

Managing Allegations and Concerns about Adults who work with Children

PRACTICE GUIDANCE for CASES INVOLVING THE LADO

Managing Allegations Multi-Agency Practice Guidance VERSION 3
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1. Introduction

The aim of this document is to enable agencies to work effectively together in the process of managing allegations or concerns against adults who work with children. This is a joint protocol between Milton Keynes Council and Thames Valley Police. **The protocol should be used in conjunction with the Milton Keynes Safeguarding Children Board (MKSCB) Allegations Management Procedures** (<http://mkscb.procedures.org.uk/ykyzx/assessing-need-and-providing-help/multi-agency-safeguarding-hub-mash/allegations-against-staff-carers-volunteers>). MKSCB procedures provide guidance regarding what employers can expect from the LADO on the subject of advice relating to referrals about a member of their staff from another source and issues such as suspension.

2. Key Principles

- The welfare of the child is paramount. Safeguarding children is the action we take to promote the welfare of children and protect them from harm: children should be central to the process of the management of all allegations.
- Adults about whom there are concerns should be treated fairly and honestly and should be provided with support. The employers of those subject to an allegation or concern have a duty of care towards them.
- It is important to ensure that even apparently less serious allegations are seen to be followed up, and that they are **examined objectively by someone independent of the organisation concerned**. Each Local Authority designates an officer or officers, Milton Keynes has chosen to retain the title of Local Authority Designated Officer (LADO), whose role is to provide management and oversight of individual cases, liaise with other agencies and ensure cases are dealt with as quickly as possible, consistent with a fair and thorough process.
- The scope of inter-agency procedures in this area is not limited to allegations involving significant harm or the risk of significant harm to a child.

3. Definition of an Allegation

An allegation or concern that any person who works with children, in conjunction with his/her employment in either a paid or unpaid capacity, or voluntary activity 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.

4. Case Management Model (see appendix)

Not all allegations or concerns require the same level of response; therefore referrals are managed in line with the following model:

a) Consultation

A consultation is contact with the LADO which, after consideration, is deemed **not** to meet the definition of an allegation/concern (as above).

Examples could include the following although this is not an exhaustive list:

- the subject of the allegation/concern cannot be considered to be ‘an adult who works with children’
- there is no identifiable safeguarding children concern
- where the adult concerned cannot be identified
- the allegation/concern is more appropriately described as a practice issue and should be dealt with by the employer

In these situations the LADO will only record that a consultation has taken place, the name of the professional and agency making the contact and brief details of the circumstances including the name of the child and adult involved. The agency is expected to record details of the consultation and their investigation and feedback to the LADO.

b) Tier 2 referral to LADO

The referral **does** meet the definition of an allegation and therefore, for statistical purposes, is recorded as a consultation. The strategy required for dealing with a case at this level is less complex than at Tier 1 and typically needs less ‘active’ management by the LADO or other agencies. In such cases the employer is best placed to manage the matter to its conclusions. The LADO is

however available and actively monitors timescales and quality assures the outcome. Details regarding this referral will be recorded by the LADO in line with the suggested data set outlined in Section 7: Recording.

Examples coming within this category could be:

- a nursery worker has handled a child in an aggressive manner – the child is 3 years old - it is alleged he was grabbed by the arm tightly, pulled by his arm and shouted at. He did not sustain an injury. There have been no previous concerns about the worker and there are no other factors which require the case to be escalated.
- A professional, who works with children, is the victim of domestic abuse and their own children are currently subject to an assessment by children's social care.

c) Tier 1 referral to LADO

The referral clearly meets the definition of an allegation / serious concern under the Managing Allegations procedures and requires active management by the LADO and other agencies, as appropriate. In these situations a Multi Agency Referral Form (MARF) needs to be completed and sent to the Multi Agency Safeguarding Hub (MASH).

All cases of physical, sexual, emotional abuse or neglect (as defined by Working Together 2013) or serious concerns about the potential risk of harm a person may pose to children will be managed at Tier 1. There may be occasions where apparently less complex or serious cases are managed at Tier 1. For example when a pattern of allegations is emerging or there is an additional complicating factor which requires active management.

Examples of Tier 1 cases could include the following, although this is not an exhaustive list:

- Allegations which require the involvement of other agencies such as the Police and/or Children's Social Care
- Any allegation of abuse as defined by Working Together 2015
- An allegation which is complicated by the number of victims/perpetrators/or roles held and will include those situations that relate to any possible breach of a position of trust.
- A pattern of allegations/concerns is emerging.

- Other complicating factors including interest by a third party such as the media.

In Tier 1 cases, a Strategy Meeting convened by the LADO will be held. Working Together 2010, 2013 & 2015 do not set out specific timescales for convening a Strategy Meeting however the MKSCB Procedures Chapter 13 states 'Meetings should be convened within 2 working days of receipt of the allegation: <http://mkscb.procedures.org.uk>

If action is required to immediately safeguard children or preserve potential evidence this should **not** be delayed until a Strategy Meeting is convened. It is important, in order for full consideration at a Strategy Meeting that key personnel are present and are able to provide relevant information.

