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### Management of Allegations Guidance

If you are an Employee/Volunteer working regularly or closely with children in Leicestershire it is important you read this guidance.

### LADO Guidance for Employees/Volunteers subject to The Allegations Procedures

#### Local Authority Designated Officer:

Each Local Authority has a professional(s) who manages allegations against Employees/Volunteers who work with children in any capacity; this person is called the Local Authority Designated Officer also known as the LADO.

If a child and/or adult makes an allegation against you, this means that there is concern regarding your conduct, attitude, behaviour, values and practices in safeguarding children. This can also include leadership and governance of your organisation/agency. When an allegation is raised it may meet the following threshold for the LADO to become involved:

1. Behaved in a way that has harmed a child, or may have harmed a child
2. Possibly committed an offence against or related to a child OR
3. Behaved towards a child or children in a way that indicates he or she would pose a risk of harm if they work regularly or close to children. (Working Together, 2018)
4. Behaved or may have behaved in a way that indicates they may be unsuitable to work with children' (KCSIE Guidance 2020)

#### What is an Allegation?

The allegation could be about physical, sexual, emotional, online abuse and neglect. The allegation can be recent and/or none recent.

In addition to those listed above, other forms of behaviours and attitudes either at or outside of the workplace may also be the subject of an allegation. This may include your values in



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relation to the standards or principles that govern your personal behaviour and/or area of work, resulting in the safeguarding of children being in question and will be taking into consideration by the LADO.

### What if the threshold for an Allegation is not met?

There are times when the LADO is contacted and although an issue has been raised the threshold has not been met. At this time the LADO will offer advice and consultation to the employer. There may be no role for LADO or the LADO may ask for further information. LADO can in these cases track the consultation dependent of the level of concern being considered in the internal investigation.

### The LADO has overall responsibility for:

- Ensuring that the organisation operates procedures for dealing with allegations in accordance with National Policy and/or Good Practice Guidance and LLR Multi-Agency Procedures.
- Resolving any interagency issues
- Liaises with the LSP (Local Safeguarding Partnership) on the subject e.g. submits an annual report.
- Be involved in the management oversight of individual cases and monitoring progress
- Provide advice and guidance to schools, employers and voluntary organizations in regard to allegations and concerns, including when and whether to share information about the allegation with the staff member concerned. This will involve discussion with Social Care and Police where there are child protection and/or criminal concerns.
- Liaise with the Police and other agencies
- Monitor the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process.
- Where appropriate, challenge schools and employers (and others) if their decisions do not appear to ensure the protection of children and/or human rights of the individual of concern
- Refer to Registered Bodies such as Ofsted/DFE due to governance/compliance issues if and when necessary.
- The LADO is contacted regularly by Ofsted (including DFE, TSA, Home Office and even the Children's Commissioner will also contact the LADO) regarding schools and academies in Leicestershire in respect of Positions of Trust, compliance and governance issues and the LADO has a duty to share the records with them.
- LADO has duty of care to refer non-compliance & governance issues to registered bodies..
- If you become subject to the LADO's management of allegations procedures, this will mean you have been deemed as someone being in a Position of Trust (POT). Enquiries or an investigation will be carried out in respect of the allegations against you. Those involved under these processes will be asked by the LADO to look into your employment, other activities where you are working with children and possibly your family, especially if you have your own children or are caring for someone else's children. This also includes recruitment agencies, home tutors, Community Faith



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Based Establishments, manager-less organisations, foster carers, and approved pre-adoptive placements.

### Investigations and Fact Finding:

An Investigation into the allegations will be either carried out by the Police as a criminal matter or by Children's Services as a Child Protection matter or both Professional Bodies can work jointly in investigating the allegation – both agencies must feedback to the LADO in respect of their findings before deciding the next steps.

Fact Finding is usually a process that can be carried out by your Employers and may be carried out by liaising with the LADO before formal enquiries. Initial fact finding should be carried out by the Employer to gain some understanding of what has taken place before they contact the LADO and/or the First Response Team within children's Service. Wherever possible enquiries should not progress without LADO advice.

