



## HALTON SAFEGUARDING CHILDREN BOARD

### LOCAL AUTHORITY DESIGNATED OFFICER (LADO) PROCEDURES

#### 1.0 Introduction

- 1.1 This procedure relates to how to manage allegations made against adults who work with children. This procedure is written for the purposes of Halton Borough Council and should be read in conjunction with the Pan Cheshire Safeguarding Procedures on the Halton Safeguarding Board website: [www.haltonsafeguarding.co.uk](http://www.haltonsafeguarding.co.uk)
- 1.2 A referral to the LADO does not negate the need for agencies to take any immediate action required to keep children safe. Action to safeguard a child must not be delayed in order to await a LADO strategy meeting. Allegations of harm against a child where Children's Social Care are already involved should prompt an immediate strategy discussion with the police to agree any immediate safeguards required and whether to proceed to S47 investigation.
- 1.3 For the purposes of this document the term "Professional" is used to describe a person in: full-time, part-time, permanent, casual, sessional, paid employment, voluntary staff and foster carers.
- 1.4 The term "Employer" is used to refer to the; organisation employing the professional, commissioning the service, approving the foster carer/adopter.
- 1.5 In accordance with Working Together 2018 every Local Authority must have a Designated Officer, or team of officers, whose role will be to oversee any allegations against a professional where the criteria below, and as detailed in Working Together 2018, is met. In Halton the functions of the Designated Officer (LADO) are undertaken by members of the Safeguarding Unit under a duty system which ensures the functions are provided during office hours. The term "Designated Officer (LADO)" is used throughout these procedures to refer to the team of officers undertaking those functions in accordance with the Working Together guidance, rather than a named individual employed specifically to undertake these functions. A referral to the Designated Officer (LADO) must be made, where a person who works with children has:
- **Behaved in a way that has harmed, 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 they may pose a risk of harm to children.**

1.6 The Children Act 1989 defines significant harm as:

*“the threshold that justifies compulsory intervention in family life in the best interests of the child”*

1.7 The definition of abuse can be found in section 1.4 of the Pan Cheshire Safeguarding Procedures.

## **2.0 The Role of the Designated Officer (LADO)**

2.1 As defined in Working Together 2018, the role of the Designated Officer (LADO) is to co-ordinate and oversee the process of investigation, ensuring that it is a thorough and fair process.

2.2 A consultation form must always be completed, even where the employer is unsure whether the threshold for LADO has been met.

2.3 Where the criteria for referral is met, as specified in section 1.4, the employer must make a referral to the LADO using a consultation form. This should then be sent via secure e-mail to the e-mail address identified on the consultation document and as follows: [safeguarding.unit@halton.gcsx.gov.uk](mailto:safeguarding.unit@halton.gcsx.gov.uk). This must happen within 24 hours of receiving the allegation.

2.4 The Designated Officer (LADO) may offer guidance to the employer to ensure that the employer takes appropriate actions to consider the welfare of both the employee and any children that the employee may come into contact with, including the child about whom the allegation relates. It is not the role of the LADO to determine whether the suspension of the employee is required during the course of the investigation.

2.5 It is not the role of the Designated Officer (LADO) to undertake investigations into allegations against an adult who works with children.

2.6 In the event that the Designated Officer (LADO) is concerned that the employer is not dealing with the matter effectively, the Designated Officer (LADO) may refer the matter to the governing body, including OFSTED, charitable commission and/or the independent inspectorate.

2.7 Referrals to the Disclosure and Barring Service (DBS) can be made by an employer regardless of whether the professional has directly harmed a child. If the employer has dealt with an issue of suitability they will need to consider whether a referral is made to the DBS. The following are examples of where a referral to the DBS should be made; however this is not a definitive list and the employer must consult the DBS website to determine whether the issue that they addressed falls under the referral criteria:

- Where a professional working with children is accessing extreme pornography
- Where the professional has voiced an interest in harming a child irrespective of whether they have acted upon those urges or not
- Where a professional is a perpetrator of domestic abuse

### **3.0 Exceptional Circumstances**

3.1 There are occasions when a person who works with children and or adults at risk behaves in a way that is concerning and raises questions about their ability to recognise and take steps to safeguard children or adults at risk.

3.2 Whilst the issue of suitability is not under the remit of the Designated Officer (LADO), the employer still has a duty to consider whether the issue indicates that they are unsuitable to continue in their role for the immediate future or indefinitely.

