

ADULT LADO POLICY

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1.0 Background

- 1.1** The management of allegations of staff who work with children is clearly defined in Statutory Guidance, the functions of the Local Authority Designated Officer (LADO) is recognised and has a consistent national meaning.
- 1.2** Managing allegations against adults in a position of trust is set out in Section 6 (7) of the Care Act, and suggests those providing universal care and support services should have clear policies in line with those from the safeguarding adults board for dealing with allegations against people who work, in either a paid or unpaid capacity, with adults with care and support needs.
- 1.3** Safeguarding Boards may refer to People in a Position Of Trust (PIPOT) or Person Alleged To have Caused Harm (PATCH). This policy will use the term People in a Position Of Trust (PIPOT).

2.0 Guidance Statement

- 2.1** The purpose of this guidance is to ensure that all allegations of abuse made against staff or volunteers working with adults are dealt with in a fair, consistent and timely manner.
- 2.2** This guidance deals with any paid or unpaid members of staff in a position of trust working with:
 - An adult or adults who have needs for care and support (whether or not the local authority is meeting any of those needs), and who are:
 - Experiencing, or are at risk of, abuse and neglect,
 - Unable to protect themselves from either the risk of, or the experience of abuse or neglect.

3.0 Links to other legislation/Policies

- 3.1** The Data Protection Act 2018 and UK GDPR; The Human Rights Act 1998
- 3.2** For Social Workers this also links to Social Work England Registration standards.
- 3.3** For employees of Middlesbrough Council this policy should be used in conjunction with MBC Code of Conduct Policy and Procedure.

4.0 Scope

- 4.1** This guidance should be used in respect of all circumstances where there are concerns in regards to a member of staff's behaviour or conduct in their personal life that might indicate their unsuitability to work with adults. They may have:
 - Behaved in a way that has harmed or may have harmed an adult.
 - Possibly committed a criminal offence against or related to an adult.
 - Behaved in a way that indicates they are unsuitable to work with adults.
- 4.2** This guidance deals with any paid or unpaid member of staff in a position of trust working with adults. This includes staff who:
 - Work directly with adults;
 - Work in a setting where adults regard them as safe and trustworthy;

- Have access to sensitive information regarding adults; and /or
- Are senior managers who have responsibility for appointing people to work with adults.

- 4.3** Types, patterns and different circumstances of abuse and neglect should be considered within the categories identified in the Care Act 2014 i.e. physical abuse, domestic violence, sexual abuse, psychological abuse, financial or material abuse, modern slavery, discriminatory abuse, organisational abuse, neglect and acts of omission and self-neglect. These include concerns relating to inappropriate relationship(s) between members of staff and adults in their care, e.g.
- Having a sexual relationship with an adult in a position of trust even if the relationship appears consensual.
 - The sending of inappropriate text/email messages or images.
 - Possession of indecent photographs/pseudo-photographs of vulnerable adults

- 4.4** A failure to report an allegation or concern in accordance with this procedure is potentially a disciplinary matter.

- 4.5** Staff and volunteers are strongly advised to report any incident involving themselves that could give rise to concern, including the potential for misinterpretation by others.

5. Adult Local Authority Designated Officer (LADO) referral

- 5.1** A LADO referral should only be made where there has been an allegation made against a member of staff which may affect their role working with adults.

- 5.2** The case/incident should be referred to the Access Safeguarding Team, who will then refer to the LADO, for a decision as to whether the case will be a LADO or a safeguarding enquiry.

6.0 Exclusions

- 6.1** When a person who works with children and has behaved in such a way that they are likely to harm or have harmed a child, please refer to the Children's Local Authority Designated Officer (LADO).

7.0 Roles and Responsibilities

- 7.1** The LADO has specific responsibility for:

- Being involved in the management and oversight of individual cases;
- Providing advice and guidance on managing allegations to employers and voluntary organisations;
- Liaising with Police and other agencies, where necessary; and
- Monitoring the progress of cases to ensure they are dealt with as quickly as possible, using a consistent, thorough and fair process.

- 7.2** The Access Safeguarding Lead Officer is responsible for the functions of the LADO in Middlesbrough Borough Council.

7.0 Recognising and Responding to an Allegation

- 7.1** There are a number of sources from which a complaint or allegation might arise, including those from:

- An adult;
- A parent or carer;

- A member of the public (including a friend or relative);
- A colleague (also known as whistle blowing); and
- A disciplinary investigation.

