

Allegations against staff within the Children's Workforce in Barnet

Arrangements for the sharing of information regarding issues arising in the personal life of those working with children

All organisations providing services to children must ensure that those who work with or on behalf of children and young people are competent, confident and safe to do so. Likewise, anyone who comes into contact with children and young people in their work has a duty of care to safeguard and promote their welfare.

The vast majority of adults who work with children, act professionally, and aim to provide a safe and supportive environment which secures the well-being and very best outcomes for children and young people in their care.

Sometimes those working with children may have behaved in a way in their personal life that raises safeguarding concerns. They may also be closely associated with someone in their personal lives (e.g. partner, member of family or household member) who may present a risk of harm to children for whom the member of staff is responsible in their employment/volunteering. This leaflet will explain how this will be managed and relates to all persons working within the children's workforce in either a paid or unpaid capacity e.g. those working in health, education, social care or voluntary sector service setting, as well as contracted or commissioned services and work by volunteers, foster carers or childminders.

What issues in my personal life might be relevant at work?

Examples of issues that are relevant at work are as follows:

- arrested for possession of a weapon;
- arrested, cautioned or convicted in relation to offences of violence;
- you have been the subject of a criminal investigation in relation to offences against children;

- you have difficulties with drug or alcohol misuse or other issues which might impact on your ability to do your job safely;

- your child has been the subject of a child protection investigation by children's social care;

- your child has become the subject of a child protection plan.

- you provide childcare on domestic premises (whether paid or voluntarily) and you are closely related to someone (partner, member of family or household member) who may present a risk of harm to children or have been disqualified from working with children.

Examples of issues that are usually not relevant to your work with children:

- your child has received services from children's social care as a child in need;

- you are receiving services to support you emotionally e.g. counselling.

Who will know about these issues?

Where you and/or your family are being assessed, or is involved with children's social care, the police or other agencies in the examples above, and you are working with children they have a duty of care to inform the Local Authority Designated Officer (LADO) in the local authority borough in which you work. The LADO is responsible for the allegation against staff process and may offer advice about what should happen next. Each local authority has a LADO.

What is likely to happen next?

Statutory agencies like the local authority, police etc. have a duty of care to share information with employers, where they believe children may be at risk. The information will be assessed to determine if it should be shared with the employer.

Based on the assessment of the information, if it is considered that there is an immediate risk to the children you work with, this information will be shared with your employer straight away. You may not be contacted before your employer is informed and your employer may decide to suspend you whilst the matter is being investigated.

On the other hand, if it is not considered to be an immediate risk to children, it is likely that you will be offered the opportunity to share the information yourself with your employer. In some cases, it may be a requirement of your employment contract that you inform your employer if you are arrested or convicted of an offence, or is involved with the police. In other cases, such as when your child is made the subject of a child protection plan, there may be no duty on you to share this information, but if you share it yourself, it offers you the chance to be more involved in how the information is shared and to be seen to 'do the right thing'. In addition, the information may come up on a DBS check, and in sharing it, your employer has the chance to hear your account.

Once you have shared the information, the LADO may then check with your employer that this has happened as agreed. The LADO may also advise your employer to do a risk assessment regarding the information about your personal life to check how it will impact on your work and offer support to you.

What if I don't want to share the information?

Unless the information needs to be shared urgently the LADO will talk with you about why the information needs to be shared before it is shared. If you don't want to share it yourself you may be given time to think about it or if you want, to seek union or legal advice. At the end of this process if an agreement cannot be reached with you to share the information, the LADO will share the information, as there is a legal duty to share some kinds of information where it relates to a risk of harm to children.

In general, the examples given above will require information being shared with your employer but there may be exceptions e.g.

- where the issue was a very long time ago,
- where you are not currently at work e.g. on maternity leave,
- where the LADO believes it is not proportionate to share the information.

What information will be shared?

It is unlikely your employer will be told highly detailed information about you or your children. The LADO will talk to you about what does need to be shared and try and agree a summary with you which will include only relevant information.

You should be given details on the information that will be shared and will therefore have an opportunity to ensure it is accurate.

Will I lose my job?

Each case is different and will be looked at on its individual circumstances.

Many people, remain in their job with support from their employer. Letting your employer know that there are issues outside work can be a relief. However, some issues that arise may be so serious that a staff member will be suspended and a disciplinary process may start that could



end in dismissal. The LADO can offer advice but only your employer can make decisions about whether you can remain in your job. Other professionals cannot decide this, but the information they provide will be used by your employer to help them make a decision alongside what they already know about you and your work.

What records will be kept?

It is a requirement that a summary of any allegations made and the outcome of any investigation is kept on the HR file of the person concerned, except for cases where the allegation was found to be malicious. In schools, this record should be kept for 10 years or until retirement whichever is the sooner. Records may also be held by agencies involved in investigating allegations and they should follow their records retention policy. The LADO records are kept in line with the council's data protection policy. More information can be seen on [council's privacy notice](#).

What if I work with adults not children?

If you work with vulnerable adults such as the elderly or disabled the legal framework is slightly different but the same general

principles apply. Professionals may have a duty to disclose information about you.

Where can I get further information?

Further information is available within the following documents:

[Children Act 1989](#)

[Working Together 2018](#)

[London Child Protection Procedures 2018](#)

Allegations against staff, carers and volunteers are dealt with in Chapter 7.

[Keeping Children Safe in Education 2018](#)

Section 4 – Allegations Against Staff and Volunteers.

[NSPCC](#)

Safeguarding standards and guidance.

[Barnet Safeguarding Children Partnership](#)

Further information is also available on the Website <https://thebarnetscp.org.uk/>

