role of the LADO to Early Years, Education Leads and the Fostering Service.

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 awareness for those in the children's workforce regarding appropriate behaviour and safe practices resulting in timely responses to incidents as well as professionals feeling more able to contact the LADO for advice and support prior to matters escalating.

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

10. Peer Audits

Previously, Annual Peer Audits have been arranged with the Southwest LADO Group which introduced Peer Audits involving every Local Authority across the Southwest. Torbay LADO service attend the group which meets monthly via a virtual platform. The Southwest Group is developing a number of templates to standardise reporting across the region; this includes a template for the LADO Annual report and a model for other organisations to complete their investigations. Other developments in this reporting year have included the introduction of the LADO Tri-X regional procedures and a peer auditing programme which includes a moderation group. During the last year, the Torbay LADO has shared the vice chair role with Devon and Cornwall LADO's across the Regional LADO Group.

In addition, the Torbay LADO service is embedded and active in the National LADO Network.

11. Actions for 2023-2024 along with current progress

- Quality Assurance with File Audits of LADO cases: creating a Proforma to look at processes and decision making. Considering consistency in how the LADO's work and the service provided. Outcome following review: Ongoing/partially completed.
- Continue to work together with Local Safeguarding Partnership to assess the safeguarding issues within the secure estate, ensuring the correct agencies are actively scrutinising and challenging the use of force and care of the children within the establishment. Continue to raise awareness and offer support to agencies to ensure the young people are adequately safeguarded within the secure estate. Outcome following review: Further ongoing work required.
- Seek feedback from young people regarding their experiences on the Torbay LADO services. Outcome following review: Further ongoing work required.

- Work with the Safeguarding Partnership and Devon and Cornwall Police to ensure information sharing occurs when the criteria set out in Working Together is met for a serving officer and that there is liaison between Professional Standards and the LADO service. Also, to develop closer working relationships with the DBS department locally to ensure the appropriate exchange of data. Outcome following review: Ongoing/partially completed.
- Developing a LADO Induction Pack that clearly sets out all the aspects of the LADO services and the intricacies of how it works to enable any Duty LADO to assist with the service. Outcome following review: Ongoing/partially completed by the NLN.
- There are key agencies, primarily the Teacher Regulation Authority, Social Work England, and Disclosure Barring Service, that Torbay LADO service link with when there is a substantiated concern regarding an individual. As a service, Torbay Council need to explore how we can collaborate more closely with them in receiving outcomes of cases referred to them. Outcome following review: Further ongoing work required.
- LADO Handbook: The sharing of the LADO handbook with senior management. The purpose of this handbook will be to provide a clear outline of the roles and responsibilities of the LADO and how these should be applied when allegations and serious concerns have been raised against people who work with children. Outcome following review: To be shared in Autumn 2024.
- In response to the above, the LADO service in Torbay is progressing with the development of better practices. The LADO Service works proactively closely with Children's Services Commissioning and our regional partners to ensure information and concerns are addressed in a systemic and timely manner to protect children and young people. Outcome following review: Further ongoing work required.
- Ensure children have a full awareness off the LADO Service and how they can raise a concern. This to be facilitated via the publication of a child/young person led leaflet. Outcome following review: Leaflet design has been completed in conjunction with the Children and Young People's Panel, and will now be progressed to publication.

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Date 23rd May 2024