

**LOCAL AUTHORITY DESIGNATED OFFICER (LADO) PRINCIPLES**

Based on National LADO Network (NLM)

1. **National LADO Principles**

1.1 National LADO Principles have been agreed by Regional Representatives from across the Country in consultation with partner agencies and Regional Groups. They are principles of practice which aim to ensure parity between LADOs and should be adopted as such. Where a Regional Group or individual LADO has a more detailed set of standards to follow, these should take precedence over the National LADO Principles but should broadly be in line with them.

1.2 Where a Regional Group or individual LADO does not have a set of principles or there is a disagreement between LADOs or within a Local Authority regarding action required, the National LADO Principles may be used to help resolve this.

1.3 National LADO Principles have not yet been provided to Ofsted and the Department for Education who are partners with the National LADO Network. It is hoped that in the future and when embedded, the Principles should be used as a set of good practice assurance for the Allegations Management process against which LADOs can be inspected.

1.4 The Principles will be annually reviewed by the NLN.

**2. Definition of ‘working with’ children**

2.1 An adult who is working or volunteering with children (anyone under the age of 18 years old) or coming into contact with children through work on a regular basis and would be seen as being in a position of trust over them. In addition, this would also apply to someone under 18 in the same position e.g. a 17-year-old teaching a musical instrument or instructing a group.

2.2 There is no clear definition of what is meant by ‘working with children’ in national guidance. It includes all paid or unpaid staff, supply staff and volunteers who are in a position of trust/where they have regular and close contact with children and would be viewed by them as a trusted adult. The role of the LADO goes beyond that of regulated activity as defined by the DBS.

2.3 Each referral/contact to LADO should be considered on its own merits and considered based on the circumstances of that person’s contact with children and young people and the nature of the concerns. The following considerations should influence whether an individual is deemed to be working with children and therefore can be considered by the LADO. They include:

* Those who are in regulated activity,
* Those who are not in regulated activity but are in a position of trust and authority and have regular and close contact with children and young people;
* Those who have specific strategic responsibility for children and young people or manage the above and by this role may have access to children.
* The LADO should be involved if the person has recently worked, or is actively seeking work, with children or is likely to do so in the future.

2.4 The LADO can also be contacted regarding cases of non-recent abuse to allow the LADO to complete checks to identify if there is any ongoing risk from this person within any other role.

3. **Scope of the LADO role**

**The LADO threshold**

3.1 Working Together 2018 sets out that Local Authorities should have a Designated Officer (LADO) to be involved in the management and oversight of allegations against people who work with children where a person who works or volunteers with children has:

* 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; or
* Behaved towards a child or children in a way that indicates they may pose a risk of harm to children
* Behaved or may have behaved in a way that indicates they may not be suitable to work with children

3.2 When considering if a person who works with children has behaved or may have behaved in a way that indicates they may not be suitable to work with children, the below are examples of safeguarding concerns that may be considered.

3.3 This will assist in determining if the matter falls within scope of LADO procedures or otherwise.

3.4 These examples are not prescriptive or exhaustive and will be dependent on the circumstances, context and severity. Advice should be sought from the LADO.

3.5 Where appropriate an assessment of transferable risk to children with whom the person works should be undertaken.

**Examples**

3.6 Examples include:

* Sexual offence towards an adult
* Physical assault of an adult
* Perpetrator of domestic abuse
* Drug offences
* Attending work under the influence of drugs or alcohol
* Where they are closely associated with someone in their personal lives who may present a risk of harm to a child
* Discriminatory or prejudicial behaviour towards adults
* Significant mental health issues where the person may not be currently fit to work with children
* Serious animal cruelty offences
* Firearms offences

**Categories of Harm**

3.7 LADOs will record the primary category of risk, as defined as follows:

* Physical - causing physical harm to a child.
* Sexual - Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities
* Emotional - emotional maltreatment of a child such as to cause adverse effects on the child's emotional development and wellbeing.
* Neglect – Neglect is the failure to meet a child's basic physical, emotional and/or psychological needs, likely to impact on or result in the impairment of the child's health or development.
* Financial – Financial or material abuse, including theft, fraud, exploitation, pressure in connection with wills, property or inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.  This will normally only be applicable to adults at risk but may apply to a child in circumstances such as a parent using a child’s inheritance or compensation in a way that does not contribute to the child’s well-being.

3.8 Inappropriate Conduct/Transferable Risk: Wherever possible, the category should reflect the risk the person who is in a position of trust may pose to the children they work or volunteer with. However, the risk may relate the adult’s conduct or behaviour that indicates that they are a risk to children, this behaviour might not relate to their position of trust but to their personal life.

