



# MANAGING ALLEGATIONS AGAINST STAFF AND VOLUNTEERS WHO WORK WITH CHILDREN

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## 1. INTRODUCTION

This protocol and procedure have been produced by the Enfield LADO with full agreement of its partner agencies and applies to all agencies including schools, voluntary organisations, and private providers. It should be used by practitioners and managers working with children or with parents/carers when an allegation of abuse is made against a member of staff or a volunteer working with children. For the purpose of this protocol, the terms child/children refer to anyone under the age of 18.

Children can be subjected to abuse by those who work with them in any setting. All allegations of abuse or maltreatment of children by a professional, staff member, foster carer or volunteer must therefore be taken seriously and treated in accordance with consistent procedures detailed in this document.

The purpose of the protocol is to ensure key persons and bodies in Enfield work together to safeguard and promote the welfare of children in the discharge of their duties and functions under section 11 of the Children Act 2004.

The role of the Local Authority Designated Officer (LADO) was introduced within the Working Together to Safeguard Children in 2006. The background to this role comes from a range of public enquiries and reports undertaken over the years including the Warner Report (Choosing with Care) (1992); the Utting Report (People Like Us) (1997); the Waterhouse Report (Lost in Care) (2000); and the Bichard Report (2004) following the Soham murders of Jessica Chapman and Holly Wells. All these reports highlight the issue of abusers who specifically plan to work with children and the gaps in sharing information that allows perpetrators of abuse to continue to be employed.

“For those agencies whose job it is to protect children and vulnerable people, the harsh reality is that if a sufficiently devious person is determined to seek out opportunities to work their evil, no one can guarantee that they will be stopped. Our task is to make it as difficult as possible for them to succeed...” Bichard Inquiry Report, 2004, p 12 para 79

Since its initial implementation, the scope of the LADO role has progressed according to changing national guidance. The Working Together to Safeguard Children 2018, chapter 2, updated the guidance on managing allegations as well as renewing the statutory responsibility of Local Authorities to develop and implement policies and procedures in respect of the investigation of allegations concerning people working with children.

The guidance requires Local Authorities to have an officer or a team of officers to manage and oversee allegations against people who work with children and that this officer or team of officers are sufficiently qualified, including having a social work qualification, and experienced to fulfil this role effectively.

The guidance refers to the officer responsible for overseeing allegations as Designated Officer. However, Enfield - and most of the London councils - have decided to maintain the term LADO which is already familiar to most agencies and professionals.

The Child Protection Conference Chairs/Independent Reviewing Officers in the Safeguarding and Quality Service will also lead on investigations in the absence of the LADO. The LADO and the Child Protection Conference Chairs/Independent Reviewing Officers are all qualified and experienced social workers. In Chapter 2 of this protocol, the term LADO will also refer to the Child Protection Conference Chairs/Independent Reviewing Officers when acting as Duty LADO.

In addition to leading on investigations, the service offers advice and guidance when there are these concerns about a person's conduct and when the threshold for a formal investigation

has not been met. This has often ensured that advice and guidance has been given to staff when there are low level concerns. This is usually referred as Consultations.

It is essential that any allegation of abuse made against a member of staff working with children is dealt with fairly, quickly, and consistently, in a way that provides effective protection for the child and at the same time supports the person who is the subject of the allegation. The time taken to investigate and resolve individual cases depends on a variety of factors, including the nature, seriousness, and complexity of the allegation.

Although most agencies have internal procedures to manage issues with staff, including in relation to disciplinary or capability processes, the LADO procedures take precedent over those, as set out by Working Together 2018 and the Children Act 2004. Hence, no other internal investigation should commence whilst LADO procedures are in place, however this does not prevent some procedures from being implemented, such as suspension or change of duties whilst the LADO investigation is ongoing.

## **2. THE LADO ROLE**

The Local Authority Designated Officer (LADO) has the responsibility to manage and have an oversight of allegations against people who work with children. This is defined as an adult who is working or volunteering with children (anyone under the age of 18 years old) or coming into contact with children through work on a regular basis and would be seen as being in a position of trust. This includes all paid or unpaid staff and volunteers, including foster carers and prospective adopters. It also includes 16 and 17-year-old young people placed in a position of trust by an organisation in relation to anyone under the age of 18, for example, where they might be involved in coaching a sport in a school or out of school activities.

When the threshold for LADO involvement is met, the LADO will chair an Allegation against Staff or Volunteers (ASV) Meeting. An ASV Meeting, previously known as a Professional Strategy Meeting, is a multi-agency meeting held and attended by relevant professionals, including the Safeguarding Police Team and the professional's line manager, to discuss the concerns.

The ASV Meeting considers the details of the allegation/s, any other relevant information about the professional/s and the child/ren any witnesses and any other evidence. The possible final outcomes for an ASV investigation are Substantiated; Unsubstantiated; Unfounded; False; or Malicious.

