



# **Managing Allegations against professionals (LADO)**

**Policy and procedure**

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## Section 1: Introduction

***Working Together 2010* requires that “All organisations that provide services for children, or provide staff or volunteers to work with or care for children, should operate a procedure for handling such allegations that is consistent with the guidance in Appendix 5”. We have to acknowledge that “for those agencies whose job it is to protect children and vulnerable people, the harsh reality is that if a sufficiently devious person is determined to seek out opportunities to work their evil, no one can guarantee that they will be stopped. Our task is to make it as difficult as possible for them to succeed” (*Working Together 2010*, para 6.33). This policy and procedure is intended to support agencies to deal appropriately with any allegations of abuse.**

- 1.1 Dealing with an allegation that a professional, staff member, foster carer or volunteer has abused a child is difficult but must be taken seriously and dealt with carefully and fairly. Every organisation that provides services for children, or works with children, needs to:
  - carry out checks on all new staff and volunteers as part of a safe recruitment process to ensure, as far as is possible, that they are safe to work with children and young people; and
  - have procedures in place for dealing with allegations of abuse against people who work with children.
- 1.2 It is important that all who work with children are aware of these procedures within their organisation or setting and know where to access them should the need arise.
- 1.3 If it appears that the person has:
  - Behaved in a way that has harmed a child, or may have harmed a child, or,
  - possibly committed a criminal offence against or related to a child, or,
  - behaved in an inappropriate way towards a child which may indicate that he or she is unsuitable to work with children,then these procedures must be followed.
- 1.4 Additionally these procedures may be used:
  - if there are concerns about the person’s behaviour towards their own children, or

- if there are concerns about the person's behaviour towards children unrelated to their employment or voluntary work, and there has been a recommendation from a strategy discussion that consideration should be given to the risk posed to children they work with, or,
  - When an allegation is made about abuse that took place some time ago and the accused person may still be working with or having contact with children.
- 1.5 When a report is made to the designated senior manager it will be clear in some cases that an immediate referral must be made to social care or the police for investigation. This would be if a child appears to have been harmed or is at risk of significant harm or a criminal act appears to have been committed. However, in many cases it may be difficult to judge on the basis of the information provided; it may be more about unprofessional behaviour or blurred boundaries between a staff member and a child or there may be foundation in the allegation at all. However all allegations must be taken seriously and objectively and dealt with in a timely manner.
- 1.6 Every Local Authority has an identified Local Authority Designated Officer (LADO) who has responsibility for:
- managing and overseeing individual allegations from across the children's workforce,
  - providing advice and guidance to senior managers and employers etc.,
  - liaising with social care, police, Crown Prosecution Service and other relevant agencies,
  - Monitoring progress of all cases to ensure they are dealt with in accordance with recommended timescales, as set out in these procedures,
  - Coordinating and collating reports to provide information to Herefordshire Safeguarding Children Board (HSCB) and the Department for Education (DfE).

Your LADO should be informed of all allegations and will provide advice and guidance in the management of these.

## Section 2: Allegation made or suspicion arisen

2.1 Everyone who works with children and young people should know who they should go to in their organisation or setting with concerns about the behaviour of, or an allegation against, a colleague or any other adult who works with children. This will be the Designated Senior Manager (or supervisor or leader) within the organisation. A deputy designated manager should also be identified, in case of the unavailability of, or an allegation being made against, the Designated Senior Manager.

2.2 If you have a concern that a person may have behaved inappropriately or you have received information that may constitute an allegation you should:

- report it to the Designated Senior Manager as soon as possible, however trivial it may seem;
- make a signed and dated written record of your concerns, observations or the information you have received to pass on to the Designated Senior Manager;
- maintain confidentiality and guard against publicity while an allegation is being considered or investigated and follow local information sharing protocols

2.3 You should not:

- attempt to deal with the situation yourself;
- make assumptions, offer alternative explanations or diminish the seriousness of the behaviour or alleged incidents;
- keep the information to yourself or promise confidentiality;
- Take any action that might undermine any future investigation or disciplinary procedure, such as interviewing the alleged victim or potential witnesses, or informing the alleged perpetrator or parents or carers.

