Managing Allegations against Adults that Work or Volunteer with Children

**LADO Threshold Document**



**LADO REFERRAL THRESHOLD DOCUMENT**

**Introduction:**

This document provides guidance to agencies and organisations working with children about when a referral should be made to the Local Authority Designated Officer (LADO) following an allegation about an adult working with children in Plymouth in either a paid or voluntary capacity.

**Legal framework**

Working Together (2023) states:

Local authorities should put in place arrangements to provide advice and guidance to employers and voluntary organisations and agencies on how to deal with allegations against people who work with children. Local authorities should also ensure that there are appropriate arrangements in place to liaise effectively with the police and other organisations and agencies to monitor the progress of cases and ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process.

Despite all efforts to recruit safely there will be occasions when allegations are made of abuse by staff or volunteers against children. All organisations which have employees or volunteers working with children should therefore have clear and accessible policies and procedures, consistent with these Plymouth’s Child Protection Procedures, which explain what should happen when allegations about the behaviour of a member of staff or volunteer are raised.

County level and unitary local authorities should ensure that allegations against people who work with children are not dealt with in isolation. Any action necessary to address corresponding welfare concerns in relation to the child or children involved should be taken without delay and in a co-ordinated manner.

The scope of the role defines the framework for managing cases when it has been alleged that a person who works with children 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 she or he may pose a risk of harm to children
* behaved or may have behaved in a way that indicated they may not be suitable to work with children

This is referred to as the **threshold.**

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| All references in this document to 'members of staff' and 'employment' should be interpreted as meaning all paid or unpaid staff and volunteers, including foster carers and prospective adopters.  This also applies to any person, who manages or facilitates access to an establishment where children are present. |
| This guidance should be used when: |

* There are suspicions or allegations of abuse by a person who works with children in either a paid or unpaid capacity - as a permanent, temporary or agency staff member, contract worker, consultant, volunteer, approved foster carer, child minder or approved adopter.
* This threshold should also be considered where allegations are made against a 16- and 17-year-old who has been put 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 or in other school or out of school activities.

**The difference between and allegation and a concern:**

* It might not be clear whether an incident constitutes an 'allegation'. It is important to remember that to be an allegation the alleged incident must be sufficiently serious as to suggest that harm has or may have been caused harm to a child/ren or that the alleged behaviour indicates the individual may pose a risk of harm to children (or otherwise meet the criteria above).
* Issues that do not meet this threshold may constitute conduct or disciplinary issues and should be addressed by employers using the appropriate organisational procedures.

**LADO REFERRAL THRESHOLD**

The procedures for dealing with allegations need to be applied with common sense and judgement. Many cases may well either not meet the criteria set or may do so without warranting consideration of either a police investigation or enquiries by local authority children’s social care services. In these cases, local arrangements should be followed to resolve cases without delay.

Some rare allegations will be so serious they require immediate intervention by children’s social care services and/or police. The designated officer(s) should be informed of all allegations that come to an organisation’s attention that appear to meet the criteria so they can consult police and children’s social care services as appropriate.

*Please note; the examples cited below are not definitive and it is always advisable to speak to the LADO for clarification.*