Due to the diversity of environments employing staff or volunteers to work with children and young people, it is essential for the LADO to develop knowledge and expertise in understanding the work and management of organizations as diverse as Local Authority Schools and Academies; the whole spectrum of faith organizations, including implications of, for example Canon or Islamic law on management of staff and ordained members; youth organizations; non-regulated professionals, for example tutors and childminders; foster and residential placements; NHS staff; or Police amongst many other settings where individuals are employed directly to work with children.

In addition, it is essential that the LADO has excellent knowledge of child protection law; child protection processes and significant risk assessment experience; as well as an understanding of criminal and employment law.

## **3. THE LADO PROCESS**

The Allegations Against Staff and Volunteers who Work with Children procedure must 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 he or she may pose a risk of harm if they work regularly or closely with children.

This is referred to as the Threshold (see annex 1).

These behaviours should be considered within the context of the four categories of abuse (physical, sexual and emotional abuse and neglect). These include concerns relating to inappropriate relationships between members of staff and children or young people, for example:

- Having a sexual relationship with a child under 18 if in a position of trust even if consensual (see ss 16-19 Sexual Offences Act 2003)
- “Grooming” i.e. meeting a child under 16 with intent to commit a relevant offence (see s15 Sexual Offences Act 2003)
- Other “grooming” behaviour giving rise to concerns of a broader child protection nature (e.g. inappropriate text/email messages or images, gifts, socialising etc)
- Possession of indecent photographs/pseudo-photographs of children.

All references to Staff and Volunteers in this document should be interpreted as meaning all paid or unpaid individuals, including, but not exclusively, foster carers, approved adopters, all schools’ staff, health professionals who have contact with children, such as GPs or nurses; Social Care staff, police officers or religious leaders.

If the concern is not connected to the person’s employment/work activity, these procedures may also apply where concerns arise about the person’s behaviour towards his/her children or concerns about their interactions with any other child in relation to the above criteria. Children’s Social Care and/or the Police should consider if they need to inform the person’s employer and the LADO and assess whether there may be implications for children with whom the person has contact at work.

In some cases, an allegation of abuse against someone closely associated with a member of staff (e.g. partner, member of the family or other household member) may present a risk of harm to children for whom the member of staff is responsible. In these circumstances, these procedures should apply, in order to consider the ability and willingness of the member of staff to protect the children, what measures need to be put in place to ensure their protection and whether the role of the member of staff is compromised.

When allegations of historical and/or complex abuse are made and where the case involves an allegation against a person/s who works with children, this procedure should also be followed.

Each ESCB member organisation should identify a named senior officer with overall responsibility for:

- Ensuring that the organisation deals with allegations in accordance with local and national procedures and guidance.
- Resolving any inter-agency issues.

- Liaising with the ESCB on the subject.

We have a designated senior manager to whom allegations or concerns should be reported to and a deputy who should receive reports in the absence of the designated manager or where the allegation relates to the designated manager.

### **Initial consideration**

An allegation against a member of staff may arise from any number of sources. The person to whom the allegation or concern is first reported **should:**

- Make a written record of the information (where possible in the child's/adult's own words) including the time, date and place of alleged incident, persons present.
- Immediately report the matter to the designated senior manager (or deputy in their absence) or another appropriate senior manager if the allegation is in relation to the designated manager.

The person to whom the allegation or concerns is first reported:

- Should not investigate or ask leading questions.
- Must not make assumptions or offer alternative explanations.
- Must not promise confidentiality but give assurance that the information will only be shared on a "need to know" basis.

The designated manager must inform the Local Authority Designated Officer (LADO) within one working day and prior to any investigation taking place and complete a LADO referral form.

On some occasions, an incident may not present itself immediately as a LADO issue. In Enfield, Designated Managers can contact the LADO if they are unclear about LADO threshold for specific cases and advice. However, if an internal investigation has commenced before a matter is identified as a possible LADO issue, the Designated Manager should pause all enquiries and internal procedures and have a discussion with the LADO to decide how to proceed.

If an allegation requires immediate attention but is received outside office hours, it should be reported to Out of Hours team or local police and inform the LADO as soon as possible.

If a police officer receives an allegation, s/he should, without delay, report it to a sergeant in the Police Safeguarding Hub (also known as Child Abuse Investigation Team (CAIT)), who should inform the LADO.

If there is immediate risk, appropriate action may need to be taken e.g. urgent involvement of the police, urgent medical attention, securing evidence, removal of member of staff.

The LADO and the Designated Senior Manager should consider first whether further details are needed and whether there is evidence or information which establishes that the allegation is false or unfounded/false. If the allegation is not demonstrably false and there is cause to suspect that a child is suffering or likely to suffer significant harm, a Allegations Against Staff and Volunteers Meeting should be convened, within 3 working days. If this is not possible the LADO will have a telephone discussion to avoid any delay pending the ASV meeting, ensuring the welfare and safety of the child.

The LADO will send a referral - form 87A - to the Police Safeguarding Hub.

The LADO will advise the Designated Senior Manager how and when to inform the parents of the child and how much information should be shared with the accused person and when, ensuring that this will not impede on the investigative process.

