

Kirklees Local Authority Designated Officer (LADO) Allegations Management Guidance for Professionals



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1. Introduction

Local Authority Designated Officer (LADO) is a statutory role that has oversight of allegations about any adult who is in a position of trust and/or work (paid or unpaid) with children and young people up to the age of 18 years old in any setting.

Working Together to Safeguard Children 2018 requires that:

Local authorities 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 coordinated manner. Local authorities should have a designated officer, or team of officers (either as part of multi-agency arrangements or otherwise), to be involved in the management and oversight of allegations against people that work with children. Arrangements should be put in place to ensure that any allegations about those who work with children are passed to the designated officer without delay.

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 effectively liaise with the police and other 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.

This statutory guidance should be used by all organisations where adults are in a position of trust and/or work (paid or unpaid) with children and young people up to the age of 18 years old in any setting.

Early discussion allows an initial assessment of the adults alleged behaviour, the safety of the children they work with and impact the behaviour could have on their role(s) with children.

Improved outcomes for children are aided by close collaboration between single and multi-agency partners, through timely conversations. Identified on [page 15](#) are options to enable you to access timely advice from the Kirklees Designated Officer (LADO).

It is essential that any allegation of harm made in relation to any adult who is in a position of trust and/or work (paid or unpaid) with children and young people up to the age of 18 years old in any setting, is dealt with fairly, quickly, and consistently; in a way which provides effective protection for the child/children whilst at the same time supporting the person who is the subject of the allegation.

All organisations (inc. agencies, contractors, volunteers, or any adult who is in a position of trust and/or work (paid or unpaid)) must refer to this guidance to review, and where appropriate, use it to adapt their practice and guidance for dealing with allegations made against staff, to ensure that they are current. These include the following organisations (however, this list is not exhaustive):

- Private care providers
- Local Authorities
- Early Years settings
- Fostering agencies
- Leisure and Sports settings
- Police
- NHS Trusts
- Residential Care Providers
- Voluntary Organisations
- Supply agencies

- Contractors (organisations or individuals providing services in any setting with children or they may have access to children)
- Private hospitals caring for children.
- All schools of any designation set out under section 175 of the Education Act 2002, the Education (Independent School Standards) Regulations 2014, and the Non-Maintained Special Schools (England) Regulations 2015. All schools mean all schools whether maintained, non-maintained or independent schools (inc. Academies, free schools, and alternative provision academies), maintained nursery schools and pupil referral units.
- College means further education colleges and sixth form colleges as established under the Further and Higher Education Act 1992 and institutions designated as being within the further education sector.

This guidance also applies to circumstances when any adult who is in a position of trust and/or work (paid or unpaid) with children and young people up to the age of 18 years old in any setting has parental/caring responsibilities for a child or young person and is subject to a Children's Social Care assessment and / or involvement.

The term employer is used throughout this guidance to refer to organisations that have a working relationship (paid or unpaid) with the adult against whom the allegation is made. This includes organisations that use the services of volunteers, or people who are self-employed; as well as service providers; voluntary organisations; employment agencies or businesses; contractors; fostering services and regulatory bodies such as Ofsted, in the case of childminders.

In some circumstances the term 'employer' for these purposes will encompass more than one organisation. For example, where staff providing services for children in an organisation are employed by a contractor, or where temporary staff are provided by an agency, and /or where a foster carer is also employed in a separate Regulated Activity or Regulated Establishment. In these circumstances both the contractor or agency, and the organisation(s) in which the person who has had the allegation made against them works, are required to be involved in the Allegation Management process.

All adults working (paid or unpaid) in any setting who become aware of an allegation must report this to their manager or the Designated Officer on the same working day. Any Information received relating to an allegation must be shared with the Designated Officer on the same working day. When information relating to an allegation is shared between paid or unpaid workers, and/or single or multi agency partners clarification that the information has been shared with the Designated Officer should be sought. Where it becomes apparent that allegation information has not been shared directly with the Designated Officer, it must be shared on the same working day.

The LADO co-ordinates single and multi-agency partner responses/considerations /information sharing/ guidance in relation to allegations.