5. Assessing an Allegation or Concern which Indicates the Adult may Pose a Risk of Harm to Children

There may be occasions when an adult's behaviour, either within the workplace or the adult's personal life, gives rise to concerns about their suitability to work with children. The employer, in conjunction with other appropriate agencies, may need to make a judgement about the possible impact of that behaviour upon the children they come into contact with in their role. What constitutes a risk will vary depending upon the context and nature of the work the adult is involved in.

Examples which may indicate an adult may pose a risk include:

- Information which suggests the adult may have a sexual interest in children. This includes adults alleged to have downloaded Indecent Images of Children (IIOC)
- The adult is under investigation for abuse or neglect of their own children
- An allegation of historic sexual abuse
- The adult is involved in crime, including perpetrators of domestic abuse, or the supply of illegal substances

There are other scenarios where the risk to children is less clear and requires careful consideration at the point of referral. In such cases the adult may be the injured party or vulnerable in some other way. It is important that the potential risk is carefully balanced with the risk of further victimisation of the adult concerned. Examples include adults who are victims of domestic abuse, are experiencing mental health problems or suffering as a result of alcohol or substance misuse. In these circumstances it will be necessary to evidence a direct impact of this on his/her role with children before considering this within the allegations procedures.

Children's Social Care

All allegations or concerns regarding an adult who works with children which, at the point of referral, show the potential for meeting the definition of significant harm should be referred to the relevant team in Children's Social Care: if the child is not an open case this should be referred to the MASH.

N.B. If it is not known if the child has an allocated worker you should direct your query to the MASH.

In these circumstances a Strategy Meeting should be called in line with the MKSCB Inter-Agency Safeguarding Children procedures. The meeting will be chaired by the LADO.

Thames Valley Police

Allegations are to be referred to the Police for two reasons:

- 1) To consider the need for police to investigate an alleged crime
- 2) To enable information sharing and aid decision-making relating to potential risk to children

The nature of allegations or concerns referred to the LADO varies considerably. In some circumstances an allegation may technically meet the definition of a crime (e.g. Assault or Battery) however a criminal investigation seems a disproportionate response. There is also a need to distinguish between allegations of assault and the legitimate use of physical intervention or restraint to protect a child/children from harming themselves or others, or damaging property.

By the same token, inappropriate behaviour toward a child by a person in a position of trust should be taken seriously and considered an aggravating factor when assessing the need for police involvement. In many cases the use of physical chastisement by adults in such positions has been outlawed and should be considered accordingly. The child does not have to be injured or marked in order for the matter to be considered a criminal offence. It should also be recognised that the Police hold the expertise on the definition of an offence and may consider offences outside the knowledge of professionals in other agencies.

6. Thresholds for Referral to the Police

The following criteria require referral to the Police for consideration of action, including a Strategy Meeting. In these cases police would be expected to contribute to the meeting chaired by the LADO.

Sexual Assault All allegation of sexual abuse of a child, including *concerns* about an adult's behaviour which *may* indicate a sexual interest in children.

Physical Injury There is injury or reported injury (to include minor injury such as a red mark).

Restraint: Physical injury equivalent to assault occasioning ABH, where a health care professional has assessed and deemed that the injury would not have been caused during a reasonable restraint [i.e. the force that was used was reasonable and necessary in the circumstances].

Assault Alleged as a result of or during approved restraint that amounts to more than common assault.

An allegation of battery where there is no injury **but** there are other aggravating factors such as (i) a previous pattern of this behaviour (ii) the level of violence, threat of violence, or premeditation which escalates the level of concern (iii) the underlying intent is believed to be to cause harm to the child.

Suitability Any other circumstances where a child has suffered or is at risk of suffering significant harm, as a consequence of actions/behaviours which could amount to criminal conduct.

Neglect Wilful neglect of a child.

Other circumstances

- Repeat allegations/concerns regarding the same member of staff that in themselves do not meet the threshold: the LADO, in consultation with the MASH and the Police, should consider convening a multi-agency meeting chaired by the LADO. Factors to be taken into account include the nature and frequency of the alleged incidents. If a meeting is not convened, the LADO will record the information on the consultation spreadsheet and confirm this decision in an e-mail to the referrer and the Police Referral Centre.
- Despite the allegation being low level, another factor, such as the wishes of the child or the parent, means that police consultation is required.
- There is any additional vulnerability of the child.

It may still be necessary for police to attend the Strategy Meeting or other meeting chaired by the LADO to gather further information and contribute to the decision making. In turn, information recorded by police may be used to inform future Disclosure & Barring Service disclosures.

