

LADO/Allegations Management Practice Guide

What is Allegations Management?

Allegations management is the process by which allegations against people who work with children (in a paid or voluntary capacity) are investigated. Concerns may arise in a wide range of circumstances and can relate to an individual's behaviour in work, outside work or at home.

Bradford Safeguarding Children's Partnership (Safer Bradford) has a duty to ensure that there are effective inter-agency procedures in place for dealing with allegations in respect of people who work with children. This guidance should, therefore, be read in conjunction with the West Yorkshire procedures on allegations against persons who work with children https://westyorkscb.proceduresonline.com/p_alleg_staff.html

The key principles underpinning the allegations management process are:

- The welfare of the child
- Adults about whom there are concerns should be treated fairly and honestly and should be provided with support
- It is the responsibility of all adults to safeguard and promote the welfare of children and young people.

Organisations and agencies working with children should have clear policies for dealing with allegations which make a clear distinction between an allegation, a concern about the quality of care or practice, and a complaint. Policies should include timescales for investigation and what support/advice is available to individuals against whom allegations have been made. Any allegation should be reported immediately to a Senior Manager within the organisation who has responsibility for allegations against people who work with children.

Role of the LADO

The role of the LADO (Local Authority Designated Officer) is to provide advice and guidance to employers and organisations regarding allegations against people who work with children. The LADO co-ordinates and oversees investigations, where the following criteria applies:

A person has:

- Behaved in a way which 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 which indicates that he/she may pose a risk to children
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children

The LADO receives notification of allegations, liaises with police and other agencies and monitors the progress of cases to ensure the process is fair and completed in reasonable timescales.

The LADO reports to Safer Bradford on a regular basis, and produces an annual report on the number of referrals, themes and trends.

What is an allegation?

Behaviours which cause concern should be considered within the context of the four categories of abuse (physical, sexual, emotional and neglect). At work this could include concerns relating to inappropriate relationships between members of staff and children, grooming for sexual and criminal exploitation, possession of indecent photographs or misuse of restraint and concerns that arise in one role which may impact on another.

Performance or capability issues are not usually the basis for consideration via the allegations management process, unless the concerns meet any of the above criteria (e.g. persistent health and safety breaches that place children at risk).

Individual behaviours that may be a reputational concern for the employer or lead to criminal charges, but are not related to children (e.g. theft/drink driving), would not usually meet the criteria above.

However, other concerns that arise regarding behaviour/issues in an individual's private life may meet the criteria, if the welfare of children is a concern. For example, where an individual's own children become subject to a **Child Protection Plan** the employer should be made aware if they work/volunteer with children. The individual may be given the opportunity to inform their employer first, depending on the circumstances. The employer will then be advised to consider and evaluate any risk to children in that setting.

If an adult who works with children is a perpetrator of domestic abuse or is convicted of any other violent / sexual crimes against an adult, disclosure to the employer would be considered by the LADO in respect of transferable risk to children in their employed capacity / position of trust. If an adult who works with children is the victim of domestic abuse, this will also need to be considered by the LADO regarding their own children, and the employer may need to consider the impact on the individual within the work setting.

If an adult is living with a person who has been convicted or cautioned for an offence against a child (not necessarily a partner, it could be an adult child), this should be discussed with the LADO.

The Process

Step 1: Notification/Consultation

The Senior Manager within an organisation who has responsibility for allegations against people who work with children should notify the LADO **within 1 working day** of an allegation being made to them, and prior to any further investigation taking place.

The initial consultation with the LADO will consider the evidence and information available to establish if the criteria above is met. The LADO will liaise with relevant agencies, including police colleagues, as appropriate, to discuss the concerns. There are up to 3 strands regarding possible next steps which the LADO will advise upon:

- Police investigation of a possible criminal offence
- Children's Social Care enquiries/assessment
- Consideration by an employer of safeguarding measures and/or disciplinary action

The LADO will provide advice to the employer about when to inform parent/s of the child.