When the LADO agrees that no further action is to be taken regarding the individual facing the allegation, the decision and justification should be recorded by both the Designated Senior Manager and the LADO and agreement reached as to what information should be put in writing to the individual concerned and by whom. The Designated Senior Manager should also consider with the LADO any action in respect of those who made the initial allegation and consider what information should be shared with the child and their parents/carers and by whom.

### **Allegations Against Staff and Volunteers (ASV) Meeting**

The LADO will chair the ASV Meeting, track the progress of the investigation and ensure that actions are completed within the agreed timescales.

The following is a list of possible participants:

- Children's social care.
- Police Safeguarding Team.
- The Designated Nurse or Doctor for safeguarding in Enfield, when an allegation concerns a health agency professional.
- Designated senior manager for the school concerned.
- Human resources.
- Senior representative of the employment agency or voluntary organisation.
- Manager of fostering service or agency when an allegation is made against a foster carer.
- Access to Resource Team/Placements Service when an allegation is against a residential or semi-independent provision or foster carer from a fostering agency.
- OFSTED.
- Consultant Paediatrician.
- Legal adviser where appropriate.
- Early Years' Service when an allegation is made against a child minder.

The Enfield's Meetings, Panels and Events Team attend all ASV Meetings and produce a record of the discussion and of the actions agreed within the meeting which is approved by the LADO and then circulated to attendees.

There are up to three strands in the consideration of an allegation at the ASV meeting:

- A police investigation of a possible criminal offence.
- Social care enquiries and/or assessment about whether a child needs protection or in need of services.
- Consideration by an employer/regulatory body of action in respect of the individual.

The ASV meeting will:

- Decide how the allegation will be investigated, allocate tasks and agree timescales.
- Consider whether any parallel disciplinary process can take place and agree.
- Protocols for sharing information. Whenever possible, all agencies should obtain consent from individuals concerned to share statements and evidence they obtain with the service for disciplinary purposes at the conclusion of the investigation or any court case.
- Consider the current allegation in the context of any previous allegations or concerns.
- Where appropriate, consider if a member of staff used reasonable force to control or restrain a child (e.g. section 93, Education and Inspections Act 2006 in respect of teachers and authorised staff).
- Decide what information can be shared with whom and when.
- Consider whether a complex abuse investigation is applicable.
- Ensure that arrangements are made to protect the child/ren involved and any other children affected.
- Consider what support should be provided to the children and their families.
- Consider what support should be provided to the member of staff and how s/he will be kept up to date with the progress of the investigation;
- Make recommendations where appropriate regarding suspension or alternatives to suspension.
- Consider issues for the attention of senior management (e.g. media interest).
- Consider DBS referral.
- Agree dates for review strategy meetings/discussions (if appropriate).

### **Final Allegations Against Staff and Volunteers (ASV) Meeting**

A final ASV meeting should be held to ensure that all tasks have been completed, including referrals to the DBS (Disclosure and Barring Service), if appropriate, and where appropriate, agree an action plan for future practice based on lessons learnt. The ASV Meeting will agree who should make the referral to DBS.



The final ASV meeting should consider the following definitions when determining the outcome of the allegation investigation:

- **Substantiated allegations**

There is sufficient evidence to prove the allegation that a child has been harmed or there is a risk of harm.

If the facts of the incident are found to be true but it is not found that a child has been harmed or there is a risk of harm, then consideration should be given to deciding that the outcome is 'unsubstantiated' or 'unfounded'.

- **Malicious**

There is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive. The police should be asked to consider what action may be appropriate in these circumstances.

- **False allegations**

There is sufficient evidence to disprove the allegation, however, there is no evidence to suggest that there was a deliberate intention to deceive.

False allegations may be an indicator of abuse elsewhere which requires further exploration. If an allegation is demonstrably false, the school, in consultation with the LADO, should refer the matter to LA children's social care to determine whether the child is in need of services, or might have been abused by someone else.

- **Unsubstantiated allegations**

There is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

- **Unfounded**

The additional definition of 'unfounded' can be used to reflect cases where there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances.

The Chair of the meeting/discussion, usually the LADO, should make a record of the agreed outcome and forward this to the school. The meeting should also agree who will inform the accused member of staff and all relevant parties, including child/young person and parents.

Minutes of the ASV Meeting and actions agreed are shared on a need to know basis as agreed at the meeting and distributed within 5 working days. A summary of the record of ASV Meeting may be used in subsequent disciplinary/internal agency procedures.

#### **4. SUPPORTING THOSE INVOLVED Children and their Families**

The child is paramount in all child protection processes. This means that the LADO process considers the safety and wellbeing of the specific child or children affected by the allegation.

When an allegation is made, this can be a significant and often traumatic event in the child's life. Some of the consequences observed may include sudden changes of behaviour; lack of trust in the adults responsible for their care; a sudden loss of innocence in their interactions with adults; as well as experiencing their parents/carers anxieties regarding the allegation and possible ongoing risks.

The LADO should ensure that the parents/carers are kept informed of the LADO process and outcome, but not of any disciplinary sanctions or any private information about the member of staff.