Organisations must not deal with allegations in relation to adults who are in a position of trust or work (paid or unpaid) with children in any setting, in isolation of multi-agency safeguarding partners.

2. LADO Criteria

- 2.1. All allegations relating to harm of a child or young person by any adult in a position of trust or working (paid or unpaid) with them, must be taken seriously. Such allegations can cover a wide range of circumstances and may arise from a few different sources, for instance; a report from a child or young person; a concern raised by another adult in the organisation; and/ or a complaint by a parent. An allegation may also arise in the context of the adult's personal life.
- 2.2. The Designated Officer must be informed within 1 working day (or the next working day) when an allegation is made; prior to any further investigation taking place.
- 2.3. This guidance should be applied in all situations where it is alleged that a person who works (paid or unpaid) with children in a position of trust has:
 - Behaved in a way which 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 which indicates that he/she may pose a risk to children.
 - Behave or may behave in a way that indicates they may not be suitable to work with children.
- 2.4. This can relate to his/her employment or voluntary activity, or in relation to a person's private life where.
 - Childrens Social Care is involved with the adult's own child or children or,
 - Concerns arise about a person's behaviour about their own children (or children for which they have a caring role)
 - Concerns arise about the behaviour of a partner, member of the family or other household member.
 - Where other information suggests they may pose a risk to any person that may demonstrate a transferable risk within their role with children.
- 2.5. Any alleged behaviours should be considered within the context of the four categories of abuse (i.e., physical, sexual, emotional and neglect), and include concerns relating to the possession of indecent images / pseudo images of children or inappropriate relationships between members of staff and children or young people, for example:
 - Having a sexual relationship with a child under 18, even if consensual (s16-19 Sexual Offences Act 2003)
 - 'Grooming', i.e., meeting a child under 16 with intent to commit a relevant offence (s15 Sexual Offences Act 2003)
 - Other 'grooming' behaviour giving rise to concerns of a broader child protection nature (e.g., inappropriate text / email messages or images, gifts, socialising etc).
- 2.6. The term "employer" means the organisation that has a working relationship with the person against whom the allegation has been made, including, (however this is not an exhaustive list):
 - voluntary organisations,
 - employment agencies,
 - fostering services,
 - child minder services,
 - youth clubs and others.
 - voluntary organisations,
 - employment agencies,
 - fostering services.

This also applies to any person who manages or facilitates access to an establishment where children are present.

- 2.7. Allegations of non-recent (historical) harm should be responded to in the same way as contemporary allegations. In such cases, it is important to find out whether the person against whom the allegation is made is still working with children. If they are, a discussion with the Designated Officer should take place as if the person is still working with children, their current employer or voluntary organisation will need to be informed of the allegation and multi-agency decision making may be required, e.g., referral to Children's Social Care.

3. Kirklees LADO Allegations Management Procedure

- 3.1. In accordance with the guidance, the Kirklees LADO should:
- Receive notifications of allegations and co-ordinate the oversight of individual cases involving single and multi-agency partners.
 - Provide advice and guidance to organisations in all settings in which adults work (paid or unpaid) with children
 - Liaise with the Police and/or other single / multi-agency partners
 - Monitor the progress of cases to ensure that they are dealt with as quickly as possible, and consistently via a thorough and fair process
 - Provide advice and guidance to employers in relation to making referrals to the Disclosure and Barring Service (DBS) and regulatory bodies such as Ofsted, the General Medical Council, Teacher Regulation Agency etc.
- 3.2. Employers should:
- Primarily, ensure that children are in a safe environment.
 - Ensure that the identified Designated Manager in the organisation is aware of their responsibilities and familiar with the Kirklees LADO Allegations management guidance; specifically, to consult with the LADO to ascertain if the information received meets the LADO threshold.
 - Ensure information and reports record how allegations are managed and concluded for both allegations that meet the LADO threshold and ones that do not, and where possible how these impact on learning or practice.
 - Where Schools/Academies/Colleges are not the employer of supply teachers; they should ensure allegations are dealt with in line with KCSIE 2021.
- 3.3. During an investigation into an allegation against a professional, the police should designate an appropriate Officer to:
- Liaise with LADO
 - Take part in Allegations Management Meetings
 - Review the progress of cases in which there is a Police investigation
 - Share information as appropriate, on completion of an investigation or related prosecution.

