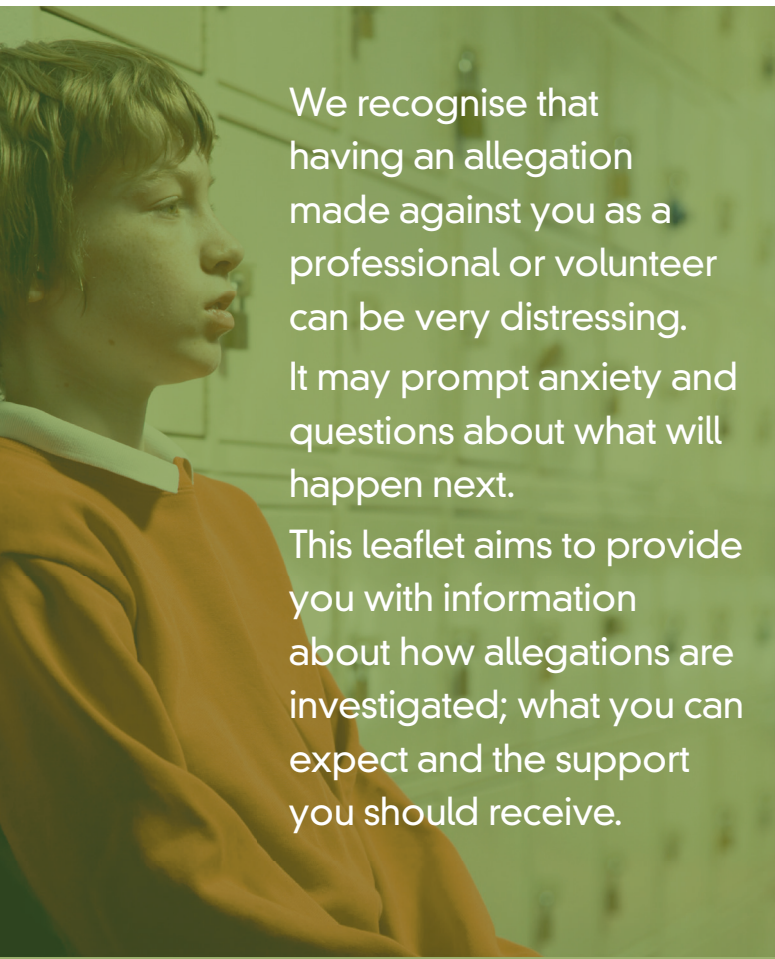




When you are
the subject of
an allegation





We recognise that having an allegation made against you as a professional or volunteer can be very distressing. It may prompt anxiety and questions about what will happen next.

This leaflet aims to provide you with information about how allegations are investigated; what you can expect and the support you should receive.

What is the Local Authority Designated Officer and Allegation?

The Local Authority Designated Officer (LADO) is the person who should be notified when it has been alleged that a professional or volunteer 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; or**
- **Behaved or may have behaved in a way that indicated they may not be suitable to work with children.**

The role involves having oversight of allegations about practitioners which meet the above criteria, ensuring that these allegations or concerns about adults working or volunteering with children are recorded appropriately, monitored and progressed in a timely and confidential way. It is also important to ensure that the voice of the child or young person is heard and taken into account at every stage. The responsibilities of the local authority in relation to the LADO role are outlined on page 60 of Working Together 2018, statutory guidance produced by the Department for Education.

The procedures for dealing with allegations are applied with common sense and professional judgement.

Many referrals may well either not meet the criteria set out below or may do so without warranting consideration of either a police investigation or enquiries by local authority children's social care services.

A decision about whether a referral satisfies the criteria or warrants consideration of a police investigation or local authority enquiries will always be taken in consultation with the LADO.

The LADO may simply ask your employer to follow their safeguarding and other relevant procedures to resolve referrals without delay.

We do understand this may be a difficult time for you and this leaflet aims to give you a little more information about the process of managing allegations.

It is important that all allegations of abuse of children and young people are treated seriously and in line with the Government legislation and guidance along with the All-London Child Protection Procedures.



Role of the LADO

The Local Authority Designated Officer (LADO) is a statutory role.

The LADO's primary function is to oversee and co-ordinate 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.