See [**Appendix 1**](#App1) **LADO Harm and Definition Threshold**

**4. Responsibility for Case Management**

4.1Where there is an allegation which involves the co-ordination of cross border communication and activities, there should be clear identification of a single lead LADO who is responsible for ensuing matters are appropriately investigated. The guiding principle as to which LADO leads is where the organisational risk to a Local Authority rests.

4.2 Usually therefore, the LADO in the area where the service provided to child(ren) is based, will act as lead LADO in the management of allegations. This allows for information and intelligence to be held in the most appropriate Local Authority to support the establishment of potential patterns of concern.

4.3 This is particularly important where the allegations relate to foster carers and locum staff in schools and other organisations, where the agency identified as the employer, may be based in another Local Authority. Thus where a foster carer lives, and cares for the children, in a particular local authority (The Host Authority), it is that Host Local Authority which would hold LADO responsibility. In the same way it is the school where a teacher works rather than where the agency providing the teacher is based, that dictates the lead LADO. In both circumstances the responsibility for the case and the information is held were the risk lies.

4.4 Where the subject of the concerns is employed in different local authorities, potentially in different roles, the LADO for each relevant employer will take responsibility for supporting and overseeing the management of concerns in each role. Clearly in such circumstances the need for LADOs to share information and consult appropriately is key.

4.5 Where an allegation relates to a looked after child placed and the Host authority LADO leads, it is for the social worker for the child to record the allegation in the placing authorities records and not for the host LADO to notify the placing Authority’s LADO.

5. **Collation of statistics**

5.1 The LADO will hold statistical information in a format that is readily available in order to:

* Ensure information regarding a potential perpetrator of harm to a child is recorded securely and available to compare with new information regarding the same person.
* Assist in answering Freedom of Information (FOI) enquiries.
* Provide comparable figures to assist Regional or National LADO Network in identifying trends or areas of commonality or disparity.
* Provide accurate figures to Ofsted/DfE when required.
* In South Tyneside this will task will be enhanced by the implementation of Liquid Logic LADO module.

5.2 Subject to agreement by the Local Authority, statistical information will be collated by the National LADO network to provide aggregated national and regional trends. This information will only be shared with LADO’ and not as comparisons between Local Authorities.

**6. Yearly Reports**

6.1 The LADO will complete an Annual Report for the South Tyneside Safeguarding Children and Adults Partnership (STSCAP) that shows areas of activity and trends, is analytical, has actions and is SMART. In order to do this the LADO report will:

* Consider individual, regional and national work carried out
* Include statistics that enable the safeguarding partnership to see broadly which agency allegations come from and who they are about, how they have been investigated and the outcomes.
* The report will aim to identify trends and qualitative data to explain these, areas of concerns and areas for future work

6.2 The National LADO Network chair will produce a short annual report on the work of the NLN over that year which will be disseminated to partner agencies and to the chairs of Regional Groups for discussion as required.

**7. The Voice of the Child**

7.1 It is important that the voice of the child is not lost within the Allegations Management process. The LADO will ensure that the child has been spoken to by the professional most appropriate in the circumstances and their views gained. Wherever possible, the LADO will not accept an ‘assumed’ view of what the child says has happened or how they might feel.

**8. Referral and the Referral Process**

8.1The LADO will receive information which might be viewed as a referral, a complaint or a consultation.

8.2 Referrals: Where information amounts to an allegation that meets the thresholds, this will always be recorded. Where information amounts to an allegation but it doesn’t meet the thresholds for LADO involvement, the LADO will record that advice or information has been provided and there no further role for LADO.

8.3 Consultations: Where information does not constitute an allegation but is more general and ‘in principal’ the LADO may decide not to record this, dependant on the nature of the issue.

8.4 Complaints: Where information relates to a complaint about practice rather than an allegation of abuse, the LADO will direct the referrer to the relevant complaints process.

8.5 Recording information: Where an allegation meets the Allegations Management thresholds then information recorded will be a minimum of:

* Date of contact to the LADO
* Date of the alleged incident
* Details of the person making the referral (name, agency and contact details)
* Details of the person whom the allegation has been made against (name, DOB, agency and contact details for both work and home)
  + Are they previously known to LADO or the Local Authority?
  + Do they have caring responsibilities (children of their own)?
* Child/Young person’s details (name, DOB, address, do they have a social worker, do they have communication difficulties?)
* Detail of the allegation and or concern
* Primary alleged category of abuse (physical, sexual, emotional, neglect or risk of harm, financial or material abuse)
* LADO decision and the rationale for this decision to be included.
* Actions arising from the referral.

8.6 For all referrals to the LADO the STSCAP LADO referral form will be completed, see [**Appendix 2**](#App2)**,** this may be after consultation with the LADO but this is not a requirement and awaiting discussion should not delay a referral being submitted.

