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Stoke-on-Trent Safeguarding Children Board

PROCEDURES FOR CHILDREN IN SPECIFIC CIRCUMSTANCES

MANAGING ALLEGATIONS AGAINST STAFF AND VOLUNTEERS WORKING WITH CHILDREN AND YOUNG PEOPLE

(LADO)

Section D 01

Version 7
Date: December 2013

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1. Document control

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2. Introduction

Experience shows that children can be victims of abuse and exploitation by those who work with them in any context. They may be vulnerable in all organisational settings, including Vulnerable Children and Corporate Parenting (VCCP), education, health, the leisure industry and in faith communities. False allegations are rare and may be a strong indicator of abuse taking place elsewhere in a child/young person's life, which requires further exploration.

These procedures relate to any person who works with children in regulated activities, whether a staff member, agency or self-employed worker, foster carer, prospective adopter or volunteer. We need to consider whether the person against whom an allegation has been made occupies a position of trust and has exploited their position of power and trust or has tried to.

If an allegation is demonstrably false, the employer, in consultation with the Chair of the Strategy Meeting, should refer the matter VCCP, to determine whether the child is in need of services or may have been abused by someone else. If it is established that an allegation has been deliberately invented, the Police should be asked to consider what action may be appropriate.

These procedures are based on the framework for dealing with allegations of abuse made against a person who works with children, detailed in Working Together 2013, and should be followed by all organisations providing services for children and young people.

Compliance with these procedures will help to ensure that allegations of abuse are dealt with consistently and in a timely manner; that a thorough, proportionate and fair process is followed and that processes are open to challenge.

Arrangements for managing concerns or allegations of this nature should be robust and effective in keeping children safe. All allegations should be taken seriously, approached with an open mind, and not be driven by preconceived opinions about whether a child has or has not been harmed.

A failure to report an allegation or concern in accordance with the following procedures is a potential disciplinary matter.

3. Definitions

3.1 Allegations

This guidance applies to when there is an allegation or concern that any person who works with children, in connection with their employment, voluntary or personal activity, 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/she is a risk to children

To refer an allegation please contact the Safeguarding Unit and ask to speak to the Duty LADO on 01782 235885.

3.2 Key roles

3.2.1 Named Senior Officer

Each member agency of the Stoke-on-Trent Safeguarding Children Board (SCB) must identify a named senior officer who will usually be their representative on the SCB and occupy a strategic role within their organisation. They will have overall responsibility for:

- Ensuring that the organisation deals with allegations in accordance with these procedures;
- Resolving any inter-agency issues;
- Liaising with the SCB;
- Reviewing the effectiveness of the procedures;

And:

- Ensuring that their organisation complies with the standards and procedure outlined in this document;
- Ensuring that this procedure is reflected and implemented within their own internal procedures;
- Ensuring that their workforce is aware of and implements the procedures regarding allegations against adults who work with children and young people;
- Ensuring that their organisation has systems in place to review cases, identify and then implement any changes which would improve both procedures and practice;
- Resolving any inter-agency issues which impede the implementation of the SCB procedure; and
- Ensuring that their organisation has effective reporting and recording arrangements in place.

3.2.2 Designated Manager

Each agency's procedures should also identify a senior manager in an operational role to whom allegations or concerns should be reported, known as the designated manager, together with a deputy to cover their absence or to cover a situation where the designated manager is the subject of the allegation. For example, in each educational establishment the designated manager will be the Head Teacher or the Chair of Governors where the allegation relates to the Head Teacher. In the People

Directorate (VCCP) the designated manager will be the Principal Manager of the relevant team and the Strategic Manager where the allegation relates to the Principal Manager.

The Designated Manager will:

- Report the referral to the local authority duty LADO;
- Offer reassurance that the information will only be shared on a need to know basis;
- Make a written record of the information (where possible using the child/adult's actual words), including time, date and place of incident(s), person's present, potential witnesses and what was said; and
- Sign and date the written record.

They should not:

- Investigate or ask leading questions;
- Interrupt a child when recalling significant events;
- Make assumptions or offer alternative explanations;
- Promise complete confidentiality; or
- Interview the member of staff concerned, the child or potential witnesses.

