

Managing Allegations Against Staff and Volunteers who Work with Children

Barking and Dagenham LADO Procedures

1. Introduction

These procedures have been created and should be considered in line with the following;
(see 9 below)

- Working Together to Safeguard Children (2018)
- Keeping Children Safe in Education (2019)
- London Child Protection Procedures (Chapter 7)

All allegations of abuse, suspected abuse or other concerning behaviour by those who work or volunteer with children in Barking and Dagenham must be taken seriously and referred to the Designated Officer (LADO) within 24 hours of the allegation becoming known. This should be done either by contacting the LADO by telephone for initial advice or by using the LADO referral form.

Allegations against people, who work with children, whether in a paid or unpaid capacity, cover a wide range of circumstances. These procedures are not limited to the alleged harm of children in a professional capacity and can be applied to concerns related to the harm of a child outside of paid and unpaid work with children, for example, harm to their own children.

The scope of this procedure is not limited to allegations involving significant harm or likelihood of suffering significant harm to a child and includes unsuitable and criminal behaviour. Barking LADO procedures should be applied in all situations where it is alleged that a person who works with children 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 that indicates they may pose a risk of harm to children.*

In line with the London Child Protection Procedures 2017, a referral to the LADO is also required where there is an allegation that a person who works with children:

- *Has behaved in a way in their personal life that raises safeguarding concerns. These concerns do not have to directly relate to a child but could, for example, include arrest for possession of a weapon or drug offences;*
- *As a parent or carer, has become subject to child protection procedures;*
- *Is closely associated with someone in their personal lives (e.g. partner, member of the family or other household member) who may present a risk of harm to children for whom the member of staff is responsible in their employment / volunteering.*

These procedures should be applied where a person's behaviour could constitute grooming or having a sexual relationship with a child under the age of 18, if in a 'position of trust' in respect of that child, even if consensual.

The allegations may relate to the person's behaviour at work, at home or in another setting.

Where it is suspected that a person has harmed a child or possibly committed a criminal offence against or related to a child, the referrer should not discuss the allegation with the staff member or volunteer prior to referring the matter to the Designated Officer (LADO).

2. Procedures for handling allegations in relation to professionals who work with children.

Allegations or concerns referred to the Designated Officer (LADO) will be considered against the criteria as set out above. In Barking and Dagenham, referred allegations or concerns are recorded within three categories;

- **Information and Advice:** The information referred does not meet the allegation threshold as set out above, but a level of advice is provided by the LADO. There is no further role for the Designated Officer.
- **LADO Consultation:** The information referred raises concern around the staff or volunteer's behaviour / conduct related to the safeguarding of children. The allegation threshold may not be met, or it may be more proportionate for the matter to be investigated and managed internally by the employer in line with HR processes. The LADO may wish to retain a level of oversight in order to review the allegation criteria.
- **LADO Referral:** The information referred meets the allegation threshold and there is concern that a child or children have been harmed or are at risk of harm due to the behaviour or conduct of the staff member or volunteer. LADO referrals will be managed through a formal allegations process for which the Designated Officer (LADO) shall take the lead in the coordination.

Initial Considerations: In cases deemed to have met the allegations criteria (LADO Referral) the Designated Officer will liaise with the employer to determine next steps and consider the immediate safety of the child/ren. A determination will be made as to what level of information can be shared and with who, this includes the staff member / volunteer and whether immediate action is needed for the purpose of safeguarding children.

In some cases, suspension of a staff member / volunteer may be proportionate whilst the multi-agency response to the allegation is considered. The term 'suspension without prejudice' or 'garden leave' are often used and should be a neutral act. However, immediate suspension should be avoided in most circumstances and it may be more proportionate for alternative work arrangements to be put in place in consultation with the LADO and the agencies own HR advisor. The LADO will help the employer to consider if the arrangements are satisfactory to keep children safe.

Employers have a duty of care to their employees. They should ensure they provide support for anyone facing an allegation and provide the employee with a named contact if they are suspended. It is essential that any allegation of abuse made against a member of staff or volunteer is dealt with as quickly as possible, in a fair and consistent way that provides effective protection for the child and, at the same time supports the person who is the subject of the allegation. It is also important that staff and volunteers are aware at the start of their employment, that allegations will be dealt with in this way.

