

Learning from Case Reviews

Breaching a Position of Trust

Summary of the Case

Towards the end of 2012, a referral was made by an educational establishment in Hampshire to Hampshire County Council's Local Authority Designated Officer (LADO) Team regarding a member of staff who was employed by them. The referral related to what appeared to be a potentially over familiar, but not sexual, relationship between that staff member and an older student. The LADO advised the educational establishment that they should deal with this concern within their existing procedures.

Through the organisation's investigation, further concerns arose which led to the LADO arranging a meeting with the senior manager to ensure the concerns about the member of staff were being appropriately addressed. As a result of this meeting, the LADO referred the case to Hampshire Constabulary for them to consider whether any criminal investigation should be undertaken. As a result of the circumstances of this case, Hampshire Constabulary concluded that this was a matter to be considered by another police force.

In any event, the educational establishment pursued a disciplinary process against the member of staff and referred the circumstances to their regulatory body who barred the individual from working in this professional area indefinitely.

A criminal investigation was instigated by Hampshire Constabulary in late 2014 following a review by an Assistant Chief Constable. When the matter came before the courts, the former member of staff was given a custodial sentence for offences relating to indecent images of children. These images were not related to the educational establishment in Hampshire.

Given the on-going public interest in the case, the Independent Chair of Hampshire Safeguarding Children Board (HSCB) agreed that a partnership review of this case should be undertaken. The purpose of the review was to seek assurance that the actions of the respective organisations involved in the investigation were appropriate and robust, and to identify if there were any lessons to learn about the protection of children in Hampshire.

Overall Findings of the Review

The educational establishment and the LADO appropriately shared information with Hampshire Constabulary from the point of the original referral through to the conclusion of the eventual Police investigation which led to the conviction.

Hampshire Constabulary's initial investigation fell short of what can be expected. They should have recorded the LADO referral on their record management system and considered undertaking an investigation to identify the evidential value of material found by the educational establishment.

Hampshire Constabulary were able to reassure HSCB through a sample audit of LADO referrals received following the review requested by the Assistant Chief Constable that recording practice is now at the expected standard and appropriate decisions are being taken.

Learning Points:

- Hampshire County Council should consider escalating matters to the Assistant Director of Children's Services and Head of Public Protection (Hampshire Constabulary) where the Police decide not to undertake a joint investigation in cases where all of the available evidence has not been reviewed.
- Hampshire Children's Services and Hampshire Constabulary should consider putting in place a formal protocol that allows for escalation of concerns where Police do not agree to joint investigations.
- Hampshire County Council could have challenged the Police view on two occasions that a joint investigation was not required as the Police judgement was based on limited information.
- All contacts regarding LADO referrals and decisions reached should be recorded on the Constabulary's record management system, including cross border cases.
- Local and national safeguarding procedures should be consistently followed and the full facts of a case always established prior to concluding whether a position of trust allegation should be single agency and if a criminal investigation is required.
- Detailed rationale for when no further action is taken needs to be consistently applied by Hampshire Constabulary to assist in understanding the future risks posed by persons who are suspects in investigations and to ensure external agency internal disciplinary procedures are well informed.
- Where permitted under relevant legislation, Police investigators should view personnel files to identify potential evidential opportunities and lines of enquiry.

- A Police investigation should determine whether there are offences to investigate or there is insufficient evidence to progress further prior to deferring for a single agency investigation.

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