



Valley College

PROCEDURE FOR MANAGING ALLEGATIONS OF ABUSE AGAINST A MEMBER OF STAFF – PERSON IN A POSITION OF TRUST (PIPOT)

Introduction

The following policy has been developed as part of the Pan Lancashire Multi Agency Adults Safeguarding Policy and Procedures in line with national guidance and current data protection legislation and the North West Policy of the same name which has been approved by ADASS (Association of Adult Directors of Social Services). This policy reflects the way in which current concerns are managed through the Adult LADO process. Adult safeguarding is for people who, because of issues such as dementia, learning disability, mental ill-health or substance abuse, have care and support needs that may make them more vulnerable to abuse or neglect.

Safeguarding adults from abuse and neglect is everyone's responsibility and it is important that professionals (and the public) are aware that it is their responsibility to raise a concern/alert if they identify abuse and how to do this.

The Care Act 2014 states that safeguarding duties apply to an adult aged over 18 who:

- a) has needs for care and support (whether or not the authority is meeting any of those needs) and
- b) is experiencing, or is at risk of, abuse or neglect, and
- c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it

Care and Support Guidance established the requirement for a policy and procedure for responding to concerns against any person who works with adults, in either paid or unpaid capacity, in positions of trust.

There should be a clear distinction between:

- A concern/allegation about abuse or neglect by a professional, or volunteer – this should be managed via these procedures
- A concern about the quality of care or practice provided by the person in a position of trust, that do not meet the criteria for a safeguarding enquiry – these should be raised as quality issues initially to management within the organisation

Or a complaint – these need to be dealt with via the organisations own complaints procedure.

An individual can be considered to be in a 'position of trust' where they are likely to have contact with adults with care and support needs as part of their employment or voluntary work, and

- Where the role carries an expectation of trust and
- The person is in a position to exercise authority, power or control over an adult(s) with care and support needs (as perceived by the adult themselves).

Positions of trust may include, but are not limited to any staff working on behalf of:

- Social care

- Health services
- Police and criminal justice
- Housing
- Education
- Advocacy
- GPs
- Independent Sector
- Agency and Bank Workers
- Religious/Faith Leaders
- Commissioning Services Safeguarding Adults Boards

This process provides the framework for how concerns and allegations against people working with adults with care and support needs should be notified and responded to. There are occasions when incidents are reported that do not involve adults 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.

Responding to concerns

All incidents must be recorded and reported using the appropriate procedures but not all incidents will be safeguarding issues.

IT IS IMPORTANT TO CONSIDER IN THE FIRST INSTANCE WHETHER SOMEONE IS IN IMMEDIATE DANGER – OR HAS BEEN THE SUBJECT OF A CRIME:

- MEDICAL TREATMENT SHOULD ALWAYS BE SOUGHT WHERE NECESSARY VIA NHS 111 OR 999 IN AN EMERGENCY
- CRIMINAL ACTS MUST BE REPORTED TO THE POLICE DIAL 101 OR 999 IN AN EMERGENCY
- YOU SHOULD ALWAYS SEEK ADVICE FROM YOUR LINE MANAGER OR DSL IF YOU HAVE A SAFEGUARDING CONCERN AND IF IN DOUBT WHETHER TO RAISE A SAFEGUARDING CONCERN CONTACT THE CUSTOMER ACCESS SERVICE DIRECT SAFEGUARDING LINE 0300 123 6721

Lancashire Safeguarding Adults Alert Form

<http://lancashire.firmstep.com/default.aspx/RenderForm/?F.Name=CZKJHjDpme2&HideToolbar=1>

Linked policies

Disciplinary and Dismissal Procedure for Teachers

Disciplinary and Dismissal Procedure for Support Staff

Whistleblowing Policy

(Located in the staff e handbook at N:\E-handbook\E Handbook\Staff Information)

Safeguarding

Where such concerns are raised about someone who works with adults with care and support needs, it will be necessary for partners to assess any potential risk to other adults who use their services and, if necessary, to take action to safeguard those adults using the Pan Lancashire Multi Agency Adults Safeguarding Procedures and guidance documents:

www.lsab.org.uk/policies

Local guidance to aid decision making for raising a safeguarding concern:

- Blackburn with Darwen: <http://www.lsab.org.uk/wp-content/uploads/LSAB-Continuum.pdf>

- Blackpool:

<https://www.blackpoolsafeguarding.org.uk/assets/uploads/Decision%20Making%20Tool%202017.Pdf>

- Lancashire: <http://www.lancshiresafeguarding.org.uk/lancashire-safeguardingadults/resources/guidance-for-safeguarding-concerns.aspx>

Examples of such concerns could relate to a person who works with adults with care and support needs who has:

- behaved in a way that has harmed, or may have harmed an adult or child
- possibly committed a criminal offence against, or related to, an adult or child
- behaved towards an adult or child in a way that indicates they may pose a risk of harm to adults with care and support needs
- their conduct has raised concern as to their suitability to act in a position of trust

The college is individually responsible for ensuring that information in relation to concerns about the potential abuse by a person in a position of trust are shared and escalated outside of the organisation in circumstances where this is required and it should be, proportionate and appropriate with decisions made on each individual case. Both the General Data Protection Regulations and Data Protection Act recognise that safeguarding takes precedence in these circumstances.