8.0 Initial Action by Person Receiving or Identifying an Allegation or Concern

8.1 The person to whom an allegation is first reported should treat the matter seriously and keep an open mind. They should **NOT**:

- Instigate an investigation;
- Investigate or ask leading questions, if seeking clarification;
- Make assumptions or offer alternative explanations; and
- Promise confidentiality or give assurance that the information will only be shared on a need to know basis.

8.2 They **SHOULD**:

- Make a written record of the information, where possible in the informants' own words, including the time, date and place of the incident, persons present and what was said/done;
- Sign and date the written record;
- Complete the Adult LADO referral form within one working day (see appendix 1)
- Send the completed referral form to the Access Safeguarding Team or the Emergency Duty Team if the concerns arise outside of office hours; and
- If there is an adult/child at risk of suffering significant harm make a referral to Adult or Children's Social Care, respectively.

8.3 When informed of a concern or allegation line managers should NOT attempt to investigate the matter or interview the member of staff, victim or any potential witnesses. They SHOULD:

- Ensure an Adult LADO referral has been made
- Contact the Adult LADO to confirm that the referral has been received and is being actioned.

8.4 Any organisation that receives information regarding a complaint, concern or allegation (including the Police and Social Care Staff) must report it to the LADO within one working day. Reporting should not be delayed in order to gather information. If an allegation is received out of hours and requires immediate attention, the designated Senior Manager should consult the Emergency Duty Team or the Police and inform the LADO as soon as possible.

9.0 Responding to an Allegation

9.1 Upon confirmation that the case meets the threshold, the Adult LADO will review the case and actions taken to date. Where appropriate the Adult LADO will convene and chair an Adult LADO Panel.

9.2 The following is a list of potential participants for an adult LADO panel:

- The Designated Senior Manager/Deputy of the member of staff;
- Police Vulnerability Unit;
- HR representative from the employing organisation/agency;
- Representative from commissioning when an allegation has been made against a service provider; and
- Those responsible for regulation and inspection, where applicable, e.g. CQC.

9.3 The Adult LADO Panel will be responsible for leading an effective investigation, risk assessment and action plan.

9.4 The meeting should:

- Consider the allegation and whether suspension/any investigation under disciplinary procedures is required;
- Discuss any previous allegations or concerns;
- Consider the wishes and support needs of the PiPoT
- Decide whether or not a Police investigation is necessary;
- Plan enquiries if needed, allocate tasks and set timescales;
- Decide what information can be shared, with whom and when;
- Consider what support should be made available to the member of staff and anyone who may be affected;
- Ensure that investigations are sufficiently independent;
- Make recommendations where appropriate regarding suspension or alternatives to suspension;
- Identify a lead Contact Manager within each agency;
- Agree procedures for reviewing investigations and monitoring progress by the LADO having regard to target timescales;
- Consider any issues for the attention of senior management (e.g. media interest or resource implications);
- Consider if a referral to the DBS/other regulatory bodies/professional bodies should be made and by whom;
- Consider risk assessments to inform the employer's safeguarding arrangements;
- Where applicable consider the individual's own children/those within their family/any other children/vulnerable adults they have contact with, and whether or not a referral should be made regarding their safety; and
- Agree dates for any future Adult LADO Panel meetings where necessary.

9.5 If the PiPoT lives outside the authority area they work in, liaison should take place with the LADO in the area in which they live. Where concerns have been identified about a person's practice and they are a parent/carer for children, the panel will also give consideration to whether a referral to Children's Services is required.

10.0 Information Sharing

10.1 Decisions on sharing information must be justifiable and proportionate, based on the potential or actual harm to adults or children at risk and the rationale for decision-making should always be recorded

10.2 When sharing information about adults, children and young people at risk between agencies it should only be shared:

- Where there is a legal justification for doing so
- Where relevant and necessary, not simply all the information held
- With the relevant people who need all or some of the information
- When there is a specific need for the information to be shared at that time.

11.0 Confidentiality

11.1 Every effort should be made to maintain confidentiality and guard against publicity whilst an allegation is being investigated or considered. Information should be restricted to those who

have a need to know in order to protect vulnerable adults, facilitate enquiries and manage disciplinary processes.

11.2 The Police will not provide identifying information to the press or media, until a person is convicted, other than in exceptional circumstances. In such cases, the reason should be documented, and partner agencies consulted beforehand. Where appropriate consultation with relevant agencies Marketing and Communications Team would also be included.

