

# Camden Safeguarding Adults Partnership Board

## Persons in Position of Trust Policy (PiPoT)

“Safeguarding is everybody’s business”

*Published 14 February 2022*



## 1. Introduction

- 1.1. For the purposes of this policy and procedure a person in a position of trust is someone who works with or cares for adults or children arranged by an organisation in a paid or voluntary capacity. This includes shared lives carers and informal volunteers who may not be affiliated to or managed by an organisation or agency. It excludes informal unpaid carers.
- 1.2. Adults or children can be subjected to abuse by those who work with them in any and every setting. All allegations of abuse, neglect, or maltreatment of adults at risk must be taken seriously and treated in accordance with Safeguarding Adults Procedures and where the person is in a position of trust, in line with this policy.
- 1.3. There is a particular concern when abuse is caused by the actions or omissions of someone who is in a position of power or authority and who uses their position to the detriment of the health and well-being of a person, who in many cases could be dependent on their care.
- 1.4. There is always a power imbalance in a relationship of trust. Where the person who is alleged to have caused harm is in a position of trust with the adult or child, they may be deterred from making a complaint or acting out of a sense of loyalty, fear, of abandonment or other repercussions.
- 1.5. The abuse may not always take place whilst the person in a position of trust is carrying out paid employment or volunteering duties. Sometimes abusive parties encourage vulnerable adults to meet with them on occasions other than when they are carrying out duties and abuse can occur on these occasions also.
- 1.6. The policy reflects the requirements of the Care Act 2014. It also reflects London Multi Agency Adult Safeguarding policies and procedures, highlighting in Section 3.8 those areas most pertinent to this policy: [London Multi-Agency Policies and Procedures 2019](#)

## 2. Scope of Policy

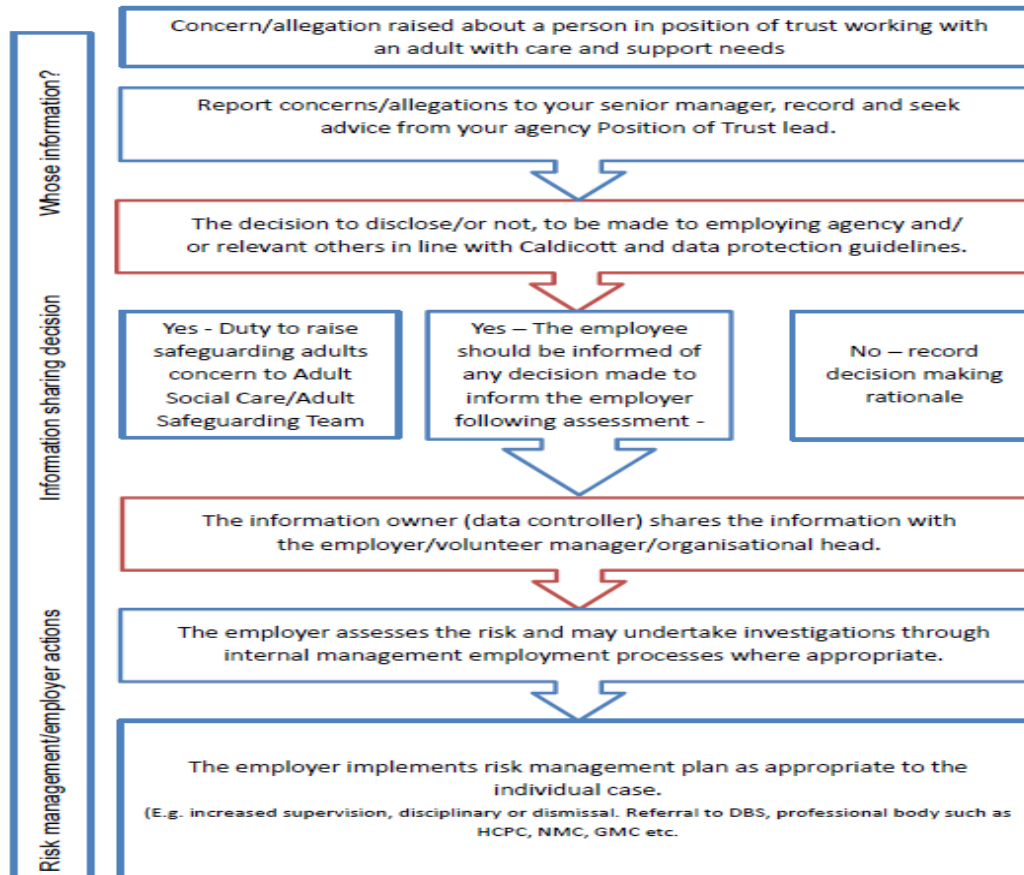
- 2.1. Where such concerns are raised about someone who works or volunteers with adults with care and support needs, it will be necessary for the responsible body (or student body or voluntary organisation) to assess any potential risk to adults with care and support needs who use their services and, if necessary, to act to safeguard those adults. Examples of such concerns could include allegations that relate to a person who works with adults with care and support needs who has:
  - Abused (including financial abuse) or neglected an adult or child. (contact should be made with local authority children's LADO when the issues involve a child or the alleged perpetrator could work with children in their role).
  - 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 she or he is unsuitable to work with vulnerable adults and children.

