

# **Good Practice guidance for LADO's in Managing allegations and concerns in Manager-less Organizations**

LADO's often receive referrals from professionals or families where there are concerns about a person who provides a service working with children but where they do not work for a specific organization.

These might relate to individuals who are not contractually linked to a line management structure or HR arrangements.

Examples of managerless organisations may include, providers of private tuition in the home, people who have set up their own businesses to provide a service such as sports or music coaches or self-employed nannies that are not on the Voluntary Child Care Register.

It is important that responses to these situations are as robust as they would be for other sectors of the children's workforce, but they may pose several challenges for the LADO.

This may be because the concerns relate to a person who is self-employed or where the concerns relate to a manager or owner of an organization and there is no their person or Professional Association that they are associated with who can help in managing any concerns

## **Issues in managing allegations where there is no one to refer to.**

This raises several issues for the LADO involved in managing the allegation or complaint which may include the following;

- Who is the appropriate person to manage this?
- What activities might the person be involved in and who else could they be working with?
- Does the person or organization have policies in place related to safer working practice, safeguarding, managing allegations and a complaints procedure? If so, who is the appropriate person to scrutinize these and ensure they are being used?
- What are the expectations related to DBS Certificates for the person or staff in the organization?
- Who is the person appropriate to investigate where there are safeguarding concerns and the thresholds are not met for a referral to the police or social care?
- How will the person concerned be informed that an allegation has been made about them and who is best placed to do this?
- How can we effect safe care where it is not possible to suspend a person or remove them from working with children?

## **Options for LADO's to consider in Managing referrals**

It is important that your LSCB procedures are followed in managing these situations in the same way as all other allegations. Where the thresholds are met referrals should be made to the police and/or social care in accordance with these procedures.

The following tips are aimed to provide a range of options to consider that may help in managing situations where there is no management structure to refer to.

- Where the concerns relate to the owner of a company or self-employed person check to see if there is a regulatory or professional body that may be able to help. It might be useful to check the organisations website to see if they are linked to any organisations. If a person is associated to any organisation or regulatory body, they may be able to assist in implementing safeguards and offering advice on who is best place to investigate.
- Is the organisation hiring venues from other organisations? If so, the company concerned should be complying with the venues safeguarding policies and procedures. In such situations it may be appropriate to share proportionate information with the safeguarding lead at the venue, if there is a need to put safeguards in place. For example, where Local Authority rooms are hired out the Designated Safeguarding Lead in the local Council may be able to assist.
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- Is there a role for any another organisation? For example, if the provider is a registered charity do the Charities Commission need to be informed? Is there a role for the Local Council in relation to Trading Standards or Health and Safety? Is the provider operating a service that should, but is not, be Ofsted registered?
- Where the police are involved and there are bail conditions what role will the police play in informing the provider of the referral to the LADO and establishing if there is anyone else in the service that can assist
- Where a family is independently contracting an independent provider, for example via direct payments is there a role for the LADO in offering them advice as the employer on matters such as ensuring safeguards are in place and making referrals to the DBS where appropriate.

## **Where there is no other person or organisation to investigate and ensure that safeguards are in place.**

In some situations, there may be no suitable independent person to help in any investigation.

Where all other options have been exhausted the LADO may be left with no other option that to contact the provider themselves. As the LADO's role is not to investigate but to manage and oversee any investigation where this is necessary the LADO should seek advice from their manager in how to manage this. The LADO may need to be involved in the following:

- If the police or social care are not involved and there is no other organisation identified to assist the LADO may need to contact the provider to explain the Allegations Management process to the individual about whom the allegation has been made.
- The LADO may need to seek information from the provider about their Child Protection Policy, Complaints Procedure and Insurance to establish if the provider has any arrangements in place to help in managing any allegation.
- There may be a role for the LADO in ensuring safeguarding arrangements are in place, for example in establishing the details of children the provider is working with or agencies that commission the provider should any disclosures be required to ensure safeguards are in place.
- In exceptional circumstances the LADO may be the only person available to gain an account from the provider.
- At the conclusion of any investigation it may be appropriate to review with the provider any learning from this and review any gaps in policies, practice and procedures.

### **Where a provider refuses to cooperate, or safeguarding concerns remain**

Where a provider refuses to engage it remains important to ensure that safeguards are in place. It is important to remember that any information sharing should be proportionate and if information is to be shared the provider should be informed of the intention to do so in advance.

Where a provider refuses to cooperate, the following option may be considered;

- Is there a role for Commissioning Services in ensuring that where concerns remain the provider is no longer used?
- Do the LSCB or Community Safety Partnerships need to be informed to establish if they can assist?
- Is there a community education role, for example circulating a leaflet providing guidance for parents on employing private tutors?
- Is there a role for the LADO in making a referral for Vetting and Barring?
- Is there a role to notify other services such as Adult Social Care where a transferable risk is identified?

These lists are not exhaustive but aimed to provide guidance for LADO's in managing concerns.