

Allegations Management Guidance for Professionals

January 2023

Summary: Kirklees LADO Service Allegations Management Guidance for Professionals

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INTRODUCTION

1. Local Authority Designated Officer (LADO) is a statutory role that has oversight of allegations about any adult who is in a position of trust and/or work (paid or unpaid) with children and young people up to the age of 18 years old in any setting.
2. Nothing is more important than children's welfare. We all work in a council that responds to the interests of children and families, the council is clear that our practitioners and workforce (paid or unpaid) are as safe as they can be, with minimal risks to children and families we support.
3. Working Together to Safeguard Children (2018) sets out the mandatory responsibilities, which require local authorities must have a Designated Officer (DO). Any concerns or allegations about those who work (paid or unpaid) must be passed (within one working day) to the DO to ensure oversight of the case and assess any transferable risks.
4. These duties are placed upon and discharged, requiring the full engagement and co-operation of our children's workforce.
5. Effective information sharing is essential, our children's workforce is required to be proactive in sharing information at the earliest point. Children's Services have a good reputation with our community and expects those representing it to maintain and strengthen this.
6. Working Together to Safeguard Children 2018, is statutory guidance should be used by all organisations where adults are in a position of trust and/or work (paid or unpaid) with children and young people up to the age of 18 years old in any setting.
7. This guidance also applies to circumstances when any adult who is in a position of trust and/or work (paid or unpaid) with children and young people up to the age of 18 years old in any setting has parental/caring responsibilities for a child or young person and is subject to a Children's Social Care assessment and / or involvement.
8. It is essential that any allegation of harm made in relation to any adult who is in a position of trust and/or work (paid or unpaid) with children and young people up to the age of 18 years old in any setting, is dealt with fairly, quickly, and consistently; in a way which provides effective protection for the child/children whilst at the same time supporting the person who is the subject of the allegation.
9. The term employer is used throughout this guidance to refer to organisations that have a working relationship (paid or unpaid) with the adult against whom the allegation is made. This includes organisations that use the services of volunteers, or people who are self-employed; as well as service providers; voluntary organisations; employment agencies or businesses; contractors; fostering services, unregulated settings, and regulatory bodies such as Ofsted, in the case of childminders.
10. In some circumstances the term 'employer' for these purposes will encompass more than one organisation. For example, where staff providing services for children in an organisation are employed by a contractor, or where temporary staff are provided by an agency, and /or where a foster carer is also employed in a separate Regulated Activity or Regulated Establishment. In these circumstances both the contractor or agency, and the organisation(s) in which the person who has had the allegation made against them works, are required to be involved in the Allegation Management process.
11. All adults working (paid or unpaid) in any setting who become aware of an allegation must report this to their manager or the Designated Safeguarding Lead (DSL) as soon as possible. Any Information received relating to an allegation must be shared with the Designated Officer by the next working day at the latest. When information relating to an allegation is shared between paid or unpaid workers, and/or single or multi agency partners clarification that the information has been shared with the Designated Officer should be sought. Where it becomes apparent that allegation information has not been shared directly with the Designated Officer, it must be shared on the same working day.

12. The LADO co-ordinates single and multi-agency partner responses/considerations /information sharing/ guidance in relation to allegations.
13. Organisations (or individuals) must not deal with allegations in relation to adults who are in a position of trust or work (paid or unpaid) with children in any setting, in isolation of multi-agency safeguarding partners.
14. Early discussion allows an initial assessment of the adults alleged behaviour, the safety of the children they work with and impact the behaviour could have on their role(s) with children.
15. Improved outcomes for children are aided by close collaboration between single and multi-agency partners, through timely conversations. Identified on page 19 are options to enable you to access timely advice from the Kirklees Designated Officer (LADO).
16. All organisations (inc. agencies, contractors, volunteers, or any adult who is in a position of trust and/or work (paid or unpaid)) must refer to this guidance to review, and where appropriate, use it to adapt their practice and guidance for dealing with allegations made against staff, to ensure that they are current. These include the following organisations (however, this list is not exhaustive):
 - i. Private care providers
 - ii. Local Authorities
 - iii. Early Years settings
 - iv. Fostering & adoption agencies
 - v. Childrens Social Care
 - vi. Leisure and Sports settings
 - vii. Police
 - viii. NHS Trusts
 - ix. Residential Care Providers
 - x. Voluntary Organisations
 - xi. Supply agencies
 - xii. Contractors (organisations or individuals providing services in any setting with children or they may have access to children)
 - xiii. Private hospitals caring for children.
 - xiv. All schools of any designation set out under section 175 of the Education Act 2002, the Education (Independent School Standards) Regulations 2014, and the Non-Maintained Special Schools (England) Regulations 2015. All schools mean all schools whether maintained, non-maintained or independent schools (inc. Academies, free schools, and alternative provision academies), maintained nursery schools and pupil referral units.
 - xv. College means further education colleges and sixth form colleges as established under the Further and Higher Education Act 1992 and institutions designated as being within the further education sector.

LADO CRITERIA (THRESHOLD)

17. All allegations relating to harm of a child or young person by any adult in a position of trust or working (paid or unpaid) with them, must be taken seriously. Such allegations can cover a wide range of circumstances and may arise from a few different sources, for instance; a report from a child or young person; a concern raised by another adult in the organisation; and/ or a complaint by a parent. An allegation may also arise in the context of the adult's personal life.
18. The Designated Officer must be informed within 1 working day (or the next working day) when an allegation is made; prior to any further investigation taking place.
19. This guidance should be applied in all situations where it is alleged that a person who works (paid or unpaid) with children in a position of trust has:
 - i. Behaved in a way which has harmed a child, or may have harmed a child
 - ii. Possibly committed a criminal offence against or related to a child
 - iii. Behaved towards a child or children in a way which indicates that he/she may pose a risk to children.
 - iv. Behave or may behave in a way that indicates they may not be suitable to work with children.
20. This can relate to his/her employment or voluntary activity, in relation to a person's private life where, there is transferable risk.
 - i. Childrens Social Care is involved with the adult's own child or children or,
 - ii. Concerns arise about a person's behaviour about their own children (or children for which they have a caring role)
 - iii. Concerns arise about the behaviour of a partner, member of the family or other household member.
 - iv. Where other information suggests they may pose a risk to any person that may demonstrate a transferable risk within their role with children.
21. Any alleged behaviours should be considered within the context of the four categories of abuse (i.e., physical, sexual, emotional and neglect), and include concerns relating to the possession of indecent images / pseudo images of children or inappropriate relationships between members of staff and children or young people, for example:
 - i. Having a sexual relationship with a child under 18, even if consensual (s16-19 Sexual Offences Act 2003)
 - ii. 'Grooming', i.e., meeting a child under 16 with intent to commit a relevant offence (s15 Sexual Offences Act 2003)
 - iii. Other 'grooming' behaviour giving rise to concerns of a broader child protection nature (e.g., inappropriate text / email messages or images, gifts, socialising etc).
22. The term "employer" means the organisation that has a working relationship with the person against whom the allegation has been made, including, (however this is not an exhaustive list):
 - i. Local authority employers
 - ii. voluntary organisations,
 - iii. employment agencies,
 - iv. fostering services,
 - v. child minder services,
 - vi. youth clubs and others.
 - vii. voluntary organisations,
 - viii. employment agencies,
 - ix. Unregulated settings.