8.7 All records will be retained securely and shared on a need to know basis. This need would ordinarily be based upon the protection of children, the facilitation of investigations/assessments or the protection of the subject of the allegations. Information will ordinarily only be shared with the agreement of the LADO. This is made clear to attendees at all LADO Strategy Meetings and included in minutes.

8.8 Subject Access Requests: Where the subject of the allegation makes a data subject access request for records which relate to them, including records of LADO meetings, the LADO will liaise with Information Governance to ensure appropriate redaction of documents prior to disclosure. Other meeting attendees will be made aware of the request and will be sent a copy of redacted documents as appropriate.

**9. Managerless Organisations**

9.1 The LADO may receive an allegation regarding an adult working with children where there is no manager or overarching body to invite to a meeting as the ‘employer’ e.g. an independent /self-employed individual.

9.2 The management of allegations where there is no manager is a potential area of weakness and challenge within the Allegations Management process. Efforts will be made to involve the relevant registered/professional/affiliated body but where there is none, the LADO will arrange for information from professionals to be shared in the normal way in order to assess risk. If there is a criminal or Section 47 investigation, this will continue and the police or children’s social care will be asked to explain the Allegations Management process to the individual about whom the allegation has been made so that they are aware that their employment might be affected (for example if there are bail conditions).

9.3 If there is no criminal investigation or S47 enquiry, the LADO will consult with the other involved agencies and consider communicating separately with the person against whom the allegation has been made to advise them of the allegation and seek their views, offering advice on practice, policies and expectations re behaviours.

**10. Quality Assurance**

10.1 Data from case audits and quality assurance provides an important insight into the effectiveness of LADO advice and guidance. This is an area for development in South Tyneside however audit tools will be developed to include:

* Audit of overall LADO service delivery
* Audit of individual LADO cases.

**11. Retention of Records**

11.1 Working Together 2010 advised that allegations should be kept on a staff member’s personal file for 10 years or until normal retirement age, whichever was the latter.

11.2 LADO records should be kept ensuring that details of allegations are available should they be required. These records will be retained, dependent on findings, as set out at Appendix 3.

11.3 Guidance from the Independent Investigation into Child Sexual Abuse (IICSA) advises all organisations to retain any and all documents, notes, e-mails and all other information, however held, which contains or may contain content pertaining directly or indirectly to the sexual abuse of children or to child protection care.

See [**Appendix 3**](#App3) **LADO Information and Retention Policy**

**12. Outcomes and lessons learned**

12.1 All cases managed by the LADO will have a final outcome recorded and appropriately communicated. It is not always possible to record this at the time of the Strategy Meeting so in South Tyneside the LADO has in place standard documents to communicate with involved individuals. This will normally be undertaken by email.

See [**Appendix 4**](#App4) **Letter Templates**

12.2 The decision regarding the Outcome is based on the “Balance of Probabilities.”

* Substantiated: there is sufficient identifiable evidence to prove the allegation.
* False: there is sufficient evidence to disprove the allegation.
* Malicious: there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false.
* Unfounded: 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.
* Unsubstantiated: there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

12.3 The outcome of the meeting should always reflect whether the individual may pose a future risk to children.

12.4 The outcomes discussion would normally precede any decision by the employer to invoke disciplinary procedures. Where the concerns are substantiated, employing or volunteer agencies should consult if not already done so with the Disclosure and Barring Service and other relevant professional bodies about the requirement for a referral. Further information and guidance from the DBS can be obtained from their website at [www.homeoffice.gov.uk/dbs](http://www.homeoffice.gov.uk/dbs).

**13. LADO Competencies**

13.5 The role of the LADO has grown from different arrangements across Local Authorities and Regional Groups. Working Together 2015 changed the qualifications required for the LADO role, advising that newly appointed LADOs should be Social Work qualified. In South Tyneside any new LADO appointment will be a qualified Social Worker.

13.6 In order to undertake the role of the LADO, and where there is no agreed local or regional standard, the National LADO Network has prepared a set of competences to assist in the recruitment and training process.

See [**Appendix 5**](#App5) **Competencies**

**Appendix 1: LADO Harm Definition and Threshold**

**DEFINITION**

* Harm means ill-treatment or impairment of health or development including for example impairment suffered from seeing or hearing the ill-treatment of another;
* Development means physical, intellectual, emotional, social or behavioural development;
* Health means physical or mental health;
* Ill-treatment includes sexual abuse and forms of ill-treatment which are not physical.

(Section 31(9) of the Children Act 1989, as amended by the Adoption and Children Act 2002)

* All forms of physical and/or emotional maltreatment, sexual abuse, neglect or negligent treatment, or commercial or other exploitation, resulting in actual or potential harm to the child’s health, survival, development or dignity in the context of a relationship of responsibility, trust or power.

