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**Information about the management of allegations process for people who are referred to the LADO**

Southend-on-Sea City Council LADO (Local Authority Designated Officer)

**Why has the LADO been contacted?**

Under The Children Act 2004, organisations have a duty of responsibility to safeguard and promote the welfare of children. Schools and Local Authorities have similar duties under the Education Act 2002, section 175/157.

When an organisation has a concern, allegation or complaint about an adult working with a child, they are required to follow multi–agency procedures. The procedures for dealing with allegations against adults working or volunteering with children are detailed in the statutory guidance ‘Working Together to Safeguard Children’ and the local Southend, Essex & Thurrock (SET) Safeguarding and Child Protection Procedures (chapter 7)

Follow this link <https://safeguardingsouthend.co.uk/downloads-children/> (link to procedures on this page)

The first point of contact for organisations is the Local Authority Designated Officer (LADO). The LADO must be contacted within 1 working day of any situation arising, and prior to any further investigation taking place, if the allegation or concerns appear to meet the criteria that there is a concern or allegation that someone working, or volunteering, 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 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.

Concerns may not be solely in connection with what happens in the working environment. The actions of an individual in their personal life may indicate that their behaviour could pose a transferable risk of harm to children they work with, for example, domestic violence where the person is a perpetrator, child protection concerns regarding their own children, police involvement relating to violent or internet offences.

The employer, or a sole trader (e.g. a childminder), may also have a duty to inform an Inspectorate, such as Ofsted, or a regulatory body, about an allegation.

**What does the LADO do?**

The LADO does **not** investigate but gives advice and guidance to ensure that an appropriate investigation is carried out whether that is by the police, children’s social care or the employer or a combination of these.

Based on the information provided about the individual(s) involved, the nature of the incident(s) or concern and the context, a decision is reached as to whether the matter needs to be referred for external investigation, or whether the employer/organisation can use its own internal procedures to investigate.

A Management Planning Meeting (MPM) may be held to discuss the concerns, ensure that appropriate safeguards are in place and co-ordinate and oversee investigations. This meeting, chaired by the LADO, is attended by a senior representative of the ‘employing’ and investigating organisations.

The LADO does **not** liaise with the individual under investigation directly. Subject to restrictions on the information that can be shared, the employer/organisation should, as soon as possible, inform the accused person about the nature of the allegation, how enquiries will be conducted and the possible outcome. They should also be advised to contact their union or professional association and that appropriate support can be provided via the organisation's occupational health or employee welfare arrangements.

The LADO does **not** make decisions about suspension; only the employer/organisation has the power to suspend a member of staff.

The subject of the investigation should be kept informed of the progress and outcome of any investigation by whichever agency is conducting this.

The LADO has a responsibility to review and monitor cases through to completion. They also have a statutory responsibility to retain accurate records about the allegation, including those involved, how the matter has been investigated, and the outcome of any Police, Social Care or disciplinary process as being:

* False – sufficient evidence to disprove the allegation;
* Malicious – there has been a deliberate act to deceive and the allegation is entirely false;
* Unfounded – no evidence to support the allegation being made (possibly due to a misunderstanding or misinterpretation of the incident);
* Unsubstantiated – insufficient evidence to prove or disprove the allegation (this is not the same as a false allegation and does not imply guilt or innocence);
* Substantiated –sufficient evidence to prove the allegation.

The LADO will give advice on the conclusion of a case about whether a referral to the Disclosure and Barring Service is required – this is an employer’s legal responsibility.

**What information about you has been given to the**

**LADO and how will it be used and stored?**

In order for the LADO to make reasonable, proportionate and informed decisions it is important to collect enough information to allow careful decisions to be made, whilst safeguarding both the child(ren) and the adult involved.

The information collected is about the nature of the allegation or concern itself. In addition personal details about you are collected, such as your name, date of birth, address, and employment history.

The information is handled in accordance with Data Protection legislation and is limited to what is necessary, reasonable and factual.

The information is held in electronic format. There are security measures in place to ensure only authorised Officers can access the information. Information would be shared where appropriate with the Police or Social Care Services as part of an ongoing or future child protection investigation.

The Southend LADO is required to provide an annual report to the Southend Safeguarding Partnership (Children) (SSPC) about allegations across Southend-on-Sea. All information is anonymised before it is submitted, and statistics, trends and patterns are looked at and not individual cases.

Southend City Council retains records of allegations for 75 years in line with the retention guidelines for other child protection information. The information about an allegation (even if false/malicious/unfounded) is retained for this period to enable accurate information to be given in response to any future request for a reference from an employer. It will provide clarification in cases where a future DBS disclosure reveals information from the police about an allegation that did not result in a criminal conviction. It will also prevent unnecessary re-investigation if, as sometimes happens, an allegation re­surfaces after a period of time.

You can request access to information held about you by the Local Authority by filling out a Subject Access Request form which can be found using this link:<https://www.southend.gov.uk/data-protection/requesting-information>

To see the full Southend on Sea City Council Privacy Notice please visit

<https://www.southend.gov.uk/privacynotice>

Revised – September 2022

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