



Managing Allegations against persons who work with Children

PRACTICE GUIDANCE for CASES INVOLVING THE Local Authority Designated Officer (LADO)

Version 4 – May 2019

1. Introduction

The aim of this document is to enable agencies to work effectively together in the process of managing allegations against persons who work with children. For National guidance please refer to [Working Together to Safeguard Children 2018](#)

This is a joint local agreement between Milton Keynes Council and Thames Valley Police. The guidance should be used in conjunction with the [Milton Keynes Safeguarding Board \(MKSB\) Allegations Management Procedures](#). MKSB procedures provide guidance regarding what employers can expect from the LADO on the subject of advice relating to referrals about a member of their staff from another source and issues such as suspension.

2. Key Principles

1. The welfare of the child is paramount. Safeguarding children is the action we take to promote the welfare of children and protect them from harm: children should be central to the process of the management of all allegations.
2. Persons about whom there are concerns should be treated fairly and should be provided with support. The employers of those subject to an allegation have a duty of care towards them.
3. It is important to ensure that even apparently less serious allegations are seen to be followed up, and that they are examined objectively by someone independent of the organisation concerned. Each Local Authority designates an officer or officers, Milton Keynes has chosen to retain the title of Local Authority Designated Officer (LADO), whose role is to provide management and oversight of individual cases, liaise with other agencies and ensure cases are dealt with as quickly as possible, consistent with a fair and thorough process.
4. The scope of inter-agency procedures in this area is not limited to allegations involving significant harm or the risk of significant harm to a child, see definitions below.

3. Definition of an Allegation

An allegation is that any person who works with children, in conjunction with his/her employment in either a paid or unpaid capacity 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 they may pose a risk of harm to children.

4. Case Management Model ([see appendix 1](#))

Not all allegations or concerns require the same level of response; therefore referrals are managed in line with the following model:

a) Information and Advice:-

is contact with the LADO which, after consideration, is deemed **not** to meet the definition of an allegation (as above).

Examples could include the following although this is not an exhaustive list:

- the subject of the allegation/concern cannot be considered to be 'a person who works with children'
- there is no identifiable safeguarding children concern
- where the worker concerned cannot be identified
- the allegation/concern is more appropriately described as a practice issue and should be dealt with by the employer

In these situations the LADO will only record that the contact has taken place, the name of the professional and agency making the contact and brief details of the circumstances including the name of the child and adult involved.

b) Consultation with the LADO:-

is where the referral **does** meet the definition of an allegation and therefore, for statistical purposes, is recorded as a consultation. The strategy required for dealing with a case at this level is less complex than a referral – where the police may take an active role and typically needs less 'active' management by the LADO or other agencies. In such cases the employer is best placed to manage the matter to its conclusion.

The LADO is however available and actively monitors timescales and quality assures the safeguarding outcome. Full details regarding this referral for both the adult and child involved will be recorded by the LADO with a safeguarding outcome. A [LADO Notification Form](#) will be requested.

Examples coming within this category could be:

- a nursery worker has handled a child in a rough manner – the child is 3 years old - it is alleged he was grabbed by the arm tightly, pulled by his arm and shouted at. He did not sustain an injury. There have been no previous concerns about the worker and there are no other factors which require the case to be escalated.
- A professional, who works with children, is the victim of domestic abuse and their own children are currently subject to an assessment by children's social care.

c) Referral to LADO

The referral clearly meets the definition of an allegation / significant concern under the Managing Allegations procedures and requires active management by the LADO and other agencies, as appropriate. In these situations both a LADO Notification form and a [Multi Agency Referral Form \(MARE\)](#) may need to be completed for MASH.

All cases of physical, sexual, emotional abuse or neglect (as defined by Working Together 2018) or serious concerns about the potential risk of harm a person may pose to children will be managed at Referral stage, requiring a Managing Allegations meeting. There may be occasions where apparently less complex or serious cases are managed at Referral stage. For example when a pattern of allegations is emerging or there is an additional complicating factor which requires active management.

