

**Persons in Position of Trust Policy**

**Tower Hamlets Safeguarding Adults Board**

1. **Introduction**
	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 at risk 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.
	2. Adults at risk 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.
	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 at risk, who in many cases could be dependent on their care.
	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 at risk, they may be deterred from making a complaint or taking action out of a sense of loyalty, fear, of abandonment or other repercussions.
	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.
	6. This multi-agency Safeguarding Adults Board policy follows a [Safeguarding Adult Review](https://www.towerhamlets.gov.uk/lgnl/health__social_care/ASC/Adults_Health_and_Wellbeing/Staying_safe/Safeguarding_Adults_Review.aspx) published in November 2019, whereby a person in position of trust with a voluntary agency was alleged to have financially abused an adult at risk (‘Mr V’).
	7. 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.
2. **Scope of Policy**
	1. The safeguarding procedures and this policy apply where there is a concern, allegation or suspicion that a person working with adults at risk has:

• Abused (including financial abuse) or neglected an adult at risk;

• 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 at risk

• Behaved towards an adult at risk in a way that indicates she or he is

 unsuitable to work with vulnerable adults

• Commenced a sexual relationship with a vulnerable adult or is grooming a

 vulnerable adult for a personal or intimate relationship.

* 1. Concerns should be reported following the safeguarding adult procedures as a safeguarding concern.
	2. It should be noted that this policy does not supersede local policies and procedures held by partner organisations.
1. **Involvement of the Person in a Position of Trust and their Employer in any Safeguarding Action**
	1. It is important to involve the person in a position of trust’s employer in the safeguarding adults process if possible. There may be times when it is not possible to do this because of duties to safeguarding the vulnerable adult or in the public interest to safeguard other parties. The social worker of the local authority and the safeguarding adults manager supporting them will determine the extent of involvement of the person in a position of trust and their employer, having due regard for the information and submissions of partner agencies. If it is deemed appropriate to conduct a safeguarding adults enquiry prior to informing the person in a position of trust about whom there are concerns or their employer or both, a clear record will be made of the reasons why which references the risk assessment within the safeguarding process.
	2. The extent of disclosure of information to the person in a position of trust about whom there are concerns and their employer will be determined by the social worker leading the safeguarding adults enquiry and the safeguarding adults manager supporting them, having due regard to the information and submissions of partner agencies.
	3. There is a general expectation that employers will take appropriate action in relation to persons in positions of trust about whom concerns have been raised in line with their own procedures, in particular, 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 social worker and safeguarding adults manager leading the safeguarding adults enquiry.
	4. 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.
	5. If enquiries into a person in a position of trust provide indications of concerns about any employer’s fitness to operate in the field in which they are commissioned or that there are serious failings in their ability to safeguard adults 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 adults 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.
	6. Where key events or key people in the safeguarding enquiry have a presence in areas outside Tower Hamlets, relevant local authority safeguarding adults personnel should be informed.
	7. 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).
	8. If there are concerns or indications that the person in a position of trust has committed a crime, the police must be immediately informed.
	9. In accordance with the London Multi Agency Adult Safeguarding policies and procedures:
		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 Social Work England.
		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. 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 and the Health & Care Professions Council.
		4. The legal duty to refer to the Disclosure and Barring Service may apply regardless of a referral to other bodies.
		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.

**Document Control**

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| --- | --- | --- | --- |
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| 0.2 | August 2019 | Updated draft written | Lisa Mathews |
| 0.3 | 10 November 2020 | Draft updated with legal feedback | Shohel Ahmed & Katie O’Driscoll |
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| 0.1 | November 2018 | Safeguarding Adults Executive | First draft agreed |
| 0.2 | January 2019 | Safeguarding Adults Board | Approved pending legal and other comments |
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