

Outcomes

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:

This is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation; the term therefore does not imply guilt or innocence.

Referral to the Disclosure and Barring Service

If the allegation is substantiated and an individual is dismissed or the employer ceases to use their services, or they resign or otherwise cease to provide their services, the LADO will discuss with the employer whether a referral to the Disclosure and Barring Service (DBS) for consideration of inclusion on the barred lists, and / or to a Professional Regulatory Body is required.

Record Keeping

The LADO keeps a record of the details of the allegation, the investigation process and the outcome. The LADO retention procedures can be found at:

https://lincolnshirescb.proceduresonline.com/chapters/p_alleg_pers_wk_child.html

Any agency contacted as part of the investigation process will also keep records in line with their own policies and procedures (e.g. Police, Children's Services, Regulatory Bodies, Employers).

Currently the council is subject to the following legal holds:

- Independent Inquiry into Child Sexual Abuse
- Infected Blood Inquiry

Any information that is subject to a legal hold cannot be destroyed until that legal hold has passed.



Lincolnshire
COUNTY COUNCIL
Working for a better future

LADO

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Supporting Staff and Volunteers

When an allegation is made against them

Allegations of Harm

This leaflet aims to provide information to those working with children under 18, or in a position of trust, where an allegation has been made that they have:

- 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

If an allegation is made that an individual may have caused harm to a child then this will be referred to the LADO. This includes situations where an allegation has been made which questions an individuals' suitability to work with children, for example where:

- Concerns arise about the person's behaviour with regard to his/her own children;
- Concerns arise about the behaviour of a partner, member of the family or other household member.
- Where other information suggests they may pose a risk to any person that may demonstrate a transferable risk within their role with children.

Becoming the subject of an allegation can be a stressful experience, part of the LADO's role is to ensure that the individual is supported throughout this process.

What form does the investigation take?

There are 3 related, but separate sets of enquiries which may occur. Each differs in terms of focus and can have different outcomes. The 3 types of enquiries are:

- Children's Services - relating to the safety and welfare of any children who are or who may have been harmed. This may include children under 18 in the individuals care.
- A police investigation into a possible offence.
- An employment investigation which might result in disciplinary procedures.

What happens when an allegation is made?

The LADO's role is to offer advice to the employer and/or regulatory body and oversee and coordinate the allegations process.

If the individual is working with children or in a position of trust with more than one employer, LADO will need to give consideration to making contact with those employers.

The Lincolnshire Safeguarding Children Board provides detailed guidance to all agencies about the procedures to be followed and this can be accessed at www.lincolnshire.gov.uk/lscb.

How will the individual know what has been decided?

The employer or equivalent will keep the individual informed of what type of enquiries will be carried out and the expected timescales. The individual can expect to be treated fairly and be kept informed about the nature of the concerns and be informed of all decisions as soon as possible.

Support for the individual

Support can be accessed through:

- Trade Union or professional association
- Occupational Health or Employee Welfare Service
- General Practitioner
- Foster Line (for Foster Carers)

The individual can discuss opportunities for support with the employer or equivalent.

Suspension?

Employers should not suspend the individual accused of an allegation automatically, or without careful consideration. The employer or equivalent will need to consider if there is cause to suspect that a child is at risk of significant harm, or if the allegation warrants a police investigation or if the concerns are so serious that it might be grounds for dismissal.