



Safeguarding
Partnership
Board **Adults**

Multi-agency Framework for Managing Allegations in respect of People working with Adults in a Position of Trust

DOCUMENT PROFILE	
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Short Title	Managing Allegations against those working or engaging with adults in a position of trust
Document Purpose	To provide multi agency principles and guidance to all staff and wider community regarding how to manage an allegation of a person working or engaging with adults in a position of trust
Target Audience	Those who work with and care for adults (to be read alongside the Managing Allegation for Children where appropriate)
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Introduction

The Safeguarding Partnership Board (SPB) has developed this framework to outline the responsibilities of ALL partner agencies to respond to allegations or concerns raised about ANY person, whether an employee, volunteer, visitor to the Island, student, paid or unpaid who works with or cares for adults with care and support needs. The Framework offers procedural guidance to help inform and support the decision-making process when responding to allegations.

Although Jersey does not have an equivalent to the Care Act 2014 (applicable in the UK) this framework draws on its principles and guidance such as; requiring all partners and those providing universal care and support services to have clear policies for dealing with allegations against people in positions of trust.

The responsibility for addressing concerns about someone who works with adults with care and support needs lies with the employer, who must assess any potential risk to adults who use their services and if necessary, act to safeguard those adults.

The framework is designed to ensure that if information is shared or disclosed it is done so in accordance with Jersey Law but in such a way that allows appropriate and proportionate enquiries to be made that ensures adults with care and support needs are protected and public confidence in services is maintained.

This guidance does not replace existing safeguarding procedures and must be read and used in the context of the SPB Multi-Agency Safeguarding Policy and Procedures. It should be read in conjunction with the framework for managing allegations against people who work with children (see [Managing Allegations Framework for Children](#)).

The Framework is based on the following principles:

- It reflects a proportionate, fair and transparent approach and seeks to build on current processes rather than replacing these.
- It applies to anyone working in a position of trust with adults such as employees, volunteers or students, in a paid or unpaid capacity regardless of the sector. It deals with current as well as historical allegations.
- The sharing of information will be justifiable and proportionate based on an assessment of the potential or actual harm to adults or children at risk.
- Partner organisations are expected to align (or develop) their current internal allegations management processes in line with the standards set out in this framework.

1. Scope

All organisations, establishments and professional groupings that work or have contact with adults with care and support needs /at risk must have their own policy for the management of allegations against staff. This framework adopts a fair and transparent approach and seeks to build on current internal allegations management processes rather than replacing them entirely.

The framework applies to concerns raised about a person in a position of trust in a work context, and relevant concerns that may arise from a person's personal life, if there are implications for the safety of adults. This will include people who have inappropriate relationships with adults with care and support needs.

A person in a position of trust is anyone who carries out work, be that paid or unpaid, on behalf of an agency which has access to children or adults with care and support needs or has access to privileged information about children or adults with care and support needs as part of their work.

Where an allegation has been made against a member of staff or volunteer who works with adults, consideration needs to be given to whether they also have contact with children. If this is identified as an issue the Adult Workforce Designated Officer for adults will notify the Jersey Designated Officer (JDO) for children who will be invited to join to the process to ensure that every individual is protected.

Examples of concerns that arise either in a professional or personal context but not limited to:

- a person has committed a criminal offence against, or related to, an adult or child;
- a person found to be under the influence of drugs or alcohol in the workplace;
- a person may be subject to an investigation by police as a perpetrator of domestic harm;
- a person has behaved (or is alleged to have behaved) towards children or Adult in a way that indicates that they may pose a risk of harm to adults with care and support needs;
- a person is subject of a safeguarding concern into allegations of abuse or neglect which have occurred in one setting. However, there are also concerns that the person is employed, volunteers or is a student in another setting where there are adults with care and support needs who may also be at risk of harm;
- the sending of inappropriate text/email messages/social media comments or images; which may be unwanted or viewed as harassing/coercive/bullying;
- possession of indecent photographs/pseudo-photographs of vulnerable adults; *and*
- inappropriate relationship(s) between members of staff and adults in their care.

If an allegation or concern arises about a person outside of their work with adults at risk, and this may present a risk of harm to adults for whom the person is responsible, the general principles outlined in this framework will still apply.

