



**MANAGING CONCERNS OR  
ALLEGATIONS AGAINST STAFF AND  
VOLUNTEERS WORKING WITH ADULTS  
WHO HAVE CARE AND SUPPORT NEEDS**

## **Document Control**

**Ratified by Buckinghamshire Safeguarding Adults  
Board: May 2016**

**Date Revision Due: May 2017**

# Contents

1. INTRODUCTION.....	4
2. SCOPE .....	5
3. ROLES AND RESPONSIBILITIES .....	5
3.1 Named Senior Officers .....	5
3.2 The Safer Employment Sub Committee.....	6
3.3 Local Authority Safeguarding Adults Manager - LASAM.....	6
3.4 Responsible Managers.....	6
3.5 Designated Roles within Thames Valley Police DAIU.....	7
3.6 Designated Police Officer for allegations against police staff .....	7
4. GENERAL CONSIDERATIONS .....	8
4.1 Information Sharing and Notification .....	8
4.2 Confidentiality .....	9
4.3 Support.....	9
4.4 Suspension.....	9
4.5 Organised and Historical Abuse .....	10
4.6 Whistle-blowing - Public Interest Disclosure Act 1998 .....	10
4.7 Timescales .....	10
5. INITIAL RESPONSE TO CONCERNS .....	10
5.1 Source of concern .....	10
5.2 By person receiving or identifying an allegation or concern .....	11
5.3 Initial action by the Organisation Responsible Manager .....	11
5.4 Allegations against police staff.....	12
5.5 Allegations against Buckinghamshire County Council staff.....	13
6. ALLEGATIONS AGAINST STAFF IN THEIR PERSONAL LIVES .....	13
7. REFERRAL TO INDEPENDENT DISCLOSURE AND BARRING SERVICE (DBS) OR REGULATORY BODY.....	13
8. LEARNING LESSONS .....	14
9. PROCEDURES IN SPECIFIC ORGANISATIONS.....	14
10. FLOWCHART.....	15

# Managing Concerns or Allegations Against Staff and Volunteers Working with Adults Who Have Care and Support Needs

## 1. INTRODUCTION

- 1.1 All organisations should be proactive in reducing the risk of adult abuse and neglect in accordance with the Care Act 2014 and Buckinghamshire's Multi-Agency Safeguarding Policy and Procedures by:
- Developing a person-centred safeguarding ethos in which adults with care and support needs, volunteers and staff can express their concerns; and where staff are encouraged to constructively challenge poor practice; and where 'whistle-blowing' procedures can be engaged without fear. This means that safeguarding policies and procedures should be accessible to all with clear lines of support, both internal and external to the organisation.
  - Adopting safe recruitment and effective safe termination of employment practices.
  - Ensuring that all staff receive training in adult safeguarding commensurate with their role including how to recognise and respond to concerns about staff.
  - Ensuring staff understand what safe practice is and what is not, including behaviours that are likely to bring about criminal or disciplinary action. All staff should be provided with clear and relevant Codes of Conduct.
  - Ensuring that issues or concerns expressed by staff are taken seriously and responded to at the earliest stage.
  - Ensuring that learning is disseminated following allegations to make improvements and reduce the likelihood of repetition.
- 1.2 A failure to report a concern in accordance with the following procedures is potentially a disciplinary and/or criminal matter.
- 1.3 Staff and volunteers are strongly advised to report any incident, involving themselves that could give rise to concern, including the potential for misinterpretation by others.
- 1.4 References to 'staff' in this document should be read as including all staff, whether in a paid or voluntary capacity.

## **2. SCOPE**

- 2.1 These procedures are based on the framework for dealing with concerns or allegations of abuse made against a person who works with adults, as agreed by the Buckinghamshire Safeguarding Adults Board. They should be followed by all organisations providing services for adults who have care and support needs.
- 2.2 Compliance with these procedures will help to ensure that allegations of abuse are dealt with expeditiously and consistently with a thorough and fair process for all concerned, ensuring that the adult at risk is central to the process.
- 2.3 These procedures should be applied when there is an allegation or concern that any person who works with vulnerable adults in connection with his/her employment or voluntary activity, has:
- Behaved in a way that has harmed, or may have harmed, an adult at risk;
  - Possibly committed a criminal offence against or related to an adult or child;
  - Behaved towards any adult in a way that indicates s/he is unsuitable to work with adults or children.
- 2.4 These behaviours should be considered within the context of the categories of abuse defined in the Care and Support Guidance 2016, Chapter 14. These include concerns relating to inappropriate relationships between members of staff and adults who they are caring for:
- Having a sexual relationship with an adult if in a position of trust even if the relationship appears consensual;
  - The sending of inappropriate text/e-mail messages or images, providing gifts, socialising etc;
  - Possession of indecent photographs/pseudo-photographs of adults they are caring for either directly or indirectly.

