

In partnership with



# The Local Authority Designated Officer (LADO)

A Guide for Staff and Volunteers who work with children and are faced with an allegation



# Introduction



Any adult working or volunteering with children can be faced with an allegation made about their conduct towards a child at some time in their working life. Many allegations against staff or volunteers relate to their behaviour in the workplace. Some concerns may relate to their personal life or the care of their own children. In some cases there may have been an allegation of abuse against someone closely associated to them and this



person may pose a risk of harm to the children and this may affect a childminder who cares for children in her or his own home.

**We know that for any person faced with an allegation, the experience can be distressing. This leaflet sets out what happens in these circumstances and the role of the Local Authority Designated Officer (LADO).**

## What happens when an allegation is made?

Every organisation that works with children should have a named person who leads on child safeguarding matters. This person usually leads when an allegation is made that a child may have been harmed by someone working with them on a paid or voluntary basis. Within 24 hours of

being notified of the allegation, the safeguarding lead must contact the Local Authority Designated Officer (LADO) to report the concern.

## The criteria for making a report to the LADO are that a person may 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
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

The LADO will give advice and guidance to the safeguarding lead making the report. Sometimes this will be a consultation that may help the safeguarding lead to explore extra support and training that someone may benefit from

or measures that can increase safety of children within a setting. Sometimes the LADO will agree with the safeguarding lead some immediate actions for a child or children's safety, including how and when you may be informed of the concern. This is dependent on the nature of the allegation. If it becomes clear at any stage that the allegation is demonstrably false then you will be informed of this by your safeguarding lead and no further action will be taken.

## What happens next?

If there is reason to suspect a child is suffering or likely to suffer significant harm, or a criminal offence might have been committed, an Allegations against Staff and Volunteers (ASV) Meeting will be held within five working days of the notification. This meeting is

chaired by the LADO. Your employer and its Human Resources provider will usually attend as well as other agencies including Children’s Social Care and the Police if a criminal offence might have been committed against a child or children.

**The ASV meeting will share relevant information relating to the allegation and determine whether an investigation needs to be conducted by:**

- Children’s Safeguarding and Social Care under child protection procedures;
- The Police regarding any possible criminal offence;
- Your employer conducting an Internal Management Investigation to reach a view on whether disciplinary proceedings are conducted or other support will be of benefit for you.

If there are matters affecting your personal life that cause concern about your suitability to work with children, the LADO will evaluate to decide if the information needs to be shared with your employer. If it is believed that a child is at risk of harm, details will be shared with your employer and you may not be contacted before your employer is told. If there does not appear to be an immediate risk to children, it is likely that you would be offered the chance to share the information with your employer in the first instance. The LADO will then contact your employer to confirm they are aware of the concerns.

Depending on the nature of the concern the LADO may need to refer to the Multi Agency Safeguarding Hub (MASH) based in Children’s Safeguarding & Social Care

and sometimes to the Police immediately upon receipt of an allegation if a criminal offence has possibly been committed. In this instance you may be unable to know the detail of an allegation or that these referrals have been made, should this compromise any possible Police investigation.

**Examples of matters affecting your personal life that would cause concern are:**

- Your child is the subject of a child protection enquiry (Section 47);
- Your child has a child protection plan or becomes looked after;
- You have been the subject of a criminal investigation in relation to offences against children;
- You have been arrested, cautioned or convicted in relation to offences of violence;

- You have difficulties with drug or alcohol misuse that may affect your safety with children;
- There has been an allegation of abuse against a member of your household or a person closely associated to you. This only applies to those who may care or work with children in a paid or voluntary capacity in their homes, for example childminders.



## Suspension

You may be moved to other duties during the process of the investigation. It is also possible that you may be suspended from work. Suspension must be a neutral act by your employer after they have considered fully whether there are any other duties that are commensurate with your usual role that you could be moved to while the investigation is undertaken. These decisions rest with your employer and they will receive guidance and advice from the LADO.

### Suspension or a move to other duties will always be considered when:

- There is cause to suspect a child has suffered or is at risk of suffering significant harm;
- The allegation warrants a police investigation;

- The allegation is serious enough that, if substantiated, would be grounds for dismissal.

If your employer is considering suspension or has suspended you, an interview with you should be arranged. You have the right to be accompanied by a Trade Union representative or a friend. The employer must consider its duty of care to you and should let you know where you can obtain support as this can be distressing.

The meeting is not an examination of the evidence but an opportunity for you to make representations concerning suspension in relation to the allegation. If you are returning to work after suspension, your employer should consider how best to manage this and additional support that may be helpful for you to resume your role.

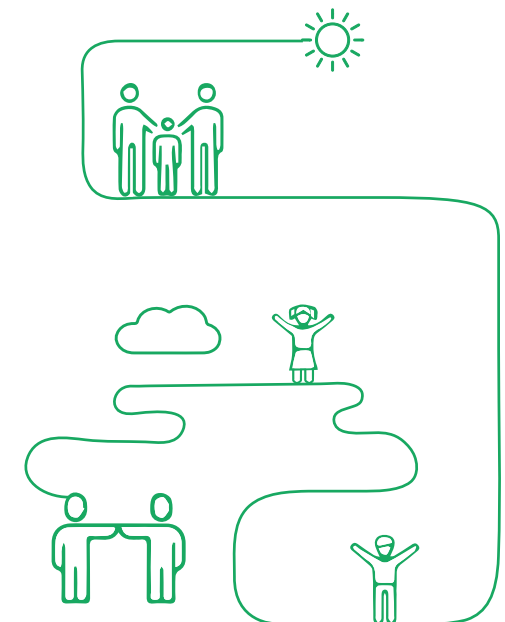
## Alleged criminal offence

In some instances, the police may decide to proceed with a criminal investigation. You may be arrested and interviewed under caution or invited to assist the police with their investigation. In this instance, you must seek legal representation. This can be made available through your Trade Union, at the police station, or through a solicitor of your choice.

depending on the nature/ complexity of your case or the availability of resources to an employer. When there are criminal proceedings it may not be possible for the employer to complete their investigations until after the criminal proceedings are concluded. It is important to note that criminal proceedings can take a long time to reach their outcome.

