

MANAGING ALLEGATIONS (POSITIONS OF TRUST) THROUGH THE LADO PROCESS

Executive Summary:

[Working Together 2018](#) states that organisations and agencies working with children and families should have clear policies for dealing with allegations against people who work with children. A Position of Trust allegation may relate to a person who works with children who 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
- behaved towards a child or children in a way that indicates they may pose a risk of harm to them

Section 11 of the [Children Act 2004](#) places duties on a range of organisations, agencies and individuals to ensure their functions, and any services that they contract out to others, are discharged having regard to the need to safeguard and promote the welfare of children.

Under section 1(8) (h) of the [Police Reform and Social Responsibility Act 2011](#), the Police and Crime Commissioner (PCC) must hold the Chief Constable to account for the exercise of the latter's duties in relation to safeguarding children under sections 10 and 11 of the Children Act 2004.

This policy outlines what action West Midlands Police (WMP) officers and staff need to take when such an allegation is made.

Authorised Professional Practice (APP):

*(*delete as appropriate)*

- This policy has been checked against APP. West Midlands Police has adopted the [APP provisions](#) with supplementary information contained herein, which reflects the updated [Working Together 2018](#), local practice and the needs of the communities served by West Midlands Police.

Policy Statements:

WHAT IS AN ALLEGATION/REPORTED INCIDENT?

- The allegation could be about physical, sexual, emotional, online abuse and neglect.
- The allegation can be recent and/or historical.
- In addition to those listed above, other forms of behaviours and attitudes either at or outside of the work place may also be the subject of an allegation and investigation.
- This may include values in relation to the standards or principles that govern employee/volunteer personal behaviour and/or area of work.

POSITION OF TRUST PRINCIPLES:

- The child's welfare is paramount.
- It covers the whole of WMP Workforce including police officers, special constables, staff and volunteers.
- Adults about whom there are concerns should be treated fairly and honestly and provided with support by their employer.

- It is the responsibility of all adults to promote the welfare of children and young people.
- This responsibility extends to a duty of care for those adults employed, commissioned or contracted to work with children and young people.
- It is important to note that situations relating to an adult's personal life are considered in the wider context of safeguarding children.

MANAGING ALLEGATIONS

- WMP will treat all allegations against its workforce by children seriously
- All investigations will be undertaken in a diligent and professional manner and will adhere to corporate standards.
- WMP will investigate all allegations impartially and with an open mind to establish the facts.
- There will be a consistent approach to dealing with such allegations across the force area.
- Managing allegations should be fair, balanced and proportionate.
- WMP will work closely with safeguarding partners to ensure that it adheres to multi-agency safeguarding procedures.
- WMP will share information in line with the [Data Protection Act 2018 \(General Data Protection Regulation\)](#) requirements.
- WMP will report all allegations against its employees to the Designated Officer (previously known as LADO) in the local authority – see the Designated Officer Role/Referral documents.
- If a concern is raised that a person may have behaved inappropriately, or information is received that may constitute an allegation the following actions should be taken:
 - Report it to the designated Senior Manager (this person needs to have management responsibility for the employee/volunteer & service) as soon as possible, however trivial it may seem.
 - Make a signed and dated written record of the concerns, observations or the information received to pass on to the attention of the duty PPU Child Abuse Sergeant.
 - The adult subject to the management of allegations process (who the allegation is made against) should, in due course, be informed of the referral and given the opportunity by their employer to respond.
 - They should also be informed they may be subject to a POT/safeguarding meeting.
 - If there is likely to be a crime recorded or a referral to the PSD then the Person Of Concern's (POC) supervisor must first seek advice and guidance from the investigative department (PPU, FCID, or PSD) if practical, in order to ensure the integrity of any subsequent investigation.
 - If delaying informing the POC would place anyone at risk of harm they may have to be informed regardless – for example if there has to be an immediate intervention with the POC or if they have to be immediately removed from operational duties.