## **3. ROLES AND RESPONSIBILITIES**

### **3.1 Named Senior Officers**

Each Buckinghamshire Safeguarding Adults Board member organisation should identify a named senior officer with overall responsibility for:

- Ensuring that the organisation deals with concerns or allegations about staff in accordance with these procedures;
- Resolving any inter-agency issues including invoking the Escalation and Challenge Procedure if appropriate;
- Liaising with the Buckinghamshire Safeguarding Adults Board on the subject and the Local Authority Safeguarding Manager
- Ensuring that information is collated in accordance with the requirements of the Safer Employment Sub Committee and regularly made available to that Sub Committee.
- When required, also ensuring that relevant data is made available to the Safer Employment Sub Committee.

3.2 The Safer Employment Sub Committee for Buckinghamshire Safeguarding Adults Board has lead responsibility for co-ordinating the strategic response of member organisations in the management of allegations against staff and volunteers. The Sub Committee will operate to ensure that agreed standards in managing allegations are communicated across Buckinghamshire and that mechanisms are in place to ensure effectiveness and consistency in practice.

### 3.3 **Local Authority Safeguarding Adults Manager - LASAM**

Buckinghamshire's Local Authority has officers in place with specific responsibility for:

- Being involved in the management and oversight of individual cases;
- Providing advice and guidance to employers and voluntary organisations;
- Liaising with the police and other agencies;
- Monitoring the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process.

3.3.1 The Safeguarding Manager, Adult Social Care, is responsible for the Safeguarding Adults Team based at the Multi-Agency Safeguarding Hub (MASH) and is the designated officer for all safeguarding matters at an operational / practice level.

3.3.2 Where the role of the LASAM could be compromised by his/her operational involvement in a case, the Head of Safeguarding Adults within the County Council will oversee arrangements.

### 3.4 **Responsible Managers**

All organisations providing services to adults with care and support needs should have:

- A Responsible Manager (RM) to whom allegations or concerns should be reported.
- A deputy to whom reports should be made in the absence of the RM, or where the RM is the subject of the allegation or concern.

3.4.1 The Responsible Manager/Safeguarding Lead Manager will:

- Provide a reporting point within the organisation or service for allegations or concerns against staff and volunteers;
- Consult with the Safeguarding Adults Team Manager or the Head of Safeguarding Adults to determine what action, if any, is required.

### 3.5 Designated Roles within Thames Valley Police DAIU

3.5.1 The Detective Inspector for DAIU will:

- Have strategic oversight of the local police arrangements for managing allegations against staff and volunteers;
- Liaise with Buckinghamshire Safeguarding Adults Board on the issue;
- Ensure compliance.

3.5.2 The Designated Sergeant or Deputy for DAIU will:

- Liaise with the Local Authority Safeguarding Adults Manager or Head of Safeguarding Adults;
- Take part in meetings;
- Review the progress of cases in which there is a criminal investigation.

### 3.6 Designated Police Officer for allegations against police staff

3.6.1 The relevant Detective Chief Inspector DCI will oversee all allegations against police staff.

3.6.1 Cases requiring criminal investigation will be conducted with the involvement of the Professional Standards Department.

3.6.3 Cases requiring disciplinary enquiries will be handled by the Professional Standards Department.

3.6.4 Cases may also be overseen by the Independent Police Complaints Commission (IPCC).

## **4. GENERAL CONSIDERATIONS**

### **4.1 Information Sharing and Notification**

#### **4.1.1 Adults their families and carers**

Assuming mental capacity, the adult and their chosen representative, should be supported to understand the process and kept informed about the progress of the concern including any outcome.

If the adult lacks mental capacity to make decisions in relation to the concern, their chosen representative, should be supported to understand the process and kept informed of the progress of the concern and any outcome. This will include the outcome of any disciplinary process, but not the details of, a hearing.

#### **4.1.2 Staff and Volunteers Subject to Concerns or Allegations**

The member of staff should:

- Be treated fairly, honestly and helped to understand the concerns expressed and processes involved;
- Be kept informed of the progress and outcome of any investigation and the implications for any disciplinary or related process;
- If suspended, be kept up to date about events in the workplace and offered counselling/advice services during the time of suspension.

#### **4.1.3 Care Quality Commission (CQC)**

CQC should be informed of any allegations or concern made against a member of staff in any regulated activity, including registered residential care or nursing home, or any domiciliary care agency any supported housing setting, or any member of staff of Buckinghamshire County Council or Buckinghamshire Health Services.