3.2.3 The Local Authority Designated Officer (LADO)

The functions of the LADO are as follows:

- Ensuring that these procedures are followed in managing allegations against staff and volunteers working with children and young people;
- Ensuring that high quality training, advice and assistance is available across all agencies to promote these procedures and safeguarding environments. This includes community and voluntary agencies and faith groups, particularly in respect of robust recruitment and vetting procedures;
- Ensuring effective referral, assessment, review, reporting and tracking systems are in place;
- Developing information sharing protocols that are compliant with data protection;
- Being involved in the management and oversight of individual cases;
- Providing advice and guidance to employers and voluntary agencies;
- Liaising with the Police, VCCP, CPS and other agencies as required;
- Monitoring the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process;
- Ensuring that information on the management of allegations is collated and that relevant data on activity and outcome is made available to the Senior

Management Team on a quarterly basis

- Collect strategic data for the purpose of periodic reporting to the SCB Performance, Monitoring and Evaluation Sub Committee;
- To identify themes/issues regarding the safety of children and ensure that these are communicated so that lessons can be learned;
- To demonstrate clear leadership and develop sound governance, accountability and scrutiny processes across all agencies involved with the work of the Safeguarding Unit.

The LADO role is held by the Strategic Manager, Safeguarding & Quality Assurance within VCCP with operational responsibilities delegated to the Conference and Review Managers who manage individual cases.

The LADO authorises closure on all cases and is available for consultation on an individual case basis.

Hereafter the Conference and Review Managers undertaking LADO duties are referred to as the Duty LADO or Chair of the LADO Strategy Meeting where there is a requirement to convene a strategy meeting.

3.2.4 Duty LADO

The functions of the Duty LADO are as follows:

- To provide advice as to whether an allegation meets the LADO criteria;
- Take referrals;
- Convene a LADO strategy meeting;
- Facilitate the involvement of other key individuals/agencies e.g. sports and leisure governing bodies;
- Facilitate communication with regulatory bodies e.g. HCPC;
- Liaise with other LADO's where cross-border issues exist; and
- Seek to ensure appropriate actions have been undertaken during and following the conclusion of an investigation.

3.3 Role of core agencies

3.3.1 People Directorate: VCCP and Police

VCCP and Police will designate a representative with sufficient authority to:

- Liaise with the Duty LADO/Chair of the LADO Strategy Meeting;
- Take part in strategy discussions and strategy meetings;

- Review the progress of cases where there is a Police investigation; and
- Share information as appropriate on completion of an investigation or related prosecution.

(N.B. Where the nominated police representative is not able to attend a strategy discussion, they should fully brief the attending officer attending in their absence).

3.3.2 Human Resources/Employer

In addition to the above the relevant Human Resources personnel should ensure that:

- Employers are supported to attend LADO Strategy Meetings;
- Employment legislation is adhered to;

See section 25 for the employer's responsibilities

3.4 Employment

The term 'employment' is used to refer to organisations that have a working relationship with the individual against whom an allegation is made – including volunteers as well as paid staff, agencies, contractors and regulatory bodies such as Ofsted in the case of child-minders. Employing agencies that provide services to children and young people have a duty to have in place:

- Rigorous recruitment and selection procedures;
- guidelines for staff which promote safe care and the welfare of children; *and*
- clear procedures and support systems for dealing with concerns or allegations against employees or volunteers

The above provides a clear rationale for the guidance laid out in section 4.

4. Safeguarding environments

All organisations should be proactive in reducing the risk of child abuse taking place within their services by promoting an environment that safeguards children. A safeguarding environment is one where:

- Children and staff can express their concerns; where staff/volunteers are encouraged to challenge poor practice constructively; and where 'Confidential reporting' procedures can be engaged without fear;
- Safeguarding policies and procedures are accessible to all and there is access to skilled advice, both internal and external to the organisation;

- Large organisations may have access or input from human resources professionals to assist in developing their internal procedures, policies and practices relating to safeguarding children and young people. This human resources professional can also be used to advise the named senior officer when an allegation is made against an adult;
- There are safe recruitment and effective termination of employment practices;
- All workers/volunteers receive appropriate training in child protection - signs, symptoms and referral procedures, which includes how to recognise and respond to allegations against staff;
- Workers/volunteers understand what constitutes safe practice. (This can be supported by a code of practice to guide the work that is relevant to the particular agency/organisation, see Guidance on Safer Working Practices. Jan 2009 DCSF) In particular, they are aware of behaviours that are likely to result in criminal, child protection or disciplinary action;
- Concerns expressed by workers/volunteers are taken seriously and responded to at the earliest stage; and
- Risk assessments following allegations are undertaken to reduce the likelihood of repetition.