Please see [Appendix 1](#) for **Referral Timeline** and [Appendix 3](#) for a **Referral Form**

Please click [here](#) to access the **7 Minute Briefing** on AWDO

2. Role of the Adult Workforce Designated Officer (AWDO)

The case/incident should be referred by the Designated Senior Manager of the organisation and to the Adult Workforce Designated Officer (AWDO) who will decide whether the case will be dealt with under the Multi-agency Framework for Managing Allegations in respect of People working with Adults in a Position of Trust or dealt with as a safeguarding enquiry. In cases where there is no managing agency (self-employment) the risk plan would be undertaken at the meeting. Consideration would also be given to informing the employer/individual service user. The AWDO may wish to seek legal advice in regards to this disclosure.

The AWDO has specific responsibility for:

- screening the referral and completing an initial risk assessment;
- being involved in the management and oversight of individual cases;
- providing advice and guidance on managing allegations to employers and voluntary organisations;
- liaising with Police and other agencies, where necessary;
- monitoring the progress of cases to ensure they are dealt with as quickly as possible, using a consistent, thorough and fair process;
- data collection; *and*
- completing the closure form.

The Safeguarding Adult Team Manager will cover the functions of the AWDO in Jersey. Screening would be done at the point of referral in accordance with the current SPB Policy to establish if the case is a Safeguarding alert or an AWDO referral.

The AWDO is responsible for an initial review of the process of actions within one months' time.

3. Individual Responsibilities of Partner Organisations

Individual organisations are responsible for responding to allegations about any person working for them in a position of trust with adults with care and support needs. Partner organisations should undertake all necessary action in line with their internal process and agreed timescales. This must include referring immediately to the AWDO for managing allegations. Individual organisations must then:

- establish a clear internal allegations management procedure setting out the process, including timescales for investigation and what support and advice will be available to individuals against whom allegations have been made. The procedure should link to the guidance in this framework;
- ensure staff and managers have access to expert advice and guidance to enable them to fulfil their responsibilities when responding to allegations. Advice may need to include legal and Human Resources guidance;
- respond promptly to allegations regarding their staff and for undertaking necessary action in line with their internal process and agreed timescales;
- monitor the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process;
- ensure appropriate systems are in place to support and provide regular updates to the employee in respect of the investigation;
- make prompt referrals to the Disclosure and Barring Service (DBS) and/or Professional Registration Bodies as required;
- ensure appropriate recording systems are in place and that these provide a clear audit trail about the decision-making process and any recommendations arising from the investigation and subsequent actions;
- ensure control of information in respect of individual cases is in accordance with accepted data protection and confidentiality requirements;
- maintain records of the number and nature of allegations made and use this data to inform service improvement and development; *and*
- inform their employee of the outcome of the internal process

Organisations are expected to identify a lead to:

- receive notifications on allegations of people in a position of trust;
- log and record details of allegations or concerns;
- lead management and oversight of individual cases;
- provide advice and guidance to staff when needed;
- liaise with police and other agencies where proportionate;
- monitor the process of the case and lead a speedy resolution through consistent and fair practice;
- ensuring they have clear, simple and easily understood policies and procedures for dealing with whistleblowing concerns; *and*
- provide advice and guidance in relation to making referrals to the DBS and regulatory bodies such as Jersey Care Commission (JCC).

4. Role of the Safeguarding Adult Team

If there is a direct allegation of abuse or neglect of an adult at risk, then usual safeguarding practices apply, and any risks to others will be considered as part of usual multi-agency arrangements.

5. Absence of a Safeguarding concern

If a formal safeguarding enquiry is not required, a Planning Meeting should be arranged by the employer within 48 hours to assess and determine the actions required to manage the risk posed by a 'person in position of trust'.

6. The Planning meeting

Consideration should be given to the involvement of the following in such a meeting:

- Organisation lead/ Designated Officer
- The AWDO
- Heath Safeguarding Team
- Commissioners
- Jersey Care Commission
- Police
- HR

Any other significant persons that may make a significant contribution to the assessment and management of any perceived risk to adults and/or children.