2.4 The same action should be taken if the allegation is about abuse that has taken place in the past, as it will be important to find out if the person is still working with or has access to children

**Note: If a child has clearly been injured and/or there is clear evidence of significant harm or risk of significant harm, immediate referral to the police or social care must be made, and your Designated Senior Manager informed as soon as**

**possible afterwards. Remember that the safety and welfare of the child is your overriding concern.**

- 2.5 If a member of the public has a concern or allegation about a person known or suspected to be working with children, or who has worked with children, the advice above should be followed, but it will be more appropriate to report direct to the LADO, police or social care, as the designated senior manager or employer may not be known.

### **Section 3 Action by designated senior manager**

- 3.1 When a report is made to the designated senior manager it will be clear in some cases that an immediate referral must be made to social care or the police for investigation, as a child appears to have been harmed or is at risk of significant harm or a criminal act appears to have been committed.
- 3.2 Your Local Authority Designated Officer (LADO) should be informed of all allegations and will provide advice and guidance and be involved in the management and oversight of all allegations cases as well as liaising with you, all other parties and monitoring the progress of all cases.
- 3.3 This means that the Designated Senior Manager (or designated deputy in case of the unavailability of or an allegation being made against, the Designated Senior Manager) should:
- date and sign the referral
  - record with whom they had the conversation
  - record any written reports
  - collate and record information you have and personal details about (i) the child/ren, parents/carers, siblings; (ii) the person against whom the allegation has been made; and (iii) details of any known or possible witnesses, including checking on and recording, with times, dates etc, any other incidents or concerns about the child/ren or the member of staff/volunteer concerned together with actions taken and outcomes. At the same time it's important to keep alert for patterns which might suggest the abuse goes further afield and involves other children and adults;
  - contact the Local Authority Designated Officer (LADO) WITHIN 1 WORKING DAY of receiving the report of an allegation.

- inform the person reporting the allegation or concern what action you will take, in accordance with local procedures and with regard to local information sharing protocols and the need to maintain confidentiality;
- ensure that the alleged perpetrator or person about whom there is a concern is informed of the allegation or concern as soon as possible after consulting with the LADO and in accordance with any restrictions on information sharing that may be imposed by the police or social care. How enquiries will be conducted and possible outcome e.g. disciplinary action, dismissal, referral to regulatory body should be explained together with sources of support and advice, e.g. from professional organisation/trade union;
- help all parties understand the process throughout.

#### 3.4 You should not:

- take any action that might undermine any future investigation or disciplinary procedure, such as interviewing the alleged victim or potential witnesses, or informing or interviewing the alleged perpetrator, prior to contacting the LADO, (or without the go-ahead from police or social care if a direct referral has been made) The LADO will liaise with the police and/or social care as necessary, as they may want to place restrictions on the information that can be shared.
- automatically suspend or dismiss the member of staff without seeking further advice.
- inform parents/carers of the child/ren until advised to do so by the LADO or a strategy meeting, other than in emergency situation, such as when a child has been injured and needs medical attention. The LADO will advise on how and by whom parents/carers should be informed and will liaise with police or social care where they are or may need to be involved.

3.5 If your agency or organisation is a member of Herefordshire Safeguarding Children Board, it will have a Named Senior Officer (NSO), who has responsibility for ensuring allegations are dealt with in accordance with these procedures, resolving inter-agency issues and liaising with the LSCB. You should communicate with your NSO and any other colleagues, such as Human Resources, as necessary and in accordance with your service/agency's protocols, procedures and structures for managing allegations.

- 3.6 In the case of the police, a senior officer will be designated to fulfil a similar role to the NSO in having a strategic oversight of arrangements made for dealing with allegations against police officers or staff, liaising with the HSCB and ensuring compliance.
- 3.7 Ofsted should be informed of any allegation or concern made against a member of staff in any day care establishment for children under 8 or against a registered child minder, a foster carer, prospective adopter or member of staff in a residential home. Ofsted should also be invited to take part in any subsequent strategy meeting.

