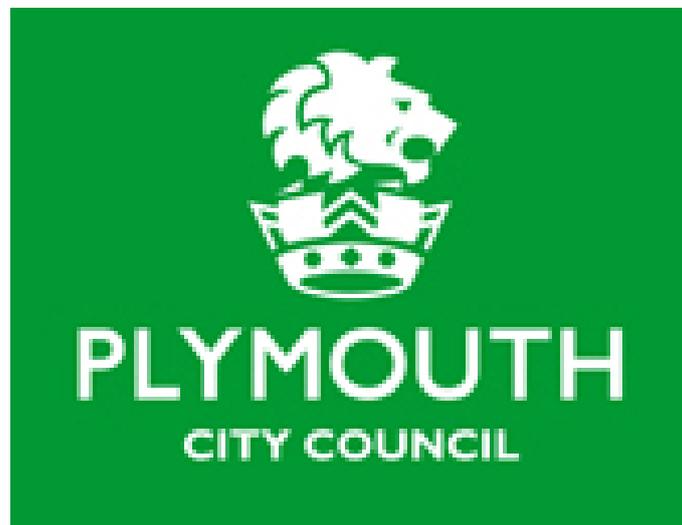


Dealing With Allegations against Adults that Work with Children

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.

Working Together (March 2018) 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.

Organisations and agencies working with children and families should have clear policies for dealing with allegations against people who work with children. Such policies should make a clear distinction between an allegation, a concern about the quality of care or practice or a complaint.

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; or
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

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

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. All references to 'employers' should be taken to include any agency or organisation with responsibility for 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 an allegation and a concern:

- It might not be clear whether an incident constitutes an 'allegation'. It is important to remember that in order to be an allegation the alleged incident has to 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.

<i>Indicators Matrix LADO= Tiers 1-4</i>			
Tier 1: Incident that does not need LADO input but may be a conduct issue.	Tier 2: Incident that does not require a referral to LADO. (If referred will be recorded as 'information only')	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	
<p>Complaint made by parent or carer or comment made by child that does not seem to have any corroborating evidence.</p> <p>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.</p> <p>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</p>	<p>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 .</p> <p>This category also includes volunteers and professionals</p>	<p>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.</p> <p>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.</p> <p>A proportion of these types of referral may result in a 'no crime' outcome from police, but the allegations process must</p>	<p>Allegation made with credible corroborating evidence, where a child has been injured or harmed.</p> <p>Suspension should be considered 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.</p> <p>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</p>

<p>made). This will be dealt with by the employer through their internal management procedures.</p>	<p>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.</p> <p>These are incidents where an escalation to a police referral would be considered as a disproportionate response.</p>	<p>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 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/</p>	<p>contact with children until the allegation is resolved.</p> <p>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 is vested in the employer alone.</p>
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Physical Abuse

Threshold Not Met		Threshold Met	
<p>Examples could include: 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.</p> <p>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</p>	<p>Examples 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).</p> <p>Nursery worker seen by parent to be pulling a child away from a situation, parent considers this is</p>	<p>Examples 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.</p> <p>Restraint that has caused an injury to the person being restrained.</p> <p>An incident witnessed where there is a physical exchange</p>	<p>Child has clearly been injured or could have been injured as a direct result of the actions of a professional or volunteer.</p> <p>Incident within the professional/ volunteers home life that is of high risk and high level of concern.</p>

<p>refute the child's account that they were harmed.</p> <p>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.</p>	<p>done roughly but professional claims it was to remove child from a confrontation where they may have been harmed/ may have harmed another child.</p>	<p>between staff and child or young person. It is unclear whether self-defence or retaliation was involved. The matter needs full investigation.</p>	
Sexual Abuse			
Threshold Not Met		Threshold Met	
<p>Example could be: A school girl 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.</p>	<p>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.</p>	<p>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</p> <p>A professional or volunteer has been sending inappropriate but not necessarily sexual, texts to young people he/she works with.</p>	<p>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 with sexual overtones.</p>
Emotional abuse/neglect			
Threshold Not Met		Threshold Met	
<p>A child with a history of challenging behaviour, alleging s/he feels bullied by a well-respected member of staff.</p> <p>Concerns that family members of the professional or volunteer may be involved in criminal activity.</p>	<p>An example could be:Teacher under stress who is heard to shout inappropriately at the children one day towards the end of term.</p> <p>Childminder witnessed to ignore children crying and speak rudely to them, but further context not known.</p>	<p>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.</p>	<p>A professional making racist or derogatory remarks to a child or young person in the presence of witnesses.</p>
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	Investigate further with a clear view that this could be escalated to a full LADO referral if more information comes to light.	Consultation/refer to LADO and consider what actions are required under local/national procedures/guidance.	Full referral to LADO and consideration what actions are required under local/national procedures/guidance.
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Outcomes following an investigation.

The following definitions are used when determining the outcome of allegation investigations:

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 an deliberate intention to deceive.

False allegations may be an indicator of abuse elsewhere which requires further exploration. If an allegation is demonstrably false, the employer, 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 should make a record of the agreed outcome and forward this to the employer.

Relevant Statutory Guidance.

1. 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**
2. 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)**.
3. 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**
4. 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**
5. Guidance regarding making a referral to the Disclosure and Barring Service (**DBS**) website is available at: **GOV.UK - Making barring referrals to the DBS**
6. Guidance regarding the legal duty to refer and power to refer to the DBS is available at: **GOV.UK - DBS barring referral guidance**