4. First Responses – upon receipt of information or an allegation

- 4.1 You are in receipt of information or an allegation, raising an issue in relation to an adult in a position of trust or working (paid or unpaid) with children in any setting. You should:
- Ensure the child or children are in a safe environment
 - Establish the facts, do not investigate (at this stage) listen carefully, inquire discretely
 - Collate all the information Who is it from? Make a written record of the information (where possible in the child / adult's own words), including the time, date and place of incident(s), persons present and what was said, sign and date the record

- Contextualise – Category of abuse, behaviour, practice, contemporary or historic, 1st or 2nd hand, professional, voluntary, or home.
- Confidentiality – as appropriate
- Consult with the LADO.

4.2 You should avoid:

- Investigating or ask leading questions if seeking clarification
- Make assumptions or offer alternative explanations
- Promise confidentiality but should give assurance that the information will only be shared on a 'need to know' basis.

5. Persons to be notified

5.1 The LADO must be informed within 1 working day (or the next working day) when an allegation is made; prior to any further investigation taking place.

5.2 Parents/Carers should usually also be informed by the employer of any alleged account of harm to their child. However before doing so, consideration should be given as to whether informing the child /ren's parents/carers would impede any disciplinary or investigative processes. Where employers are unsure as how to proceed, they should seek advice from the LADO. In certain circumstances, the child /ren's parents /carers may need to be told straight away (e.g., if there is an injury and/or medical treatment is required).

5.3 The parents/carers and the child, if they are sufficiently mature, should be helped to understand the allegation processes by the employment organisation and be informed of the progress and outcome of a case where there is no criminal prosecution. This includes the outcome of any disciplinary process, but not the deliberations of, or the information used in, a hearing.

5.3 Advice should be sought from the LADO, the police and / or Children's Social Care Services about how much information should be disclosed to the person who is the subject of the allegation.

5.4 Advice should be sought from the LADO on the information that may be shared, and when it is timely to share information. The appropriate manager in the employment organisation should, inform the person who is the subject of the allegation about the nature of the allegation, how enquiries will be conducted and the possible outcome following these discussions.

5.4 Ofsted should be informed of any allegation or concern made against a member of staff in any day care establishment for children under 8 years or against a registered childminder. This should be undertaken within 14 days of an allegation being made. In such circumstances Ofsted will be invited to Allegations Management Meetings (AMM).

6. Allegation Management Meetings

6.1 Allegation Management Meetings (AMM) are chaired by the local authority Designated Officer, professionals who attend an AMM should:

- Share all relevant information about the person who is the subject of the allegation and about the child /ren the allegation concerns
- Share any actions /decision making undertaken prior to the initial AMM
- Consider the welfare and safety of other children who may be affected by an allegation, e.g., the adult's own children, children in the adults extended family, community and /or in the employer's setting. Determine any action that needs to be taken in respect of any other children identified, including Children's Social Care enquiries

- Decide how regular information and support will be provided to the child and their family, and by whom.
- Agree how the person who is the subject of the allegation will be kept informed and supported.
- Clarify responsibility and timing of any interviews with the person the allegation has been made against, to ensure these are undertaken appropriately and in accordance with any Police investigation, Children's Social Care enquiries and /or employment disciplinary processes.
- Consider whether the circumstances warrant the person who is subject to the allegation being directed /suspended from having contact with children.
- Consider the need to develop a media strategy.
- Agree an Action plan set timescales and agree future AMM (if required)
- All AMM attendees have a responsibility to share information (with no omissions) and to conclude an outcome based on all the information shared within the AMM process.
- To understand that they are part of a single or multi-agency decision process based on balance of probability.

6.2 The progress of enquiries should be reviewed by the LADO and partner agencies dependent on the complexity of the case.

6.3 The LADO, in consultation with multi-agency partners should ensure that all relevant people are invited to AMM's, to enable effective information sharing and decision making.

6.4 Employer's must notify OFSTED of allegations when they relate to the following settings:

- children's residential homes,
- voluntary adoption agencies,
- adoption support agencies,
- residential family centres,
- residential holiday schemes for disabled children,
- day care and child-minders,
- Independent fostering agencies (IFA's)
- foster carers,
- prospective adopters.