## **Section 4: Action by designated senior manager and LADO**

- 4.1 The initial discussion between the designated senior manager and the Local Authority Designated Officer (LADO) will establish that the concern or allegation has, or may have some foundation and should be dealt with under these procedures. If it does not, no further action will be taken under these procedures and this will be recorded by the LADO. The designated senior manager should consider how the matter should be dealt with under their organisation's procedures e.g. complaints or disciplinary procedure. If the allegation is demonstrably false or malicious, consideration should be given to any action that may need to be taken against the person who made the false allegation.
- 4.2 Where it is established that the concern or allegation does fall within the scope of these procedures there are three main routes, which may be taken following initial consideration:
- An investigation may be carried out by the police in respect of a possible criminal offence
  - Children's social care may carry out an assessment to see if the child needs services as a 'child in need' under Section 17 of the 1989 Children Act
  - Children's social care may carry out enquiries if the child is at risk of significant harm under Section 47 of the 1989 Children Act.
- 4.3 The LADO and designated senior manager should consider:
- whether further details are needed to enable a decision about how to proceed and how and by whom they may be gathered,

- how and by whom the parents or carers of the child concerned should be informed of the allegation, if they are not already aware. In cases where the police or social care may need to be involved, the LADO should consult those colleagues about how best to inform parents or carers,
  - how and when the accused person should be informed. This should always be done as soon as possible after consultation with the LADO. However, if there is a need for a strategy discussion or it is clear that the police or social care need to be involved in the decision about what can be disclosed, the accused person should not be informed until it has been agreed by all.
  - whether a strategy discussion should be called i.e. if there is cause to believe a child is suffering or is likely to suffer significant harm. If so, the LADO should contact children's social care to request the strategy discussion.
  - whether the allegation may constitute a criminal offence and needs to be referred to the police for investigation. If so, the LADO should immediately inform the police.
- 4.4 In some circumstances it may be necessary to convene a meeting between the police, LADO, employer and any other relevant persons (similar to a strategy meeting) if the concern or allegation clearly does not require a strategy discussion, police investigation or social care assessment. This meeting will establish what steps the designated senior manager or employer may need to take under its organisation's procedures. This may range from no further action to invoking disciplinary procedures or summary dismissal/decision not to use the person's services in future. If the nature of the allegation does not require formal disciplinary action, other appropriate action to deal with the matter should be taken within 3 working days.
- 4.5 The LADO and designated senior manager should be alert to signs of organised or widespread abuse and the involvement of other perpetrators or institutions, as the matter may need to be dealt with in accordance with complex abuse procedures, which will take priority, if applicable.
- 4.6 The LADO has a responsibility to monitor the progress of cases every 2-4 weeks, depending on their complexity, either through strategy discussions, liaison with the police and/or children's social care colleagues or the employer, as appropriate. Whilst the time taken to conclude individual cases depends on a variety of factors, it is in everyone's interest to resolve cases as quickly as possible and

the LADO and other parties involved should be mindful of recommended timescales for concluding cases.

- 4.7 The designated senior manager will need to consider what support should be offered to the member of staff concerned. Depending on circumstances this may necessitate supporting a return to work and agreeing how contact between the child about whom the allegation was made and the member of staff will be managed.
- 4.8 Where applicable, the designated senior manager should liaise with their Named Senior Officer and any other colleagues, such as Human Resources personnel, as necessary and in accordance with your service/agency's protocols, procedures and structures for managing allegations.
- 4.9 If no further action is appropriate in relation to the allegation i.e. the case is concluded, the employer should ensure that this is recorded and kept on the accused person's confidential personnel file. A copy should also be given to the person concerned.

## **Section 5: Allegation is unsubstantiated**

- 5.1 The decision as to whether an allegation is false should not be made without prior consultation with the Local Authority Designated Officer (LADO). Whilst some behaviour reported or initially considered as allegations may not fall within the scope of these procedures, wholly falsified allegations by children are rare and may be an indicator of abuse from elsewhere which requires further exploration.
- 5.2 If an allegation made by a child does prove to be demonstrably false, the designated senior manager should refer the matter to social care to determine whether the child is in need of services or might have been abused by someone else. If it is established that the allegation has been deliberately invented i.e. is malicious, the LADO should ask the police to consider what action may be appropriate.
- 5.3 During the initial consideration by the LADO or following an initial police enquiry or strategy meeting it may be concluded that there is insufficient evidence to substantiate an allegation. This decision, together with written confirmation, should be forwarded to the designated senior manager by the chair of the strategy discussion or designated police officer as appropriate, so that the designated senior manager can consider what further action, if any, may need to be taken.