In cases where a child has been harmed, may have been harmed and/or a possible criminal offence has been committed, the LADO will refer the matter to the Police Child Abuse Investigation Team (CAIT) and when appropriate, social care under s47 of the Children Act 1989.

It is not the role of the Designated Officer (LADO) to investigate the allegation but oversee the management of the allegation and how it will be investigated. The LADO process will make a final determination on the allegation based on the evidence presented through the ASV and review process.

Initial Allegation Against Staff or Volunteer Meeting (ASV): The LADO will aim to convene an initial ASV meeting within 5 working days of the referral being received. This meeting is **not** attended by the person who the allegation is against. Attendees are made up of a professional network, including the 'employer' who are best placed to consider the allegation, perceived risk and agree how the allegation will be investigated. At times this meeting can be managed via alternative arrangements such as Skype, confidential email, telephone and conference call.

Professionals who may be invited to the ASV meeting:

- The Designated Officer (LADO) who will act as chair;
- The 'employer' or relevant Designated Safeguarding Lead for the organisation;
- The Police CAIT or relevant team representative;
- The social care Multi-Agency Safeguarding Hub (MASH) Manager or relevant Team Manager or Social Worker;
- Any other professional or agency deemed to have a role to support the LADO process and / or investigation or management of the perceived risk.

The ASV meeting will;

- Outline the allegation and how it is deemed to meet the criteria;
- Review what action has been taken since the point of referral;
- Consider any additional information relevant to the allegation, such as witness statements, employment history;
- Consider which arrangements are needed to protect the child/ren involved and whether emergency action is needed;
- Determine which agency will take the lead on the investigation, having consideration for any potential Police Investigation;
- Agree the parameters of the investigation and identify any gaps in information;
- Consider which other children the person has contact with including their own family;
- Consider what support should be provided to children who may be affected;
- How information will be shared with parents and how they will be kept updated on the investigation (where appropriate);
- Consider what support should be offered to the member of staff and how they will be kept up to date with an investigation;
- Make recommendations related to suspension or alternatives to suspension to keep children safe;
- Agree a point of contact for the staff member who can offer support;
- Whether senior management / leadership should be made aware (e.g. possible media interest, resources implications);
- Agree actions, dates for future meetings / review / updates.

Review Allegation Against Staff and Volunteers Meeting: Where a further meeting is required, for example to review the progress of investigations, this should occur as soon as possible in order to ensure that allegations are managed in a timely manner. Where a further meeting is not convened, a review date by other means will be set by the LADO.

A final ASV meeting/discussion should be held to ensure that all tasks have been completed, including any referrals to the DBS and regularity bodies where appropriate, and agree any actions for future practice on lessons learnt. It may be necessary to hold more than one review meeting in cases which are complex or where there is an ongoing Police investigation.

At the point of the final ASV review / discussion an outcome related to the allegation will be agreed against one of the following definitions based on the evidence presented from investigations:

- **Substantiated:** There is sufficient evidence to prove the allegation
- **Unsubstantiated:** There is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply innocence or guilt;
- **Unfounded:** There is no evidence or proper basis which supports the allegation being made;
- **Malicious:** There is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;
- **False:** There is sufficient evidence to disprove the allegation

Allegations which have been determined Unsubstantiated, Unfounded, Malicious and False should not be included in future employer references. A history of repeated concerns or allegations which have all been found to be false, unsubstantiated, malicious or unfounded should also not be included in any reference.

Allegations which are deemed malicious should be removed from the person's personnel file, unless the staff member or volunteer requests that the information is held on file for future reference.

When an allegation is substantiated, the ASV meeting/discussion will consider the following;

- Referral to the Disclosure and Barring Service (DBS) and who will complete the referral (in most circumstances it is the current employer); (see 9 below)
- Notification to any regulatory body, such as HCPC, DfE;
- Disciplinary Action;
- Training Requirements and wider lessons learnt.

In all circumstances, the employer and the LADO should consider the circumstances of the case to determine whether there are any improvements to be made to the organisation's procedures or practice and should be recorded in the ASV meeting records.

Resignations and compromise agreements: The fact that a person tenders his/her resignation, or ceases to provide their service, must not prevent the allegations being followed up in accordance with these procedures. It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process. The staff

member / volunteer should be informed that investigations will continue to their natural conclusion as if the person had remained in post.