7. Confidentiality

7.1 While an allegation is being investigated or considered, every effort should be made to maintain confidentiality and guard against publicity. Apart from keeping the child, parents and the person who is the subject of the allegation (where this would not place the child at further risk) up to date with progress of the case, information should be restricted to those who need to know, to protect children, facilitate enquiries, and effectively manage any related processes.

7.2 The police should not provide identifying information to the press or media, unless or until a person is charged, except in exceptional circumstances (e.g. an appeal to trace a suspect). In such cases, the reasons for sharing such information should be documented, and partner agencies consulted beforehand.

7.3 Section 13 of the Education Act 2011 introduced restrictions (implemented in September 2012) on the publication of any information that would identify a teacher who is the subject of an allegation of misconduct that would constitute a criminal offence, where the alleged victim of the offence is a registered pupil at the school.

7.4 It is an offence to publish any information in breach of these restrictions. Publication includes any communication, in whatever form, which is addressed to the public at large or any section of the public.

7.5 Please note that this legal provision applies only to Teachers, however as a duty of care to all adults subject to LADO allegations, consideration around appropriate confidentiality needs to be supported by all multi agency partners.

8. Support (Child or Adult)

8.1 The organisation, and the child where appropriate, together with Children's Social Care Services and / or police, where they are involved, should consider the impact on the child concerned and provide support as appropriate. Liaison between the agencies should take place to ensure that the child's needs are addressed.

8.2 The adult who is the subject of the allegation should:

- Be treated fairly and assisted to understand the concerns expressed and processes involved
- Be kept as informed of the progress as possible and be informed of the outcome of any investigation(s) and the implications of any disciplinary or related process, and
- If suspended from their position, be provided with access to welfare support from their employer and or professional associations.

9. Suspension

9.1 Suspension by an employer should not be automatic. However, it should be considered in any case where:

- There is reason to suspect a child or children are at risk of harm, and/ or
- The allegation warrants investigation by the Police, and /or
- The allegation is so serious that it may constitute grounds for dismissal.
- Employers may consider alternatives to suspension
- Suspension or alternative arrangements should be reviewed in a timely manner.
- Suspension maybe considered by the employer to allow a fair and proper process.
- Suspension may not be a neutral act, however, what suspension is not, is a decision of, or presumption of guilt.
- Employers should always seek independent advice when making their decision to suspend.

9.2 The possible risk of harm to a child /child should be evaluated and managed in respect of the child/ren involved in the allegation and any children in the home, work or community life of the person who is the subject of the allegation.

9.3 Whilst single and multi-agency partners (E.g. Police/ Children's Social Care) may give their views on suspension via the LADO, only the employer, has the authority to suspend a person who is the subject of an allegation.

9.4 If a suspended person is to return to work, the employer should consider what help and support might be appropriate, (e.g. a phased return to work and/or provision of a mentor), and how best to manage the member of staff's contact with any children concerned, if contact is likely in the workplace.

10. Resignations

10.1 Every effort should be made to reach a conclusion in all cases even if:

- The adult about whom the allegation is made refuses to cooperate, having been given a full opportunity to answer the allegation and make representations.
- It may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the allegation process is complete.
- Employers must seek to reach a conclusion based upon the information they have available and if required make appropriate referrals.
- Employers should have a record of actions from receipt of an allegation through to their conclusion(s) and this should be retained in accordance with Data Protection Act and retention schedule.

11. Settlement / Compromise Agreements

11.1 Settlement/Compromise agreements' must not be used (i.e. where a member of staff agrees to resign provided that disciplinary action is not taken and that a future reference is agreed) which includes any confidentiality clause(s); employers must be clear and transparent.

11.2 A settlement /compromise agreement which prevents the employer from making a DBS referral when the criteria are met for so doing, would likely result in a criminal offence being committed for failure to comply with the employer's legal duty to refer. The organisation must make a referral to the Disclosure and Barring Service to consider whether to add the individual to the barred list. This applies irrespective of whether a referral has been made to Children's Social Care and/or the Designated Officer. It is an offence to fail to make a referral without good reason.

