

Final Outcomes / Adjudication Decisions in the Safeguarding LADO Process

(The decision in the safeguarding LADO process will often be adjudicated on balance of probabilities as the threshold in safeguarding decision-making and adjudication is lower)

Definitions of terms

Substantiated

There is sufficient identifiable evidence to prove/ support the allegation.

Substantiated explained:

Therefore, the allegation/ concern is substantiated because it was **proven beyond all reasonable doubt** given:

- *the person admitted to what happened in a non-criminal process; or*
- *the person accepted a caution; or*
- *the person was convicted within a criminal process);*

or

The allegation/ concern is agreed *as substantiated on the balance of probabilities following consideration of the information presented during the investigation in the safeguarding LADO process.*

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. *This is not the same as a false allegation.*

Unfounded

The term 'unfounded' means that there is no evidence or proper basis which supports the allegation being made.

It might also indicate that the person making the allegation had misinterpreted the incident or was mistaken about what they saw.

Alternatively, they may not have been aware of all the circumstances.

False

There is sufficient evidence to disprove the allegation.

Malicious

The term 'malicious' implies that an allegation, whether wholly or in part, has been made with a deliberate intent to deceive or cause harm to the person subject to the allegation.

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For an allegation to be classified as malicious, it will be necessary to have evidence to prove the intentions to cause harm. Care should be taken in dealing with such allegations as some facts may not be wholly untrue. Some parts of an allegation may have been fabricated or exaggerated but elements may be based on truth.

No Adjudication

In a few exceptional circumstances, it is not possible to make a determination and to come to an adjudication as set out above for the following reason(s); i.e.

- No person in position of trust identified as responsible for the alleged harm (for persons unknown within a setting)
- Person Deceased
- LADO have no further legal jurisdiction and the matter must be responded to by a different process, authority or service; i.e. people merely visiting the country for school trip etc.
- Investigation could not progress, therefore not possible to adjudicate
- Mistaken identity at the time of referral being accepted and therefore not appropriate to adjudicate for this person