

Dealing With Allegations against Adults that Work with Children

LADO Threshold Document



LADO REFERRALS THRESHOLD DOCUMENT

Introduction

This document provides guidance to agencies and organisations working with children about when a referral should be made to the Local Authority Designated Officer (LADO) following an allegation about an adult working with children in Hertfordshire.

Working Together (March 2015) states:

“Local authorities should put in place arrangements to provide advice and guidance on how to deal with allegations against people who work with children to employers and voluntary organisations. 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.”

The scope of the role defines the framework for managing cases 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; or
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

This is referred to as the **threshold**.

The procedures apply to situations when:

- There are suspicions or allegations of abuse by a person who works with children in either a paid or unpaid capacity - as a permanent, temporary or agency staff member, contract worker, consultant, volunteer, approved foster carer, child minder or approved adopter;
- It is discovered that an individual known to have been involved previously in child abuse, is or has been working with children.

Chapter 4.1 of the HSCB Child Protection Procedures details how such allegations should be managed.

Further information regarding the procedures and a link to the LADO referral form can be found at:

http://hertsscb.proceduresonline.com/chapters/p_manage_alleg.html#scope

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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, or may do so without warranting consideration of either a police investigation or enquiries by local authority children's social care services. In these cases, local arrangements should be followed to resolve cases without delay.

Some rare allegations will be so serious they require immediate intervention by children's social care services and/or police. The designated officer(s) should be informed of all allegations that come to an organisation's attention that appear to meet the criteria so they can consult police and children's social care services as appropriate.

Adapted from 'Keeping Children Safe in Education', DfE, 2016

Indicators Matrix LADO= Tiers 1-4			
Tier 1: Incident that does not need LADO input but may be a conduct issue.	Tier 2: Incident that does not require a referral to LADO. (If referred will be recorded as 'information only').	Tier 3: Incident which requires referral to LADO and consideration of referral to other agency such as police or Ofsted	Tier 4: incident which requires referral to LADO and consideration of suspension/ police referral/ arrest/ immediate action to protect child.
Threshold Not Met		Threshold Met	
Complaint made by parent or carer or comment made by child that does not seem to have any corroborating evidence. There is no injury seen, and/or witness accounts do not corroborate the allegation. The manager confident this does not meet the threshold for a referral but will investigate further. In such cases the relevant	Member of staff alleged to have acted or reacted in a way considered inappropriate but not harmful; parental or child complaint about such an incident, to outside agency e.g. Ofsted, who have referred to LADO for further enquiries; allegation made but manager believes at this point they can deal with this internally . This category also includes	Allegation made which meets the threshold for referral to LADO under the child protection procedures and appears in the first instance to meet the threshold for referral to police. Such cases may not always involve serious injury to a child but present as a breach of the position of trust the professional or volunteer was in. A proportion of these types of referral may result in a 'no crime' outcome from police, but the allegations process must	Allegation made with credible corroborating evidence, where a child has been injured or harmed. Suspension should be considered in any case where there is cause to suspect a child is at risk of significant harm, or the allegation warrants investigation by the police, or is so serious that it might be grounds for dismissal. People must not be suspended automatically, or without careful thought. Employers must consider carefully whether

<p>manager would not necessarily refer to the LADO, but should record their decision in part one of the referral form, (in case further information comes to light which calls into question why no formal LADO referral was made). This will be dealt with by the employer through their internal management procedures.</p>	<p>volunteers and professionals where there are domestic issues which require them to inform their line manager (for example a section 47 investigation at home) but the employer/manager is clear there are no risks presented by this person in their place of work. These are incidents where an escalation to a police referral would be considered as a disproportionate response.</p>	<p>be followed as the referring information met the threshold. Sometimes these referrals do not immediately appear to have a criminal element but the reported actions mean that a regulatory body such as Ofsted, or the National Council for Teaching and Leadership, or HCPC, will need to be informed. It is essential in these cases that there is a clear outcome and this is communicated to the professional/volunteer. These referrals can result in a note on future DBS checks and could have an impact on the professional/</p>	<p>the circumstances of a case warrant a person being suspended from contact with children until the allegation is resolved. NB. Neither the local authority, the police, nor children's social care can require an employer to suspend a member of staff or a volunteer. The power to suspend is vested in the employer alone.</p>
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Physical Abuse			
Threshold Not Met		Threshold Met	
<p>Examples could include: child objecting to a sanction imposed in school, describing an event to parent who then comes in to complain about how their child says they have been treated but does not have all the information. Young person in children's home involved in a confrontation and making accusations where there were several witnesses and there is an incident report that appears to refute the child's account that they were harmed.</p> <p>An allegation that is made second or third hand and facts are not clear, or the professional alleged to have done this was not there at the time or there is confusion about the account.</p>	<p>Examples could be: child accusing teacher of pushing them, when it appears they were being guided away from a situation (covered by 'Use of Reasonable Force' DfE 2013). Nursery worker seen by parent to be pulling a child away from a situation, parent considers this is done roughly but professional claims it was to remove child from a confrontation where they may have been harmed/ may have harmed another child.</p>	<p>Examples could be a credible disclosure by a child or young person that uses the word 'hit' or 'hurt'; yet there is no injury seen and no corroborating evidence of child's account.</p> <p>Restraint that has caused an injury to the person being restrained.</p> <p>An incident witnessed where there is a physical exchange between staff and child or young person. It is unclear whether self-defence or retaliation was involved. The matter needs full investigation.</p>	<p>Child has clearly been injured or could have been injured as a direct result of the actions of a professional or volunteer. Incident within the professional/ volunteers home life that is of high risk and high level of concern.</p>

Sexual Abuse			
Threshold Not Met		Threshold Met	
<p>A school girl telling a friend, who tells the teacher, that another teacher 'makes her feel funny when he looks at her' but no other concerns or complaints expressed.</p>	<p>A professional or volunteer makes an inappropriate remark that appears on the surface to be naive rather than potentially grooming, or acts in a way that could be deemed unprofessional.</p>	<p>A very young child still requiring personal care/ nappy changing, indicates that a nursery worker touched him/her in the genital area A professional or volunteer has been sending inappropriate but not necessarily sexual, texts to young people he/she works with.</p>	<p>Professional or volunteer arranging to meet young person outside the work environment and asking them not to tell anyone; or making inappropriate contact through social media with sexual overtones.</p>

Emotional abuse/ neglect

Threshold Not Met

Threshold Met

A child with a history of challenging behaviour, alleging s/he feels bullied by a well-respected member of staff. Concerns that family members of the professional or volunteer may be involved in criminal activity.

Teacher under stress who is heard to shout inappropriately at the children one day towards the end of term.
Childminder witnessed to ignore children crying and speak rudely to them, but further context not known.

A foster carer where there have been several complaints about poor practice and standards of care; children in their care who are not always clean or appropriately dressed, or seen to be treated in a way that causes concern to observing professionals.

Making racist or derogatory remarks to a child or young person in the presence of witnesses.

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Suggested actions			
Threshold Not Met		Threshold Met	
Managers to investigate further to satisfy themselves this matter does not meet the threshold for a referral outside the organisation	Investigate further with a clear view that this could be escalated to a full LADO referral if more information comes to light.	Referral to LADO and consideration of what actions are required under local/national procedures/guidance.	Full referral to LADO and consideration what actions are required under local/national procedures/guidance.