**(***Definition of Child Maltreatment Butchart, Putney, Furniss and Kahane 2006 Preventing Child Mistreatment: a guide to taking action and generating evidence, Geneva WHO)*

**THRESHOLD**

LADOs exercise professional judgement in their decision making, having given consideration to the following:

Any action or inaction, by commission or omission that has, may have, or has potential, if repeated, to cause any form of damage, injury, pain, hurt, discomfort, loss of dignity or suffering to any child. This may be of a physical, sexual or psychological/emotional nature or by negligence or other non-physical acts e.g. via social media and includes:

* harming or placing a child at risk of harm by the person’s own behaviour(s)
* failure to take action to prevent harm by another person
* failure to recognise or accept risk posed by another person e.g. by denial or minimisation
* inciting harm by another person
* failure to follow safeguarding guidance, policies and procedures, including safer working practice guidance
* failure to recognise or meet a child’s welfare or care needs
* circumstances where, on a particular occasion, harm has not been caused to a child, but, if repeated, may do so, either to that child or another child
* any behaviour that may suggest a future risk of harm e.g., viewing child abuse images; behaviour that could constitute grooming; violence; bullying or frightening children

**Appendix 2: Referral Form**



**LADO Referral**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 1. Person making the Referral | | | | | | | |
| Name | | |  | | | | |
| Position held | | |  | | | | |
| Agency | | |  | | | | |
| Nature of Agency | | |  | | | | |
| Address of Agency | | |  | | | | |
| Contact Number | | |  | | | | |
| Email | | |  | | | | |
| Date LADO notified | | |  | | | | |
|  | | |  | | | | |
| 1. **About the Adult of Concern** | | | | | | | |
| Name of Adult involved in the concern | | |  | | | | |
| DOB |  | | Gender | | Male  Female | | |
| Ethnicity |  | | Language spoken | |  | | |
| Address | | |  | | | | |
| Does the adult have any contact with children? | | | | | | Yes  No | |
| If yes, provide the following information | | | | | | | |
| Name of Child | DOB | | Address | | Do you have concern for this child? | | |
|  |  | |  | | Yes  No | | |
| If yes, provide details | | | | | | | |
|  | | | | | | | |
| Position held by adult of concern | | |  | | | | |
| Place of Employment | | |  | | | | |
| Name of Employer | | |  | | | | |
| Address of Employer | | |  | | | | |
| Contact number & email address of place of employment | | |  | | | | |
| Contact number & email address of employer (if different) | | |  | | | | |
|  | | |  | | | | |
| 1. **About the Allegation/Issue of Concern** | | | | | | | |
| Nature of allegation | Physical | Emotional | | Sexual | | | Other |
| If other, please specify |  | | | | | | |
| Provide details of the allegation or concern including date of any incident | | | | | | | |
|  | | | | | | | |
| Has a referral been made to the Police? | | | Yes  No | | | | |
| Has a referral been made to CSC? | | | Yes  No | | | | |
| Has anyone else been notified of the allegation? | | | | | | | |
|  | | | | | | | |
| Has any other action has been taken? | | | | | | | |
|  | | | | | | | |
| What has been shared with the adult involved? | | | | | | | |
|  | | | | | | | |
| Provide any additional information that is relevant to the allegation | | | | | | | |
|  | | | | | | | |

|  |  |  |  |
| --- | --- | --- | --- |
| 1. Individuals to be invited to the LADO Strategy Meeting **(To be completed by LADO)** | | | |
| Name | Agency | Contact Details | Email Address |
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Return the completed form to [LADO@southtyneside.gov.uk](mailto:LADO@southtyneside.gov.uk)

**Appendix 3: Retention Policy**

This policy aims to provide guidance to LADOs and other agencies around the retention of information that is collated by LADOs.

The purpose of this guidance is to ensure that agencies are fully aware of what information will be retained, for what purpose and for how long.

Prior to the Independent Investigation into Child Sexual Abuse (IICSA), there was no National Government Guidance in place to advise LADOs around how long information should be retained.

The guidance from IICSA advises all organisations to retain any and all documents, notes, e mails and all other information - however held – which contains or may contain content pertaining directly or indirectly to the sexual abuse of children or to child protection care, children relates to any person under the age of 18.

For all other information, the following timescales will be applied:

**Recording dates for review**

When a case is closed by the LADO a review date will be recorded 10 years for the date of closure.

For cases that are unsubstantiated & substantiated, at the time of case closure, the date at which the alleged perpetrator turns 100 years old will be recorded as the date of review.