**NB** It is recommended that you ensure you make a record of the incident/allegation via your established processes and procedures e.g. Incident Log form.

During the initial fact-finding process if you or the children are asked to write a written statement, good practice guidance advises this should not be done – the only professionals that should be taking statements are the Police or Employers, when they commence internal investigation process. The person who initially receives the allegation(s) is the person who should record the information, recap with the individual who is providing the information, date, time and sign it.

### What will happen if an allegation is made against you?

Your Employer/Volunteering Agency should inform you that safeguarding issues have been raised about you. Your Employer's/Volunteering organisation with the support and guidance of their Human Resources, will need to carry out a number of actions; some of these actions may include putting you on:

1. Back room duties / restricted duties
2. Refrain from work
3. Suspended without prejudice

The purpose of these actions is to enable the completion of investigations/enquiries; the above process safeguards you and safeguards the children. There will be times that Employers will not inform you that an allegation has been made, this will be done in consultation with the LADO. Some of the reasons for not informing you of the allegation are possibly due to a personal tragedy, trauma, and health related issues which you might be experiencing at that time. Sometimes more in-depth enquiries need to be done to determine the actual allegation. If this is the case, your Employers will need to liaise closely with the LADO to determine when you will be informed of the details of the allegations.

Lead agencies will come together under the Allegations Processes and Procedures where the allegations will be managed. Each agency will have roles and responsibilities in the investigative process. The LADO will chair the Position of Trust meeting and will coordinate



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the actions of all agencies involved. The LADO will provide challenge and scrutiny in respect of the practices of other agencies if and when necessary. You will not be able to attend the Position of Trust Meeting, but your employer will be aware of what information can be shared with you and the timescale in which this can be done.

### **YOUR SAFETY & WELLBEING IS CENTRAL TO THE LADO DISCUSSIONS WITH EMPLOYERS & VOLUNTEERING AGENCIES:**

The above process affects employees/volunteers in a number of ways; it is understandable that staff can become distressed, worried, anxious and/or angry, this can be a difficult time for you, so remain calm and ensure you ask for the following as a minimum from your agency:

- Union Representative – if you are a member
- Independent support person from the employing/volunteering agency – i.e. someone who has no role in the management of the allegation either in relation to you or for the child(ren) who made the allegation(s).
- Employers must aim to see you face to face (including the support person) if you are refrained from work or suspended.
- You will be (most of the time) told of the date and time of the Position of Trust meeting – you cannot attend this meeting as this is a closed and confidential meeting in relation to the information provided above.
- The Employer managing issues surrounding a Position of Trust should be at a management level and is able to make decisions in respect of you and the service. The person dealing with you should not be the same person dealing with child(ren) who has made the allegation(s).
- Make sure you don't contact the child and/or their parents
- Don't put anything on social media that could compromise your present situation
- Remain professional at all time
- Be honest and open at all time
- Do exactly what the Police and/or Employers have requested
- Do not contact the LADO – your Employer should keep you informed

### **Timescales for Position of Trust Meetings:**

- 24 hrs – referrals submitted to First Response and the LADO services
- 5 to 7 working days – Initial POT meeting
- POT reviews at intervals of 1 month, 6 weeks; 3 months and 6 months thereafter.

If the matter goes beyond the 6 months – this could mean that the Police investigation is ongoing, or your case has been progressed to the Crown Prosecution Service (CPS). The LADO has no role at this point – only that they would need the final outcome from the Court process if the matter reaches the threshold for trial.

### **Police – Criminal investigation:**

It is possible that the allegations made against a member of staff could require a criminal investigation. This will be conducted by the local Police Child Abuse Investigation Unit (CAIU) and will normally be carried out in conjunction with the local Children's Social Care team. The



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role of the Police is to collate evidence which will include speaking to the alleged victim, taking witness statements securing CCTV evidence and any other related enquiries.