Whilst concerns may be raised through safeguarding processes they may come to light through many routes, including complaints, regulatory inspections, audits and quality systems, staff grievances, so called whistleblowing, social media, disciplinary and performance procedures. The organisation's safeguarding lead(s) (covering both children and adults) must be informed about any safeguarding concerns relating to people in a position of trust.

As well as the responsibility for the safety of adults with care and support needs, the college also has a duty of care to their staff. The college will ensure they provide effective support for anyone facing an allegation and provide them with a named contact if they are suspended. It is essential that any allegation of abuse made against a member of staff or volunteer is dealt with very quickly, in a fair and consistent way that provides effective protection for the adult and, at the same time, supports the person who is the subject of the concern.

Initial Response to a Concern

Any allegations against a person in a position of trust must be raised with the Lead responsible for the employee when the conduct of the person may impact upon their suitability to work with adults with care and support needs.

The process would be as follows:

- concern raised with the Designated Safeguarding Lead/Head of College/Headteacher Tor View School (staff are employed by Tor View and seconded to work within Valley College) (The LSAB Safeguarding Concerns Checklist completed – refer to Appendix A)
- the Designated Safeguarding Lead/Head of College/Headteacher will assess the information provided and undertake the necessary enquires within a specific time frame agreed by the Headteacher.
- Escalation procedures and timescales will be managed by Tor View School as staff within Valley College are seconded to work within the provision
- If the person works with both adults and children the Local Authority Designated Officer will also be informed.

Where an allegation has been made or a concern raised that abuse or neglect may be taking place then a Section 42 safeguarding adults referral will be made to the relevant Adult Social Care Team / Safeguarding Team under Pan Lancashire and Cumbria Adults Safeguarding Policy and Procedures in respect of the alleged victim.

At the point a safeguarding concern is raised, there will need to be a discussion between the Designated Safeguarding Lead and other identified leads (such as Human Resources, Senior Management Team, Police etc.) to determine the actions to be taken as part of and separate to the safeguarding enquiry (for example criminal investigation may take precedence over internal disciplinary processes initially).

This is described as a Strategy Discussion/Meeting. This will be determined on a case by case basis locally. It is the responsibility and duty of the employer (Headteacher, Tor View School) to inform the alleged perpetrator of the allegation and what information will be recorded about them, following the outcome of the Strategy Discussion/Meeting – in some cases it may not be appropriate to immediately inform the alleged perpetrator in order to avoid compromise of a criminal investigation or potential corruption of evidence.

In the event the allegation being against a carer who is also a family member this too should be considered through safeguarding adult's procedures as whilst there is a duty to protect the adult at risk, there is also a duty to assess the needs of the carer and using the principles of Making Safeguarding Personal for both victim and alleged abuser. In such a case discussion between the Safeguarding Leads, and the Person in a Position of Trust (PiPOT) lead within the Local Authority is paramount as to the best course of action.

Criminal allegations

If a criminal investigation is being undertaken in relation to an individual's conduct in their private life a decision will be undertaken by the local constabulary whether to inform the employing agency (Tor View School) under the Common Law Police Disclosure Scheme. Any historical concerns or concerns against a person who no longer works with adults should be referred to the police in the first instance. The police will liaise with the appropriate organisations as part of any investigation.

Confidentiality

It is extremely important that when an allegation is made the employer makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

Information Sharing

As previously highlighted relevant information should be shared in line with local information sharing agreements in respect of concerns raised.

Outcomes of Investigations

Whilst it is recommended the following definitions are to be used when determining/recording the outcome of a concern against a PiPoT it should be noted that these may be similar to outcomes recorded for safeguarding concerns within the local authority but they should not be confused with the same:

- **Substantiated:** there is sufficient evidence to prove the allegation
- **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation. The term therefore does not imply guilt or innocence
- **Unfounded:** to reflect cases where there is no evidence or proper basis which supported the allegation being made. It may also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances
- **False:** there is sufficient evidence to disprove the allegation

- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive. Disciplinary action should be considered against the person who made the allegation or whether the police should be asked to consider if action might be appropriate against the person responsible

Allegations Record Keeping

A summary of the concerns/allegations, details of how it was followed up and resolved and a note of actions taken and decisions reached should be recorded. This will be in line with disciplinary procedures, and a copy will be kept in the individual’s personnel records and a copy provided to them.

If emails are sent about any allegations, consideration needs to be given as to who is copied in and this should be strictly limited in most cases on a "need to know" basis.