- Similarly if informing the POC would place anyone at risk of harm then this may need to be delayed until any risk can be mitigated.
 - The Investigation SIO must also be consulted about the timing and nature of the report to the Designated Officer to avoid negatively impacting on the integrity of the investigation.
 - It may be appropriate to have a “closed” disclosure to the Designated Officer at this stage but the safety and well-being of the child/ren must not be compromised.
 - The SIO must also have consideration for any Public Interest Immunity (PII) issues that may form part of the investigation/referral.
 - The expectation will be for the SIO to provide a ‘position of trust strategy’ that must be reviewed and updated throughout the process.
 - Maintain confidentiality, guard against publicity while an allegation is being considered or investigated, and follow local information sharing protocols.
- Additional guidance must be sought from People and Organisational Development (POD) and the Professional Standards Department (PSD) when an allegation is made against a WMP employee. (This includes all police officers, special constables and police staff)
 - Where there is an allegation of breach of Position of Trust made against a serving police officer or member of police staff the local Appropriate Authority must be made aware to assess and inform PSD.
 - PSD will carry out a formal assessment to determine if there is an indication a criminal offence has been committed or a breach of the Standards of Professional Behaviour.
 - Any criminal offences regarding on duty conduct will be explored by PSD, if it is regarding off duty conduct it will be explored via the relevant department.
 - PSD can also inform Head of POD if the allegation relates to Police Staff. If conduct concerns are evident an investigation can be carried out by PSD in accordance with relevant Complaint or Conduct legislation
 - The Child Abuse Investigation Unit will provide advice to PSD when an internal investigation relates to allegations of child abuse by a police officer.
 - Initial enquiries must be carried out by the relevant WMP manager to gain some understanding of what has taken place before they contact the Designated Officer and/or the MASH (Multi-Agency Safeguarding Hub for Children) Service but the Designated Officer is able to offer preliminary advice if required.
 - Before making the call to other Safeguarding agencies, the relevant WMP manager must carry out some basic fact-finding enquiries.
 - This will help Children’s Services and the Designated Officer to determine the level of intervention needed.
 - If there is a cause to suspect a child is suffering, or likely to suffer harm, make a referral to the MASH using the MARF (Multi-Agency referral form).

- If there is no cause to suspect that 'harm' is an issue, but a criminal offence might have been committed, the manager in liaison with the Designated Officer must consider allocating the criminal investigation to the appropriate police department:
 - For sexual, domestic, or child abuse matters this will usually be the PPU.
 - For other crimes, this will usually be the Force CID department.
 - If the matter relates to criminal conduct committed while on duty, or where the suspect used their occupation to assist in the crime or influence a victim, then consideration must be given to allocating to the PSD to lead the investigation.
- Sometimes both of these processes will happen together.
- If the parents raise the allegations, they can be asked what they would like to happen.
- The manager will also need to consider if there is any transferable risk e.g. could something that happened in your work place by the employee happen somewhere else?
- Enquiries must also be made into whether:
 - They have children at home that might need safeguarding?
 - Do the employee's children live outside the geographical area where they work?
 - Does the person of concern work outside their contracted hours with children?
 - Are they involved in other employment or voluntary work with children such as tutoring or the scouts?

Remember when it is a Position of Trust issue we are looking at any harm and not just significant harm.

DECISION MAKING PROCESS

- The person referring the employee to the Designated Officer must be a manager and have designated responsibilities for management of staff (they must have decision making responsibility for employees and/or management of service).
- The line manager of the POC needs to ascertain if the allegation meets the Position of Trust co-ordination criteria as defined by [Working Together 2018](#) (Page 57).
- These behaviours must be considered within the context of the definitions of 'abuse and neglect' and must include concerns relating to inappropriate relationships between members of staff/adults and young people. In WMP this covers conduct and behaviour on and off duty.
- It is important to ensure that even apparently less serious or obvious allegations are followed up, and that they are examined objectively.
- Examples of behaviour that could have safeguarding consequences include, drink driving, substance misuse, neglect and fraud but this list is not exhaustive.
- If there is a safeguarding implication a manager will need to refer the case into a Positions of Trust co-ordination meeting (see Procedural Guidance for further information), via the Designated Officer.