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| ***Indicators Matrix LADO = Tiers 1-4*** | | | |
| **Tier 1: Incident that does not need LADO input but may be a conduct issue.**  **This would be captured in a consultation with the LADO** | **Tier 2: Incident that does not require a referral to LADO.**  **This would be captured in a consultation with the LADO** | **Tier 3: Incident which requires referral to LADO and consideration of referral to other agency such as police or Ofsted.** | **Tier 4: Incident which requires referral to LADO and consideration of suspension/police referral / arrest/ immediate action to protect child** |
| **Threshold Not Met** | | **Threshold Met** | |
| Example could be:  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, and/or witness accounts do not corroborate the allegation. The manager is confident this does not meet the threshold for a referral but will investigate further.  In such cases the relevant manager would not necessarily refer to the LADO, but should record their decision in part one of the referral form, (in case further information comes to light which calls into question why no formal LADO referral was made). This will be dealt with by the employer through their internal management procedures. | Example could be:  Member of staff alleged to have acted or reacted in a way considered inappropriate but not harmful; parent 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.  This category also includes  volunteers and professionals where there are domestic issues which require them to inform their line manager (for example a section 47 investigation at home) but the employer/manager is clear there are no risks presented by this person in their place of work.  These are incidents where an escalation to a police referral would be considered as a disproportionate response. | Example could be:  Allegation made which meets the threshold for referral to LADO under the child protection procedures and appears in the first instance to meet the threshold for referral to police.    Such cases may not always involve serious injury to a child but present as a breach of the position of trust the professional or volunteer was in.    A proportion of these types of referrals may result in a ‘no crime’ outcome from police, but the allegations process must be followed as the referring information met the threshold. 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 Leadership, or SWE will need to be informed.  It is essential in these cases that there is a clear outcome, and this is communicated to the professional/volunteer at the conclusion of the LADO process by the Employer.  These referrals can result in a note on future DBS checks and could have an impact on the adult. | Example could be:  Allegation made with credible corroborating evidence, where a child has been injured or harmed.  The employer must consider if it is appropriate to remove the adult form the situation. This is to protect both the child and adult.  Suspension should be considered by the employer in any case where there is cause to suspect a child is at risk of significant harm, or the allegation warrants investigation by the police, or is so serious that it might be grounds for dismissal.  People must not be suspended automatically, or without careful thought.  Employers must consider carefully whether the circumstances of a case warrant a person being suspended from  contact with children until the allegation is resolved.  NB. Neither the local authority, the police, nor children’s social care can require an employer to suspend a member  of staff or a volunteer. The power to suspend rests with the employer alone.  The employer should access to HR advice in their organisation. |
| **Physical Abuse** | | | |
| **Threshold Not Met** | | **Threshold Met** | |
| Example could be:  Child objecting to a sanction imposed in school, describing an event to parent who then comes in to complain about how their child says they have been treated, but does not have all the information.    Example could be:  Young person in children’s home involved in a confrontation and making accusations where there were several witnesses and there is an incident report that appears to refute the child’s account that they were harmed.  Example could be:  An allegation that is made second or third hand and facts are not clear, or the professional alleged to have done this was not there at the time, or there is confusion about the account. | Example could be: Child accusing teacher of pushing them, when it appears they were being guided away from a situation (covered by ‘Use of Reasonable Force’ DfE 2013).    Example could be:  Nursery worker seen by parent to be pulling a child away from a situation, parent considers this is done roughly but professional claims it was to remove child from a confrontation where they may have been harmed/ may have harmed another child. | Example could be:  A credible disclosure by a child or young person that uses the word ‘hit’ or ‘hurt’; yet there is no injury seen and no corroborating evidence of child’s account.  Example could be:  Restraint that has caused an injury to the child being restrained.  Example could be:  An incident witnessed where there is a physical exchange between staff and child or young person. It is unclear whether self-defence or retaliation was involved. The matter needs full investigation. | Example could be:  Child has clearly been injured or could have been injured as a direct result of the actions of a professional or volunteer.  Example could be:  Incident within the professional/ volunteers home life that is of high risk and high level of concern such as a report of domestic abuse. |
| **Sexual Abuse** | | | |
| **Threshold Not Met** | | **Threshold Met** | |
| Example could be:  A schoolgirl telling a friend, who tells the teacher, that another teacher ‘makes her feel funny when he looks at her’ but no other concerns or complaints expressed. | Example could be: A professional or volunteer makes an inappropriate remark that appears on the surface to be naive rather than potentially grooming, or acts in a way that could be deemed unprofessional. | Example could be:  A very young child still requiring personal care/ nappy changing, indicates that a nursery worker touched him/her in the genital area    Example could be:  A professional or volunteer has been sending inappropriate but not necessarily sexual, texts to young people he/she works with. | Example could be: Professional or volunteer arranging to meet young person outside the work environment and asking them not to tell anyone; or making inappropriate contact through social media or texting with sexual overtones. |
| **Emotional abuse/neglect** | | | |
| **Threshold Not Met** | | **Threshold Met** | |
| Example could be:  A child with a history of challenging behaviour, alleging s/he feels bullied by a well-respected member of staff.  Example could be:  Concerns that family members of the professional or volunteer may be involved in criminal activity. | Example could be: Teacher under stress who is heard to shout inappropriately at the children one day towards the end of term.  Example could be:  Childminder witnessed to ignore children crying and speak rudely to them, but further context not known. | Example could be:  A foster carer where there have been several complaints about poor practice and standards of care; children in their care who are not always clean or appropriately dressed or seen to be treated in a way that causes concern to observing professionals. | Example could be:  A professional making racist or derogatory remarks to a child or young person in the presence of witnesses. |
| **Suggested Actions** | | | |
| **Threshold Not Met** | | **Threshold Met** |  |
| Managers to investigate further to satisfy themselves this matter does not meet the threshold for a referral outside the organisation. If uncertain have a consultation with the LADO. | Investigate further with a clear view that this could be escalated to a full LADO referral if more information comes to light. If uncertain have a consultation with the LADO. | Consultation/refer to LADO and consider what actions are required under local/national procedures/guidance. | Referral to LADO and consideration what actions are required under local/national procedures/guidance.  LADO to lead the process and advise all parties.  LADO to ensure the employer has offered the adult access to support/independent advice for the duration of the LADO process. |

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| Please note:  At any stage during the LADO process the LADO may complete a Need to Know to update senior officers  **Outcomes following an investigation** The following definitions are used when determining the outcome of allegation investigations: | |
| * **Substantiated**: there is sufficient evidence to prove the allegation * **Malicious**: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive or cause harm to the person subject of the allegation * **Unsubstantiated**: there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence, * **Unfounded**: to reflect cases where there is no evidence or proper basis which supports the allegation being made.   The Chair of the meeting / discussion must make a record of the agreed outcome and forward this to the employer. | |
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