23. This also applies to any person who manages or facilitates access to an establishment where children are present.
24. Allegations of non-recent (historical) harm should be responded to in the same way as contemporary allegations. In such cases, it is important to find out whether the person against whom the allegation is made is still working with children. If they are, a discussion with the Designated Officer should take place as if the person is still working with children, their current employer or voluntary organisation will need to be informed of the allegation and multi-agency decision making may be required, e.g., referral to Children's Social Care.

KIRKLEES LADO ALLEGATIONS MANAGEMENT PROCEDURE

25. In accordance with the guidance, the Kirklees LADO should:
 - i. Receive notifications of allegations and co-ordinate the oversight of individual cases involving single and multi-agency partners.
 - ii. Provide advice and guidance to organisations in all settings in which adults work (paid or unpaid) with children
 - iii. Liaise with the Police and/or other single / multi-agency partners
 - iv. Monitor the progress of cases to ensure that they are dealt with as quickly as possible, and consistently via a thorough and fair process
 - v. Provide advice and guidance to employers in relation to making referrals to the Disclosure and Barring Service (DBS) and regulatory bodies such as Ofsted, the General Medical Council, Teacher Regulation Agency etc.
 - vi. Provide advice and guidance to employers in relation to Safer Recruitment and Safer Working practices.
26. Employers should:
 - i. Primarily, ensure that children are in a safe environment.
 - ii. Ensure that the identified Designated Manager in the organisation is aware of their responsibilities and familiar with the Kirklees LADO Allegations management guidance; specifically, to consult with the LADO to ascertain if the information received meets the LADO threshold.
 - iii. Ensure information and reports record how allegations are managed and concluded for both allegations that meet the LADO threshold and ones that do not, and where possible how these impact on learning or practice.
 - iv. Where Schools/Academies/Colleges are not the employer of supply teachers; they should ensure allegations are dealt with in line with KCSIE 2022.
27. During an investigation into an allegation against a professional, the police should designate an appropriate Officer to:
 - i. Liaise with Designated Officer
 - ii. Take part in Allegations Management Meetings
 - iii. Review the progress of cases in which there is a Police investigation
 - iv. Share information as appropriate, on completion of an investigation or related prosecution.

FIRST RESPONSES – UPON RECEIPT OF INFORMATION OR AN ALLEGATION

28. You are in receipt of information or an allegation, raising an issue in relation to an adult in a position of trust or working (paid or unpaid) with children in any setting. You should:
- i. Ensure the child or children are in a safe environment
 - ii. Establish the facts, do not investigate (at this stage) listen carefully, inquire discretely
 - iii. Collate all the information Who is it from? Make a written record of the information (where possible in the child / adult's own words), including the time, date and place of incident(s), persons present and what was said, sign and date the record
 - iv. Professionals must ascertain if the adult of concern works or volunteers with children in any setting(s).
 - v. Contextualise – Category of abuse, behaviour, practice, contemporary or historic, 1st or 2nd hand, professional, voluntary, or home.
 - vi. Confidentiality – as appropriate
 - vii. Consult with the Kirklees Designated Officer (statutory requirement for all employers to do this with 1 working day of the information being received)
 - viii. Management information - store information securely and share all information available or as updates / changes are available.
29. You should avoid:
- i. Investigating or ask leading questions if seeking clarification
 - ii. Make assumptions or offer alternative explanations
 - iii. Promise confidentiality but should give assurance that the information will only be shared on a 'need to know' basis.

VOICE OF THE CHILD

30. LADOs should, in all cases, seek assurance that the voice of the child has been heard and that their welfare needs are being met.
31. The child's welfare is paramount (1989 Children Act).
32. Throughout the process all of those involved in considering the allegation should ensure that the voice of the child/ren is heard and is given due regard and consideration.
33. The impact on the child should be assessed to inform the support they are provided with from within the organisation, or whether onward referrals are appropriate.

SUPPORT FOR THE CHILD

34. Consideration should be given to how the child/parent/carer is informed about the allegation and who should do this. It is the responsibility of the employer /organisation to inform the parent(s)/carer of any allegation that relates to their child. It is also the employer's/ organisation's responsibility to keep them up to date about the progress of the case.
35. However, where there is a Police investigation or Kirklees Council Children's Social Care enquiries this responsibility may pass to / or involve the Police or Children's Social Care by agreement with the LADO.

36. At the conclusion of the AMM process, it is the responsibility of the employer/organisation to inform the parent, child/ren of the outcome of the process and the outcome of any internal/disciplinary process.
37. The senior manager should always consider:
- i. What measures need to be put in place in relation to the person's contact with the child
 - ii. Whether additional measures need to be put in place to manage any potential risk and ensure safety.
38. In cases where a child may have suffered significant harm, or there may be a criminal prosecution, Children's Social Care, or the police, as appropriate, should consider what support the child or children involved may need. Similarly, where a child has been harmed the employer should consider what support they should offer the child.
39. The LADO process must also consider:
- i. Who is best placed to support the child to enable them to give their information to the process and to enable them to express their views
 - ii. How to understand and incorporate the wishes and feelings of the child.
 - iii. How to provide the child with honest and accurate information regarding the process and any potential future actions/ outcomes.

