

**The Management of Allegations  
against Staff or Volunteers who work  
with Children and Young People in  
Newham**

**Local LADO Procedures  
December 2017**

## **1. Introduction**

The Newham LADO Service operates within Working Together to protect Children 2015 and uses the London Child Protection Procedures (Chapter 7) as guidance for its processes.

However, the LADO role within Newham has evolved and adapted to local circumstances and arrangements and as such there is a need to

## **2. Consultations with the LADO**

The LADO is available for consultation either via email or telephone discussion where anyone is concerned that an individual who works or volunteers in a capacity which brings them into contact with children may pose a safeguarding risk.

Any concerns or allegations should be reported to the Local Authority Designated Officer (LADO) within 24 hours of the concern coming to notice.

In normal circumstances, the LADO will be contacted by the Designated Safeguarding Lead or Senior Safeguarding Lead for an organisation that employs the individual of concern.

The Newham LADO will, however, accept referrals from any individual who wishes to make contact with the LADO.

## **3. Initial Consideration**

Initially the LADO will establish that the adult<sup>1</sup> is someone who can be considered to be working, either paid or unpaid, with children. In order to establish this consideration will be given to whether

- The member of staff is in a position of trust or authority
- Is operating in a regulated capacity
- Has used their role in order to access children
- Manages or facilitates access to an establishment where children are present
- Manages information that may be considered to facilitate access to children

The LADO will review the concern against the criteria set out in Chapter 7 of the London Child Protection Procedures and consider if it meets the threshold for LADO oversight:

The threshold is as follows:

- 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.

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<sup>1</sup> This includes 16 and 17 year olds who are placed in a position of trust by the organisation in relation to anyone under the age of 18.

Additional considerations made as to whether LADO oversight is required include:

- 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;
- As a parent or carer, has become subject to child protection procedures;
- Is closely associated with someone in their personal lives

Where an individual has telephoned in for consultation and the LADO deems the above criteria is not met, the LADO will provide advice and guidance as appropriate. The LADO will advise the individual to email a summary of the concern which will be replied to for them to hold a record of the consultation. The LADO will also record the email exchange in a case file of consultations. In such circumstances the name of the member of staff would not be recorded, but details of the concern and the referring organisation will be recorded.

Where an individual has telephoned in for consultation and the LADO deems the above criteria is met, they will be requested to send in a completed LADO referral form.

Where an individual sends in a LADO referral form, the case will be recorded on the LADO database and separate file and chronology opened in the name of the alleged subject (or, if this is not available, under the organisation name as an 'unknown worker').

If, upon initial consideration, the referral is not deemed to meet threshold then the database will reflect the immediate closure of the referral without further LADO procedures having been commenced. In terms of formal LADO outcome (see below), this will be outcome'd as not having met threshold.

If an allegation arises about a member of staff or volunteer in their private lives, the LADO will need to consider whether there is a pressing safeguarding need to breach the individual's rights pursuant to Article 8 HRA 1998. If this 'pressing needs' test is not deemed to be met, the LADO will not contact the employer and the case will be closed. Advice may be given to other agencies/individuals in order to address the concerns.

If the member of staff lives in a different authority area to that which covers their workplace, liaison should take place with that Local Authority to ensure that any identified risk is considered.

In some cases, an allegation of abuse against someone closely associated with a member of staff (e.g. partner, member of the family or other household member) may present a risk of harm to child/ren for whom the member of staff is responsible through their employment/volunteering. In these circumstances, a meeting / discussion should be convened to consider:

- The ability and/or willingness of the member of staff to adequately protect the child/ren;
- Whether measures need to be put in place to ensure their protection;
- Whether the role of the member of staff is compromised.

#### **4. The Management of Referrals**

Where an allegation/concern is identified as a referral to the LADO, consideration will be given as to how best to investigate the allegations, either via the police, children's social care, the employer under disciplinary procedures, or a combination of these. However, in the first instance consideration must be given to assessing the immediate risk to the child or children and action should be agreed as to how to mitigate / reduce such risk.