5. Scope of procedure

Section 11 of the Children Act 1989 places duties on a range of organisations and individuals to ensure that their functions, and any services that they contracted out to others, are discharged with regard to the need to safeguard and promote the welfare of children.

Any allegation of abuse made by a child or young person against an adult who works in any environment with children must be investigated through these procedures. ***This should under no circumstances prevent or delay investigation under the child protection procedures.*** These procedures should be applied when there is an allegation or concern that any person who works with children, in connection with their employment or voluntary activity 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 that they are a risk to children.

Staff and volunteers are also strongly advised to report any incident involving them that could give rise to concern including the potential for misinterpretation by others.

The procedures will also apply where:

- There are inappropriate relationships between members of staff/volunteers

and children or young people, for example, an adult is having a sexual relationship with a child between 16 and 18 years if in a position of trust in respect of that child, even if consensual;

- An adult is 'grooming', i.e. meeting a child under 16 years with intent to commit a relevant offence and there are other 'grooming' behaviours giving rise to concerns of a broader child protection nature e.g. inappropriate text/e-mail messages or images, gifts, socialising, etc.
- An adult is in possession of indecent images of children;
- It is discovered that a person who is or has been working with children or young people has been previously involved in child abuse; or
- An allegation of abuse has been made against a person working with children but the allegation does not relate to the working environment e.g. allegations by their own children.

The Designated Manager responsible for managing the process will be notified of **all** allegations that come to the employer's attention **and** appear to meet the criteria set out in Section 3.

These procedures do not apply to matters that amount to poor practice, which remain within normal line management arrangements.

6. Information Governance / Record Keeping

Employers should keep a clear and comprehensive record of the allegation, investigation and decisions reached on a person's confidential personnel file and give a copy to the individual.

A record of any allegation should be reported to the Duty LADO and the local authority will ensure that the record is kept at least until the adult subject to the allegation reaches normal retirement age or for 10 years if this is longer. The purpose of keeping the record is to enable accurate information can be given in response to future requests for references, etc.

Please see Section 28 re electronic LADO records.

7. Children, young people, parents or carers

The parent(s), carers and if sufficiently mature, the child should be helped to understand the processes involved and be kept informed about the progress of the case and where appropriate its outcome.

8. Regulatory Bodies

The Chair for the LADO Strategy Meeting will decide which regulatory body should be informed of any allegations or concern made against:

- A member of staff in any day care establishment for children under eight;
- A registered child-minder;
- A foster carer;
- A prospective adopter;
- A member of staff in a residential child care facility;
- Faith communities; and
- Sports and Leisure instructors.

9. Sharing information for disciplinary purposes

The Police and VCCP should, during the course of their investigations and enquiries, provide the employer and/or regulatory body with relevant statements and evidence which are required for disciplinary purposes.

If the Police or Crown Prosecution Service decides not to charge an individual, decide to administer a caution, or the person is acquitted, the Police should pass all relevant information to the employer without delay.

If the person is convicted, the Police should inform the employer straight away so that appropriate action can be taken. The employer should update the LADO Chair.

10. Confidentiality

Every effort should be made to maintain confidentiality and to guard against publicity while an allegation is being investigated or considered. Apart from keeping the child, parents and accused person up to date with the progress of the case, information should be restricted to those who have a need to know in order to protect the child, progress enquiries, and manage related disciplinary/suitability processes.

Police will not normally provide identifying information to the press or media, unless and until a person is charged, unless there are exceptional circumstances, e.g. an appeal to trace a person against whom an allegation has been made. The reasons should be documented and partner agencies consulted before any press statements are released.

11. Confidential reporting (whistleblowing)

Staff should be aware that children and young people may feel unable to express concerns. All staff should therefore be aware that they have a legal duty to take action if the concern is about the safety of children and to voice concerns about the attitude or actions of their colleagues in accordance with the relevant Confidential Reporting (Whistleblowing) Policy. This policy should be given to all new employees and be available to all staff.