The LADO will also provide advice to the employer about when to inform the person whom the allegation relates to, subject to any restrictions on the information that can be shared at this point. It is important to remember that organisations have a duty of care towards their employees and should take advice from their HR departments regarding ongoing management of the allegations management process (e.g. keeping employees informed, offering counselling and support). Decisions about suspension are made by the employer and should not be automatic, but informed by risks to children in the workplace, the nature of the allegation, any criminal investigation and whether there are other duties the individual could undertake pending the outcome of the investigation.

Step 2: Recording confidentially

Following consultation with the LADO, a **LADO referral form** should be completed by the employer/referrer and forwarded to LADO@bradford.gov.uk , if the criteria are met. All details relating to the allegation, the individual's role/position of trust within the organisation and household members will then be held securely on Bradford's LCS Allegations Workspace. This information is held by the LADO, service manager and Head of Service in the Safeguarding and Review Unit.

Other information shared with the LADO, which does not meet criteria, will be held securely in the Safeguarding Review Unit on the Advice and Enquiries Spreadsheet. This ensures that all enquiries to LADO can be routinely collated and analysed.

No LADO information and/or LADO related information should be recorded on the child's file on LCS. This is important to maintain confidentiality. If a referral form is sent to LADO this should not be saved or uploaded to LCS. Once sent, and receipt is confirmed, it should be deleted. A simple 'one liner' can be added to the child's file to 'evidence' that this action has been taken:

i.e. "Allegations Management referral made, contact safeguarding".

If it is necessary to record that a referral needs to be made to LADO (for example, as an action from a Strategy Discussion for a S47) this should only record that a referral is needed as a parent is employed in a position of trust with children. The role they have does not need to be recorded as this will be followed up with a referral which will give all the necessary details to the LADO.

If parent/parents directly disclose that they work in a role with children during a S47 and/or assessment, and this is recorded as part of the discussion/information, details which identify where they work should not be recorded on LCS. i.e. if this is recorded it should be recorded that parent/parents said they were a teacher etc but not where they work, or any other details.

If advice is sought relating to whether or not a referral needs to be made, and LADO advice is that it is not necessary, this will be recorded by the Safeguarding and Reviewing Unit.

If there is an action recorded for practitioners to seek advice from the LADO, again a simple one liner should be used i.e. 'advice sought from safeguarding, referral not needed' to evidence that action was taken appropriately. There should be no e-mails/correspondence sent by the LADO for information recorded on the child's file.

Step 3: Allegations Management Meeting (AMM)

The AMM can be convened at any time in the allegations management process, if this is felt to be necessary. If an AMM is not necessary, the LADO will have allegations management discussions with all relevant professionals /agencies to share information and agree any actions.

Where an AMM is held, this will be chaired by the LADO, who will ensure that all relevant agencies/organisations are invited. The purpose of the meeting is to share information about the person who is the subject of the allegation and the alleged child victim, plan the investigation/enquiries and determine if any action needs to be taken to safeguard the child. The LADO will then regularly monitor and record the progress of the case, convening additional AMM's if necessary.

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 old, or a registered child minder. Children's Social Care should inform Ofsted of allegations made against a foster carer, prospective adopter, or member of staff in a residential child care facility. The registered manager is also responsible for notifying Ofsted of any allegations. They should also be invited, and given the opportunity, to take part in AMM's.

Outcomes

Investigations should be undertaken with a focus on establishing and evidencing one of the following:

- Substantiated – there is sufficient evidence to prove the allegation
- Unsubstantiated – there is insufficient evidence to either prove or disprove the allegation; the term does not, therefore, imply guilt or innocence
- 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. The person making the allegation may have misinterpreted the incident, been mistaken or was not aware of all the circumstances.
- Malicious – there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive

If an organisation removes an individual from work/volunteer activity because they pose a risk of harm to children, the organisation must make a referral to the **Disclosure and Barring Service (DBS)**. The DBS helps employers make safer recruitment decisions and prevents unsuitable people from working with vulnerable groups, including deciding if it is appropriate for a person to be placed on the barred list. The DBS referral form can be downloaded from the DBS website. Individuals must also be referred to the appropriate regulatory / professional body such as the Teaching Regulation Agency (TRA) for teachers, Social Work England (SWE) for a social worker or General Medical Council (GMC) for a doctor.

Appendix 1 - ALLEGATIONS MANAGEMENT PROCESS (STAFF AND VOLUNTEERS)