Cases that are reviewed and a rationale is provided to retain information, a new date should be recorded as to when the case should be reviewed again.

| **CONTENT/ TYPE** | **SCENARIO** | **TIMESCALE FOR REVIEW** | **ACTION** | **RATIONALE** |
| --- | --- | --- | --- | --- |
| **Contacts, Initial Considerations and Referrals that do not**  **Progress** | All contacts, Initial Considerations and referrals into LADO where it is clear that there is no evidence to substantiate the allegation | Reviewed 10 years from the date of closure | All information should be deleted or removed, unless at that point the LADO is able to rationalise why the information should be retained. | *A decision to retain information beyond 10years may be taken by the LADO if patterns or behaviour are emerging that suggest the person could continue to pose risk of harm.* |
| **Malicious, False or Unfounded** | All cases that progress to strategy meeting whereby the allegation is found to be Malicious, false or unfounded. | Reviewed after 10 years from the date of closure | If no additional information or evidence is brought to light during this period, the information should be deleted or removed, unless the LADO is able to rationalise why the information should be retained. | *A decision to retain information beyond 10years may be taken by the LADO if patterns or behaviour are emerging that suggest the person could continue to pose risk of harm.* |
| **Unsubstantiated** | All cases that progress to strategy meeting whereby the allegation is found to be unsubstantiated. | No Date for review | These records should be retained until the alleged perpetrator reaches, or would have reached, the age of 100 years. Following this time they should be deleted and destroyed. | *For cases that are deemed unsubstantiated there is neither evidence to confirm or deny the alleged incident happened and therefore the risk in deleting this information is too high information sooner.*  *The decision made to retain records whereby the outcome is unsubstantiated comes from the Bichard enquiry regarding Ian Huntley who had a series of unsubstantiated allegations against him that presented a pattern of concern.* |
| **Substantiated** | All cases that progress to strategy meetingwhereby the outcome is found to be substantiated. | No Date for review | These records should be retained until the alleged perpetrator reaches the age of 100 years. Following this time they should be deleted and destroyed | *Substantiated case should not be delated or removed sooner than this time as the outcome suggests the person poses risk of harm to children and the information should remain.*  *This allows for allegations that may be made once the person has died per Jimmy Savile and Cyril Smith.* |

**Appendix 4a**



**Letter to parent / carer to advise them of an allegation in relation to their child and information relating to the STSCAP Procedure**

**Confidential [when completed]**

**Securely Delivered**

(remove prior to sending)

Date:

Dear (name)

This information is provided to you in strictest confidence, you may share with your child, if of an appropriate age. We would ask that you maintain confidentiality to ensure that the investigation is not compromised.

I am writing to advise you that a safeguarding allegation has been brought to our attention in relation to the behaviour of an adult towards your child (name of child).

\*\* Insert / delete as appropriate

\* The details of the safeguarding allegation are that (details of the allegation), or

\* I am not able to give you full details of the safeguarding allegation at this stage, but will do so as soon as I am able.

This allegation meets the criteria for being considered under HM Government Guidance Working Together to Safeguard Children 2018 and South Tyneside Safeguarding Children and Adults Partnership (STSCAP) Procedure, *Managing Allegations Against Those Who Work or Volunteer with Children.*

This procedure is used in respect of all cases in which it is alleged that a person who works with children has:

* *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; or*
* *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.*

The full procedure can be found at: [<https://www.proceduresonline.com/nesubregion/>](https://www.proceduresonline.com/nesubregion/)

The investigation will be undertaken by (insert details of whether the police or employer will be doing so).

\*\* If a referral has also been made to Children & Families insert:

As discussed, a referral has been made to Children & Families so that an assessment of support for your child can be made.

\*\* Insert as appropriate any details of suspension / safeguarding arrangements:

To ensure the safety of your child whilst the investigation is undertaken the member of staff will (insert as appropriate).

- not be in school whilst the investigation is ongoing;

- be redeployed so they do not have any direct contact with your child;

- be provided with an assistant;

- be redeployed to alternative work; or

- be redeployed to work at another location.

We will be in contact with you to discuss any information you or your child wish to provide for the investigation and will advise you of the outcome in due course.

Yours sincerely

(Manager - Name)

**Appendix 4b**



**Letter to parent / carer to advise them of the outcome of the allegation**

**Confidential [when completed]**

**Securely Delivered**

(remove prior to sending)

Date

Dear (name) (parent or carer)

Safeguarding Allegation – (name of organisation)

This information is provided to you in strictest confidence, you may share with your child, if of an appropriate age. We would ask that you maintain confidentiality regarding this matter.

I am writing to advise you that the investigation in to the allegation has now been concluded and the outcome is (outcome of the allegation).

\*\* Insert if returning to work from suspension or alternative duties.

The member of staff / volunteer (amend as appropriate) will be returning to work and this will be managed by (insert details)

e.g. meeting with child / parent, not working with child, other arrangements).

If you have any questions, please contact (name) in the first instance.

