



National LADO Principles

1. About these Principles

This set of National LADO Principles has been agreed by Regional Representatives from across the Country in consultation with partner agencies and Regional Groups. They are principles of practice which aim ensure parity between LADOs at a high level and should be adopted as such. Where a Regional Group or individual LADO has a more detailed set of standards to follow, these should take precedence over the National LADO Principles but should broadly be in line with them.

In Wales wording and descriptions of processes and procedures may be different from England and whilst the spirit if these principles can apply to all parts of England and Wales, these differences are recognised within this paper.

Where a Regional Group or individual LADO does not have a set of principles or there is a disagreement between LADOs or within a Local Authority regarding action required, the National LADO Principles may be used to help resolve this.

National LADO Principles have not yet been provided to Ofsted and the Department for Education who are partners with the National LADO Network. It is hoped that in the future and when embedded, the Principles should be used as a set of good practice assurance for the Allegations Management process against which LADOs can be inspected.

The Principles will be annually reviewed by the NLN

2. Definition of 'working with' children

An adult who is working or volunteering with children (anyone under the age of 18 yrs old) or coming into contact with children through work on a regular basis and would be seen as being in a position of trust over them. In addition, this would also apply to someone under 18 in the same position e.g. a 17 year old teaching a musical instrument or instructing a group.

There is no clear definition of what is meant by 'working with children' in national guidance. It includes all paid or unpaid staff, supply staff and volunteers who are in a position of trust/ where they have regular and close contact with children and would be viewed by them as a trusted adult. The role of the LADO goes beyond that of regulated activity as defined by the DBS.

This is not designed to be a prescriptive or exhaustive guidance and it remains the case that each referral/contact to LADO should be considered on its own merits and considered based on the circumstances of that person's contact with children and young people and the nature of the concerns.

The following considerations should influence whether an individual is deemed to be working with children and therefore can be considered by the LADO. Those

- who are in regulated activity,

- who are not in regulated activity but are in a position of trust and authority and have regular and close contact with children and young people;
- who have specific strategic responsibility for children and young people or manage the above and by this role may have access to children.

The LADO should be involved if the person has recently worked, or is actively seeking work, with children or is likely to do so in the future.

The LADO can also be contacted regarding cases of non-recent abuse to allow the LADO to complete checks to identify if there is any ongoing risk from this person within any other role.

3. Scope of the LADO role : The LADO threshold

Working Together 2018 sets out that Local Authorities should have a Designated Officer (LADO) to be involved in the management and oversight of allegations against people who work with children where a person who works or volunteers 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
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children

When considering if a person who works with children has behaved or may have behaved in a way that indicates they may not be suitable to work with children, the below are examples of safeguarding concerns that may be considered.

This will assist in determining if the matter falls within scope of LADO procedures or otherwise.

These examples are not prescriptive or exhaustive and will be dependent on the circumstances, context and severity. Advice should be sought from the LADO.

Where appropriate an assessment of transferable risk to children with whom the person works should be undertaken.

Examples

- Sexual offence towards an adult
- Physical assault of an adult
- Perpetrator of domestic abuse
- Drug offences
- Attending work under the influence of drugs or alcohol
- Where they are closely associated with someone in their personal lives who may present a risk of harm to a child
- Discriminatory or prejudicial behaviour towards adults
- Significant mental health issues where the person may not be currently fit to work with children
- Serious animal cruelty offences
- Firearms offences

Categories of Harm

LADOs will record the primary category of risk, as defined as follows;

- Physical - causing physical harm to a child.
- Sexual - Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities
- Emotional - emotional maltreatment of a child such as to cause adverse effects on the child's emotional development and wellbeing.
- Neglect – Neglect is the failure to meet a child's basic physical, emotional and/or psychological needs, likely to impact on or result in the impairment of the child's health or development.
- Financial – Financial or material abuse, including theft, fraud, exploitation, pressure in connection with wills, property or inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits. This will normally only be applicable to adults at risk but may apply to a child in circumstances such as a parent using a child's inheritance or compensation in a way that does not contribute to the child's well-being.