The LADO is responsible for:

- **Providing advice, information and guidance to employers and voluntary organisations around allegations to ensure a safe children's workforce**
- **Ensuring investigations are conducted in a fair, timely and transparent way**
- **Ensuring the child's voice is heard and that they are safeguarded.**
- **Chairing LADO strategy meetings**
- **Monitoring the progress of investigations to conclusion, ensuring they are dealt with in line with agreed timescales**

The LADO will agree with the manager how and when you will be informed of the concern, and this is dependent on the nature of the allegation. If it becomes apparent at any stage that the allegation is demonstrably false or malicious then you will be informed of this, and no further action will be taken.

Suspension

You may be suspended from work or moved to other duties during the process of the investigation. These decisions rest with the employer and they will be guided by the Allegations Management discussion. Suspension or a move to other duties are neutral acts, not sanctions and they are put in place to safeguard all parties. It is recognised that if you are the person subject to an allegation suspension may be difficult to cope with .

Suspension will always be considered when:

- **There is cause to suspect a child is at risk of significant harm**
- **The allegation warrants a police investigation**
- **It is serious enough to be grounds for dismissal.**

If you are to return to work after suspension, your employer should consider how best to manage this, e.g., mentoring.

Volunteers and supply workers

If you are a supply, agency worker or volunteer, the placing agency should be involved and co-operate in any investigation.

If disciplinary procedures do not apply, an investigation may still be necessary to assess your suitability to work with children. These procedures also apply to foster carers, childminders and private tutors.

The process of managing allegations

- 1 Allegation reported to LADO
- 2 Allegation does or does not meet threshold for investigation. Any advice given will be recorded
- 3 **An ASV (Allegations against Staff or Volunteers) strategy meeting may be convened to consider any employment or voluntary work with children, your suitability to work with them, and whether there are any risks to children you have or care for.**
- 4 There are 3 potential outcomes from the allegation: No further action after initial consideration, criminal investigation, or internal investigation
- 5 **Following an investigation, a decision will be made to conclude the outcome as: substantiated, unsubstantiated, unfounded, false, or malicious.**
- 6 Referrals in which an allegation was proven to be malicious, false, unsubstantiated or unfounded should not be included in employer references. Neither should a history of repeated concerns or allegations which have all been found to be malicious, false, unsubstantiated or unfounded be included in any reference.

- 7 **Details of allegations that are found to have been malicious should be removed from personnel records.**
- 8 The use of compromise agreements is not supported by the LADO (unless warranted by exceptional circumstances) and they should not be used as a way to conclude any disciplinary investigation where there is a substantiated outcome.

Such an agreement will not prevent a thorough police investigation where that is appropriate, nor a referral to DBS or other relevant agency.





Support

Everyone going through this process needs support and there are a number of routes to this .

You should be:

- 1 Advised to contact your union or professional association representative**
- 2** Given a workplace contact if you are suspended who will update you about normal news and the progress of the investigation. The workplace contact may be your line manager or similar and the level of contact needed will be agreed. It may feel natural to reach out to colleagues and friends at work but social contact with colleagues maybe precluded if it could be detrimental to the investigation. This includes direct and indirect or on line contact.
- 3 Offered staff support, counselling service and/or Occupational Health support if available from your employer.**
- 4** Advice to seek help from your GP if you feel depressed or anxious or otherwise feel your mental health is being severely affected.

Outcomes

Every investigation must be concluded using one of the following outcomes:

Substantiated:

There is sufficient evidence to prove the allegation that a child has been harmed or there is a risk of harm. N.B. This decision will be taken on the balance of probabilities in line with civil rather than criminal court decisions.

Unsubstantiated:

There is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

Unfounded:

There is no evidence or proper basis which supports the allegation being made. It might 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.

Evidence was available to prove that what was alleged did not happen or could not have happened or information has been misinterpreted.

False:

There is sufficient evidence to disprove the allegation.

There is no evidence to suggest that there was a 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 local authority children's social care to determine whether the child is in need of services, or might have been abused by someone else.

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.

Notifications

Your confidentiality will be respected, and people only told of the allegation on a “need to know” basis.

Records held by Childrens Social Care in relation to investigations overseen by the LADO are restricted and not open to all CSC staff. If the allegation is against a person employed by the council further restrictions are added.

If the matter becomes subject to speculation, your employer, after consulting with you, the LADO and the police, may need to issue a statement for parents, children or the public.



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