Examples of Referral cases could include the following, although this is not an exhaustive list:

- Allegations which require the involvement of other agencies such as the Police and/or Children's Social Care
- Any allegation of abuse as defined by Working Together 2018
- An allegation which is complicated by the number of victims/perpetrators/or roles held and will include those situations that relate to any possible breach of a position of trust.
- A pattern of allegations/concerns is emerging.
- Other complicating factors including interest by a third party such as the media.

In Referral cases, a Managing Allegations Meeting will be convened and chaired by the LADO. This meeting should be held as soon as is reasonably practicable. It is important, in order for full consideration at a Managing Allegations Meeting that key personnel are present and are able to provide relevant information.

If action is required to immediately safeguard children or preserve potential evidence this should **not** be delayed until a Managing Allegations Meeting is convened. It may be that the most appropriate initial consideration is for a Children's Social Care Strategy Meeting to be convened, ideally with the attendance of the LADO.

5. Assessing an Allegation or Concern which indicates the worker may Pose a Risk of Harm to Children

There may be occasions when an adult's behaviour, either within the workplace or their personal life, gives rise to concerns about their suitability to work with children. The employer, in conjunction with other appropriate agencies, may need to make a judgement about the possible impact of that behaviour upon the children they come into contact with in their role. What constitutes a risk will vary depending upon the context and nature of the work the person is involved in.

Examples which may indicate an adult may pose a risk include:

- Information which suggests the worker may have a sexual interest in children. This includes adults alleged to have downloaded Indecent Images of Children (IIOC)
- The worker is under investigation for abuse or neglect of their own children
- An allegation of historic sexual abuse
- The worker is involved in crime, including perpetrators of domestic abuse, or the supply of illegal substances

There are other scenarios where the risk to children is less clear and requires careful consideration at the point of referral. In such cases the worker may be the injured party or vulnerable in some other way. It is important that the potential risk is carefully balanced with the risk of further victimisation of the worker concerned. Examples include persons who are victims of domestic abuse, are experiencing mental health problems or suffering as a result of alcohol or substance misuse. In these circumstances it will be necessary to evidence a direct impact of this on his/her role with children before considering this within the allegations procedures.

Children's Social Care

All allegations regarding a person who works with children which, at the point of referral, show the potential for meeting the definition of significant harm should be referred to the MASH.

In these circumstances a Sec 47 Strategy Meeting should be called in line with the [MKSBS Inter-Agency Safeguarding Children](#) procedures. The meeting should be attended by the LADO.

Thames Valley Police

Allegations are to be referred to the Police for two reasons:

- 1) To consider the need for police to investigate an alleged crime
- 2) To enable information sharing and aid decision-making relating to potential risk to children

The nature of allegations referred to the LADO varies considerably. In some circumstances an allegation may technically meet the definition of a crime (e.g. Assault or Battery) however a criminal investigation seems a disproportionate response. There is also a need to distinguish between allegations of assault and the legitimate use of physical intervention or restraint to protect a child/children from harming themselves or others, or damaging property.

By the same token, inappropriate behaviour toward a child by a person in a position of trust should be taken seriously and considered an aggravating factor when assessing the need for police involvement. In many cases the use of physical chastisement by adults in such positions has been outlawed and should be considered accordingly. The child does not have to be injured or marked in order for the matter to be considered a criminal offence. It should also be recognised that the Police hold the expertise on the definition of an offence and may consider offences outside the knowledge of professionals in other agencies.

Other circumstances

- Repeat allegations/concerns regarding the same member of staff that in themselves do not meet the threshold, but combined may suggest their suitability to work with children is compromised: the LADO, in consultation with the Police and possibly MASH, should consider convening a multi-agency Managing Allegations Meeting. Factors to be taken into account include the nature and frequency of the alleged incidents. If a meeting is not convened, the LADO will record the information on the consultation spreadsheet and confirm this decision in an e-mail to the referrer and the Police.
- Despite the allegation being low level, another factor, such as the wishes of the child or the parent, means that police consultation is required.
- There is any additional vulnerability of the child.