Where it is suspected that a criminal offence may have been committed, the police must be consulted by the LADO and in these circumstances the referral will be sent to the Child Abuse Investigation Team. Where this is not the case, or where the police and LADO agree that police involvement is not appropriate, the LADO will consider how best to proceed. This can fall into three main strands

- Where a matter is complex or unclear, and it is unclear as to whether threshold is met, the LADO should consider an Initial Evaluation Meeting.
- Where there is no perceived threshold for Police and Children's Services, a recommendation will be made for the Employer to conduct its own investigation into the allegation, overseen by the LADO. In these circumstances, an investigation approach will be agreed including timescales for the employer to feed back to the LADO.
- Where it is clear that information sharing is required with other agencies, an Initial Allegations against Staff and Volunteers Meeting (ASV) will be convened.
- Where it is clear that the risk is deemed to require urgent action, the LADO will consider convening an ASV meeting following initial enquiries by Childrens Services / Police.

#### **5. Allegations against Staff and Volunteers Meetings**

Where the decision is made to convene an ASV meeting, the LADO will complete an invitation list.

Invitations will be sent to the appropriate professionals by Business Support staff who will also provide a minute taker. The meeting will be chaired by the LADO and should be attended by

- the 'employer',
- the police,
- a Children's Services manager,
- Regulatory representative (where appropriate),
- The Designated CCG Safeguarding lead (where all allegation concerns a health professional).
- Any other professional deemed to have a role to support the LADO process and or / management of perceived risk.

The meeting will not be attended by the Adult against whom the allegation is made or the child/children involved or their parents/carers.

The ASV meeting should consider:-

- that arrangements are made to protect the child/ren involved and any other child/ren affected, including taking emergency action where needed;

- what support should be provided to children who may be affected and how they and/or their parents / carers are updated with progress of the investigation;
- what support should be provided to the member of staff and others who may be affected and how they will be kept up to date with the progress of the investigation;
- Ensure that investigations are sufficiently independent;
- Make recommendations where appropriate regarding suspension, or alternatives to suspension;
- Identify a lead contact manager within each agency;
- Agree protocols for reviewing investigations and monitoring progress by the LADO, having regard to the target timescales;
- Consider issues for the attention of senior management (e.g. media interest, resource implications);
- Agree dates for future meetings / discussions.

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 will be set by the LADO.

All contacts with and actions completed by the LADO should be recorded in a case chronology in the subject's file. Where documents are provided or salient emails exchanged, these will be stored in the same chronology in the subject's file.

A final ASV meeting /discussion should be held to ensure that all tasks have been completed, including any referrals to the DBS if appropriate, and, where appropriate, agree an action plan for future practice based on lessons learnt. At this meeting/discussion a final outcome will be agreed against one of the following definitions:

- **Substantiated**  
There is sufficient evidence to prove the allegation. N,b, This outcome should only be used if it is decided that the incident constitutes an allegation of harm/risk of harm. If the facts of the incident are found to be true but this threshold has not been met, then consideration should be given to deciding that the outcome is 'unsubstantiated' or 'Unfounded'
- **Unsubstantiated**  
Where it is concluded that there is insufficient evidence to substantiate an allegation, the Chair of the meeting / discussion should make record of the agreed outcome and forward this to the employer of the employer to enable them to consider what further action, if any, should be taken.
- **False**  
False allegations may be an indicator of abuse elsewhere which requires further exploration. If an allegation is demonstrably false, the employer, in consultation with the LADO, should refer the matter to LA children's social care to determine whether the child is in need of services, or might have been abused by someone else. If it is established that an allegation has been deliberately invented, the police should be asked to consider what action may be appropriate.

- **Unfounded**

The additional definition of 'unfounded' can be used to reflect cases where there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively they may not have been aware of all the circumstances.

Cases in which an allegation was proven to be false, unsubstantiated or malicious should not be included in employer references. A history of repeated concerns or allegations which have all been found to be false, unsubstantiated or malicious should also not be included in any reference.

The outcome as well as any further actions required will be recorded in the subject's case file.