12. Complex (Organised or Multiple) Abuse

12.1 Anyone investigating an allegation of harm against a child /children should be alert to signs of organised or widespread abuse and/or the involvement of multiple perpetrators or institutions, and consideration should be given to whether the matter should be dealt with in accordance with Complex Abuse guidance which, if applicable, will take priority.

13. Timescales

13.1 It is in everyone's interest for cases to be dealt with thoroughly and expeditiously for unnecessary delays to be avoided. The LADO must be kept informed by the employer or partner agencies of the time scales relating to any investigation which are likely to impact on outcomes.

14 Direct Referrals to the Police/Children's Social Care Services

14.1 Where a referral relating to an allegation is made directly to Children's Social Care, Children's Social Care will consult with the LADO, the Police, and the relevant employment manager in the organisation.

14.2 If an allegation is brought to the attention of the Police, the Police will then liaise with the LADO.

15 Cross Boundary Issues

15.1 Where an allegation relates to a setting or placement which is outside the child /children's responsible Local Authority area, i.e. a child looked after resides in an out of area setting, or temporarily resides in another Local Authority area; the lead responsibility for action lies with the Local Authority in which the alleged harm occurred. In these circumstances, the LADOs in all the relevant Local Authority areas should liaise and agree a joint strategy.

15.2 Checks should be made regarding other children in the setting or placement and all the responsible (home area) Local authorities must be informed.

15.3 Any required interviews with children will usually be undertaken by child /ren's responsible (home) Children's Social Care department, in conjunction with the Police as appropriate.

16 Monitoring Progress

16.1 The LADO should regularly monitor and record the progress of each case. This could be by way of review AMM's / discussions / evaluations and /or direct liaison with single or multi-agencies partners as appropriate.

16.2 The LADO should keep comprehensive records and ensure that each case is being dealt with in a timely manner, to avoid drift and delay. LADO records may also be used to assist to monitor and evaluate the effectiveness of the guidance and processes and to provide statistical information, as required.

16.3 If a Police investigation is to be conducted, the Police should set a date for reviewing progress and decision making and liaise with the LADO on a regular basis. Wherever possible dates for subsequent AMM's should also be agreed, depending on the complexity of the investigation.

16.4 To conclude an AMM's the LADO should ensure that all agreed and assigned tasks have been completed.

17 LADO Allegations Management Meeting (AMM) Outcomes

17.1 **Unfounded** – There is no evidence or proper basis which supports the allegation being made, or there is evidence to prove that the allegation is untrue. It might also indicate that the person making the allegation misrepresented the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances.

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

17.3 **Substantiated** - There is sufficient identifiable evidence to prove the allegation.

17.4 **Malicious** – There is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false

17.5 **False** (Education sector only) – There is sufficient evidence to disprove the allegation.

18 Confidentiality, References and Record Keeping

18.1 Within the LADO processes information may need to be shared, this should be in line with Working Together to Safeguarding Children 2018 – 'Information Sharing'.

18.2 Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being considered and enquires are being undertaken.

- 18.3 The child and their parents /carers should be informed that formal action is being pursued or has concluded but not the outcome of formal process.
- 18.4 Employers should keep a clear and comprehensive summary of the case record on a person's confidential personnel file and give a copy to the individual. The case summary should be kept at least until the person reaches normal retirement age or 10 years from the date of the allegation (whichever is the longer), or the Independent Inquiry in Child Sexual Abuse (IICSA). All records relating to child protection, safeguarding and the provision of services to children must be retained, pending conclusion of this inquiry (this supersedes all other guidance relating to the retention and destruction of records). For further guidance on low level concerns please refer to Spectrum of Behaviours (Page 17).
- 18.5 The purpose of the employer's case summary record is to enable accurate information to be shared if the employer receives a future reference request. Case summaries can provide clarification where DBS request reveals non convicted information and help to prevent unnecessary reinvestigation if an allegation re-surfaces after a period.
- 18.6 Employers have a responsibility to ensure that references are accurate, objective and does not contain any material misstatement or omissions.
- 18.7 Employers have a responsibility to request and to share information where the reference subject has had allegations substantiated that relate either to the safety and welfare of children or behaviour towards children and how the matter was resolved.
- 18.8 Employers have a responsibility to request and to share details where the reference subject has had any disciplinary procedures involving the safety and welfare of children, including in which the disciplinary sanction has expired, and the outcome of those procedures.
- 18.9 Details of any allegation which are found to be Malicious or False (Education sector only) should be removed from an individual's personnel record.
- 18.10 The responsibility to share information covers anyone engaged in Kirklees Council work (paid or unpaid in a position of trust, with vulnerable groups whether directly employed or not. For clarity, this includes: Employees, Volunteers, Apprentices, Work placements, Student placements, Short or long-term work experience, Foster carers, Adopters, Guardians, Personal Assistants, Agency staff, Commissioned services, and contractors. (this list is not exhaustive)