3.3 However if an adult who works with children has involvement from Children's Social Care in respect of their own child, or a child that they live with or have contact with, it is the responsibility of Children's Social Care to assess the immediate concern and inform the Designated Officer (LADO) of whether the adult poses a risk to children. Examples of this may include:

- Allegations of assault, physical or emotional, on their own child, a child they live with or have contact with
- Domestic abuse
- Substance misuse
- Lives or is in a relationship with a person who is identified as a risk to children

3.4 Upon concluding the assessment Children's Social Care will determine whether further action is taken such as convening a Child Protection Conference. It is in these situations that the threshold for LADO referral and intervention is met. This is because Children's Social Care has determined that the adult presents a risk to the associated child either directly or due to a failure to protect.

3.5 In these situations, and dependant on the presenting issue, the Designated Officer (LADO) will convene a strategy meeting once a Child Protection Conference has been convened and a decision made that the child is at risk of, or has experienced, significant harm.

3.6 In all instances where a child is referred to Children's Social Care due to safeguarding concerns, the adult (who works with children and / or adults at risk) must be advised by the Social Worker to contact the employer and inform them of Children's Social Care's involvement. The Designated Officer (LADO) must then be notified and where the adult has not advised the employer, the Designated Officer (LADO) will determine whether disclosure is appropriate. This is to ensure that the adult has appropriate support and to ensure the employer is able to make a decision on the immediate suitability of the adult to continue in their current role whilst assessments are undertaken

and to consider any additional supervision required to ensure that other young people they work with are safeguarded.

#### **4.0 Safeguarding Adults**

- 4.1 Where concerns are identified in respect of a professional who works with adults, a referral will be made to the Integrated Adult Safeguarding Unit to address any issues regarding suitability to work with adults at risk.
- 4.2 Whilst Adult Services do not have the same legal framework that Children's Services has it is important for the employer to consider any risks to the client group that the adult works with. Common examples of this will include where an adult is identified as a perpetrator of domestic abuse or where the adult is being investigated by the police for an offence that suggests that they are a risk to children or adults at risk.
- 4.3 Where an employee works within both the adults' and children's sectors the Designated Officer (LADO) will assume lead responsibility for the oversight of the allegations and the Integrated Adult Safeguarding Unit will ensure that a representative attends all meetings to ensure actions are appropriate for safeguarding adults at risk.

#### **5.0 The Role of Individual Agencies**

- 5.1 The employer is responsible for ensuring that their staff are aware of Child Protection procedures and that they receive appropriate training in order to carry out their role and keep children safe.
- 5.2 The employer is responsible for ensuring that staff have read and signed policies and procedures regarding their own conduct and what is acceptable contact and safe contact with the children for which they are working with, caring for and having contact with.
- 5.3 It is the responsibility of the employer to determine and investigate issues of suitability and take appropriate action. Issues of suitability include:
- Where an employee is being investigated for an offence against an adult, or
  - Their behaviour in their personal lives brings into question their suitability to work with children.
- 5.4 In order to ensure the safety of young people, upon being made aware of the allegation the employer will need to consider whether the professional is safe to continue within their role whilst the investigation is being undertaken. The following actions must be given consideration and reported to the Designated Officer (LADO) when completing the consultation form:
- Is the risk to children so immediate that the employee must be suspended from work?
  - Is there another role that the employee can undertake which removes them from contact with young people during the course of the investigation?

- Is it safe for the professional to continue in their role and if so what additional safeguards can be put in place to ensure that the potential risks are reduced / managed?
- 5.5 The employer is responsible for ensuring that they take necessary, proportionate and swift action to ensure the immediate safety of the children within their service area.
- 5.6 The employer is responsible for ensuring that a consultation form is completed and returned.
- 5.7 The Designated Officer (LADO) can offer advice to employers to ensure that they fulfil their responsibilities but it is not the Designated Officer's (LADO's) decision to suspend. This is the employer's decision and they should seek guidance from their own HR department.
- 5.8 All employers will identify a lead person and deputy within their organisation that will deal with allegations against a professional, for example:
- For schools (including Academies and Free Schools) this will be the Head Teacher
  - For Police this will be the Detective Inspector within the PPU
  - For fostering services this will usually be the Manager
  - For voluntary organisations this may be the Designated Safeguarding Lead
  - For Children's Social Care this will be the Divisional Manager or Operational Director
  - For Adult Services it will be the Divisional Manager or Operational Director
  - For GPs it will be the Designated Safeguarding Lead in the CCG
  - For religious organisations it will be the Designated Safeguarding Officer for the diocese or equivalent
- 5.9 This person will be the main contact with the Designated Officer (LADO) during the course of the investigation.
- 5.10 The Designated Officer (LADO) may decide that the designated lead is not the appropriate person and in situations of this nature the Designated Officer (LADO) will approach someone more senior within the organisation.