Yours sincerely

**Appendix 4c**



**Letter to relevant individual (subject of allegation) to advise them that an allegation has been made against them**

**Confidential [when completed]**

**Securely Delivered**

(remove prior to sending)

Date:

Dear (name)

**Safeguarding Allegation**

I am writing to formally advise you that a safeguarding allegation has been made against you in relation to your role as (name of role) at (name of establishment).

This safeguarding allegation meets the criteria for being considered under HM Government Guidance Working Together to Safeguard Children 2018 and South Tyneside Safeguarding Children and Adults (STSCAP) Procedures, *Managing Allegations Against Those Who Work or Volunteer with Children* and a referral has been made to the Local Authority Designated Officer (LADO).

This STSCAP procedure is used in respect of all cases in which it is alleged that a person who works or volunteers with children has:

• *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; or*

*• 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.*

\*\* Insert if appropriate

These concerns are in relation to your behaviour towards your own child/ren, or child/ren outside the work setting, and these procedures apply in order to determine whether there may be implications for children with whom you have contact at work, or in your volunteer role.

\*\* Insert if appropriate

These concerns are in relation to your suitability to work with children and there will be an assessment process to consider any concerns of transferability of risk to children you work or volunteer with.

\*\* Insert / delete as appropriate

\* The details of the safeguarding allegation are that (details of the allegation), or

\* I am not able to give you full details of the safeguarding allegation at this stage, but will do so as soon as I am able.

\*\* If the person works in a school or college insert:

There is further guidance in relation to allegations against teachers and other staff working in schools and colleges in Keeping Children Safe in Education 2021

The full procedure STSCAP can be found at: [<https://www.proceduresonline.com/nesubregion/>](https://www.proceduresonline.com/nesubregion/)

In line with the STSCAP procedure there are three possible strands for consideration:

* A police investigation of a possible criminal offence;
* Local Authority Children & Families Service enquiries and/or assessment about whether a child is in need of protection or services;
* Consideration by an employer / organisation / regulatory body of any action in relation to possible performance / conduct issues.

In line with the STSCAP procedure a LADO Strategy meeting is to be held on (date) when a decision may be made on the categorisation of the safeguarding allegation, however further information and a further meeting may be needed to determine this.

Options available are;

**No further action** **(NFA) -**the allegation, after consideration, does not meet the criteria for these procedures.

**Substantiated** – there is sufficient identifiable evidence to prove the allegation

**False** – there is sufficient evidence to disprove the allegation

**Malicious** – there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false

**Unfounded** – there is no evidence or proper basis which supports the allegation being made. It might also indicate the person making the allegation misinterpreted the incident or was mistaken about what they say. Alternatively they may not have been aware of all the circumstances.

**Unsubstantiated** – this is not the same as a false allegation. It means there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

You will be advised of the progress of enquiries by your employer and written to by the LADO when a final decision is reached. If the allegation is **substantiated** it will be referred to in future references and consideration will also be given to informing the Disclosure and Barring Service (DBS) and /or the relevant regulatory body.

Information on referrals to the DBS is available at <https://www.gov.uk/guidance/barring-referrals> .

Discussions you have had with your employer regarding the allegation will be shared at the LADO Strategy Meeting(s). if you wish to provide information for this purpose this should be done through your employer.

A leaflet is attached to this letter, Appendix 4cl, that gives details of how any investigation of the safeguarding allegation will be determined and undertaken, and support for you as an employee.

You will be given opportunity, at an appropriate time, to respond to the allegations and to make representations. If you have any questions about the process, please initially speak to your employer and for any further information the LADO (name and number).

Dependent on the nature of the allegations and subsequent enquiries it may take some time to conclude and reach a final decision, however, you will be informed of this as soon as possible.

In the meantime you will be kept informed of progress by your employer.

Yours sincerely

(Manager - Name)

**Appendix 4d**



**Letter to relevant individual (subject of allegation) to advise them of the outcome of the allegation process under the STSCAP procedure.**

**Confidential [when completed]**

**Securely Delivered**

(remove before sending)

Date:

Dear (name)

**Outcome of Safeguarding Allegation**

I am writing advise you formally of the outcome of the safeguarding allegation that was made against you in relation to your role as (name of role) at (name of establishment).

The details of the safeguarding allegation were that you (insert comprehensive summary of the allegation)

\*\* Insert / delete as appropriate

These concerns were in relation to your behaviour towards your own child/ren, or child/ren outside the work setting, and these procedures were applied in order to determine whether there may be implications for children with whom you have contact at work.

\*\* Insert / delete as appropriate

These concerns were in relation to your suitability to work with children and an assessment was undertaken to consider any concerns of transferability of risk to children you work or volunteer with.