19 Bodies with a Legal Duty to Refer (DBS 'Duty to refer' is on page 15)

- 19.1 The following groups have a legal duty to refer outcomes or information to the Disclosure and Barring Service:
- Regulated Activity suppliers (employers and volunteer managers).
 - Personnel agency suppliers.
 - Bodies with a power to refer.
- 19.2 The following Bodies have a power to refer information to the Disclosure and Barring Service:
- Local authorities (Safeguarding role)
 - National Health Service (NHS)
 - Education and Library Boards.
 - Keepers of Registers e.g. General Medical Council, Nursing and Midwifery Council
 - Supervisory authorities e.g. Care Quality Commission, Ofsted.

20 Regulatory Bodies

The employer will be aware of the relevant Regulatory Bodies (Ofsted/ Care Quality Commission, Social Work England, Teaching Regulation Agency etc.) these notifications must be made as soon as is reasonably practicable.

20.1 The Childcare (General Childcare Register) Regulations 2017, the Statutory Framework for the Early Years Foundation Stage, (Welfare Requirements) Regulations 2018 and the Voluntary Part of the Childcare Register Regulations 2017. Ofsted should be informed of:

i) Providers of Early Years' & Childcare

- Registered providers must inform Ofsted of any allegations of serious harm or abuse by any person living, working, or looking after children at the premises (whether the allegations relate to harm or abuse committed on the premises or elsewhere). Registered providers must also notify Ofsted of the action taken in respect of the allegations. These notifications must be made as soon as is reasonably practicable, but at the latest within 14 days of the allegations being made.
- Registered providers must inform Ofsted of the details of any other significant event that is likely to affect the suitability of the provider or any person who cares for, or is in regular contact with, children on the premises. For example, this could be a change in circumstances affecting a provider's physical or mental ability to care for children.

ii) Children's Homes including Secure Children's Homes

Providers of children's homes must notify Ofsted of any events or incidents including:

- Any serious complaint about the home or persons working there
- The instigation and outcome of any child protection enquiry involving a child accommodated at the home.
- The Children's Homes (Amended) Regulations 2018

iii) Residential Family Centres

Providers of Residential Family Centres must notify Ofsted of any events or incidents including:

- Any serious complaint about the centre or persons working there
- The instigation and outcome of any child protection enquiry involving a child or a parent who is under the age of 18, accommodated in the centre.
- Residential Family Centres Regulations 2002
- The Residential Family Centres (Amendment) Regulations 2013

iv) Independent Fostering Agencies and Local Authority Fostering Agencies

Providers of fostering agencies must notify Ofsted of any events or incidents including:

- Any serious complaint about any foster parent approved by the fostering agency
- The instigation and outcome of any child protection enquiry involving a child placed with foster parents.

Fostering Services (England) Regulations 2011

v) Adoption Support Agencies & Voluntary Adoption Agencies

Providers of adoption support agencies are required to notify Ofsted of specific events:

- Any serious complaint about a prospective adopter approved by the agency where a child is placed for adoption with that prospective adopter by the agency
- Any serious complaint about a prospective adopter approved by the agency where a child is placed for adoption with that prospective adopter by another agency
- Instigation and outcome of any child protection enquiry involving a child placed for adoption by the agency.

Adoption Support Agencies (England) & Adoption Agencies Regulations 2005 & Adoption Regulations 2018.