SUPPORT FOR THE ADULT

40. The adult who is the subject of the allegation should:
- i. Be treated fairly and assisted to understand the concerns expressed and processes involved
 - ii. Be kept as informed of the progress as possible and be informed of the outcome of any investigation(s) and the implications of any disciplinary or related process, and
 - iii. If suspended from their position, be provided with access to welfare support from their employer and or professional associations.

PERSONS TO BE NOTIFIED

41. The LADO must be informed within 1 working day (or the next working day) when an allegation is made; prior to any further investigation taking place.
42. Parents/Carers should usually also be informed by the employer of any alleged account of harm to their child. However before doing so, consideration should be given as to whether informing the child /ren's parents/carers would impede any disciplinary or investigative processes. Where employers are unsure as how to proceed, they should seek advice from the LADO. In certain circumstances, the child /ren's parents /carers may need to be told straight away (e.g., if there is an injury and/or medical treatment is required).
43. The parents/carers and the child, if they are sufficiently mature, should be helped to understand the allegation processes by the employment organisation and be informed of the progress and outcome of a case where there is no criminal prosecution. This includes the outcome of any disciplinary process, but not the deliberations of, or the information used in, a hearing.
44. Advice should be sought from the LADO, the police and / or Children's Social Care Services about how much information should be disclosed to the person who is the subject of the allegation.
45. Advice should be sought from the LADO on the information that may be shared, and when it is timely to share information. The appropriate manager in the employment organisation should, communicate with their employee who is the subject of the allegation about the nature of the allegation, how enquiries will be conducted and the possible outcome following these discussions.

46. Ofsted should be informed of any allegation or concern made against a member of staff in any day care establishment for children under 8 years or against a registered childminder. This should be undertaken within 14 days of an allegation being made. In such circumstances Ofsted will be invited to Allegations Management Meetings (AMM).

CONFLICT OF INTEREST/IMPARTIALITY

Any person involved in the consideration and/or investigation of an allegation must declare any possible conflict of interest e.g. if the allegation relates to someone known to them such as a relative, friend, colleague, (including colleagues worked with regularly in another agency,) or someone from an organisation to which they are affiliated e.g. religious, social.

- In all investigations and considerations of an allegation due regard should be given to ensuring objectivity and impartiality. Depending on the circumstances this may require, for example:
- Use of staff who are sufficiently separate from the line management of the person subject to the allegation
- An arrangement with the Police, Children's Social Care team and/or LADO from a different part of the County or an arrangement with another police authority or local authority, or
- Use of an independent investigator.

ALLEGATION MANAGEMENT MEETINGS

Allegation Management Meetings (AMM) are chaired by the local authority Designated Officer, professionals who attend an AMM should:

- Share all relevant information about the person who is the subject of the allegation and about the child /ren the allegation concerns
- Share any actions /decision making undertaken prior to the initial AMM
- Consider the welfare and safety of other children who may be affected by an allegation, e.g., the adult's own children, children in the adults extended family, community and /or in the employer's setting. Determine any action that needs to be taken in respect of any other children identified, including Children's Social Care enquiries.
- Decide how regular information and support will be provided to the child and their family, and by whom.
- Agree how the person who is the subject of the allegation will be kept informed and supported.
- Clarify responsibility and timing of any interviews with the person the allegation has been made against, to ensure these are undertaken appropriately and in accordance with any Police investigation, Children's Social Care enquiries and /or employment disciplinary processes.
- Consider whether the circumstances warrant the person who is subject to the allegation being directed /suspended from having contact with children.
- Consider the need to develop a media strategy.
- Agree an Action plan set timescales and agree future AMM (if required)
- All AMM attendees have a responsibility to share information (with no omissions) and to conclude an outcome based on all the information shared within the AMM process.
- To understand that they are part of a single or multi-agency decision process based on balance of probability.

47. The progress of enquiries should be reviewed by the LADO and partner agencies dependent on the complexity of the case.
48. The LADO, in consultation with multi-agency partners should ensure that all relevant people are invited to AMM's, to enable effective information sharing and decision making.
49. Employer's must notify OFSTED of allegations when they relate to the following settings:
 - i. children's residential homes,
 - ii. voluntary adoption agencies,
 - iii. adoption support agencies,
 - iv. residential family centres,
 - v. residential holiday schemes for disabled children,
 - vi. day care and child-minders,
 - vii. Independent fostering agencies (IFA's)
 - viii. foster carers,
 - ix. prospective adopters.

SUSPENSION OF AN EMPLOYEE OR VOLUNTEER

50. By an employer should not be automatic. However, it should be considered in any case where:
 - i. There is reason to suspect a child or children are at risk of harm, and/ or
 - ii. The allegation warrants investigation by the Police, and /or
 - iii. The allegation is so serious that it may constitute grounds for dismissal.
 - iv. Employers may consider alternatives to suspension
 - v. Suspension or alternative arrangements should be reviewed in a timely manner.
 - vi. Suspension maybe considered by the employer to allow a fair and proper process.
 - vii. Suspension may not be a neutral act, however, what suspension is not, is a decision of, or presumption of guilt.
 - viii. Employers should always seek independent advice when making their decision to suspend.
51. The possible risk of harm to a child /child should be evaluated and managed in respect of the child/ren involved in the allegation and any children in the home, work or community life of the person who is the subject of the allegation.
52. Whilst single and multi-agency partners (E.g. Police/ Children's Social Care) may give their views on suspension via the LADO, only the employer, has the authority to suspend a person who is the subject of an allegation.
53. If a suspended person is to return to work, the employer should consider what help and support might be appropriate, (e.g. a phased return to work and/or provision of a mentor), and how best to manage the member of staff's contact with any children concerned, if contact is likely in the workplace.

RESIGNATIONS

54. Every effort should be made to reach a conclusion in all cases even if:
 - i. The adult about whom the allegation is made refuses to cooperate, having been given a full opportunity to answer the allegation and make representations.
 - ii. It may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the allegation process is complete.

- iii. Employers must seek to reach a conclusion based upon the information they have available and if required make appropriate referrals.
- iv. Employers should have a record of actions from receipt of an allegation through to their conclusion(s) and this should be retained in accordance with Data Protection Act and retention schedule.