7. Suggested Recording Data Set

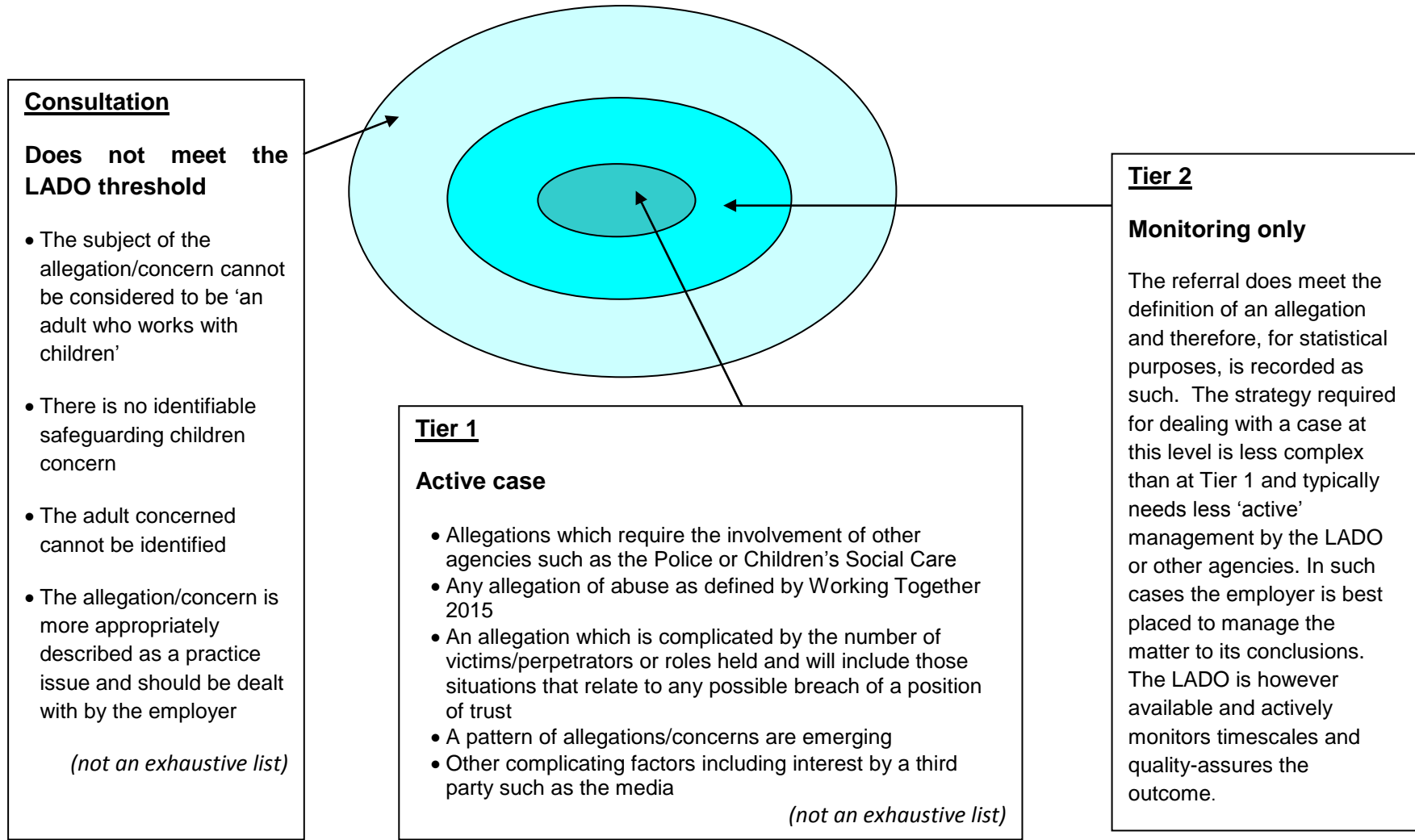
Where an allegation is made and meets the criteria for either Tier 1 or Tier 2 the following data is captured by the LADO:

- Name, date of birth, gender and ethnicity of the adult and the victim
- Details of the referring agency
- Details of the employing agency; role/occupation
- Category of abuse (physical, sexual, neglect, suitability, etc.)
- Date of incident (historic if over 12 months ago)
- How the risk was managed – i.e. suspended /restricted duties
- How allegation was investigated – external (Tier 1) or internal (Tier 2)

- Employing organisation outcome (disciplinary)
- Conclusion category and date of conclusion timescale for case

APPENDIX

LADO Case Management Model



Consultation

Does not meet the LADO threshold

- The subject of the allegation/concern cannot be considered to be ‘an adult who works with children’
- There is no identifiable safeguarding children concern
- The adult concerned cannot be identified
- The allegation/concern is more appropriately described as a practice issue and should be dealt with by the employer

(not an exhaustive list)

Tier 1

Active case

- Allegations which require the involvement of other agencies such as the Police or Children’s Social Care
- Any allegation of abuse as defined by Working Together 2015
- An allegation which is complicated by the number of victims/perpetrators or roles held and will include those situations that relate to any possible breach of a position of trust
- A pattern of allegations/concerns are emerging
- Other complicating factors including interest by a third party such as the media

(not an exhaustive list)

Tier 2

Monitoring only

The referral does meet the definition of an allegation and therefore, for statistical purposes, is recorded as such. The strategy required for dealing with a case at this level is less complex than at Tier 1 and typically needs less ‘active’ management by the LADO or other agencies. In such cases the employer is best placed to manage the matter to its conclusions. The LADO is however available and actively monitors timescales and quality-assures the outcome.