This safeguarding allegation met the criteria for being considered under HM Government Guidance Working Together to Safeguard Children 2018 and South Tyneside Safeguarding Children and Adults Partnership (STSCAP) Procedure, *Managing Allegations Against Those Who Work or Volunteer with Children,* and a referral was made to the Local Authority Designated Officer (LADO).

\*\* If the person works in a school or college insert:

There is further guidance in relation to allegations against teachers and other staff working in schools and colleges in Keeping Children Safe in Education 2020 Part 4

The full procedure can be found at:

<https://www.proceduresonline.com/nesubregion/>

The safeguarding allegation was followed up by (insert details of investigation) and the following action(s) were taken (insert details). The following decisions were made (insert details of decisions, including disciplinary sanctions / management action / performance management).

The outcome of the safeguarding allegation is that it was determined to be:

\*\* Insert outcome

* **NFA:** Allegation, after consideration, does not meet the criteria for these procedures
* **Substantiated**: there is sufficient evidence to prove the allegation
* **False:** there is sufficient evidence to disprove the allegation
* **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive
* **Unfounded:** to reflect cases where there is no evidence or proper basis which supports the allegation being made
* **Unsubstantiated:** there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

\*\* Insert if malicious

As the safeguarding allegation was found to have been malicious, all details will be removed from your personnel record, unless you indicate that you wish for these to be retained.

\*\* Insert if not malicious

A copy of this letter will be kept on your confidential personnel file and a copy has been provided to you. The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases 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, an allegation re-surfaces after a period of time.

This record will be retained at least until you have reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.

\*\* Insert if substantiated

As the safeguarding allegation was substantiated it will be referred to in any future references.

\*\* Insert if NFA, unsubstantiated, unfounded, false or malicious

As the safeguarding allegation was not substantiated it will not be referred to in any future references.

\*\* Insert if substantiated and dismissed / ceased to use

A referral **will** be made to the Disclosure and Barring Service for consideration of barring from work with children. The DBS will write to you to confirm receipt of the referral and to advise you of their process.

Or A referral will not be made to the Disclosure and Barring Service for consideration of barring from work with children.

and (if appropriate)

A referral has/ has not been made to Ofsted and / or your regulatory or professional body – (delete as appropriate and insert details of regulatory or professional body) for consideration of any actions by them.

If you have any questions on this letter, please contact (insert name of manager). If you consider that there is any substantial new or additional information that was not available to the final review you should write to the STSCAP LADO Manager at Insert Email Address

Yours sincerely

(Manager - Name)



**Guidance:**

**Allegations against those who Work or Volunteer with Children**

**Introduction**

This leaflet has been designed to provide you with information when a safeguarding allegation has been made that you have:

* 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; or
* behaved towards a child or children in a way that indicates you may pose a risk of harm to a child / children.
* behaved or may have behaved in a way that indicates you may not be suitable to work with children.

You will be informed as soon as possible the details of the safeguarding allegation that has been reported to the Local Authority Designated Officer (LADO) *unless* the Police or the Local Authority Children and Families Social Care need to be consulted to agree what information can be disclosed.

Any queries you have regarding the allegation or management of the process should be addressed to the Police if they are involved, and/or your employer.

**Further Guidance**

More detailed guidance can be found in the Local Safeguarding Children and Adult Safeguarding Partnership Policies and Procedures:

<https://www.proceduresonline.com/nesubregion/p_alleg_against_staff.html>

Specific guidance for education is included in: **“Keeping Children Safe in Education 2021”**

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/954314/Keeping_children_safe_in_education_2020_-_Update_-_January_2021.pdf>

PLEASE ENSURE YOU REFER TO THE LATEST VERSION OF THIS GUIDANCE.

**FOR YOUR OWN USE:**

|  |  |
| --- | --- |
| **Manager:** |  |
| **Contact at Work:** |  |
| **HR/Personnel Adviser:** |  |
| **Union / Professional Association Rep**: |  |
| **Counselling / GP** |  |
| **Other:**  **LADO contact 0191 427 7345**  **lado@southtyneside.gov.uk** |  |

**Appendix 4e**

**Confidentiality**

If you are a teacher, specific reporting restrictions apply under the Education Act 2011 (your union representative will be able to offer guidance on this.)

**Employment Support**

If you are employed your employer should advise you to contact your trade union representative, if appropriate, and give you a named point of contact in the organisation. You should also be given access to welfare counselling or medical support where this is provided by the employer. You may wish to contact your GP. Your manager will ensure that you are kept informed of both the progress of the case and current work-related issues. Social contact with colleagues and friends will not normally be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence. You will be directed not to discuss the case with colleagues as this could interfere with any enquiry / investigation.

If you are not employed this support may not be available and you may wish to contact your GP.