21. Conflict of Interest/Impartiality

Any person involved in the consideration and/or investigation of an allegation must declare any possible conflict of interest e.g. if the allegation relates to someone known to them such as a relative, friend, colleague, (including colleagues worked with regularly in another agency,) or someone from an organisation to which they are affiliated e.g. religious, social.

- In all investigations and considerations of an allegation due regard should be given to ensuring objectivity and impartiality. Depending on the circumstances this may require, for example:
- Use of staff who are sufficiently separate from the line management of the person subject to the allegation
- An arrangement with the Police, Children's Social Care team and/or LADO from a different part of the County or an arrangement with another police authority or local authority, or
- Use of an independent investigator.

22 *Whistle Blowing (also known as 'Freedom to Speak up' in some organisations)

22.1 All staff should be made aware of their organisation's *Whistle-Blowing policy and feel confident to voice concerns about the attitude or actions of colleagues.

22.2 If a member of staff believes that a reported allegation or concern is not being dealt with appropriately by their organisation, they should report the matter to the LADO.

23 LADO Actions at Case Closure

- 23.1 To finalise an allegation management process the LADO will ensure that:
- All the original allegations have been addressed
 - The enquires and actions undertaken have been clearly recorded
 - All strands of the investigation have been concluded
 - All those involved have been appropriately informed of the outcome
 - The children and families have received relevant support and services.
 - The employer has made a referral to the Disclosure and Barring Service, where an employer has dismissed / ceased to employ an individual from paid or unpaid work /duties, or would have, had the person not left first / resigned, because it has been determined the person poses a risk of harm to children.
 - Make recommendations from lessons learned to multi agency partners within the allegations process

24 Learning Lessons

24.1 At the conclusion of a case, the LADO, may review the circumstances of the case to determine whether there are any improvements to be made to the organisations practice or procedures. In some cases, a Child Safeguarding Practice Review may be appropriate.

25. New Information

- 25.1 Once a case has been concluded if any professional or agency considers that there exists new / additional information that was not available during the AMM process which may have influenced the outcome, they can write to the LADO. On receipt of this information the LADO will consider whether the information provided would have made a material difference to the outcome categorisation made at the conclusion of the Allegation's Management process and whether any further enquires and/ or a new Allegation's Management meeting is required.
- 25.2 After reviewing the new information, the LADO will respond in writing, outlining any actions and decision taken within 20 working days.

25 Complaints

- 26.1 All potential complainants must be made aware, that this complaints process cannot itself change the original Allegations Management outcome.
- 26.2 If a person or agency disagrees with the outcome of the Allegations management meeting, this is acknowledged however unless new information is present the Allegations Management outcome will not be impacted (See 25.1 and 25.2).
- 26.3 If a person or agency wishes to raise a complaint in relation to the LADO behaviour, this should be made via the online line form at www.kirklees.gov.uk/complaints found via the Kirklees Council web pages and then choose children complaints for initial discussion around the LADO.

27 DBS 'Duty to refer'

- 27.1 Legal duty to refer: the two conditions that must be met
- 27.2 If you are a regulated activity provider or fall within the category of personnel supplier (contractor or agency), you must make a referral when both of the following conditions have been met:

Condition 1

you withdraw permission for a person to engage in regulated activity with children and/or vulnerable adults. Or you move the person to another area of work that isn't regulated activity.

This includes situations when you would have taken the above action, but the person was re-deployed, resigned, retired, or left. For example, a teacher resigns when an allegation of harm to a student is first made.

Condition 2

You think the person has carried out 1 of the following:

- engaged in relevant conduct in relation to children and/or adults. An action or inaction has harmed a child or vulnerable adult or put them at risk or harm or.
- satisfied the harm test in relation to children and / or vulnerable adults. e.g. there has been no relevant conduct but a risk of harm to a child or vulnerable still exists. Or
- been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence

- 27.3 Relevant conduct in relation to children

A child is a person under 18 years of age.

