

Transference of Risk

Guidance

Transference of Risk

This Guidance has been designed as a source of advice with Youth Work Organisations.

Transference of risk is when an employee has committed a criminal offence or come into contact with a concern within their personal life. (see allegations against adults' policy). If a member of staff's own child/children come to the attention of the statutory agencies for child protection, then issues of transference of risk will need to be considered by the organisation.

The Organisation may be contacted by the Local Authority Designated Officer and asked to undertake a transference of risk assessment.

The Transference of Risk assessment could be made to ascertain a staff member's continued suitability for their role, or if the risks are significant enough to be a cause for concern.

The Organisation may be asked to review and revise the Transference of Risk assessment until the enquiry within their personal life have been concluded. This should be in line with the Organisation Code of Conduct (see code of conduct policy).

The employee/volunteer must inform the Organisation of any concerns that may affect the reputation of the Organisation or bring the employee into a conflict of interest.

Transference of risks assessments can be used for a number of purposes and is linked to the Risk assessment policy.

For further advice, speak to the designated Safeguarding Lead.

Within safeguarding, *transference of risk* refers to situations where issues arising in an employee's personal life such as involvement in criminal activity or child protection concerns relating to their own family which may impact their professional role. These personal circumstances can potentially pose a risk within the workplace,

For example, if a member of staff's own child is subject to a child protection enquiry by statutory agencies, the organisation must consider whether those concerns present a risk that could impact their ability to work safely with children, young people and adults at risk.

Organisational responsibility

- The organisation may be contacted by the **Local Authority Designated Officer (LADO)** and asked to carry out a Transference of Risk Assessment.
- This assessment helps determine whether the employee remains suitable to work in their current role, or whether additional measures are required to safeguard children, young people, or adults at risk in the setting.
- Any such assessment must align with the organisation's **Code of Conduct, Safeguarding Policy, and Risk Assessment Policy.**

Ongoing monitoring and review

- Where necessary, the organisation may be asked to **review and update** the Transference of Risk Assessment while investigations by external agencies remain ongoing.
- All actions must be clearly documented, handled with confidentiality, and in accordance with statutory safeguarding responsibilities.

Employee and volunteer responsibilities

All employees and volunteers have a duty to inform the organisation of any personal circumstances that may:

- Affect their suitability to work with children, young people or adults at risk.
- Pose a safeguarding risk in the workplace, or
- Compromise the reputation of the organisation or create a conflict of interest.

Use of Transference of Risk assessments

These assessments are part of the organisation's proactive safeguarding approach and may be used in various situations where personal concerns may affect professional responsibilities. They help ensure the safety and wellbeing of everyone and uphold the reputation of the organisation.

Relevant Legislation and Guidance (UK)

- **Children Act 1989 & 2004** – Establishes the duty to safeguard and promote the welfare of children.
- **Working Together to Safeguard Children (2018, updated 2023)** – Statutory guidance outlining responsibilities of organisations and professionals.
- **Keeping Children Safe in Education (KCSIE)** – Statutory guidance for schools and colleges in England; provides specific guidance on allegations against staff.
- **Safeguarding Vulnerable Groups Act 2006** – Establishes the framework for the vetting and barring scheme.
- **The Rehabilitation of Offenders Act 1974** – Governs the disclosure of past offences.
- **Data Protection Act 2018 / UK GDPR** – Governs confidentiality and the handling of sensitive personal data during investigations.