

7 Minute Briefing – Guidance for employees/volunteers subject to Management of Allegations Process

For further 7 Minute Briefings please see...
<https://www.sandwellcsp.org.uk/quality-assurance/learning-from-audits/>

1 – What the LADO does

Manages all allegations made against people in a Position of Trust who work with children in either a paid or voluntary role in the Sandwell area in accordance with statutory guidance.

<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

<https://www.sandwellcsp.org.uk/key-safeguarding-issues/allegations-against-stafflado/>

2- Thresholds for LADO

In light of the current allegation or concerns, to decide whether there is reason to suspect that the individual/s has/have:

- 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 they may pose a risk of harm to children
- behaved or may have behaved in a way that indicates they may not be suitable to work with children (transferable risk)

(Working Together 2018, December 2020)

One or more criteria should be met.

<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1014057/KCSIE_2021_September.pdf

7 – Disclosure of information held by the LADO

Summaries of the meetings will be distributed to all attendees of the meeting on a “need to know” basis.

These summaries should not be photocopied or the contents shared outside of the meeting without the agreement of Sandwell Children’s Trust Information Governance Team. The summaries should be kept in the **RESTRICTED** or **CONFIDENTIAL** section of agency files.

Storage of information held by the LADO in respect of yourself is restricted and compliant with GDPR. Disclosure of any information held by yourself can be requested via the Subject Access Request process

<https://www.sandwell.gov.uk/info/200346/privacy-notice/4253/how-to-access-your-personal-information-with-us>

If the DBS or other regulatory authorities request disclosure, Information Governance Team will apply GDPR Principles and release redacted documents in accordance with these.

Records are kept in accordance with Sandwell Children’s Trust Retention Policy which is currently 75 years.

Management of Allegations Process – Guidance for employees / volunteers

Your line manager

Sandwell LADO –

Requests for SAR disclosure:
 CS_Firmstep@sandwellchildrenstrust.org

3 – Transferrable Risk / Suitability

This relates to things that may happen in an employee / volunteer’s private life (or vice versa) that may highlight there is a transferrable “risk” to children in their professional life (or vice versa). Statutory guidance was updated in December 2020 to include **Examples:**

- domestic abuse
- drug and alcohol use
- extremism and radicalisation
- mental health
- friendships/close personal relationships with people who may pose a risk to children

6 – Outcomes of the Position of Trust process

The LADO will remain involved until all three strands of the investigation reach their final conclusion.

At the final POT meeting, the outcome in respect of the original allegation’s is considered on a ‘balance of probability’ (based on the presenting information the meeting is satisfied that the event more likely than not occurred). Ongoing risk to children is also considered.

Allegations Outcome:

Substantiated	There is sufficient identifiable evidence to prove the allegation.
False	There is sufficient evidence to disprove the allegation.
Malicious	There is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false.
Unfounded	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.
Unsubstantiated	This is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

A substantiated outcome will appear on a reference.

Consideration to be given at the end of an employment investigation/disciplinary process to a referral being made to the DBS in respect of Vetting & Barring or other regulatory bodies, e.g TRA, General Medical Council, Social Work England, etc.

5 – What happens next. Initial and Review Position of Trust (POT) meetings

If the allegation meets threshold for LADO involvement, a multi-agency Position of Trust meeting will be convened within five working days of the allegation being made. You will not be invited to this meeting but your employer / volunteer agency will update you after each meeting has taken place in respect of the progress of any investigation. During a POT, meeting participants discuss:

- Any perceived risk to children
- An immediate safeguarding decision in respect of the employee/volunteer
- Next steps

This meeting will consider:

- The investigation of any criminal offence;
- Whether a child protection investigation is required to safeguard the children or whether they are in need of support
- Any perceived need for disciplinary action in respect of an employee in relation to the allegation/s

An action plan will be formulated and tasks assigned under the three strands of investigation. A Review POT meeting will be held within 28 days to review progress against the plan. Further Review POT meetings will take place at agreed intervals as required. The LADO Service will monitor progress in all cases on a monthly basis.

The LADO does not investigate, the LADO coordinates the investigation.

It is acknowledged that the Position of Trust process can be a lengthy one. Your employer / volunteer agency will keep in touch with you on a regular basis in accordance with your organisation’s policies and procedures and you are encouraged to communicate with your central point of contact.

4 – What will happen if an allegation is made against you.

Your employer/volunteering agency will inform you that an allegation in respect of safeguarding issues has been made (see section 2 above). You may not be told the details of the allegation at this stage. You will be advised of your right to representation / support from your union and HR department (in respect of emotional well-being).

Your employer/volunteering agency will make an immediate safeguarding decision about your employment status in consultation with Human Resources. In order for investigations to be completed your employer will need to ensure that both yourself and any children are safeguarded. The following courses of action will be considered:

1. You remain in your role with full duties
2. You remain in your role with reasonable adjustment, i.e. there may be another member of staff with you, you may be given duties which do not involve contact with children, you may be asked to work from home.
3. You refrain from all aspects of work (suspension)

Your employer / volunteering agency will appoint a named person within the organisation as a point of contact for yourself whilst the investigation is ongoing.