Inappropriate Conduct/Transferable Risk – Wherever possible, the category should reflect the risk the person who is in a position of trust may pose to the children they work or volunteer with. However, the risk may relate the adult's conduct or behaviour that indicates that they are a risk to children, this behaviour might not relate to their position of trust but to their personal life.

See **Annex 3**

4. Responsibility for Case Management

Where there is an allegation which involves the co-ordination of cross border communication and activities, there should be clear identification of a single lead LADO who is responsible for ensuing matters are appropriately investigated. The guiding principle as to which LADO leads is where the organisational risk to a Local Authority rests.

With this in mind, ordinarily, the LADO in the Local Authority where the subject person now works with children, will act as lead LADO in the management of allegations. This allows for information and intelligence to be held in the most appropriate Local Authority to support the establishment of potential patterns of concern.

This is particularly important where the allegations relate to foster carers and locum staff in schools and other organisations, where the agency identified as the employer, may be based in another Local Authority. Thus where a foster carer lives, and cares for the children, in a particular local authority (The Host Authority), it is that Host Local Authority which would hold LADO responsibility. In the same way it is the school where a teacher works rather than where the agency providing the teacher is based, that dictates the lead LADO. In both circumstances the responsibility for the case and the information is held where the risk lies.

Where the subject of the concerns is employed in different local authorities, potentially in different roles, the LADO for each relevant employer will take responsibility for supporting and overseeing the management of concerns in each role. Clearly in such circumstances the need for LADOs to share information and consult appropriately is key.

Where an allegation relates to a looked after child placed and the Host authority LADO leads, it is for the social worker for the child to record the allegation in the placing authorities records and not for the host LADO to notify the placing Authority's LADO. Notwithstanding the above it is important to ensure that LADOs do make sure they communicate and confirm who is the lead at the outset.

5. Collation of statistics

LADOs should hold statistical information in a format that is readily available in order to;

- Ensure information regarding a potential perpetrator of harm to a child is recorded securely and available to compare with new information regarding the same person.
- Assist in answering Freedom of Information (FOI) enquiries.
- Provide comparable figures to assist Regional or National LADO Network in identifying trends or areas of commonality or disparity.
- Provide accurate figures to Ofsted/DfE when required.

Subject to agreement by their Local Authority, statistical information will be collated by the National LADO network to provide aggregated national and regional trends. This information will only be shared with LASDOs and not as comparisons between Local Authorities.

6. Annual Reports

Each LADO service complete an annual report for their Local Safeguarding Children Partnership that shows areas of commonality and trends, is analytical, has actions and is SMART. In order to do this, the LADO report should:

- Consider individual, Regional and National work carried out
- Include statistics that enable the safeguarding partnership to see broadly which agency allegations come from and who they are about, how they have been investigated and the outcomes.
- The report will aim to identify trends and qualitative data to explain these, areas of concerns and areas for future work

The outgoing National LADO Network chair will produce a short annual report on the work of the NLN over that year which will be disseminated to partner agencies and to the chairs of Regional Groups for discussion as required.

7. Voice of the Child

It is important that the voice of the child is not lost within the Allegations Management process. The LADO should ensure that the child has been spoken to by the professional most appropriate in the circumstances and their views gained. Wherever possible, the LADO should not accept an 'assumed' view of what the child says has happened or how they might feel.

8. Referral and the Referral Process

All LADOs will receive information which might be viewed as a referral, a complaint or a consultation.

Referrals; Where information amounts to an allegation that meets the thresholds, this should be recorded. Where information amounts to an allegation but it doesn't meet the thresholds for LADO involvement, the LADO should record that there is no role for LADO.

For example: a teacher is alleged to have shouted for a prolonged period at a child. The school feels the incident has happened but that the child hasn't been singled out (not emotional abuse). School are completing a setting of standards interview with the teacher who is aware that further action will be taken if the incident is repeated. School have spoken to parents who agree with this way forward. This might be recorded as a consultation with no role for LADO in case it becomes a pattern of behaviour that might later amount to emotional abuse.