If a member of staff believes that a reported allegation or concern is not being dealt with appropriately, they should report the matter to a senior person within their agency, to their designated/named officer for child protection or to the Duty LADO.

12. Allegations against staff in their personal lives

If an allegation of abuse or neglect of a child, outside of the work environment, is made against a person known to be working with children in a paid or voluntary capacity, **and** gives cause for concern about the children with whom they have contact during the course of their work, the Duty LADO should be advised and this procedural guidance will apply.

This procedure will also apply where an allegation of abuse or neglect is made against a family member or close associate of a person known to work with children, and there are concerns that the accused person has or may have contact with the children for whom that member of staff or volunteer has some responsibility. For example where there is an allegation against a family member of a foster carer.

13. Cross border issues

Where concerns arise in respect of an individual's behaviour in accordance with **2.1**, the LADO (or representative) to whom these such concerns or allegations are referred will share information with:

- The local authority area in which the person is employed (in their substantive role)
- The local authority area in which the person normally resides
- The police operational command unit area in which an offence may have been committed.

If the individual to whom the concerns or allegations relate is employed in accordance with **2.2**, then the local authority area in which he/she is employed should take responsibility for the co-ordination of the strands of the investigation outlined in **2.3**.

If the subject of concern or allegation is self-employed, the local authority in which the individual normally resides will co-ordinate.

If the subject works for one or more independent supply agencies, the local authority in which he/she is currently employed or in which the concerns in respect of his/her employment have arisen will take the lead in terms of co-ordination.

If the individual works for several supply agencies and the concern relates to an individual's suitability, for example, their behaviour outside the employment, co-ordination being undertaken by the local authority in which he/she normally resides.

In circumstances where it is not possible to identify the 'employer' the local authority in which the individual normally resides should take the lead in co-ordinating the strands of the investigation.

In all cases, professional judgements and negotiations will need to take place between the respective LADOs in reaching a decision about who takes the lead in terms of co-ordinating such investigations, in accordance with the roles and responsibilities of individual agencies outlined in **2.3**.

14. Initial response to allegations or concerns

An allegation against a worker may arise from a number of sources, for example, a report from a child victim, a concern raised by another child or an adult in the organisation, or a complaint by a parent or carer.

The person to whom an allegation or concern is first reported should treat the matter seriously and keep an open mind. They should contact the Designated Manager for allegations in their organisation / department as soon as it is possible to do so.

Where the allegation is being made by a parent, carer or member of the public the allegation will be treated in the same way as any other allegation and the details will be taken by the Duty LADO who will then liaise with the Designated Manager of the organisation about which the allegation has been made.

15. Concerns or allegations in respect of individual's behaviour

Where concerns arise in respect of an individual's behaviour the Duty LADO to whom these concerns or allegations are referred will consider sharing information with:

- The local authority area in which the person is employed (in their substantive role);
- The local authority area in which the person normally resides; and
- The police operational command unit area in which an offence may have been committed.

See section 13.

16. Consultation and Strategy Discussion

The referral will be made to the Duty LADO who will discuss the allegation with the Designated Manager.

The alleged perpetrator's details will be added to the electronic records by the Service Support Team, based at the Safeguarding Unit.

A record of the S47 Strategy Discussion will be added, with the outcome.

If the S47 Strategy Discussion determines that the allegation is such that investigations by the police or enquiries by VCCP do not meet the threshold, the Duty LADO will advise the Designated Manager on the next steps that could be taken.

The Police must be consulted about the timing and conduct of any enquiries in any case in which a criminal offence may have been committed, with consideration of whether any disciplinary process can run in parallel or should await the outcome of police enquiries.

If the parents/carers of the child concerned are not already aware of the allegation then the Duty LADO will discuss how and by whom they would best be informed.

In principle, parents and carers should be informed of any allegation involving their child as soon as possible. There are some circumstances where parents/carers will already know about the allegations, because the employer may have a duty to directly advise parents of an incident involving their child, e.g. if the child was injured while in the organisation's care and requires medical treatment. In any circumstances the employer should take care not to say anything that could jeopardise investigations being conducted by the police or any other organisation.