12.0 Support

12.1 As soon as practicable after the allegation has been received, the accused should be advised to contact their union or professional association. The employing organisation should alert their HR Advisors in order that support can be offered via the organisation's occupational health or wellbeing arrangements and so that procedures can be adhered to.

12.2 The employing organisation, together with Adult Social Care and/or the Police, where involved, should consider the impact on any vulnerable adults or children involved in the allegation and provide appropriate support. Liaison between agencies should consider how the vulnerable adults or children's needs are addressed.

13.0 Suspension

13.1 The possible risk to vulnerable adults posed by the accused needs to be evaluated and managed effectively. In some cases this requires the employer to consider suspending the member of staff. Suspension is a neutral act and not automatic. This is a matter for the employer to decide. It should be considered where:

- There is cause to suspect a vulnerable adult or child are or may be at risk of significant harm if the accused continues in their employment;
- The allegation warrants investigation by the Police;
- The allegation is so serious that it might be grounds for dismissal;
- There is cause to suspect that the individual has the potential to intimidate the person(s) whom they know or believe to be involved;
- There is cause to suspect that the individual may have the potential to destroy or contaminate evidence related to the investigation, whilst at work; and
- Other circumstances particular to the case that warrant suspension.

13.2 The LADO should canvass their views on the risks posed and inform the employer. Only the employer has the power to suspend the accused employee and they cannot be required to do so by MBC or the Police.

13.3 If a suspended person is to return to work, the employer should consider what help or support might be appropriate (e.g. phased return to work, the provision of a mentor) and also how to best manage the member of staff's contact with vulnerable adults.

14.0. Unsubstantiated and False Allegations

14.1 Following the Adult LADO Panel, if an allegation is determined to be unsubstantiated, the Adult LADO should prepare a separate report of the enquiry and forward it to the designated Manager of the PiPoT to enable them to consider what further action, if any, should be taken (in line with their organisation's HR requirements).

14.2 If it is established that an allegation has been deliberately invented, the Police should be asked to consider if it is appropriate to take action against the person responsible.

14.3 At the conclusion of a case in which the allegation is unsubstantiated, the employer should review the circumstances of the case to determine whether or not there are any improvements to be made to the organisation's procedures or practice to prevent similar events occurring in the future. Feedback of the review should be provided to the adult LADO.

15.0 Disciplinary Process and Investigation

15.1 In all cases, the LADO, the designated Senior Manager/Deputy and the employer's HR representative should discuss if an investigation under disciplinary procedures is necessary. The discussion should consider any potential misconduct or gross misconduct and take into account:

- Information provided by the Police and/or Adult Social Care;
- The result of any investigation; and
- The different standard of proof in disciplinary and criminal proceedings.

15.2 In the case of supply, casual or volunteer workers the normal disciplinary process may not apply. In these circumstances, the LADO and employer should act jointly with the providing agency, if any, in deciding whether or not to continue to use the person's services, provide future work with vulnerable adults, or whether to make a report for consideration for barring via the DBS/professional body or other action

15.3 If, following an the LADO enquiry and disciplinary action a PiPoT is removed, by either dismissal or permanent redeployment, to a non-regulated activity, because they pose a risk of harm to adults with care and support needs, (or would have, had the person not left first), then the employer (or student body or voluntary organisation), has a legal duty to refer the person to the Disclosure and Barring Service (DBS). It is an offence to fail to make a referral without good reason. In addition, where appropriate, employers should report workers to the statutory and other bodies responsible for professional regulation, such as, Social Work England. If a referral is made, it should be submitted within 1 month of the allegation being substantiated.

15.4 If a PiPoT subject to an investigation, attempts to leave employment by resigning with immediate effect in an effort to avoid the investigation or disciplinary process, the employer, is entitled not to accept that resignation and conclude whatever process has been utilised with the evidence before them. If the investigation outcome warrants it, the employer can dismiss the employee or volunteer instead and make a referral to the DBS and other bodies responsible for professional regulation, such as, Social Work England. If a referral is made, it should be submitted within 1 month of the allegation being substantiated.

16. Record Keeping

16.1 Employers should keep a clear and comprehensive summary of the case. The record should include details of:

- Allegations made;
- Details of how the allegation was followed up and resolved;
- Actions taken; and
- Decisions reached.

