

Allegations against Staff

Issues arising in the Personal Life of those in the Children's Workforce

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 will have an issue that arises in their personal life which may be relevant to their role at work. This leaflet will explain how this will be managed and relates to those in paid employment as well as volunteers.

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

Examples of issues that are relevant at work are as follows

- Your child has been the subject of a **child protection investigation** by Children's Social Care
- Your child has been placed on a **child protection plan**
- You have been the subject of a **criminal investigation** in relation to offences against children
- You have been **arrested, interviewed, cautioned or convicted** in relation to offences of violence
- You have difficulties with drug or alcohol misuse or other issues which might **impact on your ability to do your job safely**

Examples of issues which are not relevant to 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. counseling

Who will know about these issues?

Where you or your family come into contact with Children's Social Care, the Police or other agencies in the examples above and you are working with children they have a duty to tell the Local Area Designated Officer (LADO) in the area in which you work. The DO is responsible for the allegations against staff process and may offer advice about what should happen next.

What is likely to happen next?

An assessment will need to be made regarding the information about your personal life and how serious this is in relation to your work. Statutory agencies have a duty to share information where they believe that children may be at risk and it will need to be decided if this information should be shared with your employer.

If it is considered the information suggests that there is an immediate risk to children you work with, this information will be shared with your employer straight away. You may not be contacted before your employer is told and your employer may decide to suspend you whilst the matter is followed up.

If there is believed not to be an immediate risk to children it is likely you will be offered the chance to share the information yourself with your employer. In some cases it may be a requirement of your employment contract that you tell your employer yourself e.g. if you are arrested or convicted of an offence. In other cases 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 be seen to “do the right thing”. In addition the information may come up on a DBS check and in sharing it your employer will have the chance to hear your account of the information that appears.

Once you have shared the information the LADO may then check with your employer that this has happened as agreed.

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

Unless the information needs to be shared urgently the LADO will talk to you about why the information needs to be shared before it is shared. If you don't want to share it yourself and don't give consent for the LADO to share the information you may be given time to think about it or if you want, to get some advice e.g. legal advice. At the end of this process if an agreement cannot be reached the LADO may share the information anyway 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. Examples might be

- 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 much of which will be confidential to your family. 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 has been shared and will therefore have an opportunity to ensure it is accurate.

Will I lose my job?

For many people they will remain in the workforce 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 you will be suspended and a disciplinary process may start that may end in your dismissal. Each case is different and will be looked at on its individual circumstances.

Only your employer can make decisions about whether you should remain working with children and other professionals e.g. the LADO cannot decide this. The information they share 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?

Your employer may keep a record of the allegation made against you and the outcome of how this was followed up. You should receive a copy and this will assist you if the matter comes up for example in a criminal records check.

What if I work with adults not children?

If you work with vulnerable adults e.g. 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 if it is in the public interest.

Where can I get further information?

You can access information about the Dudley Management of Allegations producers at the Dudley Safeguarding Board Website

http://www.proceduresonline.com/dudley/scb/chapters/p_alleg_against_staff.html

If you are employed in Education you can refer to “Keeping Children Safe in Education 2015 at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/447595/KCSIE_July_2015.pdf