SETTLEMENT / COMPROMISE AGREEMENTS

- 55. Settlement/Compromise agreements' must not be used (i.e. where a member of staff agrees to resign provided that disciplinary action is not taken and that a future reference is agreed) which includes any confidentiality clause(s); employers must be clear and transparent.
- 56. A settlement /compromise agreement which prevents the employer from making a DBS referral when the criteria are met for so doing, would likely result in a criminal offence being committed for failure to comply with the employer's legal duty to refer. The organisation must make a referral to the Disclosure and Barring Service to consider whether to add the individual to the barred list. This applies irrespective of whether a referral has been made to Children's Social Care and/or the Designated Officer. It is an offence to fail to make a referral without good reason.

LADO ALLEGATIONS MANAGEMENT MEETING (AMM) OUTCOMES

- 57. **Unfounded** – there is no evidence or proper basis which supports the allegation being made, or there is evidence to prove that the allegation is untrue. It might also indicate that the person making the allegation misrepresented the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances.
- 58. **Unsubstantiated** – this is different from a false allegation. It means that there is insufficient identifiable evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
- 59. **Substantiated** – there is sufficient identifiable evidence to prove the allegation.
- 60. **Malicious** – there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false.
- 61. **False** (Education sector only) – there is sufficient evidence to disprove the allegation.

CONFIDENTIALITY, AND RECORD KEEPING

- 62. Within the LADO processes information may need to be shared, this should be in line with Working Together to Safeguarding Children 2018 – 'Information Sharing'.
- 63. Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being considered and enquires are being undertaken.
- 64. The child and their parents /carers should be informed that formal action is being pursued or has concluded but not the outcome of formal process.
- 65. Employers should keep a clear and comprehensive summary of the case record on a person's confidential personnel file and give a copy to the individual, retention must be in line with mandatory guidance. For example, Schools and Colleges must retain allegations at least until the person reaches normal retirement age or 10 years from the date of the allegation (whichever is the longer). Childrens Social Care retain information in line with our retention guidance.

66. The purpose of the employer's case summary record is to enable accurate information to be shared if the employer receives a future reference request. Case summaries can provide clarification where DBS request reveals non convicted information and help to prevent unnecessary reinvestigation if an allegation re-surfaces after a period.
67. While an allegation is being investigated or considered, every effort should be made to maintain confidentiality and guard against publicity. Apart from keeping the child, parents and the person who is the subject of the allegation (where this would not place the child at further risk) up to date with progress of the case, information should be restricted to those who need to know, to protect children, facilitate enquiries, and effectively manage any related processes.
68. The police should not provide identifying information to the press or media, unless or until a person is charged, except in exceptional circumstances (e.g. an appeal to trace a suspect). In such cases, the reasons for sharing such information should be documented, and partner agencies consulted beforehand.
69. Section 13 of the Education Act 2011 introduced restrictions (implemented in September 2012) on the publication of any information that would identify a teacher who is the subject of an allegation of misconduct that would constitute a criminal offence, where the alleged victim of the offence is a registered pupil at the school.
70. It is an offence to publish any information in breach of these restrictions. Publication includes any communication, in whatever form, which is addressed to the public at large or any section of the public.
71. Please note that this legal provision applies only to Teachers, however as a duty of care to all adults subject to LADO allegations, consideration around appropriate confidentiality needs to be supported by all multi agency partners.

REFERENCES

72. Employers have a responsibility to ensure that references are accurate, objective and does not contain any material misstatement or omissions.
73. Employers have a responsibility to request and to share information where the reference subject has had allegations substantiated that relate either to the safety and welfare of children or behaviour towards children and how the matter was resolved.
74. Employers have a responsibility to request and to share details where the reference subject has had any disciplinary procedures involving the safety and welfare of children, including in which the disciplinary sanction has expired, and the outcome of those procedures.
75. Details of any allegation which are found to be Malicious or False (Education sector only) should be removed from an individual's personnel record.
76. The responsibility to share information covers anyone engaged in Kirklees Council work (paid or unpaid in a position of trust, with vulnerable groups whether directly employed or not. For clarity, this includes Employees, Volunteers, Apprentices, Work placements, Student placements, Short or long-term work experience, foster carers, Adopters, Guardians, Personal Assistants, Agency staff, Commissioned services, and contractors. (This list is not exhaustive)

TIMESCALES

77. It is in everyone's interest for cases to be dealt with thoroughly and expeditiously for unnecessary delays to be avoided. The LADO must be kept informed by the employer or partner agencies of the time scales relating to any investigation which are likely to impact on outcomes.

DIRECT REFERRALS TO THE POLICE/CHILDREN'S SOCIAL CARE SERVICES

78. Where a referral relating to an allegation is made directly to Children's Social Care, Children's Social Care will consult with the LADO, the Police, and the relevant employment manager in the organisation.
79. If an allegation is brought to the attention of the Police, the Police will then liaise with the LADO.

CROSS BOUNDARY ISSUES

80. Where an allegation relates to a setting or placement which is outside the child /children's responsible Local Authority area, i.e. a child looked after resides in an out of area setting, or temporarily resides in another Local Authority area; the lead responsibility for action lies with the Local Authority in which the alleged harm occurred. In these circumstances, the LADOs in all the relevant Local Authority areas should liaise and agree a joint strategy.
81. Checks should be made regarding other children in the setting or placement and all the responsible (home area) Local authorities must be informed.
82. Any required interviews with children will usually be undertaken by child /ren's responsible (home) Children's Social Care department, in conjunction with the Police as appropriate.

MONITORING PROGRESS

83. The LADO should regularly monitor and record the progress of each case. This could be by way of review AMM's / discussions / evaluations and /or direct liaison with single or multi-agencies partners as appropriate.
84. The LADO should keep comprehensive records and ensure that each case is being dealt with in a timely manner, to avoid drift and delay. LADO records may also be used to assist to monitor and evaluate the effectiveness of the guidance and processes and to provide statistical information, as required.
85. If a Police investigation is to be conducted, the Police should set a date for reviewing progress and decision making and liaise with the LADO on a regular basis. Wherever possible dates for subsequent AMM's should also be agreed, depending on the complexity of the investigation
86. To conclude an AMM's the LADO should ensure that all agreed and assigned tasks have been completed.