Once the evidence has been gathered then the police will conduct an interview with the person subject of the allegation. This can be conducted on a voluntary basis or under certain circumstances may be after the arrest of the suspect. The person subject of the allegation is entitled to legal advice and disclosure about the nature of the allegation against them.

Once all of the evidence is gathered, a decision is made as to whether it meets the standard for consideration by the Crown Prosecution Service (CPS). There would need to be significant evidence of a crime and generally some corroboration of the allegation to warrant this. The Police will then submit detailed reports to the CPS who will then consider whether there is enough evidence to support criminal charges and that it is in the public interest to do so.

The Police have a responsibility to keep any person suspected of a crime updated and conduct their enquiries diligently and expeditiously. The Police will inform you, the Employer and the LADO of their outcome in respect of their investigation.

### Outcomes of the LADO Process and Procedures for you:

There can be a number of outcomes coming out of a Position of Trust meeting from no further action, unsubstantiated, unfounded, malicious, ongoing investigations.

Internal employment processes could also lead to; disciplinary, performance management to dismissal and deregistration from the regulating body are some. Outcomes will be shared with you after the final Position of Trust meeting by the Police (if involved) and/or your Employers/Volunteering agency.

The LADO could also send a letter to you regarding the outcome from the POT process as described above; however, there may be other outcomes that your Employer may use in addition to the outcome at the POT meeting.

Employer's Outcomes could include; refresher training needed, more work done around Safer Working Practices, action planning around particular practices, referral to DBS/TSA/CQC, other professional regulatory bodies, disciplinary or dismissal. Neither you or your employer should request or make a Compromise Agreement.

In some circumstances the LADO may once the employment and or Criminal Process have concluded hold an Outcome Review Meeting. This meeting will consider any further actions arising out of the outcome. This for example could include circumstances where a criminal trial has resulted in an acquittal, but it may be necessary to consider the weight of evidence and if on the balance of probabilities, as the adult may pose an ongoing risk to children.

### Record of confidentiality and meeting:

The LADO is very clear with those present in respect of the principles surrounding confidentiality and data protection of information in relation to you. Nothing can be shared in respect of notes, records and minutes with anyone outside of the POT meeting without the LADO's consent. The LADO also makes sure that confidential space has been created in the



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office so other professionals not party to the POT process do not hear any information surrounding you.

The LADO has also ensured that the Children's Services maintain minimum records regarding you on the child's record unless you are related to the child. LADO maintains secure records, limited to those who have been identified as a person who can have access to the record by the LADO.

The LADO has also asked Employers and Partner agencies to do the same.

You can access the minutes by making a Subject Access Request via the Local Authority and there will be a fee.

The LADO will need to redact the records in line with data protection before they come out to you.

### OTHER SIGNIFICANT INFORMATION THAT CAN SAFEGUARD YOU:

If there has been a significant event outside of the work place and in your own time this could mean that you have a duty to disclose that you are employed in Regulated activity or you are in a notifiable occupation.

Examples of this include if you have been involved with the Police, Children Services, Courts or you are registered to a regulating body e.g. Ofsted (and others), you do have a duty of care to inform the professionals involved with you that you are in a 'Notifiable Occupation', they will understand this to be that you are in a Position of Trust and working with children. This is about 'transferrable risk' i.e. what is happening in your personal life could this have an impact on the children you work with.

You must also report to your Employer/Volunteering agency that that there has been a significant event in your personal life where professionals may be involved from a safeguarding and/or criminal element. Failure to report will have an impact on your employment status. Please note any contact with the Police may show up on your DBS.

### TO ENSURE YOU ARE WORKING SAFELY AND SAFEGUARDING YOURSELF AND THE CHILDREN YOU WORK WITH, PLEASE TAKE TIME AND READ RECOMMENDED DOCUMENTS AND VISIT THE WEBSITES:

- Working Together - March 2018, revised in 2020
- Leicestershire, Leicester City and Rutland Local Safeguarding Partnership Child Protection Procedures - <https://llrscb.proceduresonline.com/index.htm#>
- Keeping Children Safe in Education 2019
- Your own agency's Policies and Procedures



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