

Whistleblowing and the role of the Local Authority Designated Officer (LADO)

All allegations of abuse of children by those who work with children must be taken seriously.

Allegations against people, who work with children, whether in a paid or unpaid capacity, cover a wide range of circumstances.

The scope of this procedure is not limited to allegations involving significant harm or likelihood of suffering significant harm to a child and now includes unsuitable and criminal behaviour. The procedure should be applied in all situations where it is alleged that a person who works with children 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 that indicates they may pose a risk of harm to children.

This includes allegations where it might indicate that the person is unsuitable to continue to work with children in their current position.

This should include indications that the person has employed behaviour which could constitute grooming.

The allegations may relate to the person's behaviour at work, at home or in another setting.

It may concern, for example, a paid employee, unpaid volunteer, child minder, approved foster carer or prospective adopter. In the context of this procedure, the term "employer" means the organisation that has a working relationship with the person, against whom the allegation has been made and includes voluntary organisations, employment agencies, fostering services, child minder services, youth clubs and others. Allegations of historical abuse should be responded to in the same way as contemporary concerns. In such cases, it is important to find out whether the person against whom the allegation is made is still working with children and if so, to inform the person's current employer or voluntary organisation or refer their family for assessment.

Where concerns arise about a person's behaviour in relation to their own children, the Police and Children's Social Care Services need to consider informing the person's employer in order to assess whether there may be implications for children with whom the person has contact at work, in which case this procedure will apply.

Principles of Good Practice in Considering Suspicions of Abuse

- Children and young people should be listened to and all allegations should be taken seriously and acted upon;
- Enquiries should establish details of any other work undertaken by the adult of concern and refer to the Local Authority Designated Officer (LADO)
- All allegations and concerns should be reported to the LADO;
- Assessments should take account of the impact on the child or young person within the workplace and how this will be managed;
- Assessments should take account of the continuing vulnerability of the child or young person through the enquiry process;
- It should be considered whether any other meetings are required to safeguard the child or young person;
- All staff should be aware that all children can be vulnerable when cared for outside their own home, particularly when they are living away from home. Those factors which increase vulnerability to abuse within their own family such as being very young, disabled or in an isolated, closed family also apply when cared for by others;
- All staff who work with children have a personal responsibility to report suspicions or allegations of abuse. This also applies when the suspicion is raised against a colleague;
- Everyone involved with suspicions or allegations of abuse by staff should maintain an open and enquiring mind;
- If the suspicion or allegation is about physical contact, the strategy discussion should take account of the fact that staff in certain settings have to manage difficult behaviour. The Department for Education sets out when teachers and other school staff may use reasonable force to manage disruptive behaviour.

Residential care staff should be given similar guidance. Wherever possible, staff who operate in such settings should receive training about when physical intervention should be used, and about the use of appropriate restraint techniques;

- The risk of harm posed by the person under investigation will be carefully evaluated and managed - in respect of the child/ren involved ,and any other child/ren in the individual's home, work or community life;
- Any enquiry/investigation may well have three related, but independent strands, all of which need to be thoroughly assessed and a definite conclusion reached. These strands are:
 1. Child protection enquiries relating to the safety and welfare of any children who are or may have been involved;
 2. A police investigation into a possible offence;
 3. Disciplinary investigations, where it appears that allegations may amount to misconduct or gross misconduct on the part of staff. A similar, if simpler, process should be in place for concerns about volunteers, foster carers etc

Key Roles and Responsibilities

Employing agencies and others who provide services to children have an active duty to have in place basic safeguards including:

- Rigorous recruitment and selection procedures which create a high threshold of entry to deter and detect abusers; and include awareness training for decision makers
- Guidelines for staff behaviour which promote safe care and safer working practice;
- Clear procedures and support systems for dealing with expressions of concern by staff and carers about other staff and carers (link for LBBD Whistleblowing Procedure)

- Clear internal processes for responding to suspicion or allegations of abuse which support these inter-agency procedures;
- Clear information on where staff and managers can seek advice.

Local Authority Designated Officers

The Local Authority must appoint a Designated Officer (LADO) whose responsibilities are to:

- Provide advice and guidance to employers and voluntary organisations, liaising with the police and other agencies and monitoring the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process;
- To provide advice and guidance to employers and voluntary organisations;
- To provide advice and guidance to Senior Managers
- To liaise with the Police and other agencies;
- To monitor the progress of cases - to ensure that they are dealt with as quickly as possible within set timescales and consistent with a thorough and fair process; and
- To keep records of all advice given, actions taken and decisions made;
- To maintain information databases in relation of all allegations and produce qualitative and quantitative reports for the Local Safeguarding Children Board (LSCB) ;
- To provide assistance to agencies in the discussion regarding suspension (the power to suspend is vested in the employer alone);
- To liaise with the Police and the Crown Prosecution Service;
- To discuss with the Senior Manager the possibility of referral to the Disclosure & Barring Service (DBS) or to the appropriate Regulatory Body.

The LADO should be informed within one working day of all allegations that come to an employer's attention or that are made directly to the police.

If an organisation removes an individual (paid worker or unpaid volunteer) from work such as looking after children (or would have, had the person not left first) because the person poses a risk of harm to children, the organisation must make a referral to the Disclosure and Barring Service. It is an offence to fail to make a referral without good reason.

Responding to Allegations

Concerns about a member of staff may arise in many different ways, including:

- A direct allegation from a child or parent/carer;
- A concern expressed by a colleague;
- A criminal investigation;
- Disciplinary procedures;
- Complaints procedures;
- Information from another authority.

The concern may be contemporary in nature or historical or both. Even when concerns are clearly historical, allegations may have implications for the safety of children now; and should be dealt with within these procedures.

Where such allegations are made, consideration must be given to the following three strands:

1. The police investigation of a possible criminal offence;
2. Enquiries and assessment by Children's Social Care Services as to whether the child is in need of protection or in need of services;
3. Consideration by an employer of disciplinary action in respect of the individual

Resignations and Compromise Agreements

The fact that a person tenders his/her resignation, or ceases to provide their service, must not prevent the allegations being followed up in accordance with these procedures. It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children, including any in which the person concerned refuses to cooperate with the process.

By the same token, 'compromise agreements' - by which a person agrees to resign, the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any future reference - must not be used in these cases. In any event, such an agreement would not prevent a thorough Police investigation where appropriate, nor can it override an employer's statutory duty to make a referral to the Disclosure and Barring Service where circumstances so require.