The purpose of the Planning Meeting is to undertake a collaborative assessment of the level of risk posed by the person about whom concerns have been raised and to clarify what information should be shared with the employer if they are not already aware. At any point during an enquiry consideration should be given as to whether the person should be referred to the Disclosure and Barring Service and/or any relevant bodies. If a decision is made to refer this should be carried out promptly, on the day that the decision is made. If a decision is not to refer this should be reviewed at the conclusion of a case to check if the any further information has led to the criteria being met. The chair of the planning meeting will arrange for minutes to be taken in line with the standard agenda Planning Meeting template ([Appendix 2](#)).

7. Role of the Police

If there are concerns about a possible criminal offence or need for investigation about an adult or child, contact should be made to the police. The police will make a decision regarding the criteria for a criminal investigation. It should be noted that Police have a common law power to disclose sensitive personal information, including criminal investigations, to an employer where the information is credible, relevant and sufficiently serious, that such disclosure is proportionate and necessary, and that there is an urgent pressing social need. Such a need can include the protection from harm of an individual, or group or society at large. The Police will follow their existing Public Interest Disclosure (PID) procedures which

require all disclosures to be approved by an officer of at least the rank of Chief Inspector.

8. Role of the Jersey Care Commission (JCC)

When the allegations involve a person working in a regulated service, the JCC must be informed of the allegation, with consideration given to the nature and extent of information to be shared. The JCC can consider appropriate action to take in relation to their duties and powers under the [Regulation of Care \(Jersey \) Law 2014](#). The JCC have powers of entry and inspection of regulated services.

The JCC also registers health and social care professionals in Jersey (in accordance with [The Health Care \(Registration\) \(Jersey\) Law 1995](#)), and the JCC will need to be informed of allegations relating to such professionals. The JCC has no powers of inspection or investigation relating to health and social care professionals; other than in respect of care provided in a regulated service.

The JCC will produce and publish an *Escalation, Enforcement & Review Policy*. Any action taken by the commission in respect of registered professionals and regulated services will be in accordance with this policy.

9. Role of Professional Bodies

The person who has received the allegation, should escalate this to their Line Manager or to the AWDO who will in collaboration with necessary parties need to decide if the threshold is met to refer the subject and information to professional bodies in line with the following guideline:

The person is registered with a professional body and there are concerns about their fitness to practice. In this case, the employer/volunteer manager must refer to the professional body's published guidance and consider the need to raise the concern with that professional body.

A Professional Body has a range of options where appropriate, these usually include suspending the person from practice, de-registering them or imposing conditions of practice that the person must work under.

10. Role of the Employer (Statutory, Voluntary and Private)

The employer must be informed if there are concerns about an employee during the course of their work. If concerns arise in the person's personal or private life, or in another work setting, the decision to share information must be justifiable and proportionate based on the potential or actual harm to adults at risk. The decision to share information and the rationale for doing so should be recorded.

Decisions about sharing information should consider the key question of whether the person has behaved or may have behaved, in a way that questions their suitability to undertake their current role or to support adults at risk.

11. Information sharing

Sharing information is vital in order to increase the safety, health and wellbeing of those at risk and / or victims. Information sharing helps to mitigate presenting risks and to achieve desired outcomes for those involved wherever possible. Each organisation must maintain records of decision making in relation to the information shared for the purpose of meeting the requirements of the AWDO process.

The need to share information and the decision as to what information should be shared with whom, should be led by the agency that receives the allegation. It may be appropriate to seek HR and legal guidance in this context.

The person must be informed about an allegation against them unless to do so puts the adult or child in danger, at further risk. The person should be made aware that the allegation will be shared and with whom and the person should be offered the right to reply. S/he should be advised what information will be shared, how and with whom.

Each case must be assessed on its own individual merits as there may be cases when informing the person about the details of the allegation will increase risks to a child or adult at risk. In the first instance the person should be given the opportunity to inform their employer themselves, although sometimes immediacy and nature of risk will not allow for this. The employee would normally have the right to have a redacted copy of the allegation and the report / minutes of the meeting.

Each case must be assessed individually as there may be cases where informing the person about details of the allegations may increase the risks to the adult or child. Decisions on sharing information must be defensible and proportionate, based on the potential or actual harm to adults or children at risk and the rationale for decision making should always be recorded.

The fact that a person tenders their resignation or ceases to provide their service must not prevent an allegation from being followed up.