Complaints; Where information relates to a complaint about practice rather than an allegation of abuse, the LADO should direct the referrer to the relevant complaints process.

Consultations: Where information does not constitute an allegation but is more general and 'in principal' the LADO may decide not to record this at all.

For example: a foster carer has accidentally dropped their laptop down the stairs and it has smashed at the bottom. The foster carer swears several times out loud and this is heard by the fostered child. The referrer asks whether in principal swearing at or in front of a fostered child would amount to an allegation of emotional abuse of the fostered child. In this case, the swearing was not at a child and the LADO might decide that this doesn't constitute an allegation at all and therefore not record it anywhere.

Recording information

Every LADO will have a different mechanism for receiving information about a potential allegation. Some individual LADOs have developed referral forms and others prefer not to do this. Where an allegation meets the Allegations Management thresholds then information recorded should be a minimum of:

- Date of contact to the LADO
- Date of the alleged incident
- Details of the person making the referral (name, agency and contact details)
- Details of the person whom the allegation has been made against (name, DOB, agency and contact details for both work and home)
Are they previously known to LADO or the Local Authority?
Do they have caring responsibilities (children of their own)?
- Child/Young person's details (name, DOB, address, do they have a social worker, do they have communication difficulties?)
- Detail of the allegation and or concern
- Primary alleged category of abuse (physical, sexual, emotional, neglect or risk of harm)
- LADO decision and the rationale for this decision to be included.
- Actions arising from the referral.

All records should be retained securely and should only be shared on a need to know basis. This need would ordinarily be based upon the protection of children, the facilitation of investigations/assessments or the protection of the subject of the allegations. Indeed information would ordinarily only be shared with the agreement of the LADO

Subject Access Requests

Where the person makes a data subject access request for records which relate to them, including records of the LADO meetings, this will be considered and the nominated Designated Officer for Safeguarding will ensure appropriate redaction of the document prior to disclosure. Other meeting attendees will be made aware of the request and can be sent a copy of the redacted document where requested.

9. Managerless Organisations

Often LADOs receive an allegation regarding an adult working with children where there is no manager or overarching body to invite to a meeting as the 'employer'.

LADOs should be aware that the management of allegations where there is no manager is an area of weakness and challenge within the Allegations Management process. Every effort should therefore be made to involve registered/professional/affiliated body but where there is none, LADOs should arrange for information from professionals to be shared in the normal way in order to assess risk. If there is a criminal or Section 47 investigation, this should continue and the police or children's social care should be asked to explain the Allegations Management process to the individual about whom the allegation has been made so that they are aware that their employment might be affected (for example if there are bail conditions).

If there is no criminal investigation, the LADO should consult with the other agencies and consider communicating separately with the person against whom the allegation has been made to advise them of the allegation and seek their views, offering advice on practice and policies.

10. Quality Assurance

Data from case audits and quality assurance can provide an important insight into the effectiveness of LADO advice and guidance. LADOs should develop audit tools that include two levels of auditing.

- Review of LADO service in general including thresholds
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Review of individual cases.

11. Retention of Records

In the absence of a local retention policy, LADO records should be kept to ensure that details of allegations are available should they be required. Working Together 2010 advised that allegations should be kept on a staff member's personal file for 10 years or until normal retirement age, whichever was the latter. There has never been specific guidance on the length of time LADO records should be kept.

Guidance from the Independent Investigation into Child Sexual Abuse (IICSA) advises all organisations to retain any and all documents, notes, e mails and all other information - however held – which contains or may contain content pertaining directly or indirectly to the sexual abuse of children or to child protection care. Children relates to any person under the age of 18. This remains in force.

For all other information and where a LADO has no local retention policy, a guide to timescales has been agreed.