An employer should inform the person against whom the allegation is made, as soon as possible. The Duty LADO can advise the employer about the point at which a person against whom the allegation has been made can be informed as it is important that the timing of this does not impede or compromise any investigations. At this early stage it is advisable only to explain that an allegation of a child protection nature has been made.

Decisions about immediate suspension may need to be considered at an early stage if the allegations are serious. This can also be the subject of the LADO Strategy Meeting discussion, but there will also be times when there is still not enough information available at this stage on which to make that recommendation, in which case it would be appropriate to discuss at a subsequent LADO Strategy Meeting. See section 18.0.

17. Response by the Safeguarding Unit

On receipt of the call, Safeguarding Unit Service Support Team will pass the call to the Duty LADO who will then take full details of the allegation using the "Managing

allegations against staff & volunteers working with children & young people” referral form.

It shall be the responsibility of the Duty LADO to:

- Consider if the referral meets the LADO procedures criteria;
- Consider whether an enquiry under Section 47 of the Children Act 1989 is necessary (if not already referred);
- Ensure that enquiries begin as required; and
- Determine whether the circumstances of the allegation warrant the convening of a LADO Strategy Meeting (normally within three working days)

Following completion of the “Managing allegations against staff & volunteers working with children & young people” referral form and using the data recorded on the referral form, an electronic referral record will be added to CareFirst in the name of the alleged perpetrator by the Safeguarding Service Support Team. An association between the alleged child victim and the alleged adult perpetrator will then be created on the electronic record (CareFirst).

In cases where the Duty LADO determines that no further action is required, the CareFirst record will be opened to the Duty LADO and then closed. This will have the effect of recording the fact that an allegation was discussed but no further action taken at the point of referral.

Where the Duty LADO determines that a LADO Strategy Meeting is required, this is recorded in the “Meeting Authorised” section on the referral form. Service Support will then arrange for a LADO Strategy Meeting to be convened as soon as possible and allocate a Chair (where possible the Duty LADO who took the referral). This information should also be recorded electronically using CareFirst.

If at any point it becomes clear that there are immediate child protection concerns (this includes concerns about the perpetrators own children, or children that they may have contact with) then an enquiry should be initiated under Section 47 of the Children Act 1989 as described earlier. The LADO process should not prevent or delay action where a child in need of immediate protection is identified.

18. LADO Strategy Meeting

The participants of a LADO Strategy Meeting should be sufficiently senior to contribute relevant available information about the allegation, the child and the alleged perpetrator. The participants must also be able to make decisions on behalf of their agencies. The meeting will be chaired by the Conference and Review Manager designated as Chair of the LADO Strategy Meeting in the case.

Participants

- Primary Social Worker/ co-worker from pod or a duty social worker from ART;

- Supervising Social Worker, if an allegation is made against an LA foster carer
- Manager from an independent fostering service provider when an allegation is made against one of their foster carers
- Representative of an adoption agency for prospective adopters or their supervising social worker
- Police representative;
- Legal advisor if appropriate;
- Paediatrician if appropriate;
- Designated Manager for the employer/establishment concerned;
- Senior representative of the employment agency or voluntary organisation if the member of staff or volunteer has been placed by them, unless it is alleged that they have colluded or failed to respond to previous complaints;
- Those responsible for regulation and inspection where applicable, e.g. Ofsted, sport's governing body;
- Human Resources representative as appropriate;
- Safeguarding Education Development Officer for allegations against education staff;
- Where a child is placed by or resident in another authority area, relevant representatives from that area; and
- LADO for another local authority who have an interest in the case e.g. alleged perpetrator lives, works or volunteers in their area.

There are three strands of investigations to consider when an allegation has been made:

- A police investigation of a possible criminal offence;
- Children's Specialist Services enquiries and/or assessment about whether a child is in need and/or in need of protection; and/or
- Consideration by an employer of disciplinary action.