Parents, and the professionals or volunteers in question do not attend ASV Meetings nor are they given a record of the ASV Meeting.

Although the LADO does not conduct the investigation, in all ASV meetings it is important that the LADO ensures that the voice of the child and their specific needs in relation to the allegation are considered at every stage of the LADO process. The ASV Meeting will reflect on which professional is most appropriate in the circumstances to speak with the child, gain their views, wishes and feelings, including, what they feel should happen with their allegation. This will inform the level of involvement from the child or young person in the investigation and may be particularly relevant in some investigations where it is mainly the word of the child and the word of the professional against whom an allegation was made.

In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's social care, or the police as appropriate, should consider what support the child or children involved may need, during the investigation and afterwards.

Following the ASV meeting the parents/carers of the child/ren concerned must be informed about the outcome of the meeting. This may be done in writing by the LADO (as chair of the meeting) unless the meeting makes a different recommendation. Parents will not be informed of the deliberations of a disciplinary hearing or the specific information considered in reaching a decision but should be told the outcome.

### **Staff subject to an Allegation**

Although the safety and welfare of children is paramount, it is acknowledged that being subject to an allegation is usually very distressing and unsettling for the member of staff as well as the school/organisation employing them.

The LADO process must also consider the wellbeing of the member of staff. The school has a duty of care to staff, hence support for employees subject to an allegation is vital to fulfilling this duty. In individual cases, the LADO will discuss how agencies should act to manage the implications of an allegation for the staff member and minimise, if possible, the stress inherent to the process.

It is also important that professionals and volunteers in general are aware of the allegations process and how support would be available should an allegation be made against them. A perception that the allegation process is fair, timely and comprehensive is essential to ensure that it does not impact on the recruitment and retention of staff and volunteers.

It is important that when an allegation is made, the school makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. This is relevant for the children, but also for the reputation of the professional being

investigated. For teachers, the Education Act 2002 introduced reporting restrictions preventing the publication of any material that may lead to the identification of a teacher who has been accused by, or on behalf of, a pupil from the same school.

In all cases, the ASV Meeting will agree who needs to know and, importantly, exactly what information can be shared; how to manage speculation, leaks and gossip; what, if any information can be reasonably given to the wider community to reduce speculation; and how to manage press interest if and when it should arise. In accordance with clear available guidance, the police will not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence, except in exceptional cases where this is considered essential, for example in an appeal to trace a suspect, when they must apply to a Magistrates' court to request that reporting restrictions be lifted.

Equally, each ASV Meeting, led by the LADO, ensures that employers have support services in place for the members of the children's workforce facing allegations, including access to formal and informal advice as well as counselling services. This may vary depending on the setting, role and resources available. For staff employed by the Local Authority, this may include support via Occupational Health or employee welfare arrangements such as a Support Officer from Human Resources. If the person is a member of a union or professional association s/he should be advised to contact that body at the outset as well as their right to seek legal advice.

In consultation with the LADO, the adult against whom the allegation has been made should, if at all possible, be informed that an allegation has been made against them unless to do so would place the child at risk. At this stage, the member of staff must not be told the specific details of the allegation as this may compromise the investigation, but the Manager or Designated Lead must record their reaction, including any information shared.

The ASV Meeting must then consider how the person subject to an allegation will be kept informed of the progress of the case and consider what other support is appropriate for the individual.

## **5. CONFIDENTIALITY**

As above, information about an allegation must be restricted to those who have a need to know to:

- Protect children.
- Facilitate enquires.
- Manage disciplinary/complaints aspects.
- Protect any rights of the person who is the subject of the allegation.

The minutes of the ASV meeting must not be shared with a 3rd party including the family and the person against whom the allegation has been made without the permission of the LADO.

## **6. TIMESCALES**

It is in everyone's interest to resolve cases as quickly as possible - consistent with a fair and thorough investigation. Every effort should be made to manage cases to avoid any unnecessary

delay. It is the responsibility of the Chair of the ASV Meeting to monitor the progress of the investigation and ensure that actions are completed within the agreed timescales.

## **7. RESIGNATIONS AND “COMPROMISE AGREEMENTS”**

The fact that a person tenders his or her resignation, or ceases to provide their services, must not prevent an allegation being followed up in accordance with these procedures.

It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children including any in which the person concerned refuses to cooperate with the process. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person’s period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible. In such cases, the LADO should give consideration as to whether a referral to the DBS is appropriate and if so, who should make the referral.

So called “compromise agreements” by which a person agrees to resign; or/and the service agrees not to pursue disciplinary action; and/or both parties agree a form of words to be used in any future reference, should not be used in cases where there are concerns about the safety of individuals to work with children. In any event, such an agreement will not prevent a thorough police investigation where that is appropriate; nor can it override the statutory duty to make a referral to the DBS where circumstances require this.

