

Dealing with Allegations against people who work with children

LADO Guidance Document



Somerset
Council

January 2024

Introduction

This document has been developed with the aim of providing general guidance to organisations and agencies about when a notification should be made to the Local Authority Designated Officer (LADO), following an allegation about an individual working with children in Somerset.

The statutory guidance *'Working Together to Safeguarding Children (Dec 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.”

The responsibility of the LADO is to determine how cases will be managed 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 that they may pose a risk of harm to children; or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

This is referred to as 'the criteria' (indicated by *) which triggers the need to make a notification to the LADO.

Throughout this document where the term 'criteria' is used, it refers to one or more of the criteria above and the generic term 'child / ren' also covers young people.

The managing allegation procedure applies to situations when:

- There are suspicions or allegations of abuse by a person who works with children in either a paid or unpaid / voluntary capacity.

This includes employees on permanent, fixed term, temporary or zero hours contracts. Additionally, agency workers e.g. supply personnel, contract workers, consultants, volunteers, childminders, approved foster carer etc.

- It is discovered that an individual known to have been involved in non-recent allegations of abuse is, or has been, working with children.
- The individual has behaved inappropriately in their private life and this might indicate that they pose a risk of harm when working with children / young people. Otherwise referred to as a 'transferable risk'.

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 out below because they relate to issues to do with the practice of a professional, possible their attitude or the quality of care provided. Alternatively, some cases may meet the first criteria but not be so serious that it warrants consideration of either a police investigation or child protection enquiries by the local authority (Children's Social Care). In these cases, local arrangements would be followed to resolve cases without delay.

The LADO should be informed of all allegations that come to an organisation or agency's attention that appear to meet the criteria* so that consultation with the statutory responsibility for child protection - Children's Social Care and the Police to determine any ongoing role for one or both agencies.

Occasionally allegations will be so serious that it requires immediate intervention by Children's Social Care services and / or Police. In situations such as these a notification to the LADO would follow a referral to Children's Social Care / police.

Full information on the managing allegations procedure can be found:

- '*Keeping Children Safe in Education*', DfE, 2023 (schools / further education etc)
- 1. '*Allegations against staff and volunteers*' - South West Child Protection Procedures (all other organisations)
[Allegations Against Staff or Volunteers \(trixonline.co.uk\)](https://www.trixonline.co.uk)

Guidance Document

The table below provided provides a number of examples, across different categories of abuse, which should assist in deciding whether an incident might need to be reported to the LADO.

The examples given in the table below are not an exhaustive list but provide a general overview of situations that may be applicable for the relevant setting.

PLEASE NOTE:

This is a GUIDANCE document and should not be viewed as a rigid framework. If you have a concern about an individual who works with children and are unsure ALWAYS consult with the LADO in the first instance.

| Guidance Examples | | | |
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| <p>Incident / concern that <u>does not</u> require the involvement of the LADO <i>NB Whilst all safeguarding concerns are a matter of conduct, not all conduct issues are a safeguarding matter</i></p> | <p>Incident / concern that <u>may</u> require a notification to the LADO <i>NB You might be unsure if an incident meets the criteria, and you wish to consult with the LADO by submitting an ARF requesting advice & guidance</i></p> | <p>An incident / concern that <u>does</u> require notification to the LADO <i>NB One or more of the four criteria is met</i></p> | <p>An incident / concern requires notification to the LADO <u>and</u> is likely to need the involvement of statutory agencies <i>NB One or more of the four criteria is met and meets the criteria to involve Children's Social Care & / or Police</i></p> |
| <p>Escalating level of seriousness </p> | | | |
| <ul style="list-style-type: none"> • Complaint made by parent or carer about the quality of provision (dealt with through the organisation's complaints procedure). • Complaint about the practice of an employee / volunteer (dealt with through the organisation's complaints procedure). • Complaint by a parent, carer or an organisation / professional about the conduct of the employee / volunteer e.g. being rude, unprofessional, or disrespectful. | <ul style="list-style-type: none"> • Member of staff alleged to have acted or reacted in a way considered inappropriate and may have been harmful. • Parental or child complaint to an outside agency e.g., Ofsted, who have in turn made a referral to the LADO to make further enquiries about possible inappropriate behaviour of a professional. • Where there are domestic issues which require the staff member / volunteer to inform their line | <ul style="list-style-type: none"> • A physical intervention that is inappropriate or excessive. • A professional's behaviour has breached professional boundaries - overfamiliarity. • Professional misconduct that jeopardises the safety of young people in their charge e.g. not adequately supervising a child the individual is responsible for. • A misconduct issue that has or may have harmed a young person that is | <ul style="list-style-type: none"> • An incident involving a member of staff / volunteer that meets the significant harm threshold. • An incident that is a criminal offence against or related to the child. |