The LADO Strategy Meeting will:

- Confirm that, where appropriate, immediate arrangements have been made to protect the children directly involved, including those of the perpetrator and any other children they may have access to;
- Determine that the protection of the child (based upon the initial referral) has already been determined prior to convening the LADO strategy discussion. A LADO Strategy Meeting is an inappropriate forum to determine child protection strategy under s47 of the Children Act 1989. The roles should therefore not be confused. If new information raising concern for the welfare of a child is discovered in the course of the LADO Strategy Meeting, a s47 Child Protection Strategy Meeting should be immediately convened.

A LADO Strategy Meeting is the appropriate forum to:

- Consider whether a complex abuse investigation is applicable;
- Consider the future needs of the establishment and strategies where abuse is considered to be widespread;
- Determine whether any parallel disciplinary process can take place and agree protocols for sharing information;
- Agree the sharing of information for disciplinary procedures, including the use of any record of video interviews;
- Put the current allegation in the context of any previous allegations or concerns;
- Where appropriate, take account of any entitlement by staff to use reasonable force to control or restrain children, for example, Section 550a of the Education Act, 1996;
- Plan any enquiries if needed, allocate tasks and set time-scales;
- Decide what information can be shared, with whom and when;
- Consider what support should be provided to all children who may be affected directly or indirectly;
- Decide how the child, if sufficiently mature should be helped to understand the processes involved and be kept informed about the progress of the case;
- Ensure that investigations are sufficiently independent;
- Make recommendations where appropriate regarding suspension or alternatives to suspension;
- Consider what support should be provided to the accused person and any other colleagues who may have been affected;
- Agree protocols for reviewing investigations and monitoring progress having regard to timescales;
- Consider issues for the attention of senior management, for example, media interest, resource implications, possible claims for compensation and alerting employer's insurers; and
- Agree dates for future strategy discussions if required.

The meeting will conclude with agreed actions, specification of who is responsible for such actions and specified timescales for completion.

The minutes including a record of the actions agreed at the LADO Strategy Meeting will be distributed within **5 working days** by the Service Support Team within the Safeguarding Unit.

During lengthy investigations the LADO Chair will review the case on a monthly basis and a final LADO Strategy Meeting will be held at the end of enquiries/ investigations to ensure that all tasks have been completed and where appropriate,

to agree an action plan for learning lessons in order to inform future practice. Any identified practice issues will be referred to the LSCB Practice Sub Committee for evaluation and action.

If a Police investigation is to be conducted, the Police should set a date for reviewing its progress and consulting the CPS about continuing or closing the investigation or charging the individual. Wherever possible, this should be no later than 4 weeks after the LADO Strategy Meeting. If for operational reasons this is not possible, dates for further reviews should be agreed taking into account the complexity of the investigation balanced against the aim of resolving the matter as quickly as possible.

The aim is to resolve most cases within 3 months and all but the most exceptional cases within 12 months as it is recognised that cases requiring a criminal prosecution or complex police investigation may not be completed within 3 months.

19 Performance Monitoring

The Policies and Procedures Sub-committee of the SCB takes lead responsibility for the review and updating of this procedure. This Sub-committee is responsible for ensuring that agreed standards in managing allegations are communicated across the city and that mechanisms are in place to ensure effective and consistent practice.

The Performance Monitoring and Evaluation Sub-committee will be responsible for analysing and responding to performance information which will demonstrate compliance with the procedure and for recommending corrective action to the Policies and Procedure Sub-committee and other sub-committees where appropriate.

The Chair of the LADO Strategy Meeting will monitor and record the progress of each case, either fortnightly or monthly depending on its complexity. This could be by way of a review LADO Strategy Meeting or by direct liaison with the Police, VCCP or the alleged perpetrator's employer and/or governing body as appropriate. Where the target timescales cannot be met the Chair of the LADO Strategy Meeting must record the reasons.

The Chair of the LADO Strategy Meeting will maintain comprehensive records in order to ensure that each case is being dealt with expeditiously and that there are no undue delays. The records will also assist the LADO and the SCB to monitor and evaluate the effectiveness of the procedures for managing allegations and provide statistical information as required. The outcome of the case as recorded at the final LADO Strategy Meeting will also be recorded by the Safeguarding Unit Service Support Team for statistical purposes.

The Local Authority Designated Officer will ensure that progress reports and statistics are available to the Performance Evaluation and Monitoring Sub-committee. The Sub-Committee will determine whether there are any improvements to be recommended within specific organisations or across multi-agency procedure or practice.

