

## **Record Keeping**

Your employer will keep a summary of the case on your personnel file until 10 years after your retirement age or 10 years after the allegation if linger. This includes allegations that are found to be without substance. Other agencies will also keep copies including LADO who will retain records for 50 years.

## **Disclosure and Barring Service (DBS)**

The Disclosure and Barring Service (DBS) performs an important role in safer recruitment of people who do paid work and volunteer with children. Your employer, or placing agency if appropriate, has a statutory duty to report you to the DBS for them to consider barring you from working with children, or placing restrictions on how you can work with children, if:

- You are dismissed for misconduct or because you are considered unsuitable to work with children, or
- You have resigned before a disciplinary process is completed and your employer considers that you may have been dismissed had you not resigned.

If you are referred to the DBS than you will be sent a letter explaining the process, including your right to make a representation.

The DBS is committed to making barring decisions that are fair and proportionate to the harm caused to a child and the likely risks that you will harm children in the future. Helpful information on the DBS can be found [HERE](#).



LADO Guidance for Employees / Volunteers  
subject to Allegations Management by the  
LADO

# **A GUIDE FOR STAFF AND VOLUNTEERS WORKING WITH CHILDREN WHO ARE FACED WITH AN ALLEGATION OF ABUSE.**



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**Introduction:** Any adult working or volunteering with children and young people may at some point in their careers be subject to an allegation that they may have harmed a child.

We understand that this is a distressing situation for everyone involved. This leaflet sets out what happens in these circumstances.

**What happens when an allegation is made?** All organization's that work with children should have a manager responsible for processing allegations that a child may have been harmed. When they are informed of an allegation they must contact the Local Authority Designated Officer (LADO) within 24 hours to report the concern. The criteria for making a report to the LADO are that an individual may have:

- Behaved in a way that has 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.

The LADO will agree with the manager making the report how and when you will be informed of the concern. This is dependent on the nature of the allegation. If it becomes apparent at any stage that the allegation is false then you will be informed of this and no further action will be taken.

**What happens next?** If there is reason to believe that a child is suffering or is likely to suffer significant harm or a criminal offence might have been committed a strategy discussion will be held involving the police, LADO, your employer, children's services and other agencies as appropriate. The aim of this strategy discussion will be to share information and determine whether an investigation needs to be conducted by children's services under child protection procedure or by the police in relation to any possible criminal offences.

In some cases a joint investigation will be carried out.

If the meeting decides that no child suffered or is likely to suffer significant harm and no criminal offences are identified then your employer may be asked to carry out an investigation under disciplinary procedures.

In those cases where a strategy discussion is not required a Position of Trust meeting may be held. This will be chaired by the LADO and will consider how the investigation will be carried out and what actions need to be taken by your employer.

**Suspension from work:** You may be suspended from work or moved to other duties during your investigation. These decisions lie with your employer and they will be guided by the LADO.

Suspension or a move to other duties are neutral acts not sanctions and will always be considered when:

- There is cause to suspect that a child is at risk of significant harm
- The allegation warrants a criminal investigation
- It is serious enough to be grounds for dismissal.

**Alleged criminal offences:** In some circumstances the police may decide to carry out a criminal investigation. You may be arrested and interviewed under caution, or invited to assist the police with the investigation. You are strongly advised to seek legal representative in these circumstances and this can be accessed through your Trade Union, at the police station or through a solicitor that you choose.

**Internal investigations:** Your employer may conduct an internal investigation in order to decide how to proceed. This may be conducted by a member of staff or by an independent person. When there are criminal proceedings and/or investigation by children's services, your employer will not be able to complete their investigations until after these investigations are concluded.

**Volunteers and supply workers:** If you are a supply worker or a volunteer, the placing agency should be involved and cooperate in any investigation. If disciplinary procedures do not apply an investigation will still be necessary to assess your suitability to work with children.

**Resignations and compromise agreements:** Your employer should try to reach a conclusion regardless of whether you resign, cease to provide your services or refuse to cooperate. They must not allow a compromise agreement such as allowing you to resign without disciplinary action.

**Timescales:** Cases will be dealt with as quickly as possible, consistent with a fair and thorough investigation. These are target guidelines set out by the Government but factors such as the nature of the allegation and complexity of the investigation can increase the time taken. The progress of your case will be monitored by the LADO.

**Support:** Anyone who is subject to an allegation may find it stressful and must be offered support.

Your employer should:

- Advise you to seek support from your Trade Union
- Provide a named support person who will keep you informed of the progress of any investigation
- Provide a named support person who will keep you up to date with any work matters if you are suspended.

**Notifications:** Information will be restricted only to those people who need to know will be informed of the allegation. If the matter becomes more subject to speculation or gossip then your employer may decide to issue a statement for parents, the public or children.

If you are unhappy regarding the LADO process and wish to make a complaint please visit: [www.herefordshire.gov.uk](http://www.herefordshire.gov.uk). All complaints about children's services are considered on an individual basis and where appropriate will be passed to the Access to Information Team to deal with under the Corporate Complaints policy.