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| <ul style="list-style-type: none"> Employee / volunteer demonstrating a poor attitude when dealing with children (dealt with through performance management arrangements). <p>Some examples of the above might include:</p> <ul style="list-style-type: none"> a member of staff being abrupt / rude when dealing with a young person a parent who complains about how their child says they have been treated but does not have all facts A young person, in a children's home, who is involved in a confrontation and accuses an employee of behaving inappropriately when there are witnesses to refute this. Member of staff is alleged to have acted or reacted in a way considered inappropriate or | <p>manager e.g. a section 47 child protection investigation by Children's Social Care) but the employer/manager is clear there are no risks presented by this person in their place of work i.e. transferable risks.</p> <ul style="list-style-type: none"> An incident in the staff member's personal life requiring police involvement and they have been required to inform their line manager Where an escalation to a police referral would be considered as a disproportionate response e.g. the staff member has transporting a child as part of their role and caught speeding. | <p>reported to a regulatory body</p> <ul style="list-style-type: none"> A professional misconduct issue that may have harmed a young person requiring an investigation under the organisation's disciplinary procedure with a likely outcome that falls short of a decision to dismiss. Inappropriate behaviour towards a child that is deemed gross misconduct leading to a decision to dismiss Meets the criteria to make a barring referral to the DBS. | |
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| unprofessionally but has not harmed the young person. | | | |
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| Physical Abuse | | | |
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| <p>Incident / concern that <u>does not</u> require the involvement of the LADO <i>NB Whilst all safeguarding concerns are a matter of conduct, not all conduct issues are a safeguarding matter</i></p> | <p>Incident / concern that <u>may</u> require a notification to the LADO <i>NB You might be unsure if an incident meets the criteria, and you wish to consult with the LADO by submitting an ARF requesting advice & guidance</i></p> | <p>An incident / concern that <u>does</u> require notification to the LADO <i>NB One or more of the four criteria is met</i></p> | <p>An incident / concern requires notification to the LADO and is likely to need the involvement of statutory agencies <i>NB One or more of the four criteria is met and meets the criteria to involve Children's Social Care & / or Police</i></p> |
| <p>Escalating level of seriousness </p> | | | |
| <p>There are occasions when it is entirely appropriate and proper for staff to have physical contact with children; however, it is crucial that they only do so in ways appropriate to their professional role and in relation to the pupil's individual needs and / or any agreed care plan:</p> <ul style="list-style-type: none"> • The young person misinterprets the actions of the music teacher who makes appropriate physical contact to demonstrate | <p>A restraint in which reasonable force has been used but the child has been injured or hurt.</p> <p>A nursery worker is observed to physically intervene when it is not necessary:</p> <ul style="list-style-type: none"> • The worker holds the child's arm tightly while telling the child off. | <p>Physical intervention has been used as a form of behavioural control before other strategies were attempted:</p> <ul style="list-style-type: none"> • The member of staff has not followed organisational policy applying physical restraint as a last resort. <p>A nursery worker uses excessive force to control the behaviour of a toddler:</p> <ul style="list-style-type: none"> • The toddler refuses to remain still whilst having a nappy change and as they crawl away | <p>Where an allegation indicates the young person has suffered or is likely to suffer significant harm as a result of inappropriate and deliberate physical actions that result in some form of physical harm. Additionally, physical harm may also be caused by a staff member when, as a parent or carer, they fabricate the symptoms of, or deliberately induce, illness in their own child:</p> <ul style="list-style-type: none"> • A worker applies excessive physical chastisement on their own child at home. • A child is hurt in an incident of Domestic Abuse |

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| <p>how to correctly hold an instrument.</p> <p>Reasonable force is used to protect the child from harming themselves, others, or damaging property.</p> <ul style="list-style-type: none">• A member of staff physically intervenes to prevent two children harming each other during a physical fight. | | <p>the worker takes hold of the child's ankle and drags her back towards her.</p> | <p>and the parent works with children.</p> |
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Sexual Abuse


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| <p>Escalating level of seriousness </p> | | | |
| <p>During a music lesson the tutor seeks permission from the young person to initiate physical contact to demonstrate how to hold a musical instrument. A parent makes a complaint that this was inappropriate.</p> | <p>A member of staff or volunteer makes an inappropriate remark that appears on the surface to be naïve:</p> <ul style="list-style-type: none"> • Making a compliment about a young person's appearance <p>A member of staff uses social media to 'like' a post by a young person without making any form of comment.</p> <p>A volunteer e.g. scout leader, appears to show favouritism to a particular young person.</p> | <p>A member of staff enters the changing rooms of the opposite sex without checking if anyone was present. When entering pupils are changing.</p> <p>A member of staff is observed to be overly tactile e.g. regularly placing a hand on the shoulder or lower back of the young people they talk to.</p> <p>A member of staff uses social media to contact a young person.</p> | <p>Where an allegation indicates the young person has suffered or is likely to suffer significant harm. This can include non-contact activities such as allowing children to view sexual images, getting children to behave in a sexually inappropriate manner or grooming etc.</p> |