By the same token, 'compromise agreements' – by which a person agrees to resign, the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference – must not be used in these circumstances. In any event, such an agreement would not prevent a thorough Police investigation where appropriate, nor can it override an employer's statutory duty to make a referral to the Disclosure and Barring Service where circumstances so require.

3. Recording and Information Sharing / Retention

All information is stored in a secure system with restricted access to only the Designated Officers, line management and the nominated Business Support Officer.

Information and Advice: A concern referred to the LADO deemed information and advice is recorded on a secure spreadsheet with the following information; date, name of the staff member / volunteer (if known) or organisation, address, the person making the referral, an outline of the concern, the determination on the criteria application and any advice given. This is recorded to evidence that the matter was referred to and considered by the LADO.

LADO Consultation: A concern that is deemed a LADO consultation is recorded in the social care electronic recording system (Liquid Logic). The system allows for more detailed recording proportionate to the perceived level of risk / concern. The information is held in a restricted area of the system and can only be accessed by the Designated Officers (LADO) and nominated Business Support Officer.

LADO Referral: An allegation that is deemed to meet the allegations threshold is recorded in the social care Liquid Logic system. All meeting minutes, case notes and allegation outcomes are recorded within the system. This information is held in a restricted area of the system which can only be accessed by the Designated Officers (LADO) and nominated Business Support Officer.

The Bichard Report (2004) sets out recommendations about sharing information to keep children safe from adults who may pose a risk of harm to them. For reliable information to be shared, it must be recorded. (see 9 below).

The London Child Protection Procedures state in relation to Allegations against Staff and Volunteers that it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken, and decisions reached, is kept. It will provide clarification in situations where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record should be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer. Following the Independent Enquiry into Child Sexual Abuse, the government issued letters regarding the retention of records in relation to sexual abuse enquiries. (See 9 below).

The London Child Protection Procedures also state the LADO should keep comprehensive records in order to ensure that each case is being dealt with expeditiously and that there are no undue delays. The records will also assist the LSCB to monitor and evaluate the effectiveness of the procedures for managing allegations and provide statistical information to the Department for Education (DfE) as required.

In relation to GDPR, the LADO function relies upon its 'legal obligation' and 'public task' [as defined in the GDPR] as the primary basis for processing information to establish whether or not there is a need to safeguard the welfare of a child. In relation to requests for information to be not held, these will be considered upon request, however the safety and welfare of children will remain paramount. (Children Act 1989).

4. Principles of Good Practice in Considering Suspicions of Abuse

- Children and young people should be listened to and all allegations should be taken seriously and acted upon;
- It is not unusual for a child to withdraw their allegation and should not be considered an indicator that the risk is diminished;
- A criminal investigation which does not result in a prosecution or conviction does not necessarily mean there is no risk;
- Enquiries should establish details of any other work/activities or contact with children undertaken by the adult of concern and refer to the Local Authority Designated Officer (LADO);
- All allegations and concerns should be reported to the LADO within 24 hours;
- Investigation should take account of the impact on the child or young person within the workplace and how this will be managed;
- Investigation should take account of the continuing vulnerability of the child or young person through the enquiry process;
- It should be considered whether any other meetings are required to safeguard the child or young person;
- All staff should be aware that all children can be vulnerable when cared for outside their own home, particularly when they are living away from home. Those factors which increase vulnerability to abuse within their own family such as being very young, disabled or in an isolated, closed family also apply when cared for by others;
- All staff who work with children have a personal responsibility to report suspicions or allegations of abuse. This also applies when the suspicion is raised against a colleague;
- Everyone involved with suspicions or allegations of abuse by staff should maintain an open and enquiring mind;
- If the suspicion or allegation is about physical contact, the context of the environment should be considered as staff in certain settings have to manage difficult behaviour. The Department for Education sets out when teachers and other school staff may use reasonable force to manage disruptive behaviour.
- Residential care staff can work in environment where additional challenges are posed. Wherever possible, staff who operate in such settings should receive training about when physical intervention should be used, about safe care practices and about the use of appropriate restraint techniques:
- The risk of harm posed by the person under investigation will be carefully evaluated and managed – in respect of the child/ren involved, and any other child/ren in the individual's home, work or community life;
- Any enquiry/investigation may well have three related, but independent strands, all of which need to be thoroughly assessed and a definite conclusion reached.