See **Annex 1**

12. Outcomes and lessons learned

All cases managed by a LADO must have a final outcome recorded and appropriately communicated. It is not always possible to record the final outcome at the time of the meeting so LADOs should consider a mechanism to communicate the final outcome and to record lessons learned from the case.

The decision regarding the Outcome is based on the "Balance of Probabilities."

- - Substantiated: there is sufficient identifiable evidence to prove the allegation.
- - False: there is sufficient evidence to disprove the allegation.

- - Malicious: there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false.
- - Unfounded: there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances.
- - Unsubstantiated: there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

However, the outcome of the meeting should always reflect whether the individual may pose a future risk to children.

The outcomes discussion would normally precede any decision by the employer to invoke disciplinary procedures. Where the concerns are substantiated, employing or volunteer agencies should consult if not already done so with the Disclosure and Barring Service and other relevant professional bodies about the requirement for a referral. (Further information and guidance from the DBS can be obtained from their website at www.homeoffice.gov.uk/dbs).

13. LADO Competences

The role of the LADO has grown from different arrangements across different Local Authorities and Regional Groups. Working Together 2015 changed the qualifications required for the LADO role, advising that newly appointed LADOs should be Social Work qualified. Many LADOs across the country are not from a Social Work background and continue to work as LADOs. Some Local Authorities are continuing to recruit LADOs from different backgrounds on the basis that they have relevant skills and experience.

In order to undertake the role of the LADO, and where there is no agreed local or regional standard, the National LADO Network has prepared a set of competences to assist in the recruitment and training process.

See **Annex 2**

Annex 1

LADO Information Retention Policy

This policy aims to provide guidance to LADOs and other agencies around the retention of information that is collated by LADOs.

The purpose of this guidance is to ensure that agencies are fully aware of what information will be retained, for what purpose and for how long.

Prior to the Independent Investigation into Child Sexual Abuse (IICSA), there was no National Government Guidance in place to advise LADOs around how long information should be retained.

The guidance from IICSA advises all organisations to retain any and all documents, notes, e mails and all other information - however held – which contains or may contain content pertaining directly or indirectly to the sexual abuse of children or to child protection care, children relates to any person under the age of 18. For all other information, the following timescales aim to give a national guideline:

CONTENT/ TYPE	SCENARIO	TIMESCALE FOR REVIEW	ACTION	RATIONAL
Contacts, Initial Considerations and Referrals that do not Progress	All contacts, Initial Considerations and referrals into LADO where it is clear that there is no evidence to substantiate the allegation	Reviewed 10 years from the date of closure	All information should be deleted or removed, unless at that point the LADO is able to rationalise why the information should be retained.	<i>A decision to retain information beyond 10years may be taken by the LADO if patterns or behaviour are emerging that suggest he person could continue to pose risk of harm.</i>
Malicious, False or Unfounded	All cases that progress to strategy meeting whereby the allegation is found to be Malicious, false or unfounded.	Reviewed after 10 years from the date of closure	If no additional information or evidence is brought to light during this period, the information should be	<i>A decision to retain information beyond 10years may be taken by the LADO if patterns or behaviour are emerging that suggest he</i>

			deleted or removed, unless the LADO is able to rationalise why the information should be retained.	<i>person could continue to pose risk of harm.</i>
Unsubstantiated	All cases that progress to strategy meeting whereby the allegation is found to be unsubstantiated.	No Date for review	These records should be retained until the alleged perpetrator reaches the age on 100 years. Following this time they should be deleted and destroyed.	<p><i>For cases that are deemed unsubstantiated there is neither evidence to confirm or deny the alleged incident happened and therefore the risk in deleting this information is too high information sooner.</i></p> <p><i>The decision made to retain records whereby the outcome is unsubstantiated comes from the Bichard enquiry regarding Ian Huntley who had a series of unsubstantiated allegations against him that presented a pattern of concern.</i></p>

Substantiated	All cases that progress to strategy meeting whereby the outcome is found to be substantiated.	No Date for review	These records should be retained until the alleged perpetrator reaches the age of 100 years. Following this time they should be deleted and destroyed	<p><i>Substantiated case should not be deleted or removed sooner than this time as the outcome suggests the person poses risk of harm to children and the information should remain.</i></p> <p><i>This allows for allegations that may be made once the person has died per Jimmy Savile and Cyril Smith.</i></p>
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Recording dates for review

When a case is closed by LADO a review date should be recorded 10 years for the date of closure.

