

Southampton

# LADO

## Allegations against people in a position of trust

A Guide for Employers

## Raising concerns about staff and volunteers

Version 1 - April 2024



# **Employers information - your responsibility and what happens next:**

## **The Local Authority Designated Officer (LADO)**

This information leaflet provides a brief guide to the allegation's management process and the role of the LADO. If you are faced with an allegation against an employee or volunteer, working with or providing services to children & young people, the content summarises the procedure to follow. Failure to do this could place children & young people at risk of harm.

Children should be safe from harm in the community as well as in their homes. Adults who work or volunteer with children in the community are in a position of trust.

The majority of people who work with children act professionally and provide a safe and supportive environment. However the behaviour of adults working or volunteering with children can result in allegations of harm being made against them. It is never acceptable for an adult in a position of trust to harm a child and allegations or concerns regarding their behaviour should always be taken seriously.

Every Local Authority has a statutory responsibility to have a Local Authority Designated Officer (LADO) who is responsible for co-ordinating the response if an allegation is made against staff or volunteers who work with children.

The majority of allegations against staff or volunteers relate to their behaviour in the workplace. However some concerns may relate to their personal life, someone closely associated to them or the care of their own children. Everyone who receives information about an allegation should take it seriously and keep an open mind as to whether it might be true.

In Southampton we work to the Hampshire Isle of Wight Portsmouth and Southampton Safeguarding Children Procedures, Working Together to Safeguard Children and Keeping Children Safe in Education, which sets out the duties of the LADO. The Southampton LADO covers the area within the Southampton City Council Boundary.

This leaflet covers a wider range of allegations than only those which there is reasonable cause to suspect that a child is suffering, or likely to suffer, significant harm. This leaflet should be used for guidance in respect of all cases where worker or volunteer has:

- Behaved in a way that has, or may have, harmed a child;
- Possibly committed a criminal offence against or in relation to a child;
- 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

## **Process**

All allegations must be reported to the LADO within 24 hours using the LADO Notification form in a clear and comprehensive manner. Do not speak to the person of concern or investigate the allegation beyond preliminary fact finding enquiries.

However : If the child is at risk of imminent danger you must phone the Police on 999. If it is evident that the child has suffered significant harm or likely to suffer significant harm, a referral must be made to Children's Social Care.

All allegations must be reported, including situations where the worker resigns. Compromise agreements are not acceptable in such circumstances and may put others at risk in the future. Complaints procedures are separate to the allegations process and just because someone does not wish to make a complaint, this does not mean the allegation should not be considered and investigated.

If you are unsure about whether the concern you have reaches the threshold for LADO involvement then please contact the service for advice. Reports to the LADO should be made by completing the Notification form found on Southampton Safeguarding Children Partnership website:

<https://southamptonscp.org.uk/workersandvolunteers/allegations/>

### **The LADO's key role is to:**

- Provide advice/guidance to employers or voluntary organisations
- Liaise with police and other agencies including Ofsted and professional bodies such as the General Medical Council and the Teaching Regulation Agency;
- Monitor the progress of referrals to ensure they are dealt with as quickly and consistently as possible with a thorough and fair process
- Seek to resolve any inter-agency issues
- Collect strategic data and maintain a confidential database in relation to allegations
- Disseminate learning from LADO enquiries throughout the children's workforce.
- Chair Initial Allegation Meetings or participate in strategy meetings which might be led by the police and social care;
- Liaison with other Local Authority LADOs where there are cross boundary concerns.

What will the LADO advise you when you refer an allegation?

- Next steps (i.e. referral to children's social care, police or an internal investigation);
- How to manage talking about the concerns with the person who may have harmed the child;
- How to inform child's parents/carers;
- Their view regarding safeguarding measures, such as suspension, (although the final decision rests with the employer and HR advisor);
- What they expect of you and other agencies involved.

## **Investigations**

As the employer you may need to conduct an internal investigation or risk assessment regarding the person of concerns' suitability to work with children. The LADO will advise you as to when your investigation can start, depending on other agency involvement such as Police. You should be able to get support and guidance with completing your investigation through your HR advisor and disciplinary procedures.

The LADO can send you a template and offer for completing a Suitability Risk Assessment when applicable.

## **Timescales**

Cases should be dealt with as quickly as possible and be consistent with a fair and thorough investigation. Police investigations might cause delay however the LADO will monitor the case to try to ensure the matter is concluded in a timely manner.

### **Investigation outcomes**

At the end of an investigation the outcome of the allegation is decided. This could be either:

- Substantiated - There is sufficient evidence to prove the allegation.
- Unsubstantiated - There is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
- Unfounded - To reflect cases where there is no evidence or proper basis which supports the allegation being made
- Malicious - There is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive
- False - There is sufficient evidence to disprove the allegation.

You will be asked to return to the LADO an Internal Investigation Outcome form which summarises your investigation process and conclusions.

## Resignations

It is important that investigations are completed and conclusions reached with regard to any allegations even if the person of concern resigns or refuses to engage with your internal process. You will need to consider what will be disclosed in an employment reference if they leave employment before the process is concluded.

## Referrals

If allegations are substantiated then the LADO will advise you on any further referrals are needed to regulatory bodies and the DBS service.

## Employers

If you employ or manage staff or volunteers who work with children you must:

- Let children and their families know how they can raise a concern that a worker in the service may have harmed a child;
- Let workers in the service know that they have a responsibility to raise a concern if they think a colleague has harmed a child and who they should contact;

This leaflet provides a brief guide to the process however more information can be found on the Hampshire, Isle of Wight, Portsmouth and Southampton Safeguarding Children Partnership website: <https://hipsprocedures.org.uk/>