- Commenced a sexual relationship with a vulnerable adult or child or is grooming a vulnerable adult or child for a personal or intimate relationship.
- 2.2. Concerns should be reported following the safeguarding adult procedures as a safeguarding concern.
  - 2.3. It should be noted that this policy does not supersede local policies and procedures held by partner organisations.
3. **Involvement of the Person in a Position of Trust and their Employer in any Safeguarding Action**
- 3.1. It is important to involve the person in a position of trust's employer in the safeguarding adults process. Allegations regarding people who work with adults at risk 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.
  - 3.2. Employers have both a duty to the adult with care and support needs, and a responsibility to act when allegations are made against an employee.
  - 3.3. Where the matter is involving a health or social care provider consideration needs to be made for the Duty of Candour Regulations [Regulation 20: Duty of candour - Care Quality Commission \(cqc.org.uk\)](#)
  - 3.4. Individual organisations, including student bodies and voluntary organisations, are responsible for responding to allegations regarding any person working for them in a position of trust with adults with care and support needs and for undertaking all necessary action in line with their internal management process.
  - 3.5. Employers should ensure that they have robust employment practices in place, including reference checks and relevant Disclosure and Barring Service checks. Further information can be found here: [Disclosure and Barring Service - GOV.UK \(www.gov.uk\)](#)
  - 3.6. Any disciplinary procedures must be compatible with their responsibility to protect adults at risk of abuse or neglect.
  - 3.7. The specific responsibilities of employers include:
    - Having a clear internal allegations management procedure in place which sets out the process, including timescales for investigation and support and advice which is available to individuals against whom allegations have been made.
    - Codes of professional conduct and / or employment contracts should be followed and should inform management action.
    - Ensuring senior leadership and those in management positions are appropriately familiar and confident with the responsibilities their organisation holds regarding both Disclosure and Barring Service (DBS) checks and referrals.
    - Making prompt referrals to the Disclosure and Barring Service (DBS) and / or other professional registration bodies where appropriate.

- Maintaining records of the number and nature of allegations made, outcomes of enquiries/investigations and employers should use these to inform service improvement.
  - Promoting and maintaining workforce awareness of its Whistleblowing policy.
- 3.8. There is a general expectation that responsible bodies will take appropriate action in relation to persons in positions of trust about whom concerns have been raised in line with their own disciplinary procedures to ensure that adults at risk are protected from abuse and harm through the actions and sanctions these procedures require. There is a general expectation that employers will provide information on any investigations undertaken or sanctions imposed to the professional and safeguarding adult manager leading the safeguarding adult's enquiry.
- 3.9. If the person in a position of trust works for a commissioned service, whether in a paid capacity or as a volunteer, the relevant local commissioner should be informed and there is a general expectation that commissioners will be involved in the safeguarding risk assessment and safeguarding planning process where appropriate.
- 3.10. If enquiries into a person in a position of trust provide indications of concerns about any responsible body's fitness to operate in the field in which they are commissioned or that there are serious failings in their ability to safeguard adults or children at risk, the local commissioner should be informed. The Care Quality Commission or Ofsted should also be informed if the employing organisation provides a service registered with these bodies. The enquiry officer and safeguarding adult manager will work with local commissioners and the national regulators to identify the parameters of any safeguarding enquiry and any enquiry carried out by local commissioners or national regulators.
- 3.11. Where key events or key people in the safeguarding enquiry have a presence in areas outside Camden, relevant local authority safeguarding adult personnel should be informed.
- 3.12. If there are concerns regarding the person in a position of trust's contact with children, a referral must be made to the Local Authority Designated Officer (LADO).
- 3.13. If there are concerns or indications that the person in a position of trust has committed a crime, the police must be immediately informed.
- 3.14. In accordance with the London Multi Agency Adult Safeguarding policies and procedures:
- 3.9.1 If someone is removed from their role providing regulated activity following a safeguarding incident, the regulated activity provider (or if the person has been provided by an agency or personnel supplier, the legal duty sits with them) has a legal duty to refer to the Disclosure and Barring Service (DBS) and regulatory bodies.
  - 3.9.2 The legal duty to refer to the DBS also applies where a person leaves their role before a disciplinary hearing has taken place following a safeguarding incident and the employer/volunteer organisation feels they would or might have dismissed the person based on the information they hold.

- 3.9.3 Where it is considered that a referral should be made to the DBS careful consideration should be given to the type of information needed. This is particularly pertinent for people in a position of trust. Where appropriate, employers should report workers to the statutory and other bodies responsible for professional regulation such as the General Medical Council the Nursing and Midwifery Council, Social Work England and the Health & Care Professions Council.
- 3.9.4 The legal duty to refer to the Disclosure and Barring Service may apply regardless of a referral to other bodies  
<https://www.gov.uk/government/publications/dbs-referrals-form-and-guidance>
- 3.9.5 Even if the safeguarding concerns arising from a person in a position of trust have been satisfactorily resolved in an individual case, where there is an ongoing risk of that person in a position of trust causing harm to other vulnerable adults or children, consideration should be given to sharing information with the employer and other partner agencies.

Flowchart



\*If a person who isn't connected to an organisation has a concern, they should contact the local authority for safeguarding advice