# LADO: Quick Guide to a Fact Find

A fact-find does exactly what it says on the tin! It is the

process of gathering evidence and information without

investigation or questioning following an allegation being

made.

## **Managing disclosures and allegations**

Complaints and/or allegations can be reported in several different ways and can be made by children and young people, parents, staff members, partner agencies or members of the public. The member of staff receiving the initial information should always:

* Make clear notes of what is being reported.
* Ask only clarifying questions.
* Do not ask leading questions.
* Read back to the reportee what has been recorded for accuracy and clarity.
* Sign and date the record
* Report it as soon as possible to the Designated safeguarding lead / responsible person in the agency.

For more information on managing disclosures of harm or abuse from children and young people please refer to the NSPCC Guide: [Recognising and responding to child abuse and neglect | NSPCC Learning](https://learning.nspcc.org.uk/child-abuse-and-neglect/recognising-and-responding-to-abuse)

## **Initial considerations and the role of the Designated Safeguarding Lead (DSL)**

It is the role of the DSL to ensure the safety and welfare of any child(ren) affected by following all relevant safeguarding procedures.

**\*\* PLEASE DO NOT COMPLETE ANY FURTHER FACT FIND IF YOU SUSPECT A CHILD IS AT IMMEDIATE RISK OF HARM OR SUSPECT THAT A CRIMINAL OFFENCE HAS BEEN COMMITTED.**

**REPORT TO THE APPROPRIATE AGENCIES AND AWAIT FURTHER GUIDANCE BEFORE ANY INVESTIGATION\*\***

If a child has been hurt and needs medical attention, this must be accessed asap.

If there is an immediate risk to a child, you need to contact the police via 999 or 101 and the Children & Families Service on 0300 131 2 131 as soon as possible.

To find out more: [NYSCP (safeguardingchildren.co.uk)](https://www.safeguardingchildren.co.uk/about-us/worried-about-a-child/)

If the disclosure/ allegation raises concerns about the behaviour of someone who works or volunteers with children and young people, then the responsible manager in your setting should be made aware and any immediate safeguards put in place around the individual’s work or voluntary activity as appropriate. This may include the need to take precautionary action, such as temporary redeployment or suspension, and the securing of evidence. You are strongly advised to seek HR advice for all cases which involve allegations against those who work with or volunteers with children.

## **Reporting to LADO**

In accordance with Working Together to Safeguard Children, the Local Authority Designated Officer (LADO) should be notified with one working day of all cases where it is alleged that a person who works or volunteers with children has:

* behaved in a way that has harmed a child, or may have harmed a child, and/or
* possibly committed a criminal offence against or related to a child, and/or
* behaved towards a child or children in a way that indicates they may pose a risk of harm to children, and/or
* behaved or may have behaved in a way that indicated they may not be suitable to work with children.

An allegation is distinct from a complaint or low-level concern in that it meets at least one of the above 4 criteria.

## **When is it ok to complete a fact find before a discussion with LADO?**

A fact find can be started before contacting the LADO if you are unsure if the threshold has been met for referral to LADO. The gathering of further information will help you clarify what is being alleged and whether the LADO needs to be notified. Please contact the LADO as soon as it becomes clear there is reason is to suspect one of the above thresholds has been met. The LADO will help determine if the matter should be managed via an allegation management process.

You can also start a fact find if you are confident that any future investigation into the allegation would be conducted by your agency as the employer as a single agency and/or there is no immediate risk of harm to a child and no criminal offence for the Police to investigate.

The completion of a fact find should not delay the LADO being notified within 1 working day of an allegation being made.

**If in doubt, please consult with the LADO before taking any further action.**

## **Fact Finding**

In an initial fact-finding process, the aim is to consider the available evidence about a specific allegation to determine if it is demonstrably false at the outset, if it is something that can be dealt with informally or whether it is likely that formal disciplinary investigation will be required.

Here’s a quick guide to help you complete a useful fact find:

### 1. Understand what is being alleged

* Clarify the Issue: Review the initial disclosure or complaint carefully to understand the nature of the allegation. You may wish to seek HR advice at this point if the allegation is complex and could lead to a full management investigation via your disciplinary procedures.
* Identify Key Policies of relevance: Any policies and procedures and/or professional standards that may have been violated.

### 2. Plan what evidence to collect

An investigator should be fair and objective and should look for evidence that supports the allegation and/or evidence that contradicts it.

The nature of the allegation will guide the type and amount of evidence collected in the fact find. Many simple allegations will not require all of the evidence below to be gathered and may consist of just 3-4 pieces of evidence.

The following is a list of evidence that you may wish to consider collecting if relevant:

#### Initial Accounts

* + An initial account from the person making the allegation, including any specific details, dates, times, and descriptions of the incident.
  + An initial account from the person against whom the allegation is made, providing their perspective of the incident – This could be in the form of an incident report.
  + Accounts from any witnesses who might have seen the incident or have relevant information. This includes people who may have heard or seen something related to the alleged incident.

**Please note: No exploratory interviews should be held at this stage. The statements are to establish the account of everyone involved as they see it.**

#### Documentary Evidence

* + Any formal records, such as relevant incident reports, CPoms (or equivalent) entries, accident forms, parent notifications, police reports, CCTV footage, body maps, medical reports
  + Logs and records: such as staff rotas, task logs for the specific timeframe that might support or refute the allegation.
  + Disciplinary records, or previous complaints, which may relate to the allegation – if immediately available.

#### Physical Evidence

* + Photographs/Videos: Any images or videos that were taken during or after the alleged incident, which can provide visual evidence, i.e. of injuries or marks.

#### Behavioural Evidence

* + Risk assessments and care plans for any child or young person involved.

#### Contextual Evidence

* + Background Information: any relevant history for any child involved and the subject of the allegation.
  + Environmental Factors: Evidence related to the location or circumstances of the incident, such as the layout of a room, lighting, and timing.

### 3. Collect the Evidence

Ensure all evidence is clearly labelled making it clear when it was gathered and who it relates to.

Simple fact finds may only consist of 3 or 4 pieces of evidence. Not all the above evidence needs to be collected to decide on next steps.

### 4. Analyse the Evidence

* + Consider the accounts: check for consistency with the other evidence.
  + Consider credibility: Evaluate the reliability and credibility of witnesses and the evidence.
  + Contradictory evidence: consider if there are contradictory accounts and/ or evidence demonstrating the allegation is demonstrably false.

### 5. Reach Conclusions

* Determine Facts: Based on the initial fact find establish what we can say did happen and what we can say with certainty did not.
* Is this allegation demonstrably false?
* Can this be managed via informal learning and support processes?
* Does this require formal investigation in line with formal disciplinary policy to give the individual a right to reply to the allegations and gather comprehensive evidence to conclude the enquiry.

### 6. Prepare a Report/ Written Findings

For more complex fact finds you may choose to compile the evidence into a report.

If you choose not to produce a report, the evidence and your analysis of that evidence should still be clearly recorded and should include:

* A summary of your finding: Provide a clear and objective summary of the fact find, including all relevant evidence and witness accounts.
* State Conclusions: Clearly outline your conclusions based on the evidence.
* Make Recommendations: Suggest next steps, whether that be further investigation, disciplinary action, training and learning plan or no further action if the allegations are without evidence.

**NY LADO**

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