LADO ACTIONS AT CASE CLOSURE

To finalise an allegation management process the LADO will ensure that:

- all the original allegations have been addressed
- the enquires and actions undertaken have been clearly recorded
- all strands of the investigation have been concluded
- all those involved have been appropriately informed of the outcome
- the children and families have received relevant support and services
- the employer has made a referral to the Disclosure and Barring Service, where an employer has dismissed / ceased to employ an individual from paid or unpaid work /duties, or would have, had the

person not left first / resigned, because it has been determined the person poses a risk of harm to children

- make recommendations from lessons learned to multi agency partners within the allegations process.

LEARNING LESSONS

87. At the conclusion of a case, the LADO, may review the circumstances of the case to determine whether there are any improvements to be made to the organisations practice or procedures. In some cases, a Child Safeguarding Practice Review may be appropriate.

WHISTLE BLOWING (ALSO KNOWN AS 'FREEDOM TO SPEAK UP' IN SOME ORGANISATIONS)

88. All staff should be made aware of their organisation's *Whistle-Blowing policy and feel confident to voice concerns about the attitude or actions of colleagues.
89. If a member of staff believes that a reported allegation or concern is not being dealt with appropriately by their organisation, they should report the matter to the LADO.

NEW INFORMATION

90. Once a case has been concluded if any professional or agency considers that there exists new / additional information that was not available during the AMM process which may have influenced the outcome, they can write to the LADO. On receipt of this information and if the information is new information, the LADO will circulate the information to professionals who attended the AMM. The LADO will ask the professionals to consider if the new information provided would have made a material difference to the outcome categorisation made at the conclusion of the Allegation's Management process and whether any further enquires and/ or a new Allegation's Management meeting is required.
91. After reviewing the new information, the LADO will respond in writing, outlining any actions and decision taken within 20 working days, the LADO has the discretion to extend their response time within individual cases.

COMPLAINTS

92. All potential complainants must be made aware, that this complaints process cannot itself change the original Allegations Management outcome.
93. If a person or agency disagrees with the outcome of the Allegations management meeting, this is acknowledged however unless new information is present the Allegations Management outcome will not be impacted (See para's 90 and 91).
94. If a person or agency wishes to raise a complaint in relation to the LADO behaviour, this should be made via the online line form at www.kirklees.gov.uk/complaints found via the Kirklees Council web pages and then choose children complaints for initial discussion around the LADO.

APPENDICES

APPENDIX A – HOW TO PREPARE FOR A LADO AMM

The purpose of LADO Allegations Management meetings is to share information relevant to the allegation that has been made and to plan any investigations that are necessary and who will undertake these. Professionals who participate in this process will also be required to draw conclusions based upon the information shared within the AMM(s), as to whether the allegation is substantiated or not in relation to the risk of harm threshold.

Professionals involved in this process should maintain confidentiality. Information sharing should be restricted to those who need to know, to protect children, to facilitate enquiries, to manage related disciplinary process, or to determine whether an individual is suitable to work with children.

The complexity of the allegation will determine whether there should be only one AMM or whether a second or further meetings are required.

Ask yourself:

- Am I able to represent my organisation in the LADO process? If not, who should attend with you / in your place?
- You must be attending the LADO AMM from a confidential / private space – there must be no persons able to hear or present that the LADO has not invited to the AMM.
- Is there a conflict of interest in my attending this meeting? If so, who should you inform and who should attend in your place?
- Have I familiarised myself with the relevant information held by my agency/organisation?
- Have I taken all the action(s) that I need prior to the meeting? If so, what?
- Confirmed name, address, and date(s) of birth of the young person(s)
- Confirmed name, address, and date(s) of birth of the person(s) the allegation is against
- Chronology of events as understood by your agency/organisation
- Record/notes of any assessments undertaken
- Any relevant current information and history regarding the child and his/her family
- Person who the allegation(s) is against:
- Details of any previous allegations or low-level concerns and their outcomes
- Person who the allegation(s) is against: Start date/leaving date and employment history previous/present
- Person who the allegation(s) is against: Date of DBS and any issue declared
- Person who the allegation(s) is against: Details of any safeguarding training or other relevant training undertaken and when
- Person who the allegation(s) is against: Details of their own children (if any)
- Person who the allegation(s) is against: Details of other work or voluntary roles with children in any other setting(s)
- Parent/carers view of the current allegations and outcomes (if appropriate)
- Details of any witnesses and any comments/statements.

APPENDIX B – TRANSFERABLE SAFEGUARDING CONCERNS FROM YOUR WORK ROLE

What issues in your personal life should you share with your employer?

- As a professional there are requirements for you to inform your employer about safeguarding concerns within your personal life. If there are any issues in your personal life, which may be relevant to your role at work, your employer must contact the LADO, who will make an evaluation of risk.
- This can relate to his/her employment or voluntary activity, in relation to a person's private life where, there is transferable risk.
- Childrens Social Care is involved with the adult's own child or children or,
- Concerns arise about a person's behaviour about their own children (or children for which they have a caring role)
- Concerns arise about the behaviour of a partner, member of the family or other household member.
- Where other information suggests they may pose a risk to any person that may demonstrate a transferable risk within their role with children.
- Where you engage in any interaction with the police, face allegations, criminal charges or any other event in your life which could affect the reputation of the school, you must disclose this without delay to your Service Manager / Headteacher / DSL.
- This should happen in all circumstances, irrespective of whether you feel the matter is relevant or not.
- An evaluation will need to be made of the relevant information to determine the potential implications for your role at work. Statutory agencies have a duty to share information where they believe children may be at risk and it will need to be decided if this information should be shared with your employer.

How will sharing this information impact on my role?

- Many people will remain in the workforce with support from their employer. Informing your employer, allows your employer to assess the information and to support you (or signpost you too available support) through what may be a challenging time, inside and outside of work.
- Each concern is different and will be looked at on its individual circumstances.
- Only your employer can make decisions about whether you should remain working with children. The information shared by the LADO Allegations Management group will be used by your employer to help them decide, while considering what they already know about you and your work.