## **8. DBS REFERRALS**

The duty to refer to DBS applies irrespective of whether a referral has been made to the Local Authority Designated Officer, the criteria being:

- Where the harm test is satisfied in respect of that individual;
- Where the individual has received a caution or conviction for a relevant offence,
- or if there is reason to believe that individual has committed a listed relevant offence;
- or that individual has been removed from working (paid or unpaid) in regulated activity,
- or would have been removed had they not left.

The DBS will consider whether to bar the person. Referrals should be made as soon as possible after the resignation or removal of the individual.

## **9. LESSONS LEARNED**

At all ASV Meetings, the employer and the LADO should consider the circumstances of the case to determine whether there is any improvement to be made to the organization’s procedures or practice.

Hence, in addition to ensuring that allegations against those who work or volunteer with children are fairly and comprehensively addressed in relation to those directly affected by the allegation, the LADO process must also consider the safety of all children within the organizations, including promoting the reflection of the specific circumstances or environments that allowed substantiated or alleged (Unsubstantiated) abuse to occur and consider lessons learned.

For those cases where allegations are unfounded or false, it is equally important that the LADO process reflects on what strategies or processes can improve the protection of staff against allegations being made. This may involve specific safe care plans to support specific children; or address fragilities in the environment that led to incidents being misinterpreted and allegations being made.

## **10. COMPLAINTS AND ESCALATIONS**

The subject of concern, any person with Parental Responsibility and children (of sufficient age and understanding) and also the referrer may have concerns they wish to express regarding the ASV meeting.

All potential complainants must be made aware that the complaint process cannot itself change the original multi-agency decision regarding the outcome of an allegation, albeit other measures can be decided to remedy any defects within the original meeting. Therefore, during a complaint being considered, the decision made by the ASV Meeting stands.

Complaints about individual agencies which contributed to the ASV Meeting, their performance, their conduct at an ASV meeting and/or the provision (or non-provision) of services will not be dealt with under this procedure and should be responded to in accordance with the relevant agency's complaints handling process.

The subject, parents, the referrer and, on occasion, children, may have concerns they wish to make as representations or complaints, in respect of one or more of the following aspects of the functioning of the ASV Meeting:

- The process of the meeting.
- The outcome of the ASV Meeting and agreed actions.
- A decision/ categorisation for the allegations to be substantiated/ unsubstantiated.

Where the subject, the parents, the referrer and, on occasion, children, (of sufficient age and understanding) indicate, in whatever form, that one of the above applies, this should be identified as a complaint to be dealt with in accordance with the Enfield Complains Procedure.

In summary this involved three stages: Informal Complaint, wherever possible, disputes or complaints should be resolved informally in discussion with the LADO. If the complainant is not satisfied with the outcome of the informal discussion, then the complaint should progress to the First Formal Stage and The Second Formal Stage of the Enfield Complaints Procedure.

A complainant who continues to be dissatisfied with the outcome of the process may wish to pursue their grievance via the Local Government Ombudsman or seek legal advice about other legal remedies such as Judicial Review.

## **11. RECORD KEEPING AND LADO RETENTION POLICY**

All LADO processes, which met the threshold for an Allegation against Staff and Volunteers meeting (Child Protection) are recorded within the Integrated Children's System (ICS). An allegation hazard indicator signposts clearly if there is LADO involvement with a particular child or adult. The hazard tab does not provide specific information regarding the investigation but asks

that practitioners contact the LADO for further information. To protect confidentiality, all allegations are managed in a separate area of the ICS system where all documents, forms and cases notes are kept and are only accessible by the Safeguarding and Quality Service as well as the Director of Children and Family Services.

LADO Consultations are also recorded. In line with GDPR guidelines, cases that do not involve a safeguarding (prevention) or Child Protection (risk) issue are recorded as anonymized scenarios with only the name of the setting consulting with the LADO. When agencies contact the LADO for a Consultation and there is a need to identify a particular staff member due to a Safeguarding issue which does not meet threshold, they are advised to inform the staff member that a record has been created in the LADO service with personal information about them should concerns re-emerge or become recurrent. It is not unusual for a matter to start as a Consultation and later progress to an Allegation based on the previous and new information about the conduct of a professional or volunteer working with children

Record keeping is an integral part of the management of allegations. Complete and accurate records will need to contain information which provides comprehensive details of:

- Events leading to the allegation or concern about an adult's behaviour.
- The circumstances and context of the allegation.
- Professional opinions.
- Decisions made and the reasons for them.
- Any action that is taken.

The school is required to keep all records pertaining to allegations where these involve a child or young person and, if concerns arise which relate to the welfare or safety of a child or young person, employers are under a legal obligation to disclose information held on record to police or social care agencies.

Records should be kept and maintained at every stage of the process thus ensuring that sound decisions are made on full, accurate and up-to-date information and the rationale for those decisions can be traced, scrutinised, and justified where necessary.

Working Together states that purpose of record-keeping is to:

- Enable accurate information to be given in response to any future request for a reference.
- Provide clarification in cases where a future DBS Enhanced Disclosure reveals information from the police that an allegation was made but did not result in a prosecution or conviction.
- Prevent unnecessary re-investigation if an allegation resurfaces after a period of time.