## **6.0 The LADO Process**

- 6.1 When a consultation is received the details will be logged onto the LADO database and checks made against the database to determine whether the professional has been subject of a previous consultation. Checks will also be undertaken on Carefirst on the alleged perpetrator and alleged victim.

- 6.2 The Designated Officer (LADO) on duty will contact the referrer to confirm that the consultation form has been received and obtain any additional information required to make an informed decision on how to proceed. At this stage the Designated Officer (LADO) will offer guidance on any immediate actions required and what information should be shared with the professional.
- 6.3 The Designated Officer (LADO) will make contact with the Detective Sergeant within the Public Protection Unit to advise them of the consultation and determine whether any immediate police action is required.
- 6.4 Once the Designated Officer (LADO) has confirmed that the consultation meets the threshold they will convene a strategy meeting within five days of receiving the initial referral. In arranging the strategy meeting the Designated Officer (LADO) will liaise with appropriate agencies to ensure that all the right people are represented within the strategy meeting. This will include, for example, the Police, HR, OFSTED, Paediatrician, etc.
- 6.5 In all instances it will be necessary for the employer to consider the suitability of the professional to continue within their post during the course of any investigation. The employer must ensure that they have considered all other options available prior to the suspension of the professional. Suspension should only be used if the information suggests that the professional presents an immediate risk to the child in question or other children within their professional role. **Decisions made by the employer must be reported to the Designated Officer (LADO).**
- 6.6 In the event that the employer chooses to dismiss the professional involved prior to the commencement of the strategy meeting or prior to the conclusion of the investigation, they do so in isolation and the Designated Officer (LADO) and the strategy group are not responsible for those decisions. The employer must refer the matter to the DBS. A copy of the referral will be forwarded to the Designated Officer (LADO) for their records and the confirmation letter issued by the DBS will also be shared with the Designated Officer (LADO).
- 6.7 A “compromise agreement” by which a person agrees to resign, the employer agrees not to pursue disciplinary action and both agree a form of words to be used in any future reference, must not be used in situations which are relevant to LADO procedures.
- 6.8 Where the professional resigns prior to the conclusion of the investigation, the process will continue and a referral to the DBS will be made where appropriate.

## **7.0 The Strategy Meeting**

- 7.1 The initial strategy meeting will seek agreement on how best to investigate the allegations. In all instances a criminal investigation takes precedent over employer investigations and disciplinary hearings and the employer must consider the implication of commencing their own investigation prior to conclusion of the police investigation. If the employer determines that they will

continue with their own investigation against advice, the Designated Officer (LADO) will refer the matter to the Registering body due to the implications on the criminal investigation.

- 7.2 If a police investigation is not progressed the employer becomes responsible for undertaking their own internal investigation. The strategy meeting will identify the areas of investigation required by the employer.
- 7.3 The Designated Officer (LADO) will follow the agenda (Appendix 2) and will agree within the strategy meeting the following action:
- The process for investigation i.e. terms of reference
  - Contact person for the employee and information to be shared with the professional
  - Contact person and information to be shared with the family
  - Consideration of outcome of the allegation being: substantiated, unsubstantiated, unfounded or malicious (where the allegation is deemed to be malicious further consideration must be given to referring the matter to the police)
  - Timescale for review
- 7.4 The Designated Officer (LADO) will consider with the strategy group:
- Any other children that the professional has contact with and action to keep them safe. This may include a referral to Children's Social Care regarding their own children, children they live with or children they have contact with
  - Any information in respect of the person making the allegations that would impact on the validity of those allegations i.e. history of animosity between them and the professional
  - Any information in respect of the professional including previous allegations that were unsubstantiated or substantiated, complaints, conduct and relationship between the professional and the family of the alleged victim
  - Support required for the child and other children who may have witnessed the incident or reported the incident
  - Support required for the professional
  - Whether the recruitment process for the professional was robust and followed safer recruitment guidelines
  - Training and support provided to the employee and confirmation that they have read and understood codes of conduct
  - Potential media interest in the case
  - Any points of learning
- 7.5 Review strategy meetings should take place at a frequency determined by the Chair and strategy group members. The police will provide regular updates of any ongoing police investigations.
- 7.6 The recommendations agreed at the strategy meeting will be distributed to all representatives of the meeting within 24 hours. The notes produced from strategy meeting will be completed and distributed to all members of the

strategy meeting within 15 working days. Any amendments should be returned to the Safeguarding Unit within 5 working days of receipt of the notes.