- 5.4 The designated senior manager must ensure that all records are kept on the accused person's confidential personnel file and a copy should be given to the person concerned.
- 5.5 These and any subsequent records are to be kept on file until the person reaches normal retirement age or for 10 years if that is longer. This is to enable accurate information to be given in response to any future request for a reference and to explain what took place if a future CRB check throws up police details of an allegation that was made that did not result in prosecution or conviction. It will also be relevant if further concerns are raised or allegations made in the future.

## **Section 6: Considering disciplinary action**

- 6.1 The Local Authority Designated Officer (LADO) and the designated senior manager within the employing agency should discuss whether disciplinary action is appropriate in all cases.
- 6.2 The designated senior manager should liaise closely with their organisation's Human Resources service, where applicable, to ensure that disciplinary action, if followed, is appropriately implemented.
- 6.3 Consideration must be given to any potential misconduct or gross misconduct by the accused person and take the following into account:
  - information provided by police or social care,
  - the result of any investigation or trial,
  - the different standard of proof in disciplinary and criminal proceedings.
- 6.4 Consideration should also be given to whether suspension is appropriate.
- 6.5 If disciplinary action is not deemed appropriate, but professional advice is considered necessary, the nature and content of this advice should be agreed between the LADO and the employer, taking into account any recommendations that may have been made by the police or social care. This should be actioned within 3 working days of the advice being agreed. The employer should ensure that this is recorded and kept on the accused person's confidential personnel file. A copy should be given to the person concerned. These and all

subsequent records are to be kept on file until the person reaches normal retirement age or for 10 years if that is longer.

- 6.6 If further investigation is needed to decide whether disciplinary action needs to be taken, the designated senior manager and the LADO should discuss whether it may be appropriate for the investigation to be undertaken by an independent person.
- 6.7 Circumstances where this may be appropriate are where resources may not be available or adequate within the employing agency, where the case is particularly complex or where objectivity needs to be ensured. In any case, the investigation should be completed and reported to the employer within 10 working days.
- 6.8 The aim of the investigation is to get, as far as possible, a fair, balanced and accurate record in order to consider the appropriateness of disciplinary action and the accused person's suitability to work with children. Its purpose is not to prove or disprove the allegation.
- 6.9 If, at any stage, new information emerges that requires a child protection referral, the investigation should be held in abeyance and only resumed if agreed with social care or the police. Consideration may again be given as to whether suspension is appropriate.
- 6.10 Investigators should be alert to signs of organised or widespread abuse and the involvement of other perpetrators or institutions, as the matter may need to be dealt with in accordance with complex abuse procedures, which will take priority, if applicable.
- 6.11 When the employer has received the investigation report, a decision as to whether a disciplinary hearing is needed should be made within 2 working days. If that is the case, a hearing should be held within 15 working days.
- 6.12 In the case of supply, contract and volunteer workers normal disciplinary procedures may not apply. In these circumstances the LADO and employer should act jointly with the providing agency or service, where applicable, in deciding whether to:
  - continue to use the accused person's services, or,
  - provide further opportunities for the accused person to work with children, or
  - consider whether to make a referral for consideration of barring; or,
  - take any other action.

6.13 Every effort should be made to reach a conclusion in all cases, even if:

- the accused person refuses to co-operate, having been given a full opportunity to answer the allegation and make representations, or,
- it may not be possible to apply any disciplinary sanctions if the person resigns and the period of notice expires before the process is completed,
- the accused person's contract period expires or there is no contract in place and the person leaves of their own accord during the investigation or disciplinary process,

6.14 It is not appropriate to draw up compromise agreements which state that the accused person agrees to resign provided that disciplinary action is not taken and future references will make not mention the behaviour that led to the allegation being made.

