

Southampton

# LADO

## Allegations against people in a position of trust

A Guide for Employees

What happens when an allegation  
is made against you?

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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 who work or volunteer 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 will always be taken seriously.

## **Information for staff and volunteers who work with children and are faced with an allegation:**

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

'Position of trust' is a legal term that refers to certain roles and settings where an adult has regular and direct contact with children. This may or may not be a paid position. Examples of positions of trust include:

- teachers
- care workers
- youth justice workers
- social workers
- doctors
- faith group leaders
- sports coaches.

This definition is the updated list as of 2022 in England, Wales and Northern Ireland [Preventing abuse in positions of trust | NSPCC Learning](#)

Any person in a position of trust with children may be the subject of an allegation at some point in their career. If an allegation has been made or a concern raised about your behaviour in relation to children or young people, further information is needed to understand what has happened.

Allegations may relate to your behaviour in the workplace, your personal life, someone closely associated to you or the care of your own children.

We know being subject to an allegation is a distressing situation for everyone involved, and this leaflet aims to explain the processes that are followed in these circumstances.

## **What happens when an allegation is made?**

Every organisation that works with children should have a manager or safeguarding lead responsible for dealing with allegations when a child may have been harmed. On being informed of an allegation they must consult with the LADO within 24 hours.

In Southampton we work to the Pan Hampshire Child Protection Procedures, Working Together to Safeguard Children and Keeping Children Safe in Education, which sets out the duties of the LADO.

The Southampton LADO has a role with anyone working within the area of the Southampton City Council Boundary where it is alleged that the individual may have:

- 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.

Allegations will be dealt with with objectivity, confidentiality and professional judgement. Information sharing should be restricted to those who need to know in order to protect children, facilitate enquiries or determine if a person is suitable to work with children.

## What happens next?

A LADO is a manager within the Local Authority who acts independently of your employer, they will offer advice to the employer and oversee investigations from partner agencies. This may include liaising with Children's Social Care, Police and Regulatory bodies. The LADO is involved from the initial phase of the allegation through to the conclusion of the case. They are NOT the investigators.

If there are concerns in your personal life relevant to your role at work an evaluation will be made by the LADO, to decide if information needs to be shared with your employer. It may be decided that details are shared with your employer before you are contacted. 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.

Examples of relevant private life issues include:

- Your child has been the subject of a child protection enquiry (Section 47 of the Children Act 1989);
- Your child has a child protection plan or your child is in the care of somebody else;
- 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;
- There has been an allegation of abuse against a member of your household or a person closely associated to you.

**Liaison** - The LADO may hold an Initial Allegation Meeting to share information with your employer and other relevant organisations and agree a plan for investigations and other actions needed. Whilst the aim is to share information with you in a timely and transparent manner, certain processes are beyond the control of the LADO.

**Safeguards** - During an investigation your employer will be asked to consider how to safeguard all parties, which may involve making amendments to your role during this time. These decisions rest with your employer, with advice from the LADO and HR. Suspension or a move to other duties will always be considered when:

- there is cause to suspect a child is at risk of significant harm;
- the allegation warrants a police investigation;
- it is serious enough that dismissal is a potential outcome.

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

**Internal investigations** - Your employer may need to conduct an internal investigation under their Disciplinary procedure. You will have an opportunity to provide your account for consideration. When there are criminal proceedings it may not be possible for the employer to complete their investigations until the police conclude their enquiries, or agree your employer can proceed with their investigation.

**Volunteers and supply workers** - If you are a supply or agency worker, your agency should be involved and lead in any investigation. If you are a volunteer you may be asked to step back from your role if there is no regulatory body.

## **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.

## **Resignations**

Your employer will usually try to reach a conclusion with regard to any allegations even if you decide to resign or refuse to engage with an internal process. Your employer will need to consider what will be disclosed in an employment reference if you leave employment before the process is concluded.

## **Record keeping**

A comprehensive summary of the case should be kept on your confidential personnel file. Your employer will be required to adhere to regulations regarding the retention of personnel records after your employment has ceased. This includes unsubstantiated allegations. You should be provided with a copy of the summary. Other agencies, if involved, will keep their own records.

The LADO will retain a record of the allegation, investigation process and outcome on the Allegations Management system which will be retained according to the Council's Data retention policy.

## Access to Records

For information on how to make a data subject request for access to the records held about you, please go to: [www.southampton.gov.uk](http://www.southampton.gov.uk)

## Support

Anyone 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 if you have one;
- Provide a named support person who will keep you up-to-date regarding the progress of the investigation;
- Provide a named support person who will assist you with other work matters if you are suspended.

This can be a difficult time and it is important that you take up support and you can seek help through other services, for example your GP, counselling, occupational health, if your health and general well-being are affected. Please talk to your employer about this should the need arise.

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/>

