

Children's and Young People Services

Guide for the Managing Allegations Process

Information about LADO



www.rotherham.gov.uk

Introduction

An allegation an individual may have harmed a child is distressing for everyone involved. This leaflet is intended to provide a basic understanding of the steps followed through any investigation, regardless of the seriousness of the allegation made.

The Managing Allegations Process is defined in 'Working Together to Safeguard Children 2022' and applies to everyone who fosters, works or volunteers with children. The process can, understandably, leave employees or volunteers feeling anxious about what has been alleged and whether their voice will be heard. The process focuses on making sure children are safe and treating everyone involved fairly and with respect.

For the purposes of this leaflet, 'employer' also means the organisation you volunteer with.

It is important to note that consent is not required for a referral to LADO to take place because the service has a statutory function to be involved where there are concerns about a child's safety.

What is an allegation?

An allegation is a statement from any person, that an individual 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
- behaved towards a child or children in a way that indicates he or she 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

This is known as the threshold criteria.

The allegation may be in relation to the child(ren) you work or volunteer with and/or your own child(ren). Not all concerns raised will meet the threshold for formal investigation through the Allegations management Process. Your employer service will still investigate those concerns but without the involvement of the LADO.

The role of the LADO

The Local Authority Designated Officer (LADO) is employed by the local authority to give independent advice and guidance to employers, organisations and other individuals who have concerns about the behaviour of an adult who works or volunteers with children and young people.

The LADO does not conduct investigations, but oversees and manages them to ensure thoroughness, timeliness, and fairness. To remain impartial, the LADO will not usually have direct contact with the adult against whom the allegation has been made, or the family of the child/children involved. As part of their role, the LADO will ensure that information regarding outcomes is shared when the matter is concluded, this will usually be through your employer.

LADO Process

Initial Action

The allegation management process is initiated by the LADO from the area in which you are in paid work or volunteer and involves professionals linked to you and the child(ren) concerned. This will include your employer and where necessary discussions will take place with Police and Children's Social Care.

Referrals may also be made on behalf of your own child(ren) and any other child(ren) with whom you have contact, including through any secondary paid or voluntary work. If you do have any other role working or volunteering with children, they too will be notified of the concern.

Relevant information is shared to determine whether an investigation needs to be undertaken and if so, by whom (see below).

Investigation(s)

Where necessary, the investigation will be led by either the Police or your employer. As much information as possible will be shared with you, and you will be given an opportunity to respond to any allegations. So long as the Police or Children's Social Care are confident there are no criminal or child protection concerns, you will be informed that an allegation of harm is being investigated. That notification will come from your employer, and should automatically include details of the support available to you throughout the Allegation Management Process

Where the Police believe a crime may have been committed, their investigation takes priority and guides what information can be shared. Where there is no (further) involvement from the Police, they will confirm this to the LADO as soon as possible, and your employer will complete their internal investigation.

There is a difference between the two investigations since the Police have an evidence expectation to prove beyond all reasonable doubt, whereas the LADO Allegations Management process seeks to prove on the balance of probability.

In all instances your views and responses will be gathered by a named identified individual so they can be shared within the process.

Where the matter is complex because of Police or Children's Social Care involvement, the investigation may take a significant length of time. This will be reviewed regularly by the LADO service and your employer will keep you up to date with progress.

Support through the Investigation

Once an investigation starts, your employer should identify a named individual from within the organisation to provide you with support and to gather your views. All employers have a duty of care to support their employees, and some have specific Employer Assistance schemes that you will be able to access.

Some professionals might access additional support from their Trade Union. Alternatively, individuals can contact Citizen's Advice for practical help or their General Practitioner for emotional wellbeing.

It is strongly recommended that any offer of support is taken up as it can help having someone not connected to the Managing Allegation process to help you through the investigation.

Being suspended

A decision will be made by your employer to confirm if you can continue your usual duties during the investigation or whether alternative arrangements need to be put in place. This may include suspension.

Confidentiality will be maintained, and information is restricted to those who have a need to know. This includes notification to any regulatory bodies.

Where an employee/ volunteer decides to resign or leave their position, the Allegation management process will continue until conclusion.

Possible Outcomes of the Allegations management process

Once all investigations have been completed members of the allegations management meeting will consider final outcomes. There are four possible outcomes available and in making this decision we consider again the threshold criteria. The possible outcomes are:

- Unsubstantiated

There is not enough evidence to either prove or disprove the allegation. This can be the case when it is one person's word against another's. The term unsubstantiated does not imply either guilt or innocence but can leave employees or children feeling they are not believed. This outcome will be shared with any other organisation where you work or volunteer with children.

- Substantiated

A substantiated outcome means there is sufficient evidence to prove the allegation. This outcome will be shared with any other organisation where you work or volunteer with children.

- Malicious

The allegation is false AND there is clear evidence to prove there has been a deliberate act to deceive.

- Unfounded

There is no evidence which supports the allegation being made.



Useful Links

- GOV.UK - <https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>
- GOV.UK - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1101454/Keeping_children_safe_in_education_2022.pdf
- Rotherham Council - <https://www.rotherham.gov.uk/child-protection/managing-allegations-adults-working-children-professionals>