**LOCAL AUTHORITY DESIGNATED OFFICERS**

**(LADO)**

**SAFEGUARDING WITHIN THE CHILDRENS WORKFORCE**

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**GUIDANCE:**

**ALLEGATIONS AGAINST THOSE WHO WORK OR VOLUNTEER WITH CHILDREN WITH THE KENT CHILDRENS WORKFORCE**

This leaflet has been designed to provide you with information when an allegation, or safeguarding concern, against you has been referred to the County LADO Service. This guide is intended to help you be as well informed as possible should you be faced with an allegation.

A referral may have been submitted regarding you if there are suspicions or allegations of abuse against you in your role/work with children. This is regardless of whether you are in either a paid or unpaid capacity – as a permanent, temporary or agency staff member. The referral may be alleging that you have:

* **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 you may pose a risk of harm to children.**

**Or**

* **Behaved in a way that indicates you may not be suitable to work with children**

(The Harm Threshold)

What is an allegation?

If a child and/or adult makes an allegation against you, this means that there is concern regarding your conduct, attitude, behaviour, values, and practices in safeguarding children. One or more of the above criteria is believed to have been met.

* The allegation could be about physical, sexual, emotional, online abuse and neglect.
* The allegation can be recent and/or historical.
* The allegation could have occurred outside of the workplace within your personal life.

If there has been a significant event outside of work place and in your own hours and this could mean you have been involved with the Police, Children Services, Courts or you are registered to a regulating body e.g. Ofsted, you do have a duty of care to inform the professionals involved with you that you are in a ‘Notifiable Occupation’, they will understand this to be as you being in a Position of Trust and working with children. This is about ‘transferrable risk’i.e. what is happening in your personal life could this have an impact on the children you work with?

What to expect

Each Local Authority has a professional(s) who manages allegations against employees/volunteers who work with children in any capacity; this person is call the **Local Authority Designated Officer** also known as the LADO. Kent local authority has a County LADO Service made up of a number of LADOs.

Your employer should inform you as soon as possible, following submitting the referral to the County LADO Service:

* The details of the safeguarding allegation that has been made to your manager or the County LADO Service.

However, there may be a delay if the Police and or the Local Children’s Social Work Service need to agree what information can be disclosed to you. This is in accordance with children’s safeguarding and investigation processes.

Your Employer with the support and guidance of their Human Resources, will need to carry out a number of actions; some of these actions may include putting you on:

1. Restricted or supervised duties

2. Refrain from work

3. Suspended without prejudice

The purpose of these actions is to enable the completion of investigations/enquiries; the above process safeguards you and safeguards the children.

Any queries you have regarding the allegation or management of the process should be addressed to the Police if they are involved, and/or your employer.

The LADO must oversee the management of the allegation against you. In doing so they:

* Provide advice and guidance to your employer or voluntary organisation.
* Ensure that you receive welfare support and are kept informed throughout.
* Ensure the child’s voice and lived experience has been heard and that measures are in place to prevent further harm or abuse.
* Monitor the progress of your case to ensure it is dealt with as quickly as possible, consistent with a thorough and fair process.
* Provide challenge and scrutiny in respect of the practices of other agencies when necessary.

There may be up to 3 strands in the consideration of an allegation:

1. Criminal police investigation

2. CSWS assessment or enquiries

3. Internal investigation/disciplinary

If you become subject to the LADO’s management of allegations procedures, this will mean you have been deemed as someone being in a Position of Trust and either enquiries or an investigation will be carried out in respect of the allegations against you. Those involved under these processes will be asked by the LADO to look into your employment, other activities where you are working with children and possibly your family, especially if you have your own children or are caring for someone else’s children.

Employment Support

The above process affects employees/volunteers in several ways; it is understandable that you may become distressed, worried, anxious and/or angry, this can be a difficult time for you.

You are entitled to:

• Union Representative – if you are a member

• A named point of contact in the organisation

• Access to welfare counselling or medical support where this is provided

 (If you are not employed this support may not be available and you may wish to contact your GP).

You must:

• Refrain from contacting the child and/or their parents

• Remain professional at all time

• Be honest and open at all time

• Do exactly what the Police and/or Employers have requested

• Do not contact the LADO – your Employer should keep you informed

Investigations

It is not the role of the **LADO** to investigate allegations.

The **Police** will determine if they are going to conduct a criminal investigation, in which case you will be contacted by them directly. The police will aim to complete their enquiries as soon as possible and will keep the progress of the case under review.

The **Children Social Work Service** will determine if they need to undertake enquiries and assessments about whether a child, either your own or the alleged victim, needs protection or is in need of services. You will be contacted by them directly if this is the case for your own child and informed of timescales.

Both Professional Bodies can work jointly in investigating the allegation – both agencies must feedback to the LADO in respect of their findings before deciding the next steps.

Where an investigation does not meet the threshold for Police or Children Social Work Service involvement, or has been completed, the LADO will need to determine with your **employer** if any further disciplinary / internal safeguarding investigation is needed.

If so, the individual assigned as the investigating officer should aim to produce a report for your employer within 10 working days. Your employer should then decide if a disciplinary hearing is needed within two working days, and if needed, a hearing should be held within 15 working days.

**Definition of Potential Outcomes:**

**Substantiated**

There is sufficient identifiable evidence to **prove** the allegation. Employer to refer to DBS.

**False**

There is sufficient evidence to **disprove** the allegation.

**Malicious**

There is clear evidence to prove there has been a **deliberate act to deceive** and the allegation is **entirely false.**

**Unfounded**

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.

**Unsubstantiated**

This is not the same as a false allegation. It means that there is **insufficient evidence to prove or disprove** the allegation. The term, therefore, does not imply guilt or innocence.

Referral to the Disclosure and Barring Service (DBS) and other Regulatory Bodies

If the allegation is substantiated and you are dismissed or your employer ceases to use your services, or you resign or otherwise cease to provide your services, the LADO will discuss with your employer whether a referral to the Disclosure and Barring Service (DBS) and / or to a Professional Regulatory Body is required.

Neither you or your employer should request or make a Compromise Agreement i.e. allow you to resign without disciplinary action and with an agreed reference.

Record Keeping

A comprehensive summary of a safeguarding allegation including how it was followed up and resolved and the decisions and action taken, should be kept on your confidential personnel file and you should be provided with a copy.

Further information regarding allegation management can be found on the Kent Safeguarding Children Multi-Agency Partnership website.

The website can be assessed here: [https://www.kscmp.org.uk/](https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.kscmp.org.uk%2F&data=04%7C01%7CAlison.Watling%40kent.gov.uk%7Ccd0b293862ef4e04d0e608d887c4f21b%7C3253a20dc7354bfea8b73e6ab37f5f90%7C0%7C0%7C637408627261020785%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=fKropiTm3pEMY5VaOxJaO799mQOeFYLDOgy5oaPlbDY%3D&reserved=0) or via a search engine browse for the KSCMP e.g. through Google.