APPENDIX C – REGULATORY BODIES

The employer will be aware of the relevant Regulatory Bodies (Ofsted/ Care Quality Commission, Social Work England, Teaching Regulation Agency etc.) these notifications must be made as soon as is reasonably practicable.

The Childcare (General Childcare Register) Regulations 2017, the Statutory Framework for the Early Years Foundation Stage, (Welfare Requirements) Regulations 2018 and the Voluntary Part of the Childcare Register Regulations 2017. Ofsted should be informed of:

- **Providers of Early Years' & Childcare**
 - Registered providers must inform Ofsted of any allegations of serious harm or abuse by any person living, working, or looking after children at the premises (whether the allegations relate to harm or abuse committed on the premises or elsewhere). Registered providers must also notify Ofsted of the action taken in respect of the allegations. These notifications must be made as soon as is reasonably practicable, but at the latest within 14 days of the allegations being made.
 - Registered providers must inform Ofsted of the details of any other significant event that is likely to affect the suitability of the provider or any person who cares for, or is in regular contact with, children on the premises. For example, this could be a change in circumstances affecting a provider's physical or mental ability to care for children.
- **Children's Homes including Secure Children's Homes**
 - Providers of children's homes must notify Ofsted of any events or incidents including:
 - ◆ Any serious complaint about the home or persons working there
 - ◆ The instigation and outcome of any child protection enquiry involving a child accommodated at the home.
 - ◆ The Children's Homes (Amended) Regulations 2018
- **Residential Family Centres**
 - Providers of Residential Family Centres must notify Ofsted of any events or incidents including:
 - ◆ Any serious complaint about the centre or persons working there
 - ◆ The instigation and outcome of any child protection enquiry involving a child or a parent who is under the age of 18, accommodated in the centre.
 - ◆ Residential Family Centres Regulations 2002
 - ◆ The Residential Family Centres (Amendment) Regulations 2013
- **Independent Fostering Agencies and Local Authority Fostering Agencies**
 - Providers of fostering agencies must notify Ofsted of any events or incidents including:
 - ◆ Any serious complaint about any foster parent approved by the fostering agency
 - ◆ The instigation and outcome of any child protection enquiry involving a child placed with foster parents.
 - ◆ Fostering Services (England) Regulations 2011
- **Adoption Support Agencies & Voluntary Adoption Agencies**
 - Providers of adoption support agencies are required to notify Ofsted of specific events:
 - Any serious complaint about a prospective adopter approved by the agency where a child is placed for adoption with that prospective adopter by the agency
 - Any serious complaint about a prospective adopter approved by the agency where a child is placed for adoption with that prospective adopter by another agency
 - Instigation and outcome of any child protection enquiry involving a child placed for adoption by the agency.
 - Adoption Support Agencies (England) & Adoption Agencies Regulations 2005 & Adoption Regulations 2018.

APPENDIX D – DISCLOSURE REGULATIONS (CHILDCARE/SCHOOLS/FOSTERING)

The criteria for disqualification under the 2006 Act and 2018 Regulations include those set out in the list below:

- inclusion on the Disclosure and Barring Service (DBS) Children’s Barred List,
- being found to have committed certain violent and sexual criminal offences against children and adults.
- certain orders made in relation to the care of children which are referred to in regulation 4 and listed at Schedule 1 of the 2018 Regulations.
- refusal or cancellation of registration relating to childcare, or children’s homes, or being prohibited from private fostering, as specified in Schedule 1 of the 2018 Regulations.
- living in the same household where another person who is disqualified lives or is employed (disqualification ‘by association’) As specified in regulation 9 of the 2018 Regulations this only applies where childcare is provided in domestic setting or under a domestic premises registration so no longer applies to schools or most nursery provision

Or:

- being found to have committed an offence overseas which would constitute an offence regarding disqualification under the 2009 Regulations if it had been done in any part of the United Kingdom.

Staff covered in schools:

- Staff in schools are covered by this legislation if they are employed or engaged to provide early years childcare (this covers the age range from birth until the 1st September following a child’s 5th birthday, or later years childcare (this covers children above reception age who have not yet attained the age of 8) in nursery, primary or secondary school settings, or if they are directly concerned with the management of such childcare. This includes:
- Early years provision in nursery and reception classes, breakfast clubs, lunchtime supervision and after school care, both during the normal school day and outside of school hours.
- Later years provision for before school settings, such as breakfast clubs and after school provision.
- Staff directly concerned with the management of early and later years provision.
- Agency or third-party organisations in relevant childcare provision.
- Volunteers and casual workers whether supervised or not, in relevant childcare within the scope of the legislation

Childminders:

- Most providers caring for children under eight years old must register with Ofsted or as applicable, a childminder agency. Ofsted will refuse applicants for registration if they are disqualified, for example if they are barred from working with children, have been refused registration in the past or had their registration cancelled (other than for non-payment of fees), or if they live in the same household as someone who is disqualified.

Fostering:

- A person is disqualified from acting as a foster carer for the local authority (unless a relative of the child or already acting as a foster carer) if s/he or any adult member of the household has been cautioned for or convicted of an offence against a child which involves violence or bodily injury (other than common assault or battery), cruelty (to a child under 16), indecency, abduction, the supply of Class A drugs or the importation/possession of indecent photographs of a child under 16 or a sexual offence against a child unless the offence was contrary to sections 6, 12 or 13 of the Sexual Offences Act 1956 and the person concerned was under 20 when the offence was committed. A list of the specific offences is set out in the Criminal Justice and Court Services Act 2000.

APPENDIX E – BODIES WITH A LEGAL DUTY TO REFER

The following groups have a legal duty to refer outcomes or information to the Disclosure and Barring Service:

- Regulated Activity suppliers (employers and volunteer managers).
- Personnel agency suppliers.
- Bodies with a power to refer.

The following Bodies have a power to refer information to the Disclosure and Barring Service:

- Local authorities (Safeguarding role)
- National Health Service (NHS)
- Education and Library Boards.
- Keepers of Registers e.g. General Medical Council, Nursing and Midwifery Council
- Supervisory authorities e.g. Care Quality Commission, Ofsted.