## Internal Management Investigations (IMI)

Depending on the allegation, your employer may be guided by the LADO to conduct an Internal Management Investigation in order to proceed and reach a finding. This may be conducted by a senior member of staff or by an independent person,



## Volunteers and Supply Workers

If you are a supply/temporary worker or a volunteer, the placing agency should be involved and cooperate in any investigation. If disciplinary procedures do not apply, an investigation may still be necessary to assess your suitability to work with children.

## Resignations and Compromise Agreements

Your employer should try to reach a conclusion regardless of whether you resign or otherwise cease to provide your services, or if you refuse to cooperate. They must not use a 'compromise agreement', i.e. allow you to resign without disciplinary action and with an agreed reference.

## Timescales

Cases should always be dealt with as quickly as possible, consistent with a fair and thorough investigation that considers your rights in a balanced way throughout. Government guidance sets out target timescales, but these will depend on factors such as the nature, seriousness and complexity of the allegation. Your case will be tracked and monitored in order to avoid unnecessary delay.



to date with any work matters if you are suspended.

It is important that you take up support and you can seek support via your GP if you are severely distressed and your health is affected.

## Support

Everyone who is the subject of an allegation will find it stressful and must be offered support.

### Your employer should:

- Advise you to seek support from your Trade Union or professional association if you are a member;
- Provide a named support person who will keep you up to date with any investigations;
- Provide a named support person who will keep you up

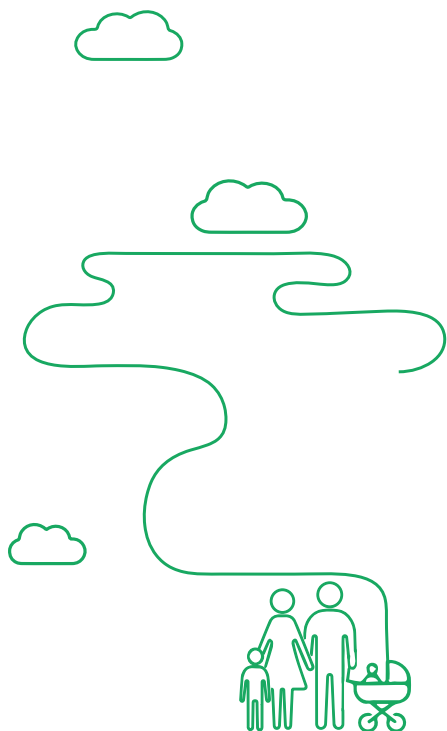
## Notifications

Confidentiality should be respected, and people only told on a 'need to know' basis if you are facing an allegation. If the matter becomes subject to speculation, your employer, after appropriate consultation, may need to issue a statement for parents, children or the public.

## Record Keeping

The LADO will keep case records and records of meetings held that are stored

confidentially and viewed only on a 'need to know' basis by authorised staff. Your employer should keep a comprehensive summary of the case on your confidential personnel file and retained until normal retirement age or 10 years after the allegation, if longer. This includes allegations found to be without



substance. You should be provided with a copy of the employer's summary. Other agencies, if involved, will keep their own records.

### Disclosure and Barring Service (DBS)

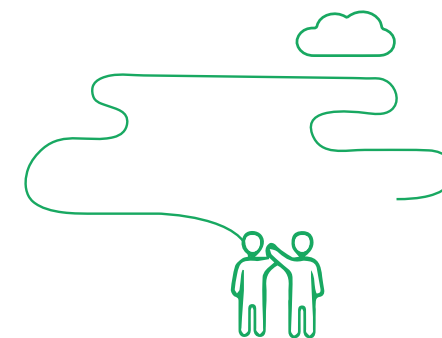
The Disclosure and Barring Service (DBS) performs an important role in safer recruitment of people doing certain specified work or volunteering with children. The DBS will support employers in their role in ensuring safe recruitment practices.

**Your employer or placing agency has a statutory duty to refer you to this organisation for consideration of barring you from, or placing restrictions on you, working with children or young people, if:**

- The allegation against you is substantiated; and
- You are dismissed for misconduct or because you are otherwise considered unsuitable to work with children; or
- You resign before a disciplinary process is completed and your employer considers that you may have been dismissed.

If you are referred, you will be sent a letter explaining the process, including your right to make representation.

The DBS is committed to ensuring barring decisions that are made are fair, consistent and thorough. The decision must be a proportionate response to the harm that has occurred or is posed. The DBS is aware of the impact that barring or not barring can have, both to the person referred and



to those with whom they have or could have come into contact.

Some professionals will also have regulatory bodies with whose codes they must comply to maintain their permission to use a title or practice their chosen profession. A referral to a professional regulatory body, such as e.g. the Teaching Regulatory Authority (TRA) will be made where the criteria to refer to the DBS has been met.