Accurate record keeping and retention also allows for patterns of behaviour which may pose a risk to children to be identified. Throughout the process of managing an allegation it is important that

a clear chronology of all discussion and actions is maintained by both the LADO and the Senior Manager or employer.

The LADO Retention Policy has been compiled by the North West Regional LADO group to provide guidance to LADOs and other agencies in relation to the retention of information collated by LADOs.

As there is currently no National guidance in place to advise LADOs how long information should be retained and a rationale for the purpose of information retention the North West Regional LADO Group have agreed the following:

<b>CONTENT/TYPE</b>	<b>SCENARIO</b>	<b>TIMESCALE FOR REVIEW</b>	<b>ACTION</b>	<b>RATIONALE</b>
<b>Contacts, Initial Considerations and Referrals that do not Progress</b>	All contacts, Initial Considerations and referrals into LADO where it is clear that there is no evidence to substantiate the allegation	Reviewed 10 years from the date of closure	All information should be deleted or removed, unless at that point the LADO is able to rationalise why the information should be retained.	<i>A decision to retain information beyond 10 years may be made by the LADO if patterns or behaviour are emerging that suggest the person could continue to pose a risk of harm.</i>
<b>Malicious, False or Unfounded</b>	All cases that progress to strategy meeting whereby the allegation is found to be malicious, false or unfounded.	Reviewed after 10 years from the date of closure	If no additional information or evidence is brought to light during this period, the information should be deleted or removed, unless the LADO is able to rationalise why the information	<i>A decision to retain information beyond 10 years may be made by the LADO if patterns or behaviour are emerging that suggest the person could continue to pose a risk of harm.</i>

			should be retained.	
<b>Unsubstantiated</b>	All cases that progress to strategy meeting whereby the allegation is found to be unsubstantiated.	No Date for review	These records should be retained until the alleged perpetrator reaches the age of 100 years. Following this time they should be deleted and destroyed.	<i>For cases that are deemed unsubstantiated. There is no evidence to either confirm or deny the alleged incident occurred and therefore the risk in deleting the information remains high.  The rationale made to retain records where the outcome is unsubstantiated is underpinned by learning from the Bichard enquiry regarding Ian Huntley who had a series of unsubstantiated allegations against him that demonstrated a pattern of concerning behaviours.</i>
<b>Substantiated</b>	All cases that progress to strategy meeting whereby the outcome is found to be substantiated.	No Date for review	These records should be retained until the alleged perpetrator reaches the age of 100 years.	<i>Substantiated cases should not be deleted or removed sooner than this time as the outcome suggests the person poses a</i>



			Following this time they should be deleted and destroyed	<i>risk of harm to children. This allows for allegations that may be made once the person has died i.e. Jimmy Savile and Cyril Smith.</i>
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## 12. KEY CONTACTS FOR ENFIELD

Local Authority Designated Officer (LADO) 0208 379 2850

Lado referrals to be sent to: [safeguardingservice@Enfield.gov.uk](mailto:safeguardingservice@Enfield.gov.uk)

Police Safeguarding Hub (previously known as CAIT) 0208 733 5139

Enfield MASH (previously known as SPOE) 0208 379 5555

Emergency Duty Out of Hours Social Worker 0208 379 1000

Local Safeguarding Children Board 0208 379 2767

## 13. REFERENCES

- Children Act 1989. Available at: <https://www.legislation.gov.uk/ukpga/1989/41/contents>
- Children Act 2004. Available at: <https://www.legislation.gov.uk/ukpga/2004/31/contents>
- London Children Protection Procedures: Chapter 7. Statutory guidance on inter-agency working in London regarding management of allegations against Staff and Volunteers. Available at: [http://www.londoncnp.co.uk/chapters/alleg\\_staff.html](http://www.londoncnp.co.uk/chapters/alleg_staff.html)
- Working Together to Safeguard Children: Statutory guidance on inter-agency working to safeguard and promote the welfare of children. Available at: GOV.UK - Working together to safeguard children
- Detailed guidance can be found for schools and all educational establishments in Keeping Children Safe in Education: Statutory Guidance for Schools and Colleges (September 2016).

- Legislation in respect of the use of physical restraint in schools for teachers and authorised staff - Section 93, Education and Inspections Act 2006. Available at: <https://www.legislation.gov.uk/ukpga/2006/40/part/7>
- Guidance about the use of physical restraint in schools for governing bodies, headteachers and school staff. Available at: GOV.UK - Use of reasonable force in schools
- Additionally, new statutory guidance has been issued 'Disqualification under the Childcare Act 2006' (February 2015) which replaces the supplementary advice that was issued by the Department for Education on 10 October 2014. Available at: GOV.UK - Disqualification under the Childcare Act 2006
- Guidance regarding making a referral to the Disclosure and Barring Service (DBS) website is available at: GOV.UK - Making barring referrals to the DBS
- Guidance regarding the legal duty to refer and power to refer to the DBS is available at: GOV.UK - DBS barring referral guidance

