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Guidance for completing a Local Authority Designated Officer (LADO) or Position of Trust Referral

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# Guidance for completing a LADO referral

1. Introduction

**The role of the Local Authority Designated Officer (LADO) is set out in *Working Together to Safeguard Children (2018)* and is governed by the Authorities duties under section 11 of the Children Act 2004 and** [**West Midland Safeguarding Procedures Section 1.14**](https://westmidlands.procedures.org.uk/ykpzy/statutory-child-protection-procedures/allegations-against-staff-or-volunteers)**.**

**This guidance outlines procedures for managing allegations against people who work with children who are paid, unpaid, volunteers, casual, agency or anyone self-employed.**

It requires Safeguarding Partners/ Organisations to identify a Local Authority Designated Officer (LADO) who takes responsibility for making sure that LADO procedures are followed. The LADO chairs all LADO meetings. The Herefordshire LADO can be contacted by e-mail to LADO@herefordshire.gov.uk or by telephone to the LADO on **01432 261739**.

**NOTE**:

It is essential that secure electronic communication is used when sending a LADO referral or any related documentation. Please check with the LADO Administrator if you are unsure whether your agency has a secure communication facility.

1.1 The Local Authority Designated Officer (LADO) is responsible for the management and oversight of all enquiries into allegations against those working with and who volunteer with children in a Position of Trust.

1.2 Nationally, all agencies and settings that provide services or staff working with children are required (under statutory guidance – *Working Together to Safeguard Children*, 2018), to have clear procedures for responding to allegations against staff, whether they are paid or voluntary. Within education services, additional guidance [Keeping Children Safe in Education 2022](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1101454/Keeping_children_safe_in_education_2022.pdf) outlines specific requirements considered when managing allegations against staff working in educational settings.

1.3 The requirements of the LADO/Position of Trust processes are set out in the West Midlands Safeguarding Procedures and Herefordshire Safeguarding Children Partnership Procedures. Statutory guidance places a clear responsibility on partner agencies to report to the LADO all allegations regarding an adult in a position of trust. The guidance outlines the requirement of the LADO to oversee the effectiveness, transparency and record retention of the process, not only in terms of protecting children, but also ensuring that staff who are the subject of an allegation are treated fairly and the response and subsequent action is consistent, reasonable and proportionate.

1.4 Each Local Authority has a designated officer (LADO) with a responsibility to oversee and review all investigations/enquiries where allegations have been made against an adult in a regulated activity in a professional/volunteer role where they have direct contact (Position of Trust) with children.

If an allegation constitutes harm/likelihood of harm that would meet the threshold for position of trust enquiries, a review will consider whether:

1. A person has behaved in a way that has harmed a child, or may have harmed a child.
2. A person has possibly committed a criminal offence against or related to a child.
3. A person has behaved towards a child or children in a way that indicates they may pose a risk of harm to children.
4. A person has behaved in a way that indicates they may not be suitable to work with children.

1.5 In line with Working Together 2018 (updated December 2020) an additional threshold had been added to the procedures as to whether “A person has behaved in a way that indicates they may not be suitable to work with children”. As per (d) above.

It can be difficult to determine what may fall into the category of “unsuitable to work with children”. This is explained further 1.5 to 1.9. In such cases the LADO will consider whether the subject of the allegation or concern has:

* Been the subject of criminal procedures that indicate a risk of harm to a child or young person at risk
* Caused harm or possible harm to a child or young person and there is a risk in the working role, volunteering, or caring environment
* Contravened or continued to contravene their agency’s Safeguarding Policy and Procedures
* Failed to understand or comply with the need for clear personal and professional boundaries in the work place
* Behaved in a way in their personal life which could put children and young people at risk of harm
* Behaved in a way that undermined the trust placed in them by virtue of their position.
* Has caring responsibilities for children who are subject to Child Protection Procedures

1.6 If there are concerns about the behaviour/conduct of a person in their private life who is in a position of trust working/volunteering with children, the LADO must consider the transferable risk to the children they work/volunteer with.