CQC should also be invited to take part in discussions/meetings.



## 4.2 Confidentiality

- 4.2.1 Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being investigated or considered. Apart from keeping the adult, family and carers/representatives up to date with the progress of an enquiry/investigation in accordance with paragraph 4.1.1, information should be restricted to those who have a need to know in order to protect adults at risk, facilitate enquiries, or manage related disciplinary or suitability processes.
- 4.2.2 Organisations including Thames Valley Police (TVP) should not provide identifying information to the press or media, unless and until a person is charged, apart from in exceptional circumstances such as an appeal to trace an individual. In such cases, the reasons should be documented and partner agencies consulted beforehand.

## 4.3 Support

- 4.3.1 The organisation, together with Buckinghamshire County Council's Safeguarding Adults Team and Police where relevant, should consider the impact on the adult at risk and offer appropriate support in partnership with other agencies.
- 4.3.2 Following a concern or allegation,, the member of staff involved should be advised to contact a Trade Union or Professional Association they belong to. . The employing organisation's Human Resources (HR) should be consulted at the earliest opportunity to offer support via any available occupational health or employee welfare arrangements.
- 4.3.3 Where a member of staff returns to work after a period of suspension, the employer should consider what help and support might be appropriate e.g. a phased return to work; provision of a mentor; how best to manage the member of staff's contact with the adult at risk, if still in the workplace .

## 4.4 Suspension

- 4.4.1 Suspension should not be automatic but should be considered in any case where:
- There is cause to suspect an adult is at risk of significant harm, **or**
  - The concern/allegation warrants a statutory safeguarding enquiry by the local authority or investigation by the police, **or**

- The concern/allegation is so serious that it might be grounds for dismissal.

4.4.2 The risks should be assessed and managed in respect of the adult at risk and any other adults at risk in the member of staff's home, work or community life.

4.4.3 The decision whether to suspend rests with the employer. The employer should however, make an informed decision by seeking advice from the LASAM and from any investigative agencies where they are involved.

#### 4.5 **Organised and Historical Abuse**

4.5.1 Organisations should be alert to the signs of organised or widespread abuse and/or the involvement of other perpetrators or institutions. They should consider whether the matter ought to be dealt with in accordance with Large Scale Enquiry (LSE) Procedures, which if applicable, will run in parallel with any internal process.

4.5.2 Historical allegations should be responded to in the same way as any other concerns and with the same degree of priority. If an allegation relates to a person currently working with adults or children consideration must be given to whether the current employer should be informed.

#### 4.6 **Whistle-blowing - Public Interest Disclosure Act 1998**

4.6.1 All staff should be aware of their organisation's whistle-blowing policy and encouraged to voice concerns about the attitude or actions of colleagues. If a member of staff believes that a reported allegation or concern is not being dealt with appropriately by their organisation, s/he should report the matter to the Safeguarding Adults Team based at the MASH

#### 4.7 **Timescales**

4.7.1 It is in everyone's interest for concerns to be dealt with expeditiously, fairly and thoroughly and for unreasonable delays to be avoided.

### 5. **INITIAL RESPONSE TO CONCERNS**

#### 5.1 Source of concern

5.1.1 A concern against a member of staff may arise from a number of sources e.g. a report from an adult at risk, a concern raised by another adult in the organisation, or a complaint by a carer.

## 5.2 Initial action by person receiving or identifying an allegation or concern

5.2.1 The person receiving the concern should treat the matter seriously and keep an open mind. It is important to involve the adult at risk wherever possible to ascertain their views and wishes.

5.2.2 S/he should not:

- Investigate or ask leading questions, if seeking clarification.
- Make assumptions or offer alternative explanations.
- Promise absolute confidentiality.

S/he should:

- Instigate immediate medical care where appropriate (e.g. initial first aid, **not** forensic examination).
- Ascertain the views and wishes of the adult at risk/representatives.
- Offer reassurance that the information will only be shared on a 'need to know' basis.
- Make a written record of the information (where possible creating a verbatim record), including time, date and place of incident(s), person present and what was said.
- Sign and date the written record
- Report the matter to their manager or Lead Safeguarding Manager or deputy in his/her absence or where their manager is the subject of the allegation.

## 5.3 Initial action by the Organisation Responsible Manager

5.3.1 When informed of a concern or allegation, the responsible manager should ensure that risk is assessed and managed appropriately as well as;

S/he should:

- Obtain written details of the concern/allegation, signed and dated by the person receiving (not the person making) the allegation
- Countersign and date the written details
- Record any information about times, dates and location of alleged incident(s) and names of any potential witnesses

- Record discussion about the potential victim and/or member of staff, any decisions made, and the reasons for those decisions.