16.2 The outcome letter should be retained on the employee's personal file indefinitely. The purpose of the record is to enable accurate information to be given in response to any future request for a reference. It will provide a clarification in cases where a future DBS Disclosure reveals information from the Police that an allegation was made but did not result in a prosecution or conviction. It also prevents unnecessary re-investigation if, as sometimes happens, allegations resurface after a period of time.

16.3 A central record of allegations will be maintained by the Adult LADO on behalf of the partner organisations.

17.0 Actions or Conclusions of a Case

17.3 The employer and the LADO should review the circumstances of each case to determine whether or not there are any improvements to be made to the organisation's procedures and practice.

17.4 It is in everyone's best interests to resolve cases as quickly as possible, consistently and with a thorough investigation. Every effort should be made to avoid any unnecessary delay. It is expected that most cases are resolved within **1 month**, although cases which require a criminal prosecution or complex Police investigation are likely to take longer than **3 months**.



Adult LADO Referral Form

This form should be completed and sent by secure email to:
adultaccessteam@middlesbrough.gov.uk

If you have any problems please telephone 01642 065070 and ask to speak to the Access Safeguarding Lead Officer

Sections of this form will expand to fit the information you require and you can also use

Section 6 – Additional Information to continue responses to the questions below

1. Details of the person in a position of trust	
Title	
Name	
Date of birth:	
Home Address <i>House/Street</i> <i>Town</i> <i>County</i> <i>Postcode</i>	
Telephone number	
Gender	Select
Ethnicity	Please Select
Is the person/organisation alleged to have caused harm aware of the concern being raised? <i>If yes, what is their view regarding the concern?</i>	Select

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2. Details of the person in a position of trust's role and employer
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Role	
Service provider (<i>where applicable</i>)	
Service Provider's Address <i>House/Street</i> <i>Town</i> <i>County</i> <i>Postcode</i>	
Are there other people potentially at risk from this person/organisation? <i>If yes, please provide details</i>	Select
Is the person alleged to have caused harm also someone who has care and support needs? <i>If yes, please provide details</i>	Select

To add any additional person alleged to have caused harm, please continue in Section 8 (Additional Information)

3. Details of the concern(s) raised regarding the person in a position of trust
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Description of allegation or concerns (please provide as much information as possible including details of any injuries/harm and any witnesses to the incident)
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Date the concerns occurred?		Disclosure date: <i>What date were you made aware of the alleged abuse?</i>	
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Type of abuse: <i>Select all that apply</i>		
<input type="checkbox"/> Physical	<input type="checkbox"/> Psychological/Emotional	<input type="checkbox"/> Discriminatory
<input type="checkbox"/> Financial or Material	<input type="checkbox"/> Organisational	<input type="checkbox"/> Domestic abuse

Modern Slavery Neglect and Acts or Omission Self-neglect
 Sexual Sexual Exploitation

4. Actions taken to address immediate risk(s)

Have actions been taken to ensure the safety of any children and/or adults from the outlined risk? Select

Details of actions taken

Have the police been informed where a crime is suspected? Select

If yes – Do you have a crime number:

Are there other people who may be at risk of harm? Select

If yes, please submit additional safeguarding concern(s) for any other people at risk of abuse or neglect

If you are concerned about a child or a young person under 18 years of age please refer to Children and Families Service. Ring 01642 726004 and request a referral to the LADO.

If there are concerns regarding children has a referral been made to the Local Authority Designated Officer (LADO)?

Select

If yes please provide the date a referral was made?

Name of LADO appointed to review concerns regarding safeguarding children (if applicable)

Has a referral been made to the Children and Families Service? Select

If yes, please give details

5. Your details (the person raising the concern)

Name

Name of organisation (if applicable)

How are you involved

What is your relationship to the person? *(see guidance below)*

Address Town County Postcode	
Telephone number	
Email address	
6. Additional Information	
<i>Please use this space as a continuation of the above sections if necessary – this area will expand as required</i>	

Persons in a Position of Trust
Record of Adult LADO Panel

Name of PiPoT:	
Job role:	
Employer/Service details:	
Date commenced employment/volunteering:	
Managers Name:	Managers Contact Number:
Date concern received:	
Date of Adult LADO Panel:	
Attendees:	
Summary of Information shared:	
Views of the PiPoT: (where appropriate to gather views)	
Assessment of Risk:	
Actions Required:	
Signature of Chair:	