



## Norfolk Safeguarding Adults Board

### Multi-agency guidance: Allegations against people in positions of trust

#### 1. Introduction

- 1.1. The Care Act statutory guidance (March 2016, 14.120 to 14.132), sets out the responsibilities of the Safeguarding Adults Board, its partners, and those providing universal care and support services, when managing allegations in relations to '*people in positions of trust*' who may pose a risk to adults with care and support needs.
- 1.2. An employee, volunteer or student (paid or unpaid) will be referred to hereafter as a '**person in a position of trust**'.
- 1.3. The term '**employer**' refers to organisations providing care and support that have a working relationship with the 'person in a position of trust'.
- 1.4. The term '**individual of concern**' will be used to describe a person in a position of trust who is alleged to have abused an adult with care and support needs or may pose a risk to an adult with care and support needs.
- 1.5. Whilst the focus of safeguarding adults work is to safeguarding one or more identified adults with care and support needs, there are occasions when incidents are reported that do not involve an adult with care and support needs, but indicate, nevertheless, that a risk may be posed to adults with care and support needs by a person in a position of trust.
- 1.6. For example:

#### Option 1

A person in a position of trust has or is alleged to have abused an adult with care and support needs and it becomes apparent they have another role working with adults with care and support needs.

For example, there is a formal enquiry within the safeguarding adults procedure in relation to a care worker employed in a care home, who is also working with another agency as a domiciliary care worker.

### Option 2

A person in a position of trust has behaved (or is alleged to have behaved) in a way that indicates they may pose a risk of harm to an adult with care and support needs. This could include situations involving an investigation into a criminal offence, even if the offence does not relate to a person with care and support needs.

For example, this may include situations where a person is being investigated by the police for domestic abuse to a partner and undertakes voluntary work with adults with care and support needs.

### Option 3

A person in a position of trust has behaved (or is alleged to have behaved) towards children in a way which means they may pose a risk of harm to adults with care and support needs.

For example, this may include situations where a person is alleged to have abused a child, and is a student undertaking professional training to work with adults with care and support needs.

## **2. Raising a concern about a 'person in a position of trust'**

- 2.1. In Norfolk, these concerns will need to be reported via a [Safeguarding Adults Data Sharing referral \(SADS\) form](#).
- 2.2. To raise a safeguarding concern for a person who is in a position of trust, or a SADS concern please call **0344 800 8020** and select Option 1. Please tell the call handler that you wish to raise a concern about a person who is in a position of trust or a SADS concern.
- 2.3. In addition, concerns regarding Option 1 (see 1.6 above) a safeguarding referral will be raised, and the case will be considered for a section 42 enquiry.
- 2.4. When a person's conduct towards an adult may impact on their suitability to work with or continue to work with children, this must be referred to the Local Authority's Designated Officer (LADO).

### 3. Further actions

- 3.1. The Norfolk County Council's Safeguarding Adults Team, will make further enquiries and gather information as necessary, in conjunction with the Norfolk MASH.
- 3.2. A safeguarding adults lead manager will carry out a risk assessment alongside another Adult Social Services manager. They have the option to
  - hold a multi-agency strategy discussion or strategy meeting, or
  - have a professional discussion with members of the Safeguarding Adults Review Group which includes representatives from
    - Norfolk County Council
    - Norfolk Constabulary
    - Norfolk's Clinical Commissioning Groups
    - Norfolk and Suffolk Foundation Trust
    - NPLaw
- 3.3. The Local Authority managers will weigh up the information available and in partnership with the other decision-making manager(s), make a decision about whether a disclosure to the individual of concern's employer is appropriate.
- 3.4. This decision will be made by balancing the rights of the individual of concern, with the risks posed to adults with care and support needs.
- 3.5. If a disclosure is to be made, the matter should be discussed with the individual of concern, where appropriate. This discussion should take place with an engaged worker (for example if the concerns have been raised by Children's Services because the individual of concern's child has been placed on a Child Protection Plan), the engaged worker will be the child's Social Worker. The individual of concern should be encouraged to disclose the matter to their employer themselves.
- 3.6. The disclosure should be made to the employer by the engaged/most appropriate worker (for example an allocated worker, case manager or police officer). If there is no engaged worker, the disclosure should be made by one of the Local Authority managers (this could be one of the decision-making managers).
- 3.7. Decisions on sharing information must be justifiable and proportionate, based on the potential or actual harm to adults or children at risk and the

rationale for decision-making should always be recorded. Sharing of information should always be in line with General Data Protection Regulation principles.

- 3.8. The employer should be advised to carry out a risk assessment regarding the individual of concern's suitability to work with adults with care and support needs. The employer should be asked to give feedback about action taken.
- 3.9. The detail for this process is set out in the Local Authority's Safeguarding Adults Data Sharing procedure.
- 3.10. In some cases, where there is a public protection risk (for example where there is suspicion a crime has been committed and the employee has been arrested), the Police may need to notify the employer who can take immediate action to mitigate any risks associated. Each disclosure will be considered on a case by case basis under the Common Law Police Disclosure process (formerly the Notifiable Occupation Scheme).
- 3.11. Further information on the Common Law Police Disclosure process can be obtained from the link below:

<https://www.gov.uk/government/publications/common-law-police-disclosure>

#### **4. Responsibilities of organisations**

- 4.1. Employers, student bodies and voluntary organisations should have clear procedures in place setting out the process, including timescales, for investigation and what support and advice will be available to individuals against whom allegations have been made. Any allegation against people who work with adults should be reported immediately to a senior manager within the organisation. Employers, student bodies and voluntary organisations should have their own sources of advice (including legal advice) in place for dealing with such concerns.
- 4.2. The organisation responsible for the employee, volunteer or student may also need to:
  - 4.2.1. Invoke its disciplinary procedure
  - 4.2.2. Undertake enquiries on behalf of the local authority, providing evidence of their findings as required

- 4.2.3. If an organisation removes an individual (paid worker or unpaid volunteer) from work with an adult with care and support needs (or would have, had the person not left first) because the person poses a risk of harm to adults, the organisation must make a referral to the **Disclosure and Barring Service**. It is an offence to fail to make a referral without good reason.
- 4.2.4. **Allegations against people who work with adults with care and support needs must not be dealt with in isolation.** Any corresponding action necessary to address the welfare of adults with care and support needs should be taken without delay and in a coordinated manner, to prevent the need for further safeguarding in future.
- 4.2.5. Consider the need to refer the concerns to the relevant professional group under the relevant code of conduct for the profession.
- 4.2.6. Report the concerns to the police, if a crime is suspected
- 4.2.7. Inform the Care Quality Commission (regulated care providers).
- 4.2.8. Provide the relevant Safeguarding Lead(s) with demonstrable assurance that appropriate actions in relation to any identified risks are being undertaken.
- 4.2.9. Keep the relevant Safeguarding Lead(s) informed of actions and decision undertaken.

END

#### Multi-agency guidance

Version No.	OCTOBER 2016/FINAL(002)
Date Issued	17 October 2016
Date posted on website	07 November 2016
Reviewed	18 September 2020