#### **14. GLOSSARY**

SQS	Safeguarding and Quality Service
Liquid Logic	Children's Services database in Enfield
ICS	Integrated Children's System (which includes Liquid Logic)
LADO	Local Authority Designated Officer (For allegations against professionals)
DBS	Disclosure and Barring Service
ASV	Allegation against Staff and Volunteers Meeting
CAIT	Child Abuse Investigation Team (police)

## 15. ANNEXES

# LADO Threshold Document

(agreed by the London LADOs)

### *Indicators Matrix LADO= Tiers 1-4*

<b>Tier 1: Incident that does not need LADO input but may be a conduct issue.</b>	<b>Tier 2: Incident which might require logging with LADO but will be 'No Further Action'</b>	<b>Tier 3: Incident which requires consideration of referral to other agency such as police or Ofsted</b>	<b>Tier 4: incident which requires immediate suspension/ police referral/ arrest/ immediate action to protect child.</b>
<p>Complaint made by parent or carer or comment made by child that does not seem to have any corroborating evidence. There is no injury seen, or witness accounts do not corroborate the allegation, the manager is confident this does not meet the threshold for a referral but is intending to investigate further.</p> <p>In such cases the relevant manager may wish to have a consultation discussion with the LADO, and both can make a record of the discussion and agree it will be dealt with internally, in case further information comes to light to question why no formal</p>	<p>Member of staff alleged to have acted or reacted in a way considered inappropriate but not harmful; parental or child complaint about such an incident, to outside agency e.g. Ofsted, who have referred to LADO for further enquiries; allegation made but manager believes at this point they can deal with this internally and are checking with LADO for information only.</p> <p>This category also includes volunteers and professionals where there are domestic issues which have led to Social Care Involvement, but the matter has not progressed to Child Protection. LADO may advise them to</p>	<p>Allegation made which meets the threshold for referral to LADO under Allegations against staff or volunteers, who work with children Procedures.</p> <p>It appears in the first instance to meet the threshold for a referral to the police.</p> <p>Such cases may not always involve serious harm to a child but present as a breach of the position of trust the professional or volunteer was in.</p> <p>A proportion of these types of referral may result in a 'no crime' outcome from police, but the allegations process must be followed as the referring information met the threshold.</p> <p>Sometimes these referrals do not immediately appear to have a criminal element, but the reported actions mean that a regulatory body such as Ofsted, or the National Council for Teaching and</p>	<p>Allegation made with credible corroborating evidence, where a child has been injured or harmed.</p> <p>Behaviour by the professional or volunteer which is deemed to be extremely concerning towards the children they are caring for and requires immediate suspension or at least removal from contact with children.</p> <p>Allegation by a member of the professional/ volunteer's family which is so serious it requires immediate consideration by employer.</p>

<p>LADO referral was made.</p> <p>However no names will be used as this does not meet the threshold for a record about a named person to be kept.</p> <p>This will be recorded as a <b>Consultation.</b></p>	<p>inform their employer in order to seek additional support.</p> <p>These are incidents where an escalation to a police referral would be considered a disproportionate response.</p> <p>These cases are likely to meet the threshold for a confidential record to be kept by the LADO, with the knowledge of the person concerned.</p>	<p>Leadership, or HCPC, will need to be informed.</p> <p>It is essential in these cases that there is a clear outcome, and this is communicated to the professional/volunteer.</p> <p>These referrals can result in a note on future DBS checks and could have an impact on the professional/ volunteer's future career.</p> <p>Parents whose child are subject to a child Protection Plan and are employed working with children, a LADO referral is required.</p>	
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***Suggestion actions.***

<p>Managers to investigate further to satisfy themselves this matter does not meet the threshold for a referral outside the organisation and identify any appropriate actions. The Lado to be informed of the final outcome in order to end the Consultation process.</p>	<p>Investigate further with a clear view that this could be escalated to a full LADO referral if more information comes to light. If no further information is discovered, offer words of advice/ training and make a record of this on the professional or volunteer's HR file.</p>	<p>Referral to LADO and very likely to lead to a referral to the police and an ASV meeting</p>	<p>Referral to LADO, resulting in a referral to the police and an ASV meeting</p>
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# LADO Referral Form

<b>LADO REFERRAL/NOTIFICATION FORM FOR ALLEGATIONS AGAINST STAFF AND VOLUNTEERS WORKING WITH CHILDREN</b>
<p>Each local authority has a LADO (Local Authority Designated Officer) who is involved in the management and oversight of cases, provides advice and guidance and monitors the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process.</p> <p><b>A safeguarding allegation should be discussed with the LADO before a referral is completed.</b> A referral should be made when there is an allegation or concern that a person who is employed or lives in Enfield and works with children, (within or outside of the borough of Enfield) in connection with their employment or voluntary activity has:</p> <ul style="list-style-type: none"> <li>■ Behaved in a way that harmed a child or may have harmed a child</li> <li>■ Possibly committed a criminal offence against or related to a child</li> <li>■ Behaved towards a child or children in a way that indicates they are unsuitable to work with children.</li> </ul> <p>If an allegation/concern arises about a member of staff, outside of their work with children, in their personal lives, which may present a risk of harm to children the member of staff works with, similar processes should be followed.</p>