## **Section 7: Considering suspension**

7.1 Suspension is a neutral act. It should not be automatic and should not be done without careful thought. It should be considered in any case where:

- there is cause to suspect, or it is clearly evident that, a child is at risk of or has suffered significant harm,
- the allegation warrants a police investigation,
- The allegation is so serious that it might be grounds for dismissal.
- the possible risks to children by the accused person should be evaluated and effectively managed in respect of the child involved and any other children in the accused person's home, workplace or community.

7.2 If a strategy discussion is to be held or social care or the police are going to make enquiries, the LADO should canvass their views on suspension and inform the designated senior manager or employer. The recommendation to suspend may be made at the strategy discussion. However, only the employer has the power to suspend and they cannot be required to do so by social care or the police.

7.3 If a person has been suspended and is to return to work on conclusion of the case, the designated manager or employer, in

consultation with their Human Resources service, where applicable, should consider what support should be made available to the member of staff, e.g. a phased return, provision of a mentor, temporary change of working arrangements etc. How best to manage the member of staff's contact with the child, who made the allegation, if still in the workplace, should also be considered.

## **Section 8: Action by police or social care – child at risk of significant harm**

- 8.1 If it is known or thought that a child has suffered, or is at risk of suffering, significant harm, child protection procedures must be implemented i.e. the Local Authority Designated Officer (LADO) must refer immediately to social care.
- 8.2 In some circumstances a referral to social care, where an adult working with children is implicated, may be made directly by the designated senior manager within an organisation or setting, or by another person, without prior consultation with the LADO. If this is the case, the LADO should be informed by social care within 1 working day.
- 8.3 The social care strategy discussion should take the form of a meeting, wherever possible, however, on occasions, a telephone discussion may be justified. Possible participants are:
  - Local Authority Designated Officer (LADO)
  - Social Care Manager (to chair)
  - Detective Sergeant Family Protection Unit
  - Designated Senior Manager for the employer
  - Human Resources representative
  - Consultant paediatricianAnd where applicable:
  - Senior representative of an employment agency or voluntary organisation
  - Manager from fostering service provider and supervising social worker for foster carer
  - Regulatory or inspection body e.g. Ofsted

- Representatives from relevant agencies from another local authority, where child is placed or resident
- Complaints officer, if concern has arisen from a complaint

#### 8.4 The strategy discussion should:

- consider the risk to the child and ensure that arrangements are made to protect and support them and any other children affected,
- decide whether there should be a S47 enquiry and/or a police investigation and consider the implications,
- consider whether any parallel disciplinary process can take place and agree protocols for sharing information,
- consider the current allegation in the context of any previous allegations or concerns,
- where appropriate, take account of any entitlement by staff to use reasonable force to control or restrain children e.g. Section 550a Education Act 1996, in respect of teachers and authorised staff,
- consider the current implications and risks, if the case is one of historical abuse,
- consider whether a complex abuse investigation is applicable,
- make recommendations, where appropriate, regarding suspension or alternatives to suspension,
- consider whether the evidence presented indicates that the member of staff may be considered unsuitable to work with children and possible reports for consideration of barring where appropriate,
- consider what support and advice should be provided to the member of staff concerned,
- consider risk assessments to inform the employer's safeguarding arrangements.

#### 8.5 The outcomes of the meeting should focus on:

- planning any enquiries needed, allocate tasks and set timescales,
- ensuring that investigations are sufficiently independent,
- identifying a lead contact manager within each agency,
- deciding what information can be shared, with whom, and when,
- agreeing protocols for reviewing investigations and monitoring progress by the LADO, having regard to target timescales,

- agreeing dates for review strategy discussions,
  - considering issues for the attention of senior management or Named Senior Officer e.g. media interest, resource implications.
- 8.6 The decision to carry out a core assessment or a S47 enquiry will be made at the strategy discussion, or a decision made to continue one, if already started.
- 8.7 Following the conclusion of a social care enquiry, the designated senior manager or employer, in consultation with the LADO, may need to consider what further action, if any, should be taken in relation to the member of staff concerned.
- 8.8 A final review meeting should be held to ensure that all tasks have been completed and, where appropriate, agree any actions needed based on lessons learned.
- 8.9 Following the conclusion of a social care enquiry, the designated senior manager or employer, in consultation with the LADO, may need to consider what further action, if any, should be taken in relation to the member of staff concerned, ie
- whether the case should be dealt with through their disciplinary process, and if they need to investigate any further,
  - what support and/or professional advice should be given to the member of staff,
  - how best to facilitate the return to work of the member of staff, where appropriate,
  - how best to manage the member of staff's contact with the child who made the allegation, if still in the workplace.