## **6. Substantiated allegations**

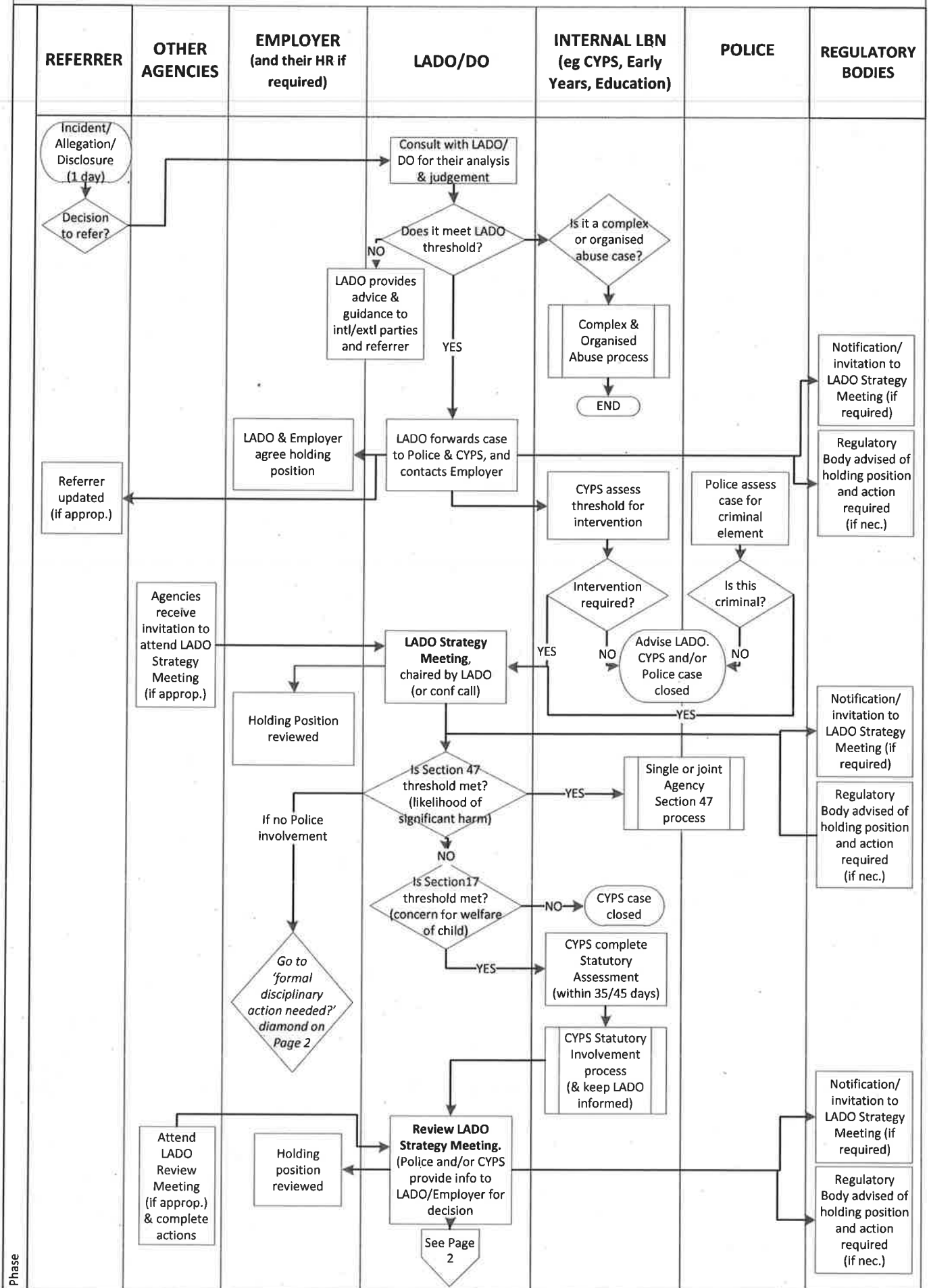
Where an allegation is substantiated, the ASV Meeting/Discussion will consider the following

- Referral to the Disclosure and Barring Service and who will complete the referral
- Notification to Ofsted
- Disciplinary Action
- Training requirements

## **7. 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. These should be recorded in the ASV Meetings a appropriate.

# LADO/DO TO-BE PROCESS FLOWCHART



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