

SAFEGUARDING CONCERNS ABOUT PEOPLE WHO ARE IN A POSITION OF TRUST: SUPPLEMENTARY GUIDANCE

1. Introduction

Whether through employment or in people's personal lives, if someone commits abuse or a crime(s) against any child or adult, it may mean that they pose an increased risk to adults who have care and support needs.

It is therefore important that safeguarding concerns about people who hold a 'position of trust' are shared using multiagency safeguarding procedures and that key partners are able to contribute to initial enquiries and any subsequent strategy discussion / meeting.

This supplementary guidance seeks to clarify the local operational arrangements for managing concerns about people in a position of Trust over adults at risk. This is to ensure a proportionate and coordinated approach to any subsequent enquiries.

2. Positions of trust

People can be considered to be in a 'position of trust' where they are likely to have contact with adults at risk 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) at risk (as perceived by the adult at risk).

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

3. Safeguarding concerns

A safeguarding adults concern is an *'awareness of the risk of abuse or neglect faced by an adult who is unable to protect themselves from that abuse or neglect, due to their care and support needs'*.

All agencies are obliged to raise a safeguarding concern under the multiagency safeguarding procedures where they become aware of concerns that a person in a Position of Trust may have -

- behaved in a way that has harmed an adult at risk **or**
- committed a criminal offence against an adult at risk **or**
- committed a crime or behaved in a way towards any child or adult that indicates s/he may be unsuitable to work with adults at risk.

This may include safeguarding concerns raised through someone's personal life and may be disclosed by the police under Common Law Police Disclosure arrangements (2015).

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

Concerns about people in positions of trust can be raised through many routes, including e.g. complaints, regulatory inspections, audits and quality systems, staff grievances, so called whistleblowing, social media, disciplinary and performance procedures. Organisations must have

effective systems for identifying concerns from these different sources and 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.

Organisations safeguarding leads must ensure that concerns are shared according to local multiagency safeguarding procedures, at an early stage. This is to ensure that appropriate safeguarding decision can be made and that the right agencies are involved in any subsequent formal safeguarding enquiries. Where the concerns may also pose a risk to children, it should be shared with the Local Authority Designated Officer (LADO).

In addition to raising a concern with the Local Authority, organisations providing NHS funded services are also obliged to report safeguarding concerns about members of staff, to the relevant NHS commissioner under the National Serious Incident Framework.

- <https://www.england.nhs.uk/patientsafety/serious-incident/>

Organisations should also consider whether concerns about people in positions of Trust should be shared with their regulatory body .

4. Initial enquiries and safeguarding decisions

It is essential that concerns about people in a position of Trust are shared with relevant agencies at the initial enquiries stage, in order to inform the safeguarding coordinators' decision as to whether a formal enquiry is needed.

As a minimum, the safeguarding coordinator will share the any concerns received about people in a position of trust, with the identified operational safeguarding leads for each statutory member of the safeguarding board:

- Local Authority Safeguarding Lead
- Police Safeguarding Lead
- CCG Safeguarding Lead / Designated Nurse

The safeguarding leads from each statutory agency will be responsible for liaising with departments within their organisation, to assist the safeguarding coordinator with their initial enquiries and to inform their decision as to whether a formal enquiry is needed.

The LA will also consult with the Local Authority Designated Officer (LADO), and if necessary make a referral under local safeguarding children procedures, where there may be risks to children.

5. Strategy Discussion / meeting and formal enquiries

Unless found to be demonstrably false during initial enquiries, safeguarding concerns relating to people in a position for Trust will usually need to progress to a safeguarding strategy, with a view to a formal safeguarding enquiry. It would usually be considered best practice to hold the strategy meeting with all stakeholders in person.

Where other investigations (e.g. police or employment disciplinary) include safeguarding concerns, these will need to be coordinated as part of the overall safeguarding enquiry, according to agreed multiagency procedures. This is to ensure that appropriate protection measures are in place and that investigations are not unintentionally compromised by work from other agencies.

Although disciplinary matters are the responsibility of the employer, the local authority, regulators and commissioners will want to be assured that the employer has taken appropriate measures to ensure the integrity of the enquiry and safety of adults at risk. This may include consideration of suspension , redeployment, limited duties or increased supervision whilst a the safeguarding enquiry and any investigations are undertaken.

The safeguarding lead for each of the three statutory agencies will maintain oversight of the case, through the formal safeguarding enquiry, case conference and review, to ensure appropriate and coordinated actions are taken.

6. Monitoring

The local authority safeguarding team will identify concerns in relation to people in positions of Trust and the implementation of this guidance will be monitored through performance information provided to Performance, Quality and Improving Practice Sub-group.

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