For cases that are unsubstantiated & substantiated, at the time of case closure, the date at which the alleged perpetrator turns 100 years old should be recorded as the date of review.

Cases that are reviewed and a rational is provided to retain information, a new date should be recorded as to when the case should be reviewed again.

Annex 2

COMPETENCES:

It is nationally agreed that LADO appointments should be at a senior level or agreed level with enough influence to be effective. Current practice shows that LADO appointments vary from senior managers to social work practitioner grades. There is currently no specific LADO qualification required.

Professional based competencies:

- It is now the case that new LADOs should hold a social work qualification. However current LADOs and new LADOs even with a social work qualification should have a level of professional experience of multi-agency challenge and an understanding of education, social care and police roles within safeguarding procedures.

Knowledge based competencies:

- Experience and understanding of safeguarding practice and procedures.
- An understanding of child protection law.
- An understanding of criminal law.
- An understanding of employment law.
- An understanding of child protection processes.
- A knowledge and experience of risk assessments.
- The ability to work with people.

Experience based competencies:

- A reasonable post qualification experience in services to children and families.
- The ability to chair complex meetings.
- The ability to write succinctly.
- Demonstrable resilience.
- Time management skills.
- Working under pressure.

Desirable:

- For those without a social work qualification to be registered with a professional body and/or qualification specific to child protection.

TRAINING:

Training available to LADOs will vary in each region. Where there is no local or regional agreement for LADO training, the following should be the minimum considered for a LADO:

- LADO to have updated child protection training regularly.
- The LADO should have access to courses and materials that enable the LADO to keep abreast of legislation changes in all agencies for example, Keeping Children Safe in Education, Prevent Duty, Female Genital Mutilation and protection of Children with Disabilities.
- Arrangements should be considered within local authorities for the LADO to receive reflective supervision.

Annex 3

LADO Harm Definition and Threshold

DEFINITION

- Harm means ill-treatment or impairment of health or development including for example impairment suffered from seeing or hearing the ill-treatment of another;
- Development means physical, intellectual, emotional, social or behavioural development;
- Health means physical or mental health;
- Ill-treatment includes sexual abuse and forms of ill-treatment which are not physical.

(Section 31(9) of the Children Act 1989, as amended by the Adoption and Children Act 2002)

- All forms of physical and/or emotional maltreatment, sexual abuse, neglect or negligent treatment, or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power.

(Definition of Child Maltreatment Butchart, Putney, Furniss and Kahane 2006 Preventing Child Mistreatment: a guide to taking action and generating evidence, Geneva WHO)

THRESHOLD

LADOs exercise professional judgement in their decision making, having given consideration to the following:

Any action or inaction, by commission or omission that has, may have, or has potential, if repeated, to cause any form of damage, injury, pain, hurt, discomfort, loss of dignity or suffering to any child. This may be of a physical, sexual or psychological/emotional nature or by negligence or other non-physical acts e.g. via social media and includes:

- harming or placing a child at risk of harm by the person's own behaviour(s)
- failure to take action to prevent harm by another person
- failure to recognise or accept risk posed by another person e.g. by denial or minimisation
- inciting harm by another person
- failure to follow safeguarding guidance, policies and procedures, including safer working practice guidance
- failure to recognise or meet a child's welfare or care needs
- circumstances where, on a particular occasion, harm has not been caused to a child, but, if repeated, may do so, either to that child or another child
- any behaviour that may suggest a future risk of harm e.g. viewing child abuse images; behaviour that could constitute grooming; violence; bullying or frightening children