APPENDIX F – DBS ‘DUTY TO REFER’

LEGAL DUTY TO REFER: THE TWO CONDITIONS THAT MUST BE MET

If you are a regulated activity provider or fall within the category of personnel supplier (contractor or agency), you must make a referral when both of the following conditions have been met:

- **Condition 1:** you withdraw permission for a person to engage in regulated activity with children and/or vulnerable adults. Or you move the person to another area of work that is not regulated activity. This includes situations when you would have taken the above action, but the person was re-deployed, resigned, retired, or left. For example, a teacher resigns when an allegation of harm to a student is first made.
- **Condition 2:** you think the person has carried out one of the following:
 - ◆ engaged in relevant conduct in relation to children and/or adults. An action or inaction has harmed a child or vulnerable adult or put them at risk of harm or.
 - ◆ satisfied the harm test in relation to children and / or vulnerable adults. e.g. there has been no relevant conduct but a risk of harm to a child or vulnerable still exists. Or
 - ◆ been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence

RELEVANT CONDUCT IN RELATION TO CHILDREN

A child is a person under 18 years of age.

- Relevant conduct is:
 - endangers a child or is likely to endanger a child
 - if repeated against or in relation to a child would endanger the child or be likely to endanger the child
 - involves sexual material relating to children (including possession of such material)
 - involves sexually explicit images depicting violence against human beings (including possession of such images)
 - is of a sexual nature involving a child.
- A person's conduct endangers a child if they:
 - harm a child
 - cause a child to be harmed
 - put a child at risk of harm
 - attempt to harm a child
 - incite another to harm a child.

MUST I MAKE A REFERRAL?

- If you engaged a person to work in regulated activity, you have a legal duty to refer where the relevant conditions are met.
- The duty to refer applies even when a report has been made to another body such as a local authority safeguarding team.
- The duty to refer applies irrespective of whether another body has made a referral to the DBS in relation to the same person.
- This helps to make sure the DBS have all the relevant information to consider a case. DBS can then make a fair, consistent, and thorough decision about whether to bar a person from working with vulnerable groups.
- A person who is under a duty to refer and fails to refer to us without reasonable justification is committing an offence.

APPENDIX G – COMPLEX (ORGANISED OR MULTIPLE) ABUSE

DEFINITION

- Complex (organised or multiple) abuse may be defined as abuse involving one or more abusers and several related or non-related abused children. The abusers concerned may be acting in concert to abuse children, sometimes acting in isolation, or may be using an institutional framework or position of authority to recruit children for abuse.
- Such abuse occurs both as part of a network of abuse across a family or community and within institutions such as residential settings, in day care and in other provisions such as youth services, sports clubs and voluntary groups. There may also be cases of children being abused via the use of the internet.

INVESTIGATION

- Each investigation of organised or multiple abuse will be different, according to the characteristics of each situation and the scale and complexity of the investigation. But all will require thorough planning, good inter-agency working and attention to the welfare needs of the child victim or adult survivor involved.
- The investigation of complex abuse requires specialist skills from both Police and Children's Social Care Services staff.
- Some investigations become extremely complex because of the number of places and people involved, and the timescale over which abuse is alleged to have occurred. In these circumstances a specialist Investigation Management Group (see Section 7, The Investigation Management Group), as well as a Strategic Management Group (see Section 6, The Strategic Management Group) may be set up.
- The complexity is heightened where, as in cases of non-recent (or historical) abuse, the alleged victims are no longer living in the setting where the incidents occurred or where the alleged perpetrators are also no longer linked to the setting or employment role.
- These will all need to be taken into consideration when working with a child. The confidentiality of the information relevant to any Section 47 Enquiry and criminal investigation must be strictly maintained by those involved and must not be disclosed to others, including others within the agency, unless necessary.

THE CHILD

- The single and most important consideration is the safety and well-being of the child or children.
- In reconciling the difference between the standard of evidence required for child protection purposes and the standard required for criminal proceedings, emphasis must be given to the protection of the children as the prime consideration.
- The investigation and enquiries must also address the racial, religious, cultural, language, sexual orientation, and gender needs of the child, together with any special needs of the child arising from illness or disability.

REFERRAL

- When receiving information, which may indicate organised or multiple abuse, the recipient should immediately refer the matter to the Police and a manager in Children's Social Care Services.
- If there is any suspicion that any managers currently employed by a social care agency are implicated or a member of the Police, the matter should be referred to the Chair of the relevant Safeguarding Children Partnership or in their absence, the Vice-Chair, and a Senior Officer within the Police.

THE STRATEGY MEETING

- A Strategy Meeting should then be arranged to take place as a matter of urgency to assess the need for future action to be taken under this procedure and whether a criminal investigation should take place.
- The Strategy Meeting, chaired by a senior manager from Children's Social Care Services, must take place within 5 working days of the receipt of the referral and be formally recorded. The Manager of the Safeguarding and Reviewing Unit will inform the Safeguarding Children Partnership Chair of the referral.
- The nominated senior staff of Children's Social Care Services and the Police should attend the meeting. The meeting will also involve senior staff from Health, Education and other agencies as required and, where necessary, ensure coordination across local authority boundaries.
- The Strategy Discussion needs to carefully note and map:
 - the children named
 - the children who may be in current contact with possible abusers
 - children who were, but no longer are, in contact with possible abusers
 - possible victims who are now adults
 - witnesses to be interviewed prior to the interviews of children
 - multiple and simultaneous interviews.
- A strategic decision will need to be made by senior managers from the involved agencies as to whether the social work input into the enquiries/investigation can be managed in the conventional way or whether a specialist approach is required for example from a dedicated team outside the service, e.g. the NSPCC.
- This will usually depend on the number, geographical spread, and age range of potential interviewees, as well as whether those implicated are foster carers or employees of any member agency.
- Where the Strategy Discussion confirms that the investigation will relate to organised or multiple abuse, it will appoint a multi-agency Strategic Management Group (see Section 6, The Strategic Management Group) to oversee the process.
- Where a member of staff of any agency is implicated in the investigation, their line manager must not be a member of the Strategic Management Group.