## **8.0 Outcomes**

8.1 The outcome of the allegation will be agreed within the strategy meeting having seen the information from the investigation and considered the recommendations. The outcomes being:

- **Substantiated**
- There is evidence to support that the incident happened
- **Unsubstantiated**
- The allegation cannot be proven or disproven
- **Unfounded**
- There is evidence to confirm that the incident did not happen; there was no intent to harm or cause neglect
- **Malicious**
- There is evidence that the incident did not happen and that the allegations are motivated by the intention to have the employer enter into disciplinary proceeding for the employee (where the allegations are deemed to be malicious and criminal offences are apparent or suspected' then a referral should be made to the police)

8.2 Upon conclusion of the investigation, a decision by the employer may be to dismiss the employee. In the event that this happens it is the legal responsibility of the employer to make a referral to the DBS. Where a referral is made to the DBS, strategy notes are often requested by the DBS in order to support their investigations into the longer-term suitability of that professional to continue to work with children and / or adults at risk. In these instances the employer will contact the Designated Officer (LADO) who will provide notes to the DBS in accordance with the HBC policy on redaction. The only time that this will not happen is in the event that redacting the notes impacts on the DBS' ability to reach an informed decision.

## **9.0 Referrals to the DBS**

9.1 Where a person has been dismissed or removed as a carer as a result of the allegations, the employer is making a decision that they are unsuitable to continue within their professional role for the organisation. The employer must refer to the DBS. A copy of the referral will be forwarded to the Designated Officer (LADO) for their records and the confirmation letter issued by the DBS will also be shared with the Designated Officer (LADO). In the event that the employer fails to make a referral to the DBS the Designated Officer (LADO) will make the referral, identifying that the employer has not acted in accordance with their legal duty. The DBS will then initiate an investigation into the employer's failure to complete a referral as per their legal responsibility.



## **10.0 Confidentiality**

- 10.1 Every consultation received will be addressed confidentially with only the relevant people for that allegation being aware.
- 10.2 Notes produced from the strategy meeting will not be shared with others unless explicit consent is sought from the Designated Officer (LADO).
- 10.3 Disclosure of concerns regarding a professional by the Designated Officer (LADO) to other employers should be considered and legal advice sought where the reason for disclosure is not clear.

## **11.0 Recording**

- 11.1 It is the responsibility of the duty Designated Officer (LADO) to ensure that the information received within the consultation system is recorded appropriately and comprehensively within the recording system.
- 11.2 The Designated Officer (LADO) will record reasons not to proceed with a professional strategy meeting and the rationale will be clear and shared with the referrer.

## **12.0 Data Retention**

- 12.1 All Information in respect of allegations of harm against a child which falls under the LADO procedures will be retained in accordance with the North West Regional Local Authority's Designated Officer retention policy as follows:
  - Malicious – 10 years after the allegation has been made and review.
  - Unfounded - 10 years after the allegation has been made and review.
  - Unsubstantiated – 100 years after the allegation has been made
  - Substantiated – 100 years after the allegation has been made