There should be no names of alleged perpetrators on the records of the alleged victim.

All information about PIPoT cases should be held securely and not on an open system.

It is important to retain allegations records to enable accurate information to be given in response to future reference requests where appropriate. It will provide clarification in cases where future Disclosure and Barring Service (DBS) checks reveal information from the police about an allegation that did not result in a criminal conviction and it will help unnecessary reinvestigation if a concern re-surfaces after a period of time.

It is also recognised that adults with care and support needs may raise concerns which are later found to have no substance, in these cases a record of actions taken will be recorded in the learner’s welfare file.

Cases in which allegations are proven to be false, unsubstantiated or malicious should not be included in employer references.

There is a legal requirement for employers to make a referral to the DBS and professional bodies where they think an individual has engaged in conduct that harmed (or is likely to harm) a person and they are in regulated activity, or if a person otherwise poses a risk of harm to another person.

	Name/Initials:	Date:
Written By:	SJ	Dec 20
Reviewed:	SJ	Sept 21

APPENDIX A

Lancashire Safeguarding Adults Board

Safeguarding Concerns Checklist

Where abuse or neglect is suspected this checklist & referral form can aid professional judgement to ensure that your service is taking appropriate action. The completed form can also be used to refer your safeguarding concern to the Customer Access Service and, if appropriate, to notify the Care Quality Commission (CQC).

The CQC, Contracts or Commissioners may ask to see evidence of the actions that have been taken following a potential safeguarding concern. This form will help to ensure the correct level of information is available to assist with your decision making and provides a standardised approach to raising a safeguarding concern within Lancashire.

When raising a safeguarding concern completed forms should be sent to ACSCustomer.Services@lancashire.gov.uk

Section 1 – Details of the Adult at Risk

The name of the individual	
Their Date of Birth	
Their Address & Post Code (Name of unit, if living in a care home)	
The GP Name and address	
Their medical diagnosis e.g. dementia or disability	
Does the individual have capacity regarding the safeguarding concern?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
	Record details:
Has the safeguarding concern been discussed with the individual	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
	Record details:
	Yes: <input type="checkbox"/> No: <input type="checkbox"/>

Has the individual been asked what outcome they would like in relation to the safeguarding concern?	Record details:
If the individual lacks capacity regarding the safeguarding concern, has their representative/advocate, been informed?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>

Section 2 – Details of the person reporting the concern

Name of person reporting the concern	
Name of the employee organisation	
Position in the organisation	
Relationship to the adult at risk	
The work Address & Post code (if different)	
The office telephone number	

Section 3 – Details of person(s) alleged to have caused harm (if appropriate)

Name(s)	
Date of Birth (if known)	
Address & Post Code	
The capacity that they know the adult at risk	

Section 4 – Summary of the incident, including details of the specific incident, dates and times (if known) and what has been put in place to prevent this occurring again

Details of the safeguarding concern(s) including dates and times.	
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The impact on the individual	
Was this a foreseeable incident e.g. Had the same incident occurred previously?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
	Record details:
If yes, was a risk assessment in place?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
	Record details:
If a risk assessment was in place, was this followed?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
	Record details:
Describe the steps that have been put in place to prevent this from occurring again. <i><u>Within this section, please include any immediate actions taken, further learning, changes to systems as well as any training or disciplinary action as appropriate.</u></i>	State the immediate actions you have taken: Additional information:
If a medication error has involved a controlled drug, this must be reported to www.cdreporting.co.uk	

Section 5 - Actions taken to protect the adult at risk from harm (if appropriate)

Has the relevant professional advice been sought if appropriate i.e. medical/Police?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
If yes, what advice was given?	
Has this incident resulted in the need for treatment or additional support?	
Are there new risk assessment/strategies in place?	
Has any other additional support been put in place - supervision/observations etc?	

Details of referrals made to other agencies e.g. falls team, tissue viability or mental health services etc.	
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Section 6 – Safeguarding Checklist Summary of actions taken and professional reasoning

Raise a safeguarding concern	Yes: <input type="checkbox"/> No: <input type="checkbox"/> Record details:
Inform Police	Yes: <input type="checkbox"/> No: <input type="checkbox"/> Record details (Include log number):
Referral to Disclosure and Barring Service	Yes: <input type="checkbox"/> No: <input type="checkbox"/> Record details:
Notify Care Quality Commission	Yes: <input type="checkbox"/> No: <input type="checkbox"/> Record details:
Seek further advice/guidance	Yes: <input type="checkbox"/> No: <input type="checkbox"/> Record details:
Actions put in place & learning shared	Yes: <input type="checkbox"/> No: <input type="checkbox"/> Record details:

Safeguarding Concerns Checklist Completed By:	
Position in the Organisation:	
Date of Completion:	

If raising a safeguarding concern return completed forms to:
ACSCustomer.Services@lancashire.gov.uk