



## **ASV Guidance; where there are concerns about your personal life**

All organisations that provide services to children and young people should ensure that all their staff are competent, confident and safe to do so. Similarly, anyone who comes into contact with children and young people in their work has a duty of care to safeguard them and to promote their welfare.

The vast majority of adults who work with children act professionally and aim to provide a safe and supportive environment for children and young people. However, sometimes those working with children and young people will have an issue that arises in their personal life which may be relevant to their role at work.

This guidance note explains what happens in these circumstances. It relates to everyone in the children's workforce whether as a paid employee, foster carer or volunteer.

### **What issues in your personal life might be relevant at work?**

Examples of issues that are relevant to work are:

- Your child has been the subject of child protection enquiries by children's social care (often referred to as S47 enquiries or investigations)
- Your child has a child protection plan
- You have been the subject of a criminal investigation in relation to offences against children
- You have been arrested, cautioned or convicted in relation to offences of violence
- You have difficulties with drug or alcohol misuse or other issues which impact on your ability to do your job safely
- There have been allegations of abuse against a member of your household or a person closely associated with you

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

- Your child is receiving services from children's social care as a 'child in need'
- You are receiving services, such as counselling, to support you emotionally

### **Who will be told about the concerns in my personal life?**

If the concerns about you or your family are relevant to your work with children, children's social care, the police or other agencies have a duty to tell the Local Authority Designated Officer (LADO) in the area in which you work. The LADO is responsible for the allegations against people who work with children and will offer advice about what should happen next. Every local authority in England has a LADO.



An evaluation will need to be made of the relevant information to determine the potential implications for your role at work. Statutory agencies have a duty to share information where they believe children may be at risk and it will need to be decided if this information should be shared with your employer.

If the information suggests there is an immediate risk to children you work with, details 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 until a final conclusion is reached.

If there does not appear 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 there may be requirements in your contract of employment to inform your employer about significant safeguarding events in your personal life. Once you have done this, the social worker or LADO may contact your employer to confirm that they are aware of what is going on.

Even if there is no stipulation under your contract of employment to inform your employer, it is still a good idea to talk to your employer as soon as you can, as this will enable your employer to offer you support if you are under stress. Your employer will also have the chance to hear your account of what has happened. If you do not tell your employer yourself at an early stage, they may discover what has happened some other way such as gossip or rumour. Again, the social worker or LADO may check with your employer that you have told your employer what has happened.

### **What if you don't want to share information with your employer?**

Unless the information needs to be shared urgently, the person making the referral to 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 information to be shared on your behalf, you may be given time to think about it or if you want, to get some advice from, for example your union or legal advisor. At the end of the process, if an agreement cannot be reached, your employer may still be informed by the LADO as the local authority has a legal duty to share some kinds of information where it relates to a risk of harm to children. Information might also appear on updated Disclosure and Barring (DBS) checks.

In general, the examples given above will require information being shared with your employer. However, there may be exceptions depending on:

- Whether the information relates to events a very long time ago
- Whether you are currently absent from work (for example on maternity leave)
- Where the LADO strategy group concludes that it is not proportionate to share the information

It is unlikely your employer will be told of highly detailed information about you or your children much of which will be confidential to your family. The referrer or LADO



will talk to you about what does need to be shared and will try and agree a summary with you which will include only relevant information. You should be given details of the information that has been shared and will therefore have an opportunity to ensure it is accurate.

### **Will you lose your job?**

Many people 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 a disciplinary process may start that could 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. The information shared by the LADO strategy group will be used by your employer to help them make a decision, while taking into account what they already know about you and your work.

### **What records will be kept?**

The local authority will retain information provided to the LADO and notes of the LADO Allegations Management meetings are shared with professional participants. Your employer may also keep a record of the allegation made against you and details of how this was followed up.

### **What if you work with adults not children?**

If you work with vulnerable adults, 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.

### **Further Information**

Working Together to Safeguard Children (2015 updated February 2019)

<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

London Safeguarding Children Board: Managing allegations against staff or volunteers who work with children chapter 7 (Sept 2017)

[http://www.londoncp.co.uk/chapters/alleg\\_staff.html](http://www.londoncp.co.uk/chapters/alleg_staff.html)

Disclosure and Barring Service

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>