## **13.0 Escalation**

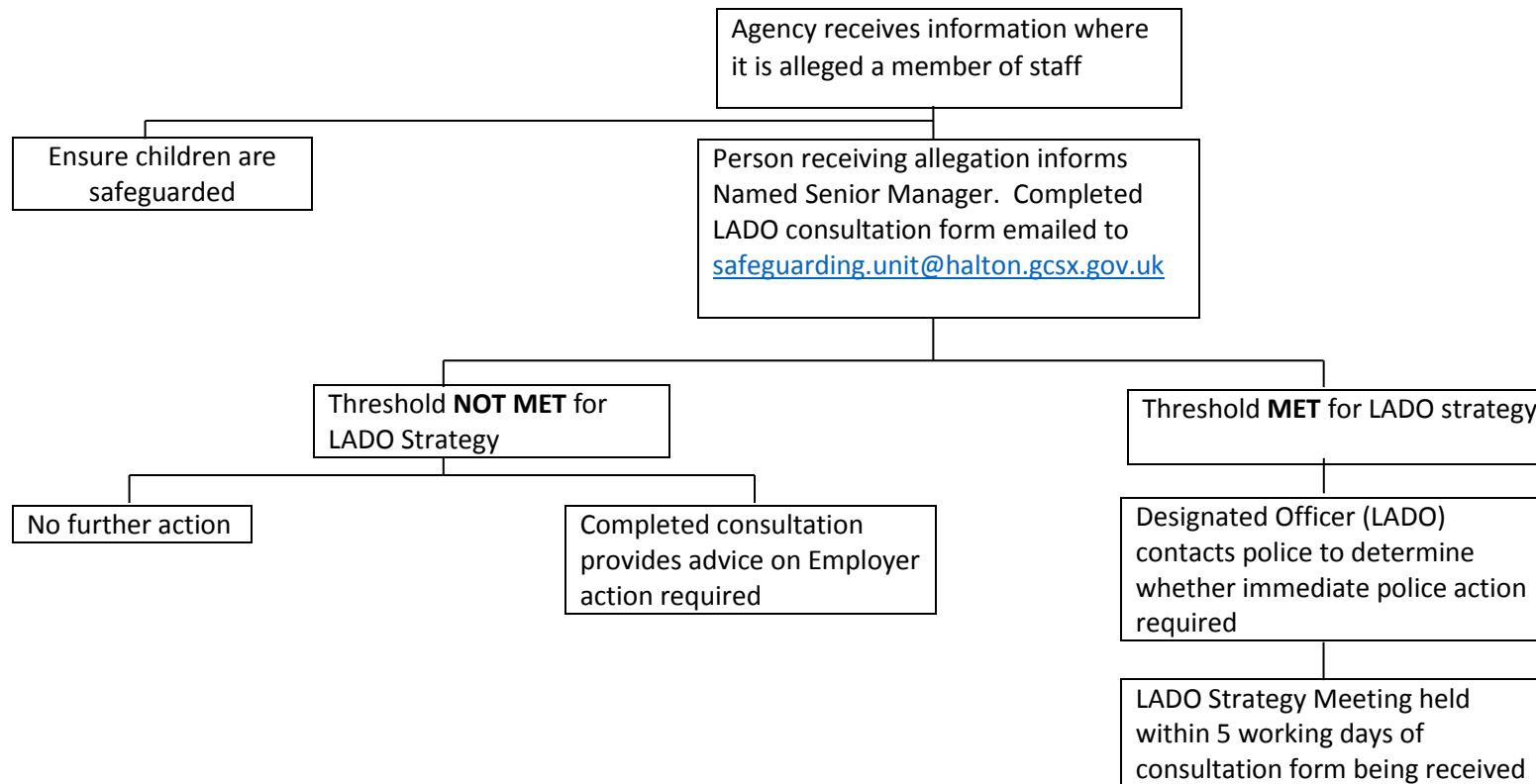
- 13.1 On occasions professionals involved in making a consultation may not agree with the outcome of the consultation. In these instances they should escalate their concerns to the Lead Conference and Reviewing Manager 0151 511 7229, for further scrutiny. In the event that the Lead Conference and Reviewing Manager has made the decision the matter should be escalated to the Operational Director Children and Families, who will review the information and decision making.
- 13.2 In the event that the referrer still does not agree with the decision they should escalate the matter to the Chair of Halton Safeguarding Children Board.

- 13.3 If any of the professionals are unhappy regarding the manner in which the strategy meeting has been chaired and the decision made within the meeting, the same escalation procedure should be followed.
- 13.4 The complaint will be investigated by the appropriate person and an outcome shared within 10 days of the initial complaint. Any further escalation should be made within 7 days of the receipt of the outcome.

## LADO FLOW CHART HALTON SAFEGUARDING CHILDREN BOARD'S LADO PROCEDURES SHOULD BE FOLLOWED

Agency receives information where it is alleged a member of staff has:

- Behaved in a way that has harmed, 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 he or she would post a risk of harm





**PEOPLE DIRECTORATE  
LADO INITIAL AGENDA  
ALLEGATION AGAINST ADULTS WHO WORK WITH CHILDREN**

1. Introductions and apologies
2. Details of alleged victim; dob; legal status; address
3. Details of alleged perpetrator; DOB, address, place of work, relationship to alleged victim, current employment status, contact with other children
4. Details of allegation
5. Additional information and any actions taken to date and outcome
6. Information on alleged perpetrator
  - Safer recruitment / DBS / References / Training
  - Previous complaints / allegations
  - Relationship with YP / Staff
7. Information on child/Young person
  - If CIC how long in placement/ care history
  - Disability/ learning difficulties / Other diagnosis i.e. attachment, ADHD
  - Previous relationship with staff member
8. Media attention.
9. Summary
10. Recommendations/Plan
11. Review date

**Malicious:** This implies a deliberate act to deceive. For example a malicious allegation may be made by a pupil following an altercation with a teacher or a parent who is in dispute with a school. For an allegation to be classified as malicious, it will be necessary to have evidence which proves this intention.

**Unfounded:** There is evidence to determine that the incident did not happen.

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

**Substantiated:** There is evidence that the incident took place.

**Confidentiality:** The information shared within this meeting is confidential. Notes produced from this meeting are strictly confidential and should not be shared with any other person without first seeking consent from the LADO. A log of all professionals who receive the notes will be kept for the purposes of data protection.