1.7 Whilst some behaviours may not constitute a criminal offence, and some may not reach the threshold of Significant Harm, consideration will need to be given as to whether they may indicate unsuitability to work with children. Any such behaviour should be considered within the context of the categories of abuse i.e. physical, sexual, emotional abuse and neglect.

These include safeguarding concerns relating to inappropriate relationships between members of staff and children or young people:

* Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual
* Grooming, i.e. meeting a child under 16 with intent to commit a relevant offence (Section 16-19 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 (Section 15 Sexual Offences Act 2003)
* Possession of indecent photographs/pseudo-photographs of children;
* Qualified/unqualified staff becoming involved in a relationship with an ex pupil under the age of 18, who is no longer at the school
* Sexually exploitive behaviour
* Inappropriate physical restraint or physical harm to a child

1.8 The allegations may relate to the person’s behaviour at work, at home or in another setting. This may include for example; a staff member being a perpetrator of Domestic Abuse and impact on children present, Substance Misuse, Criminal Offences committed outside of the work role in the community. In each case the transferable risk would be assessed regarding their current role and risks associated with these behaviours and impact this would have. Suitability to work with children regarding honesty, integrity, potential harm posed to children and how this would impact on their decision making would be considered as part of the enquiries

1.9 In this context the term “employer” means the organisation that has a working relationship with the person past or present against whom the allegation has been made and includes voluntary organisations, employment agencies, fostering services, child minder services, youth clubs and others.

1.10 Where concerns arise regarding a person’s behaviour in relation to their own children, the current employer is not informed until discussed and agreed with Children’s Services Social Care and/or the Police. If potential transferable risks are identified, there may be a need to contact the current employer to assess whether there may be implications for children with whom the person has contact at work, in which case LADO procedure will apply.

1.11 There are three strands in the consideration of an allegation.

* The Police investigation of a possible criminal offence
* Enquiries and assessment by Children’s Services as to whether the child is in need of protection or services
* Consideration by an employer of disciplinary action or management investigation in respect of the individual.

1.12 **The welfare and safety of the child is paramount**. If the child is subject to continuing risk and in need of immediate safety planning; LADO/MASH/social work teams/Placing Authority will convene a strategy meeting. The LADO oversees due process and reviews progress of the enquiries regarding the adult subject of the allegation. A Position of Trust meeting will be held in cases where there is evidence of alleged significant risk to a child or where an allegation has been made against a council employee. This is a multi-agency meeting where appropriate information is shared to enable SMART planning, agree actions and outcomes without unnecessary delays.

1.13 Police investigations will take precedence and the employer is responsible for elements of professional conduct and practice in line with their HR Employment /Safeguarding Policy. In some cases this can result in suspension/restriction of duties while enquiries are being undertaken. The welfare of the adult subject to the allegations is also considered and acted upon.

A LADO referral must be completed where there are concerns that a person who works with children

* 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
* behaved or may have behaved in a way that indicates they may not be suitable to work with children

This is in connection with the person’s employment or voluntary activity with children or if concerns arise about the person’s behaviour in regard to his/her own children or personal conduct outside of the working role. The Police and Children’s Social Care will consider whether there may be implications for children with whom the person has contact with and if there are such concerns a LADO referral will then be made. There is a separate process in place for managing allegations in respect of vulnerable adults against professionals or volunteers.

**NOTE:
The LADO process does not replace the requirement for all agencies to follow The Herefordshire Safeguarding Partnership Procedures to make a referral to Children’s Services in the event that there are concerns about the immediate welfare of a child. In this event a referral must be made to the MASH on (01432) 260800.**

1. Underlying principles
* The welfare of the child is paramount.[[1]](#footnote-1)
* Adults about whom there are concerns should be treated fairly and honestly and should be provided with support.
* It is the responsibility of all adults to safeguard and promote the welfare of children and young people. This responsibility extends to a duty of care for those adults employed, commissioned or contracted to work with children and young people.
1. Completing the LADO referral

 It is essential that full information is given in respect of the person against whom the allegation is made. The referral must include date of birth and home address as police will be asked to check their records for any information they may hold on the person and this will include checks against their home address. If you know if the child has any significant special needs and has an individual plan in place to help manage these special needs please indicate this and be prepared to bring a copy of the plan if you are invited to a LADO/Position of Trust meeting.