THE STRATEGIC MANAGEMENT GROUP

The Strategic Management Group will be chaired by a senior officer in Children's Social Care Services and will:

- Complete the mapping process started by the Strategy Discussion as set out in Section 5, The Strategy Meeting.
- Specify the terms of reference for the enquiry/investigation.
- Establish ownership of the strategic lead in the investigation.
- Bring together a team of people with the necessary training, expertise, and objectivity to manage and conduct the criminal investigation and/or Section 47 Enquiry on a day-to-day basis. NB: Line managers or colleagues of any person implicated in the investigation must not be involved and the involvement of any person from the workplace under investigation must be considered with particular care.
- Decide whether there is a need for an independent team to investigate the allegations.
- Decide the terms of reference and accountability for the investigating team, including the parameters and timescales of their enquiries/investigation.

- In cases of greater scale and complexity, appoint an Investigation Management Group (IMG) (see Section 7, The Investigation Management Group).
- Ensure that appropriate resources are deployed to the investigation including access to legal and other specialist advice, resources, and information.
- Ensure that appropriate resources are available to meet the needs of the children and families or adult survivors, including any specific health issues arising from the abuse.
- Ensure the investigating team are themselves supported with personal counselling if necessary and that issues of staff safety are addressed.
- Ensure that suitable accommodation and administrative support are available for the investigation.
- Liaise as necessary with the Crown Prosecution Service at an early stage before arranging services for a child in need of counselling or therapeutic help so that the help can be given in a way which is consistent with the conduct of the criminal investigation.
- Agree a communications strategy including the handling of political and media issues, and communication as necessary with the Regulatory Authority.
- Ensure that records are kept safely and securely stored and a high level of confidentiality always maintained.
- Hold regular strategic meetings and reviews, which must be recorded, to consider progress, including the effectiveness of the joint working, the need for additional resources and next steps.

THE INVESTIGATION MANAGEMENT GROUP

- In cases of considerable complexity and scale, an Investigation Management Group will be appointed.
- Membership of this group should include representatives from Children's Social Care Services, the Police, Health, and the local authorities Legal Services, with other agencies being invited to participate as appropriate.
- The tasks and functions of the Group will be subject to the terms of reference agreed by the Strategic Management Group (SMG), and will include the following:
 - to provide a forum where professionals can meet, exchange information, and discuss the implementation of the agreed investigation strategy
 - to ensure a consistent strategy for interviewing victims within and outside the council's area.
 - to keep the SMG informed of resources and any shortfalls
 - to ensure a consistent and appropriate inter-agency approach to support victims and their families
 - to co-ordinate the inter-agency response to families and provide consistent information
 - to ensure information is shared appropriately with other agencies not represented on the SMG or the IMG
 - to ensure clarity of roles and responsibilities for staff involved in the investigation. Investigators will have full access to all records and key information
 - to ensure that relevant intelligence is passed between agencies and to the Police Major Incident Room (MIR).

END OF ENQUIRY/INVESTIGATION MEETING AND REPORT

- At the conclusion of the enquiry/investigation, the Strategic Management Group will evaluate the investigation, identify the lessons learned and prepare an overview report for the relevant Safeguarding Children Partnership, highlighting any practices, procedures or policies which may need further attention and require either inter-agency or individual agency action plans.

APPENDIX H – SPECTRUM OF BEHAVIOURS (INCLUDING LOW LEVEL CONCERNS)

- It is important for organisations who work with children to have in place policies and/or processes to deal with concerns (including allegations) which do not meet the harm threshold set out below in Table A; thereby creating a culture in which all concerns about adults in a position of trust are shared responsibly and with appropriate persons, recorded and dealt with appropriately.
- It is mandatory that schools and colleges have appropriate policies and processes in place to manage and record any such concerns and take appropriate action to safeguard children; some organisations include these processes within their Code of Conduct.
- KCSIE 2022 and Kirklees LADO Guidance outline the requirement for employers to keep records of allegations that are found to be Substantiated, Unsubstantiated or Unfounded (Malicious or false should be removed from personnel records unless the individual gives their consent for retention of the information) however, for the above category of allegations the employers summary should be held on the file of the person accused, with:
 - a clear and comprehensive summary of the allegation.
 - details of how the allegation was followed up and resolved.
 - a note of any action taken, and decisions reached, and the outcome as categorised above.
 - a copy provided to the person concerned, where agreed by children's social care or the police; and,
 - a declaration on whether the information will be referred to in any future reference
- All low-level concerns should be recorded in writing by the designated safeguarding lead (or deputy). The record should include details of the concerns, the context in which the concern arose, and action taken.

TABLE A

RAG Level	Threshold Level	Description
Red	LADO Threshold	<p>Allegation – Where it is alleged that a person who works with children has:</p> <ul style="list-style-type: none"> Behaved in a way that has harmed a child or may have harmed a child. Possibly committed a criminal offence against or related to a child. Behaved towards a child or children in a way that indicates 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 <p>A complaint or an allegation has been made against a person in relation to his/her work with adult service users, which causes concern about the welfare of an adult service user’s children, or the person also has another role working with children.</p>
Amber	Low level concerns	<p>Any concern – no matters how small, even if no more than a ‘nagging doubt’ - a record made of actions taken to evidence how the information has been shared and managed – where an adult may have acted in a manner which:</p> <ul style="list-style-type: none"> Is not consistent with an organisation’s Code of Conduct, and/or Relates to their conduct outside of work which, even if linked to a particular act or omission, has caused a sense of unease about that adult’s suitability to work with children. <p>Keeping Children Safe in Education 2022 – states that <i>‘If staff have safeguarding concerns, or an allegation is made about another member of staff (including supply staff and volunteers) this should be referred to the Headteacher/Principle or DSL’.</i></p> <p>Working Together to safeguard Children 2018 – <i>‘Any allegation against people who work with children should be reported immediately to a senior manager within the organisation or agency. The LADO should be informed within one working day of all allegations.’</i></p>
Green	Appropriate conduct	Behaviour which is entirely consistent with the organisation’s Code of Conduct, and the law.

APPENDIX J – CONTACT OPTIONS

KIRKLEES LADO

Telephone: 01484 221126

Email: LADO.Cases@kirklees.gov.uk

Web: [Local Authority Designated Officer | Kirklees Council](#)

CSC DUTY & ADVICE

Telephone: 01484 414960

Email: DutyAdvice.Admin@kirklees.gov.uk

POLICE

Telephone: 101

If you have an immediate concern for a child’s safety, call the Police on 999.

