

Key Information

LADO: Guide for Professionals and Volunteers working with children

Your organisations Safeguarding Policy and codes of conduct

Working Together 2018

Keeping Children Safe in Education 2020

Disclosure and Barring Service guidance

Need more help?

Please speak to your manager or identified lead safeguarding officer who will be your main contact point during this process.

This Guide does not replace any specialist advice that you may require from a Trade Union or HR and Legal Advisor.

Other bitesize guides in this series:

- Guide for Employers and Voluntary Agencies Working with Children

What should I do if I have a concern about a child?

- Contact the MARU: 0300 1231 116 or out of hours: 01208 251300 or website <https://ciossafeguarding.org.uk/scp>

If you would like this information in another format please contact:

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County Hall
Treyew Road
Truro TR1 3AY

Telephone: 0300 1234 100

Email: enquiries@cornwall.gov.uk

www.cornwall.gov.uk

LADO

Guide for Employees and Volunteers who work with Children

1.0 What is a LADO?

- 1.1 The Local Authority Designated Officer (LADO) is a statutory role. The role and responsibilities are set out in Working Together 2018 and the process is set out in the South West Child Protection Procedures endorsed by Our Safeguarding Children Partnership (OSCP).
- 1.2 The LADO's primary function is to manage and have oversight of any investigation into an incident where an allegation of abuse or harm has been made against a professional or volunteer who has contact with children as part of their work or activities.
- 1.3 The LADO sits within Together for Families in Cornwall Council.
- 1.4 We recognise that this may be a difficult and distressing time for you and your family. We understand that the impact of an allegation of abuse or harm can have far reaching implications for you, your family and your career as well as for the child concerned.
- 1.5 We are committed to over-seeing a fair, thorough and timely investigation and a proportionate outcome for all those affected by this process.

2.0 What is an Allegation?

- 2.1 An allegation or concern is that a person who works with children, has:
- 2.1.1 Behaved in a way that has harmed a child or may have harmed a child.
- 2.1.2 Possibly committed a criminal offence against or related to a child.
- 2.1.3 Behaved in a way that indicates he or she may pose a risk of harm to children.
- 2.1.4 Behaved or may have behaved in a way that indicates they may not be suitable to work with children (school and colleges only)

- 2.1 An allegation can arise in connection with your work, your own children or other children living outside the family, and can relate to current or historic concerns including your conduct outside of work.
- 2.2 It can be made:
- 2.3.1 Directly or indirectly by the child.
- 2.3.2 By a complaint or a concern be expressed to your employer/ Headteacher/ manager/ children's social care or the police.
- 2.3.3 A report from a colleague or another agency.
- 2.3.4 Anonymously.
- 2.3.5 Via the NSPCC, Ofsted or other regulatory body.

3.0 What you can expect

- 3.1 The process is managed by the LADO and you will be notified and kept informed by your employer of developments as soon as is reasonable depending on the extent and nature of the investigation.
- 3.2 Any allegation and resulting investigation which meets the threshold of harm or risk of harm to children will be reported to children's social care and the police which can result in:
- 3.2.1 A police investigation into a possible offence.
- 3.2.2 Enquiries and risk assessment by children's social care and the police.

3.2.3 An internal employer disciplinary investigation.

3.3 The process will be conducted in a fair and timely manner to ensure that it is thorough and all parties' views including your own are represented and shared as part of the investigation undertaken by the police, social care and your employer.

3.4 On completion a recommendation will be made on whether or not the allegation is substantiated.

3.5 Depending on the severity of the allegation and extent of the investigation you may not receive full details of the investigation until a decision is made by the police as to whether you will be interviewed.

4.0 **Disciplinary Process**

4.1 Whilst the investigation is proceeding, this may affect your employment or volunteer status and if the risk is unmanageable, you may be suspended or your duties varied to ensure that any identified risks are minimised.

5.0 **Who will help me?**

5.1 You can expect to be supported by your employer –either a named person or line manager during the investigation and kept informed of developments where appropriate. You may be offered staff counselling where available.

5.2 You may be advised to contact your Trade Union where appropriate and/ or professional organisation.

6.0 **Who will be notified about the allegation/investigation?**

6.1 Every effort is made to keep the process as confidential as possible and guard against any publicity whilst an allegation is being investigated. However, it is usual to keep a small number of people informed that an allegation has been made and the likely course of action including:

6.1.1 The child and their family/carers and any party making the allegation.

6.1.2 You, at the appropriate time.

6.1.3 Your manager and in schools, the Chair of Governors.

6.1.4 Potentially Ofsted and/or your regulatory body.

6.1.5 DBS.

6.1.6 Your immediate adult family members if a Social Work Assessment is required.

6.2 It may be necessary if it's in the public interest for a short press statement to be issued where the allegation has become common knowledge or subject to speculation.

6.3 It will equally be important to identify circumstances within education referrals where it is prohibited to publish any information.

7.0 Will I be informed of the outcome?

- 7.1 Depending on the scope and scale of the investigation, it may be necessary to hold more than one strategy discussion and/or Professional Allegations Meeting. At the end of the process a recommendation will be made in conjunction with your employer, social care and the police to determine, if on the balance of probabilities, you pose a risk to children and your suitability to work with children in your current employment/activity.
- 7.2 The LADO will coordinate in conjunction with your employer/organisation, Social Care and the Police a draft Case Summary for you to agree or to provide a rationale on any points where you are not able to agree a summary of the concerns and the action plan.
- 7.3 Where an allegation is substantiated this may not always result in your dismissal, but other disposals in line with your employer's disciplinary procedures may be recommended; for example additional training/monitoring

8.0 What if I am dismissed or decide to resign?

- 8.1 If you are dismissed because of a safeguarding concern, your employer/organisation has a statutory duty to refer you to the DBS for consideration as to whether barring you from working with children is appropriate.
- 8.2 If you resign during the process, your employer/organisation is still obliged to complete the internal disciplinary process and if found substantiated, to refer you to the DBS.
- 8.3 If you are a member of a professional regulatory body, a referral will also be made to them in respect of all substantiated allegations.

9.0 What will be recorded about me? Information Classification: CONTROLLED

- 9.1 Information will be recorded in multi-agency discussions and Professional Allegations Meeting minutes.
- 9.2 Information will be recorded where a Police National Computer (PNC) record is made even if the allegation against you, did not result in a caution or conviction. This information may appear on an enhanced DBS check at the discretion of the Disclosure Officer.
- 9.3 The details will remain on your personnel file and be reflected, if substantiated, in a reference.
- 9.4 If the allegation is substantiated, no compromise agreement can be reached between you and your employer.
- 9.5 A clear record will be held by the LADO until your retirement age or for 10 years if that is longer.

10.0 What if the allegation is unsubstantiated, unfounded or false?

- 10.1 If the allegation is found to be false, unfounded, unsubstantiated or malicious, it should not be included in future references.
- 10.2 Arrangements will be made with your employer for your return to full working or volunteering duties and support will be provided to assist you in this process.
- 10.3 If the allegation is malicious details should not be retained on your personnel file unless you request in writing for these to remain.