Designated Managers should also review the circumstances of the case to determine whether there are any improvements to be made to the organisational procedures or practice to help prevent similar events in the future.

It is the responsibility of the Local Authority Designated Officer to monitor the effectiveness of these arrangements and report to the Safeguarding Children Board in accordance with local agreement.

20. Support

The organisation together with VCCP and/or the Police, where they are involved, should consider the impact on the child concerned and provide support as appropriate. Liaison between the agencies should take place in order to ensure that the child's needs are addressed.

As soon as possible after an allegation has been received, the accused member of staff should be advised to contact their union or professional association, if they are affiliated to one.

Human Resources should be consulted at the earliest opportunity in order that appropriate support can be provided via the organisation's occupational health or employee welfare arrangements.

21. Disciplinary processes

The decision about whether an internal disciplinary investigation is appropriate will usually be made in a LADO Strategy Meeting. In some circumstances it may be appropriate to initiate an immediate disciplinary process in discussion with the Duty LADO.

If formal disciplinary action is not required, the employer should take appropriate action **within 3 working days**. If a disciplinary hearing is required and further investigation is not required, the hearing should be held **within 15 working days**.

If further investigation is needed to decide upon disciplinary action, the LADO Strategy Meeting should discuss whether the employer has adequate resources or whether the employer should commission an independent investigation because of the nature and/or complexity of the case and in order to ensure objectivity.

The aim of an investigation is not to prove or disprove the allegation but to obtain, as far as possible, a fair, balanced and accurate record in order to consider the appropriateness of disciplinary action and/or the individual's suitability to work with children. All possible steps must be taken to avoid repeated interviewing of children.

The investigating officer should aim to provide a report **within 10 working days**. On receipt of the report the employer should decide **within 2 working days** whether a disciplinary hearing is needed. If a hearing is required it should be held **within 15 working days**.

If, at any stage, new information emerges that requires a child protection referral, the disciplinary investigations should be held in abeyance and only resumed if agreed with VC&CP and the Police. Consideration should again be given as to whether suspension is appropriate in light of the new information

22. Suspension

Suspension is a neutral act and should not be automatic. However, it should be considered in any case where:

- There is a cause to suspect a child is at risk of significant harm; or
- The allegations warrant investigation by the police; or
- The allegations are so serious that it might be grounds for dismissal; or
- There is evidence/information to indicate that the person might or has interfered with the investigation or intimidated witnesses

The possible risks should be evaluated and managed in respect of the child/young person involved and any other child in the accused member of staff/volunteer's home, work or community life. In some cases this will require the employer suspending the person.

The decision to suspend rests with the employer. The employer should, however, make an informed decision by seeking a recommendation from the Duty LADO at the referral stage, from the Police and/or VCCP where they are involved, or from the LADO Strategy Meeting.

23. Resignation and 'compromise agreements'

Every effort should be made to reach a conclusion in all cases even if:

- The individual refuses to cooperate, having been given a full opportunity to answer the allegation and make representations;
- The alleged perpetrator resigns; or
- It may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete.

A 'compromise agreement' is where a member of staff agrees to resign provided that disciplinary action is not taken and that a future reference is agreed.

'Compromise agreements' **must not** be used.

24. Supply, contract and volunteer workers

In the case of supply, contract and volunteer workers normal disciplinary procedures may not apply. In these circumstances, the employer should act jointly with the providing agency, if any, in deciding whether to continue to use the person's services, or to provide future work with children, and if not whether to make a report for consideration of barring or other action. In reaching their decision they should have regard to the recommendation of the Duty LADO at the referral stage or the recommendation of any subsequent LADO Strategy Meeting.

See section 13, cross border issues, if more than one LA is involved.

25. Staff and volunteers subject to allegations or concerns

The member of staff/volunteer should:

Be treated fairly and honestly and be helped to understand the concerns expressed and the processes involved;

Be kept informed of the progress and outcome of any investigation and the implications for any disciplinary or related process;

If suspended, be kept up to date about events in the workplace;

The employer should be aware of any 'duty of care' implications.

There may be some occasions when an individual about whom concerns or allegations have arisen is not employed and works in a voluntary capacity for a number of organisations. In these circumstances where it is not known who the 'employer' is, the local authority in which the individual normally resides should take the lead in co-ordinating the strands of investigation.