**Referral to the Disclosure and Barring Service (DBS) and other Regulatory Bodies**

If the allegation is substantiated and you are dismissed or your employer ceases to use your services, or you resign or otherwise cease to provide your services, the LADO will discuss with your employer whether a referral to the [Disclosure and Barring Service (DBS)](https://www.gov.uk/government/organisations/disclosure-and-barring-service) for consideration of inclusion on the barred lists, and / or to a Professional Regulatory Body is required.

**Initial Action**

Where necessary, a Child Protection strategy discussion and/or an allegation meeting will take place in order to share relevant information and determine whether an investigation needs to be undertaken, and, if so, by whom.

The aim of the investigation is to determine what has happened and what actions are needed to safeguard children.

These meetings will involve all relevant people and can include police, the Local Authority Children & Families Social Care, your manager, and the HR provider, as appropriate. The meeting will identify any children who may be at risk including your own children and any other children with whom you have contact, including through any other paid / voluntary work.

Individuals about whom the allegations are made are not invited to attend this or subsequent LADO meetings BUT should be regularly updated of progress by their employer

**Enquiry(ies) / Investigation(s)**

**It is not the role of the LADO to investigate allegations.**

The police will determine if they are going to conduct a criminal investigation, in which case you will be contacted by them directly. The police will aim to complete their enquiries as soon as possible and will keep the progress of the case under review.

Children & Families Social Care will determine if they need to undertake enquiries and assessments about whether a child needs protection or support services. You may be contacted by them directly if this is the case.

Where an enquiry / investigation does not meet the threshold for Police or Children and Families Social Care involvement, or has been completed, a Senior Manager will need to determine if any further disciplinary / internal investigation is needed.

**It is the responsibility of your employer to keep you up to date with any investigation and you will be provided with opportunities to respond to any allegation that has been raised.**

**Volunteers, Supply Staff in Schools, Foster Carers and Prospective Adopters**

Normal disciplinary procedures may not apply to you if you are a volunteer, supply staff in schools, Foster Carer or Prospective Adopter. Your organisation will need to determine if they will undertake an investigation to decide whether to continue to use your services. Regulations on suspension also may not apply and your organisation will need to decide if your work should continue and whether any conditions should be put in place.

**Suspension**

You should not be suspended automatically.

Suspension should only be considered in cases where:

* there is cause to suspect a child or other children at the workplace is or are at risk of harm, or
* the allegation is so serious that it might be grounds for dismissal.

The organisation’s Senior Manager must consider carefully whether the circumstances of the case warrant you being suspended from contact with children at the workplace until the allegation is resolved.

The organisation’s Senior Manager should also consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements e.g. redeployment, supervision or alternative work.

You should be provided with written confirmation of the suspension by your employer, giving reasons for this decision. If a suspension is put in place it should be reviewed on a regular basis.

Outcome

Once the process has been concluded a decision will be made on the outcome of the allegation in line with the South Tyneside Local procedures and you will be advised of this.

You will also be advised what (if any) information will be provided in a future reference and also if a referral will be made to the Disclosure and Barring Service and / or any other regulatory bodies.

**Record Keeping**

A comprehensive summary of a safeguarding allegation including how it was followed up and resolved and the decisions and action taken, should be kept on your confidential personnel file and you should be provided with a copy.

If the allegation is determined to be malicious a copy will not be retained unless you indicate your wish for this

**Appendix 5: Competencies**

It is nationally agreed that LADO appointments should be at a senior level or agreed level with enough influence to be effective. Current practice shows that LADO appointments vary from senior managers to social work practitioner grades. There is currently no specific LADO qualification required.

Professional based competencies:

* It is now the case that new LADOs should hold a social work qualification. However current LADOs and new LADOs even with a social work qualification should have a level of professional experience of multi-agency challenge and an understanding of education, social care and police roles within safeguarding procedures.

Knowledge based competencies:

* Experience and understanding of safeguarding practice and procedures.
* An understanding of child protection law.
* An understanding of criminal law.
* An understanding of employment law.
* An understanding of child protection processes.
* A knowledge and experience of risk assessments.
* The ability to work with people.

Experience based competencies:

* A reasonable post qualification experience in services to children and families.
* The ability to chair complex meetings.
* The ability to write succinctly.
* Demonstrable resilience.
* Time management skills.
* Working under pressure.

Desirable:

* For those without a social work qualification to be registered with a professional body and/or qualification specific to child protection.

**TRAINING:**

Training available to LADOs will vary in each region. Where there is no local or regional agreement for LADO training, the following should be the minimum considered for a LADO:

* LADO to have updated child protection training regularly.
* The LADO should have access to courses and materials that enable the LADO to keep abreast of legislation changes in all agencies for example, Keeping Children Safe in Education, Prevent Duty, Female Genital Mutilation and protection of Children with Disabilities.
* Arrangements should be considered within local authorities for the LADO to receive reflective supervision.