- Line managers must decide if the employee is:
 - able to remain at work
 - be subject to reduced responsibilities
 - advised to take paid leave
 - subject to any other action to enhance the safeguarding arrangements.

DEFENSIBLE DECISION MAKING

- The responsibility to carry out basic enquiries into an allegation lies with the relevant WMP manager.
- If the manager decides not to refer to Children's Services and/or the Designated Officer, they need to ensure that the rationale for this decision is recorded as well as any other actions taken.
- It is recommended that a record of the incident/allegation is made via established processes and procedures.

DUTY OF CARE FOR EMPLOYEE/VOLUNTEER

- The responsibility to keep the employee/volunteer informed of the POT process from start to finish lies solely with WMP.
- The minimum information that must be shared with the employee/volunteer is that:
 - A safeguarding concern has been raised and needs to be looked in to.
 - Any actions/decisions that have been made in respect of the employee/volunteer and why.
 - Any contact with the Designated Officer and whether the employee/volunteer has been made subject to the Designated Officer record.

NB there will be times, in discussion with the Designated Officer and/or CSC that a defensible decision may be made not to inform them of the allegation or the agency involvement for a number of reasons e.g. complexities surrounding the allegations, risk to children increasing, possibility of investigations being compromised; health related concerns for the employee/volunteer and so forth.

Pastoral Support

- The line manager will need to ensure that there is a professional involved whose role it is to ensure that the employee/volunteer has independent support.
- They should provide particular attention to the employee/volunteer's emotional and physical health and well-being which may include additional services intervening such as medical services or occupational health referrals.
- Line managers should review the individual's Reasonable Adjustments Passport (RAP) and update them where appropriate.

DESIGNATED OFFICER REFERRAL PROCESS

- Once the decision has been made to refer the case to the Designated Officer, the line manager will need to adhere to the relevant Local Authority process which may involve the completion of an online form or a telephone referral.
- **There is a deadline of twenty four hours for completion.**
- The referral will need to be made to the geographical area in which the Person of Concern works. (Please see the Designated Officer Contact Details attached document)
- Information required for the referral can be found in the Designated Officer Referral Checklist attached document.
- **Do not let the referral drift; the line manager must seek an outcome within forty eight hours at the latest.**

OUTCOMES

- Dependent on the outcome of the POT process, employers must carry out a risk assessment and risk analysis to determine the plan of action and monitoring in respect of the employee/volunteer.
- Where WMP removes a member of staff or officer from the organisation because the employee poses a risk of harm to children a referral will be made to the Disclosure and Barring Service (DBS) to consider whether to add the individual to the barred list.
- The letter sent to DBS must also be copied to the Designated Officer Service, who will update their records to reflect the action taken.

Definitions/Acronyms:**CSC – Children’s Social Care****DBS – Disclosure and Barring Service****DO – Designated Officer (Formerly known as LADO or Local Authority Designated Officer)****FCID – Force Criminal Investigation Department****MASH – Multi Agency Safeguarding Hub****LADO – Local Authority Designated Officer****MARF – Multi agency referral form****POT – Positions of Trust****POC – Person of Concern****POD – People and Organisational Development****PPU – Public Protection Unit****PR – Parental Responsibility****PSD – Professional Standards Department****SIO – Senior Investigating Officer****WMP – West Midlands Police**

Procedural Guidance Documents List:

- Designated Officer Referral Checklist
- Designated Officer Contact Details
- Designated Officer Role
- Positions of Trust Co-Ordination Meetings & Line Managers Checklist

Publication Instructions:

*(*delete as appropriate)*

- Suitable for publication to the public

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Any enquiries in relation to this policy should be made directly with the policy contact shown above.

Force Executive Approval:

CHIEF CONSTABLE

**Monitoring and Review**

Version	Date Reviewed	No change / Minor Changes / Major Changes (<i>detail</i>)	Amended / Agreed by	New review date