Relevant conduct is:

- endangers a child or is likely to endanger a child

- if repeated against or in relation to a child would endanger the child or be likely to endanger the child
- involves sexual material relating to children (including possession of such material)
- involves sexually explicit images depicting violence against human beings (including possession of such images)
- is of a sexual nature involving a child

27.4 A person's conduct endangers a child if they:

- harm a child
- cause a child to be harmed
- put a child at risk of harm
- attempt to harm a child
- incite another to harm a child

27.5 Must I make a referral?

- If you engaged a person to work in regulated activity, you have a legal duty to refer where the relevant conditions are met.
- The duty to refer applies even when a report has been made to another body such as a local authority safeguarding team.
- The duty to refer applies irrespective of whether another body has made a referral to the DBS in relation to the same person.
- This helps to make sure the DBS have all the relevant information to consider a case. DBS can then make a fair, consistent, and thorough decision about whether to bar a person from working with vulnerable groups.
- A person who is under a duty to refer and fails to refer to us without reasonable justification is committing an offence.

28 Spectrum of Behaviours (Inc. Low Level concerns)

- 28.1 It is important for organisations who work with children to have in place policies and/or processes to deal with concerns (including allegations) which do not meet the harm threshold set out below in Table A; thereby creating a culture in which all concerns about adults in a position of trust are shared responsibly and with appropriate persons, recorded and dealt with appropriately.
- 28.2 It is mandatory that schools and colleges have appropriate policies and processes in place to manage and record any such concerns and take appropriate action to safeguard children; some organisations include these processes within their Code of Conduct.
- 28.3 KCSIE 2021 and Kirklees LADO Guidance outline the requirement for employers to keep records of allegations that are found to be Substantiated, Unsubstantiated or Unfounded (Malicious or false should be removed from personnel records unless the individual gives their consent for retention of the information) however, for the above category of allegations the employers summary should be held on the file of the person accused, with:
- a clear and comprehensive summary of the allegation.
 - details of how the allegation was followed up and resolved.
 - a note of any action taken, and decisions reached, and the outcome as categorised above.
 - a copy provided to the person concerned, where agreed by children's social care or the police; and,
 - a declaration on whether the information will be referred to in any future reference

- 28.4 All low-level concerns should be recorded in writing by the designated safeguarding lead (or deputy). The record should include details of the concerns, the context in which the concern arose, and action taken.

TABLE A

<p>LADO Threshold</p> <p>Allegation – Where it is alleged that a person who works with children has:</p> <ul style="list-style-type: none"> • 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; or • Behaved or may have behaved in a way that indicates they may not be suitable to work with children <p>A complaint or an allegation has been made against a person in relation to his/her work with adult service users, which causes concern about the welfare of an adult service user’s children or the person also has another role working with children.</p>
<p>Low-Level Concerns</p> <p>Any concern – no matters how small, even if no more than a ‘nagging doubt’ - a record made of actions taken to evidence how the information has been shared and managed – where an adult may have acted in a manner which:</p> <ul style="list-style-type: none"> • Is not consistent with an organisation’s Code of Conduct, and/or • Relates to their conduct outside of work which, even if linked to a particular act or omission, has caused a sense of unease about that adult’s suitability to work with children. <p>Keeping Children Safe in Education 2021 – states that <i>‘If staff have safeguarding concerns, or an allegation is made about another member of staff (including supply staff and volunteers) this should be referred to the Headteacher/Principle or DSL’.</i></p> <p>Working Together to safeguard Children 2018 – <i>‘Any allegation against people who work with children should be reported immediately to a senior manager within the organisation or agency. The LADO should be informed within one working day of all allegations.’</i></p>
<p>Appropriate Conduct</p> <p>Behaviour which is entirely consistent with the organisation’s Code of Conduct, and the law.</p>

Contact details	Contact options
Kirklees LADO	<p>Kirklees LADO phone No. - 01484 221126</p> <p>Kirklees LADO email - LADO.Cases@kirklees.gov.uk</p> <p>Kirklees LADO Web Page Local Authority Designated Officer Kirklees Council</p>
CSC Duty & Advice	<p>CSC Duty & Advice phone No. - 01484 414960</p> <p>CSC Duty & Advice email - DutyAdvice.Admin@kirklees.gov.uk</p>
Police	<p>101</p> <p><i>If you have an immediate concern for a child's safety, call the Police on – 999</i></p>