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| | <p>A toddler attending nursery and still requiring personal care/ nappy changing, indicates that a nursery worker touched their genital area</p> <p>During a training session a gymnastics coach places their hand on the young person's lower back to aide them in completing a somersault on the vault.</p> | <p>A teacher is observed in a 1:1 situation with a young person and the door is closed - a breach of the school's code of conduct.</p> <p>A pupil is observed regularly talking to and spending time with a particular teacher e.g. during breaks</p> | |
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Emotional Harm

| <p>Incident / concern that <u>does not</u> require the involvement LADO <i>NB Whilst all safeguarding concerns are a matter of conduct, not all conduct issues are a safeguarding matter</i></p> | <p>Incident / concern that <u>may</u> require a notification to the LADO <i>NB You might be unsure if an incident meets the criteria, and you wish to consult with the LADO by submitting an ARF requesting advice & guidance</i></p> | <p>An incident / concern that <u>does</u> require notification to the LADO <i>NB One or more of the four criteria is met</i></p> | <p>An incident / concern requires notification to the LADO and is likely to need the involvement of statutory agencies <i>NB One or more of the four criteria is met and meets the criteria to involve Children's Social Care & / or Police</i></p> |
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| <p>Escalating level of seriousness </p> | | | |
| <p>An inappropriate one-off comment is made that upsets the young person</p> <p>A member of staff is dismissive of a young person's views.</p> <p>A member of staff shouts at a young person for misbehaving.</p> | <p>A derogatory comment that is involving expletives (not directed to the young person).</p> <p>Using inappropriate humour that is not age inappropriate.</p> <p>Use of inappropriate material or initiating a discussion that is not age appropriate:</p> <ul style="list-style-type: none"> PSHE teacher shows a YouTube video footage to the class of a 'tombstoning' incident where a young person is injured to illustrate the dangers | <p>A member of staff discussed intimate details about their relationship in a conversation with a young person:</p> <ul style="list-style-type: none"> Discussing a marital breakdown <p>A secondary school English teacher recommends excessively violent or sexually explicit literature that is not age appropriate or suitable based on their emotional cognition.</p> | <p>Persistent ridiculing or humiliating behaviour towards a young person.</p> <p>Making a derogatory comment that could be a 'hate' crime e.g. racist or homophobic remarks against or related to the young person.</p> |

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| | <ul style="list-style-type: none">• Drama teacher directs young people in a play that contains adult themes that are not age appropriate. | <p>A member of staff acts in an aggressive and / or intimidating manner:</p> <ul style="list-style-type: none">• Regularly shouting at the young person without just cause.• Encroaching on a young person's personal space• Goading the young person. <p>A member of staff shouts and screams at a young person in frustration.</p> <p>Expounding inappropriate attitudes, values or beliefs:</p> <ul style="list-style-type: none">• Promoting extreme groups on social media that is accessible to young people• Related to body shaming.• Promoting inappropriate lifestyles that could lead to psychological issues such as self-harming or eating disorders. | |
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| Neglect e.g., the professional has been neglectful in exercising their duty of care | | | |
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| <p>Escalating level of seriousness </p> | | | |
| <p>Breach of data protection in which confidential information about a young person is shared inappropriately with a 3rd party but this does not directly / indirectly harm the young person e.g. a Residential Care Worker is overheard by a young person in the home sharing private information with a colleague about another young person.</p> <p>A young person falls over on the tarmac of the playground during break, injuring their</p> | <p>Breach of data protection in which confidential information about a young person is shared inappropriately with a 3rd party that might place the young person at risk of harm e.g. in a domestic abuse situation where one parent has left the other & taken the children the school shares the new address with the other parent - the alleged perpetrator.</p> <p>Where a child has accidental been harmed e.g. sprained their foot using gym</p> | <p>Not ensuring the child gets appropriate medical treatment or does not have administered the correct dosage of medication</p> <p>Driving dangerously when transporting a young person</p> <p>Where a child is accidentally harmed, and this could potentially have been prevented had the employee / volunteer being adequately supervising the young person</p> | <p>Where a child has come to significant harm and this could have been prevented had the employee / volunteer being adequately supervising the young person.</p> |

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| <p>knees, when staff are supervising at the time.</p> | <p>equipment, and this could potentially have been prevented had the employee / volunteer being adequately supervising the session.</p> <p>Providing cigarettes to a young person e.g. a Residential Care worker is asked by a young person in placement for one of their cigarettes.</p> | <p>Where a young person has acted in a way where they could have come to harm through lack of supervision e.g., Misper. Although they have not come to harm, the possibility of this occurring was significant, and had they been adequately supervised they would not have gone missing.</p> <p>Dietary requirements e.g. child with known nut allergy, are not adhered to when providing a lunchtime meal.</p> <p>A foster carer allows a young person in their care unfettered access to alcohol</p> <p>A house parent in a boarding school buys tobacco for a young person.</p> | |
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