These strands are:

1. Child protection enquiries relating to the safety and welfare of any children who are or may have been involved;
2. A police investigation into a possible offence;
3. Disciplinary investigations, where it appears that allegations may amount to misconduct or gross misconduct on the part of staff. A similar, if simpler, process should be in place for concerns about volunteers, foster carers, students about to embark on work with children etc

5. Key Roles and Responsibilities

Employing agencies and others who provide services to children have an active duty to have in place basic safeguards including:

- Rigorous recruitment and selection procedures which create a high threshold of entry to deter and detect abusers; and include awareness training for decision makers
- Guidelines for staff behaviour which promote safe care, safe working practice and increase protection to staff;
- Clear procedures and support systems for dealing with expressions of concern by staff and carers about other staff and carers (see 9 below)
- Clear internal processes for responding to suspicion or allegations of abuse which support these inter-agency procedures;
- Clear information on where staff and managers can seek advice.

6. Local Authority Designated Officer

The Local Authority must appoint a Designated Officer (LADO) whose responsibilities are to:

- provide advice and guidance to employers and voluntary organisations, liaising with the police and other agencies and monitoring the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process;
- provide advice and guidance to employers and voluntary organisations;
- provide advice and guidance to Senior Managers
- liaise with the Police and other agencies;
- monitor the progress of cases – to ensure that they are dealt with as quickly as possible within set timescales and consistent with a thorough and fair process; and
- keep records of all advice given, actions taken, and decisions made;
- maintain information databases in relation of all allegations and produce qualitative and quantitative reports for the Local Safeguarding Children Board (LSCB);
- provide assistance to agencies in the discussion regarding suspension (the power to suspend is vested in the employer alone);
- liaise with the Police and the Crown Prosecution Service;
- discuss with the Senior Manager the possibility of a referral to the Disclosure & Barring Service (DBS) or to the appropriate Regulatory Body.

The LADO should be informed within one working day of all allegations that come to an employer's attention or that are made directly to the Police. If an organisation removes an individual (paid worker or unpaid volunteer) from work such as looking after children (or would have, had the person not left first) because the person poses a risk of harm to children, the organisation must make a referral to the Disclosure and Barring Service. It is an offence to fail to make a referral without good reason. Consideration will be given to the

making of a referral to the Disclosure and Barring Service in all circumstances where a person is considered to potentially pose a risk of harm to children and referrals to other professional regulating bodies will be considered where appropriate.

7. Responding to Allegations

Concerns about a member of staff may arise in many different ways, including:

- A direct allegation from a child or parent/carer;
- A concern expressed by a colleague;
- A criminal investigation;
- Disciplinary procedures;
- Complaints procedures;
- Information from another authority or organisation;
- Concerns about their own parenting.

The concern may be contemporary in nature or historical or both. Even when concerns are clearly historical, allegations may have implications for the safety of children now; and should be dealt with within these procedures.

8. Designated Officer (LADO) contact details:

The Designated Officer role in the London Borough of Barking and Dagenham sits within the Safeguarding and Quality Assurance Service within Children's Social Care.

Safeguarding Lead for Education. Manages allegations against staff who work in schools, colleges, supplementary education and early years settings (nurseries).

Landline: 020 8227 3934

Mobile: 07875 993 857

Safeguarding Manager for the Child Protection Review Service. Manages allegations against staff who work outside of an education environment, such as foster carers, residential, health, social care and Police and early years staff (childminders).

Landline: 020 8227 2265

Mobile 07875 993 855

Safeguarding Business Support Officer.

Landline: 020 8227 2513

Generic LADO referral email – LADO@lbbd.gov.uk

9. Further Relevant Information

DBS Barring Guidance <https://www.gov.uk/government/collections/dbs-referrals-guidance--2>

London Child Protection Procedures http://www.londoncp.co.uk/chapters/A_contents.html

Keeping Children Safe in Education <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

Working Together 2018 <https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

Richard Enquiry Report <http://dera.ioe.ac.uk/6394/1/report.pdf>

Destruction of Records Letters <https://www.iicsa.org.uk/news/chair-of-the-inquiry-issues-guidance-on-destruction-of-documents>

LBBB Whistleblowing

Policy <https://lbbd.sharepoint.com/sites/IntTp/HR/HRPP/Whistleblowing%20Policy.pdf#search=whistleblowing%20policy>

DfE Prohibition from Teaching <https://www.gov.uk/guidance/teacher-misconduct-referring-a-case>