5.3.2 If the concern meets the criteria in paragraph 2 above (see criteria under 'SCOPE') the Responsible Manager should report the concern to the Safeguarding Adults Team within the MASH within 24 hrs. Referral to the Safeguarding Adults Team should not be delayed in order to gather further information

5.3.3. The Safeguarding Adults Team and where appropriate, Police, should be consulted about how and when the accused member of staff is to be informed of the allegation. If sharing the information with the member of staff will not impede or undermine any subsequent enquiry, there should be no delay in doing so. At this early stage, it is advisable to explain only that an allegation of a safeguarding adults' nature has been made. The detail of the allegation can be explained by the investigative agencies.

5.3.4 If an allegation requires immediate attention, but is received outside of normal office hours, the Responsible Manager should consult the Emergency Duty Team or, if appropriate, the police.

5.3.5 If a police officer receives an allegation, s/he should, without delay, report it to the Designated Detective Sergeant. The Designated Detective Sergeant should inform the Safeguarding Adults Team (MASH).

#### 5.4 **Allegations against police staff**

5.4.1 The following actions must be undertaken immediately:

- Where concerns are reported to the Safeguarding Adults Team (MASH) first, he/she will notify the relevant Detective Chief Inspector (DCI).
- Where concerns are reported directly to the police, the relevant DCI must be notified.
- The DCI will liaise with the Police Professional Standards Department.
- The DCI will also liaise with the LASAM to discuss how the case should be dealt with and whether a safeguarding discussion/meeting is required.

## **5.5. Allegations against Buckinghamshire County Council Staff**

5.5.1 The following actions must be undertaken immediately

- Where concerns are reported to another agency first e.g. Police, he/she will notify the Local Authority Safeguarding Adults Manager based at the MASH.
- Where concerns are reported directly to BCC management, the Safeguarding Adults Manager must be notified.
- The Safeguarding Adults Team Manager will liaise with responsible manager and HR
- The Safeguarding Adults Manager will also liaise with the Head of Safeguarding Adults to discuss how the case should be dealt with and whether a safeguarding discussion/meeting is required.

## **6. ALLEGATIONS AGAINST STAFF IN THEIR PERSONAL LIVES**

- 6.1 If a concern or allegation arises about a member of staff, outside of his/her work setting, and this may present a risk to those for whom the member of staff has a responsibility, the general principles outlined in these procedures still apply.
- 6.2 If the member of staff lives in a different authority to that which covers his/her workplace, there must be liaison between the relevant agencies.
- 6.3 In some cases, a concern or allegation of abuse against someone closely associated with a member of staff e.g. partner, member of the family, or other household member, may present a risk to adults for whom the member of staff has a responsibility. In these circumstances, it is important to consider:
- The ability and willingness of the member of staff to adequately safeguarding the adult(s) they are working with;
  - Whether measures need to be put in place to ensure the adult(s) safety needs are met;
  - Whether the role of the member of staff is compromised.

## **7. REFERRAL TO INDEPENDENT DISCLOSURE AND BARRING SERVICE (DBS) OR REGULATORY BODY**

- 7.1 If the concern/allegation is substantiated and the person is dismissed or the employer ceases to use the person's services, or the person resigns or otherwise ceases to provide his/her services, the employer should refer the concern to the DBS and/or a regulatory body e.g. the HCPC, NMC, GMC

- 7.2 In compiling a report for DBS, the employer may be offered guidance by the LASAM in ensuring that wherever possible, the employer receives sufficient information from the safeguarding enquiry.

## 8. **LEARNING LESSONS**

- 8.1 The LASAM will provide regular progress reports and statistics to the Safeguarding in Employment Sub Committee. The Sub Committee will determine whether there are any improvements to be recommended within specific organisations in terms of procedures or practice. The LASAM will consider whether any concerns subject to enquiry meet the threshold for a Safeguarding Adult Review (SAR) and where they do, must refer to the SAR-Sub-Committee.

## 9. **PROCEDURES IN SPECIFIC ORGANISATIONS**

- 9.1 All local procedures for managing allegations against staff and volunteers who work with adults should be compatible with the Buckinghamshire Safeguarding Adults Board procedures in this document. In addition, they should provide contact details for:
- The Responsible Manager/Lead Safeguarding Manager in their organisation to whom all concerns/allegations should be reported;
  - The Deputy for the DSM; and
  - The Local Authority Safeguarding Adults Manager and Head of Safeguarding Adults; and
  - The Lead Safeguarding Manager of the Clinical Commissioning Groups (CCGs) and Thames Valley Police (TVP)

**10. FLOWCHART:**