26. Referral to the Disclosure and Barring Service (DBS) and/or regulatory body

Employers must refer someone to the DBS if they:

- dismissed them because they harmed a child or adult
- dismissed them or removed them from working in regulated activity because they might have harmed a child or adult otherwise
- planned to dismiss them for either of these reasons, but the person resigned first

If the allegation is substantiated and the person is dismissed or the employer ceases to use the person's services, the LADO Strategy Meeting will advise the employer whether a referral should be made to the DBS or any other regulatory body. In compiling a report for a barring or regulatory body, the employer will be assisted by the Chair of the LADO Strategy Meeting in:

- Ensuring wherever possible that the employer receives sufficient evidence from VC&CP enquiries and Police investigations;
- The interpretation of outcomes and professional opinion; and
- The identification of risks to children.

If a referral is to be made it should be submitted **within 1 month** of the final LADO strategy meeting. In exceptional circumstances where the concerns are significant a referral may be made before the final LADO Strategy Meeting following the advice of the Police and or the Chair of the LADO strategy Meeting. Consideration will then be given to whether the individual should be barred from, or have conditions imposed in respect of working with children.

In the absence of an identifiable “employer”, the referral to the DBS will be the responsibility of the Chair of the LADO Strategy Meeting.

Employers also have a duty to make reports to Teaching Agency (TA formerly GTC); Health & Care Professions Council (HCPC formerly GSCC) or other regulatory bodies if they cease to use a person’s services on grounds of misconduct or unsuitability to work with children, or someone leaves in circumstances where the employer would have ceased to use their services on one of those grounds.

The DBS keeps a list of people who are barred from working with children in regulated positions. Further information and guidance, including a downloadable referral form, is available on the DBS website: <https://www.gov.uk/disclosure-barring-service-check/contact-disclosure-and-barring-service>

27. Organised and historical abuse

Investigators should be alert to the signs of organised or widespread abuse and/or the involvement of other perpetrators or institutions. They should consider whether the matter needs to be dealt with in accordance with Complex Abuse Procedures, In all cases where there are multiple victims and/or multiple ‘perpetrators’, consideration should be given to initiating the Complex Abuse Procedures which, if applicable, will take priority.

There may be occasions when concerns or allegations arise in respect of a number of individuals working with children & young people, either in a single location or different locations. Generally, the local authority either where the concerns have arisen or where the establishment is located will take the lead in terms of co-ordination.

If the concerns relate to one specific establishment, such as a child-care provider or residential facility, the local authority in which the establishment is located will take the lead in co-ordination of the strands of the investigation. Consideration should be given to initiating the Ofsted Serious Incident Protocol in respect of regulated providers.

Historical allegations should be responded to in the same way as contemporary concerns and with the same degree of priority. It will be important to ascertain if the person is currently working with children and if that is the case, to consider whether the current employer should be informed.

28. Unsubstantiated and false allegations

Where it is concluded that there is insufficient evidence to substantiate an allegation, the Chair of LADO Strategy Meeting should cooperate in providing appropriate documents outlining the enquiry, to the Designated Manager of the employing agency to enable her/him to consider what further action, if any, should be taken.

The electronic record will then be updated to include the outcome of the enquiries/investigation. The record will not be deleted nor will the electronic association between the child and the person subject to the original allegation be broken.

29. Organisation's internal procedures

All individual agency procedures for managing allegations against staff and volunteers who work with children should be compatible with the SCB procedures contained in this document. In addition they should provide contact details for:

- The Designated Manager (DM) in their organisation to whom all allegations should be reported;
- The Deputy for the DM;
- How to contact the DM; and
- Contact details for the out of hours service (EDT).

30. Disagreements

If at any stage in the management of a case there is a disagreement between agencies with responsibilities under these procedures, every attempt should be made by those involved to reach a resolution. Exceptionally, where this is not achieved, the matter should be referred to their respective Named Senior Officer for further joint consideration. This should be completed in a timely manner to ensure compliance with the overall timescale for these procedures. Thereafter if resolution is still not achieved the matter should be referred to senior managers in the respective agencies.

32. LADO Process Flowchart