It may still be necessary for police to attend the Managing Allegations Meeting or other meeting chaired by the MASH/Children's Social Care to gather further information and contribute to the decision making. In turn, information recorded by police may be used to inform future Disclosure & Barring Service disclosures.

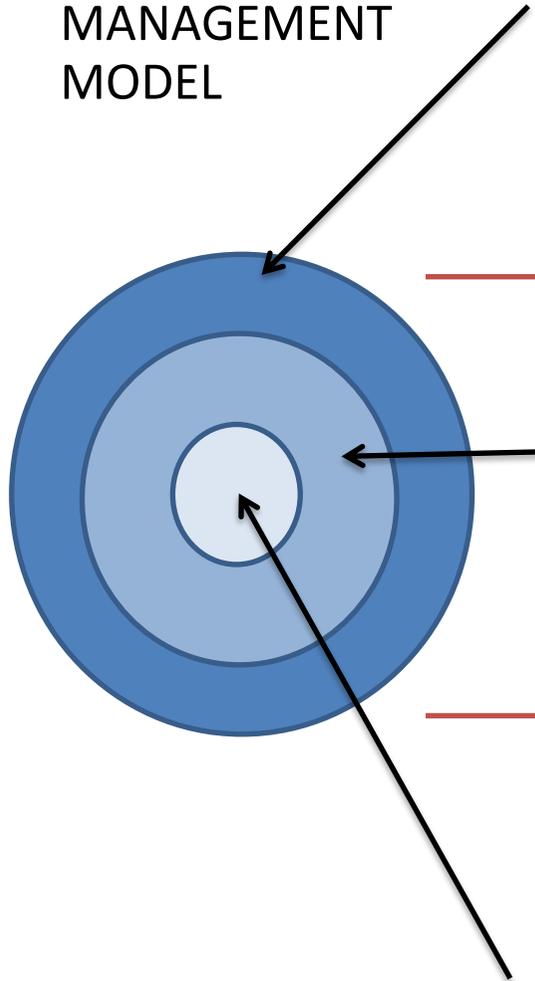
6. Suggested Recording Data Set

Where an allegation is made and meets the criteria for either Consultation or Referral, the following data is captured by the LADO notification form:

- Name, date of birth, gender and ethnicity of the adult and the victim
- Details of the referring agency
- Details of the employing agency; role/occupation
- Category of abuse (physical, sexual, neglect, suitability, etc.)
- Date of incident (historic if over 12 months ago)
- How the risk was managed – i.e. suspended /restricted duties
- How allegation was investigated – external (Referral) or internal (Consultation)
- Employing organisation outcome (disciplinary)
- Conclusion category and date of conclusion timescale for case

Appendix 1

LADO CASE MANAGEMENT MODEL



Information and advice

Does not meet the LADO threshold

The subject of the allegation/concern cannot be considered to be 'a person who works with children'
There is no identifiable safeguarding children concern
The adult concerned cannot be identified
The allegation/concern is more appropriately described as a practice issue and should be dealt with by the employer
(not an exhaustive list)

Consultation

Employer and LADO

The referral does meet the definition of an allegation and therefore, for statistical purposes, is recorded as such. The strategy required for dealing with a case at this level is less complex than at Referral stage and typically needs less 'active' management by the LADO or other agencies. In such cases the employer is best placed to manage the matter to its conclusions. The LADO is however available and actively monitors timescales and quality-assures the outcome.

Referral

Multi-agency

Allegations which require the involvement of other agencies such as the Police or Children's Social Care
Any allegation of abuse as defined by Working Together 2018, in addition consideration or conduct/suitability.
An allegation which is complicated by the number of victims/perpetrators or roles held and will include those situations that relate to any possible breach of a position of trust
A pattern of allegations/concerns are emerging