<b>TO BE COMPLETED BY REFERRER</b>	
<b>DETAILS OF CHILD/ CHILDREN INVOLVED IN RELATION TO ALLEGATION</b>	
SURNAME:	
FIRST NAME:	
DATE OF BIRTH:	
ETHNICITY AND RELIGION:	
GENDER:	
HOME ADDRESS AND CONTACT DETAILS OF CHILD:	
SCHOOL:	
LOCAL AUTHORITY RESPONSIBLE FOR CHILD:	
ALLOCATED SOCIAL WORKER (IF RELEVANT) AND CONTACT DETAILS:	

<b>DETAILS OF PARENTS/ CARER OF CHILD/CHILDREN (THOSE WITH PARENTAL RESPONSIBILITY/PR)</b>					
FAMILY NAME	FORENAMES	D.O.B	ETHNICITY	MALE/FEMALE	RELATIONSHIP TO CHILD
FIRST LANGUAGE OF CARERS			INTERPRETER REQUIRED		
CONTACT DETAILS OF PARENTS/THOSE WITH PR					

<b>SIBLINGS</b>					
FAMILY NAME	FORENAMES	D.O.B	ETHNICITY	MALE/FEMALE	RELATIONSHIP TO CHILD

<b>INFORMATION REGARDING PROFESSIONAL/ VOLUNTEER (SUBJECT TO ALLEGATION)</b>	
SURNAME:	
FIRST NAME:	
DATE OF BIRTH:	
ETHNICITY/RELIGION:	
HOME ADDRESS AND CONTACT NUMBER:	
GENDER:	
JOB TITLE AND ADDRESS OF CURRENT EMPLOYMENT:	
LENGTH OF EMPLOYMENT IN THIS SETTING:	

DATE OF LAST DBS CHECK:	
AGENCY DETAILS IF APPLICABLE: (E.G. TEACHING AGENCY, FOSTERING)	
STATUS OF EMPLOYMENT, E.G. FULL TIME, OR VOLUNTARY:	
DETAILS OF PREVIOUS EMPLOYMENT WITH DATES:	
HAS THE SUBJECT OF THE ALLEGATION BEEN THE SUBJECT OF ANY PREVIOUS ALLEGATIONS, IF SO PLEASE GIVE DATES, FULL DETAILS AND OUTCOME:	
IS THE SUBJECT OF THE ALLEGATION CARING FOR CHILDREN IN A PERSONAL CAPACITY EITHER FULL TIME OR OCCASIONALLY? GIVE DETAILS OF RELATIONSHIPS AND ACCESS TO CHILD/CHILDREN:	
DOES THE SUBJECT OF THE ALLEGATION WORK WITH CHILDREN IN ANOTHER SETTING (PAID OR VOLUNTARY SETTING):	
IS THE SUBJECT OF THE ALLEGATION AWARE OF THE ALLEGATION AND IF SO WHAT IS THEIR VIEW:	
HAS THE SUBJECT OF THE ALLEGATION BEEN SUSPENDED/ OR HAS ADVICE BEEN SOUGHT FROM HR:	

<b>REFERRER'S DETAILS</b>	
DATE OF REFERRAL:	
NAME OF PERSON COMPLETING THIS FORM:	
JOB TITLE AND ROLE E.G HEAD TEACHER/DESIGNATED PERSON:	
ADDRESS OF PLACE OF WORK AND DESCRIPTION OF SETTING, EG VOLUNTARY GROUP, SCHOOL, FOSTERING AGENCY ETC:	
TELEPHONE NUMBER (INCLUDING MOBILE)	

EMAIL:	
RELATIONSHIP TO CHILD INVOLVED IN ALLEGATION:	
RELATIONSHIP TO PROFESSIONAL SUBJECT TO THE ALLEGATION:	

IS THIS SETTING OFSTED REGISTERED?	
IF YES, HAS A NOTIFICATION TO OFSTED BEEN MADE?	

**THE ACCOUNT OF ALLEGED INCIDENT AND ANY OTHER RELEVANT INFORMATION (PLEASE STATE SOURCE OF INFORMATION AND NOTE ANY CONTACT DETAILS IF NOT PREVIOUSLY STATED ON THIS FORM. PLEASE INCLUDE ANY DISCUSSIONS WITH LADO, POLICE, HR)**

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**Please contact the LADO/Duty LADO to discuss the referral and e-mail completed referral.**

**LADO CONTACT DETAILS**

**TEL: 0208 379 2850**

**EMAIL: Using a secure e-mail system (e.g. Egress) send to:  
[safeguardingservice@enfield.gov.uk](mailto:safeguardingservice@enfield.gov.uk) and [MPESupport.SCS@enfield.gov.uk](mailto:MPESupport.SCS@enfield.gov.uk)**

**Please contact LADO/Duty LADO if you experience any difficulties sending Referral Form or if you don't receive confirmation of receipt within 1 working day.**