## **Section 9: Allegation in a member of staff personal lives**

- 9.1 If an allegation or concern arises about a member of staff outside of their work with children and this may present a risk to the children for whom they are responsible, the general principles in these procedures still apply.
- 9.2 The strategy discussion should decide whether the concern justifies:
- approaching the person's employer for further information, in order to assess the level of risk; and/or
  - inviting the employer to a further strategy discussion about dealing with the possible risk.

- 9.3 If the member of staff lives in a different authority area from that where they work, liaison should take place between the relevant agencies in both areas and a joint strategy discussion convened.
- 9.4 In some cases, an allegation of abuse against someone closely associated with a member of staff e.g. a partner, close relative or other member of a household, may present a risk to children for whom the member of staff is responsible. There may be concerns, e.g. that the member of staff may have colluded with the abuser or denied or diminished the seriousness of the situation. In these circumstances consideration should be given to carrying out a risk assessment on the individual who may pose a risk by association, or convening a strategy discussion to consider:
- the ability and willingness of the member of staff to adequately protect children,
  - whether measures need to be put in place to ensure their protection,
  - whether the role of the member of staff is compromised.
  - referral to the Independent Safeguarding Authority
- 9.5 If the allegation is substantiated and the person is dismissed, or the employer ceases to use the person's services, or the person resigns or otherwise ceases to work, the LADO should discuss with the employer whether a referral should be made to the Independent Safeguarding Authority and/or a regulatory body e.g. the General Teaching Council or General Medical Council.
- 9.6 Consideration will then be given as to whether the person should be barred from working with children, or have conditions imposed in respect of their work. If referral is made, it should be submitted within 1 month of the conclusion of the dismissal or other conclusion.

## **Section 10: Learning the lessons and reporting**

- 10.1 On conclusion of any case, the employer, in consultation with the LADO where possible, should review the circumstances and outcomes of the case with a view to learning any lessons and determining whether any further action is need to improve policy and practice within the organisation or within any other agency involved e.g. any training needs. In some cases consideration may be

needed as to whether any matters should be brought to the attention of the Herefordshire Safeguarding Children Board.

- 10.2 The LADO prepares and presents an annual report on the outcomes of referrals to Herefordshire Safeguarding Children Board.

## **Section 11: Information Sharing and Confidentiality**

- 11.1 Information should be shared in a timely manner and in accordance with local information sharing protocols and current child protection procedures.
- 11.2 While the allegation is being considered or investigated every effort should be made to maintain confidentiality, and guard against publicity. Apart from keeping the child, parents, carers and accused person up to date on the progress of the case, in accordance with these procedures, information sharing should be restricted to those who have a need to know in order to protect children, facilitate enquiries or manage related disciplinary or suitability procedures.
- 11.3 It is important that any information obtained in the course of a social care enquiry that is relevant to a disciplinary case should be shared with the employer or regulatory body without delay. Similarly, police and the CPS should share relevant information, without delay, with the employer at the conclusion of their investigation or any court case, so that appropriate action can be taken.
- 11.4 If, during the course of an employer's investigation, new information comes to light that raises further concerns or identifies additional risks, this should be shared with the LADO without delay, as a different course of action may need to be taken.
- 11.5 The police should not provide identifying information to the press or other media unless and until a person is charged, except in exceptional circumstances, e.g. an appeal to trace a suspect. In such cases, partner agencies should be consulted beforehand and the reasons documented.

## **Section 12: Record Keeping**

- 12.1 Recording is an essential part of the service provided to children and families. All agencies should have in place clear, systematic case

recording and record-keeping systems. The Write Enough interactive training pack to support good practice in recording may be useful to staff and is available at <http://www.writeenough.org.uk/>



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LADO Process