1. What happens next?

 The Herefordshire LADO will consider the referral and make a decision about whether or not the referral meets the LADO threshold. In the event that the threshold is met, A Position of Trust (PoT) or evaluation meeting/discussion is held. The professional making the referral will be invited to attend the LADO together with representatives from relevant agencies. These are likely to include (where relevant); Police, Health, Adult Services, Human Resources, Children’s Social Care, OFSTED, Fostering Manager, Manager from Residential Unit and their Senior Manager, Social Worker from the child’s Placing Authority and/or Head teacher. (*This list is not exhaustive*).

 We are seeking to use teleconference facilities where possible. The LADO meeting will make a decision about what action, if any, will be taken and by whom. It is likely that a further LADO meeting will be convened to determine the outcome of enquiries undertaken.

1. Agenda of a LADO meeting
2. The allegation and who it concerns.
3. History of the allegation, the context and to whom it was reported.
4. Employment history and length of service/work record.
5. Police information, investigation and details of any previous record.
6. Health.
7. Any other professional with knowledge about the alleged person.
8. Summary.
9. Views of others and options.
10. Decision and advice to employer.

 The role of agency representatives at a LADO meeting is to provide expertise from their particular area and also to provide more detailed information about the child(ren) and adult(s) involved. For example the LADO meeting will need details of the person’s employment/volunteering history and whether there have been any previous concerns or LADO referrals made.

**The LADO meeting**

In consideration of a concern or allegation, there may be three strands:

* A police investigation of a possible criminal offence.
* Social care enquiries and/or assessment about whether a child is in need of protection or services.
* Consideration by an employer of disciplinary action.
1. Outcomes from a LADO meeting:

**Substantiated**

The concerns are substantiated and consideration will be given about what action needs to be taken to safeguard children.

**Unsubstantiated**

An unsubstantiated allegation means that there is insufficient identifiable evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

**Unfounded**

The term ‘unfounded’ means that there is no evidence or proper basis which supports the allegation being made, or there is evidence to prove that the allegation is untrue. There is the possibility that the allegation may be malicious (see below), but it might also indicate that the person making the allegation had misinterpreted the incident or was mistaken about what he/she saw, or was not aware of all the circumstances.

**Malicious**

The term ‘malicious’ implies that an allegation, either wholly or in part, has been made with a deliberate intent to deceive or cause harm to the person subject to the allegation. For an allegation to be classified as malicious, it will be necessary to have evidence to prove the intention to cause harm. In cases of malicious allegation the LADO meeting will need to consider whether a referral should be made to police.

### Further action which may be taken

 If a concern is substantiated, the LADO may consider a referral to professional registration council for professional registration to be reviewed or to the Independent Safeguarding Authority for a decision about whether to bar the person from working with children.

 A referral will be made to the Fostering Panel in the case of a foster carer for the Panel to make a decision as to whether the person can continue to be registered as a foster carer.

 A referral may be made to the employer’s disciplinary process to consider further action.

 Please contact the LADO if you are uncertain if the concerns you have warrant a LADO referral or if you have further questions which are not answered by this guidance:

**LADO can be contacted by e-mail to** LADO@herefordshire.gov.uk **or by telephone to the LADO on 01432 261739.**

### Disclosure and Barring Service

If an organisation or agency removes an individual (paid worker or unpaid volunteer) from work in regulated activity with children (or would have, had the person not left first) because the person poses a risk of harm to children, the organisation or agency 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 local authority children’s social care and/or the designated officer or team of officers. It is an offence to fail to make a referral without good reason.

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1. Children Act 1989 [↑](#footnote-ref-1)