When sharing information about adults, children and young people at risk between agencies it should only be shared:

- where relevant and necessary, using proportionality, not simply all the information held;
- with the relevant people who need all or some of the information;
- when there is a specific need for the information to be shared at that time.

The AWDO and the police should discuss with the employer¹ and decide what information they can share with the member of staff to whom the allegation relates, including being kept updated about any investigation which is undertaken, any disciplinary or related actions. If a police investigation is ongoing information may not be shared until the internal investigation begins.

¹ Employer - reference to employer includes all other organisations

There may be times when a person is employed to work with adults but their behaviour towards a child or children (for example outside of work) may impact on their suitability to work with or continue to work with adults. Likewise, there may also be times when a person's conduct towards an adult outside of work may impact on their sustainability to work with or continue to work with children. All these situations must be risk assessed individually to make a decision about referring the case to the relevant organisation. Any disclosure made should comply with the requirements under the [Data Protection \(Jersey\) Law 2018](#).

12. Managing Risk

Risk Management arrangements are the responsibility of the employing organisation taking into account their assessment of the risk, their own internal policies and procedures, and employment law.

The organisation must have a mechanism for gaining assurance that the presenting risks have been appropriately assessed and responded to. The organisation should also seek evidence of the action taken as required.

Employers are responsible for assessing the risk in the context of their service. It is only the employer that has the power to suspend an employee, redeploy them or make other changes to their working arrangement. It is therefore the employer that must be responsible and accountable for the decision reached. Employers should ensure that their disciplinary procedures are compatible with the responsibility to protect adults at risk of abuse and neglect.

13. Review of working arrangements

The employer is responsible for assessing and managing any risk of harm posed by the person, taking into account the nature and seriousness of the allegation, harm to any patients/service users, and the risk of repeated incidents/on-going

behaviour. In cases where there is no managing agency, the Chair of the meeting would be the AWDO.

Whilst it is the employer who makes this decision, it is entirely reasonable to require a risk assessment where the employer has decided NOT to suspend. The employer can confer with the AWDO, Police, and invited others to inform the risk assessment.

Sometimes the employer will need to consider suspending an employee; this should not happen automatically but only after they have considered if the circumstances of a case warrant a person being suspended until an allegation is resolved. If the employee is suspended the employer should make arrangements to keep the individual informed about developments in the workplace.

Suspension may not be required if risks can be managed through changes to working arrangements such as:

- not working with particular patient/service user; *and/or*
- working in a non-patient/service user contact role whilst the allegations are being investigated.

If a person is suspended, they are entitled to know in broad terms the reasons for the suspension. Whilst an individual must be afforded the right to respond, this must be at an appropriate time. Care should be taken to ensure information is not shared at the point of suspension that may prejudice a subsequent enquiry/investigation or place any person at additional risk.

Suspension should always be considered in any case where there is cause to think:

- an adult with care and support needs or child is at further risk of abuse or neglect;
- the allegation warrants investigation by the Police;
- the allegation is so serious that it might be grounds for dismissal; *and*
- the presence of the person in the workplace will interfere with the enquiry/investigation process.

14. Disciplinary Process and Responsibilities

The need for, and timing of, a disciplinary hearing is a decision for the employer dependant on the specific circumstances of the situation. Consideration should be given to whether the decisions or findings within any police or safeguarding adults' process may potentially affect decision making with the disciplinary process, and vice versa. Such decisions will need to be reached on a case by case basis.

Disciplinary hearings whilst focused on the conduct of the employee as an individual should also have regard to the organisation's responsibility to safeguard children and adults at risk. Employers who are service providers or commissioners have a duty to the adult at risk and a responsibility to act in relation to the employee when allegations of abuse are made against him/her. Employers must ensure that their disciplinary procedures are compatible with the responsibility to protect adults at risk of abuse or neglect.

If an organisation dismisses an individual (paid worker or unpaid volunteer) from work with an adult with care and support needs, (or would have, had the person not left first), because the person poses a risk of harm to an adult, the organisation must make a referral to the Disclosure and Barring service (DBS) <https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs>. A referral can be made on the basis that the organisation concerned either have a public function to share the information or it is in the substantial public interest under the [Data Protection \(Jersey\) Law 2018](#). Where it is necessary to refer individual employees to the DBS and/or the relevant professional body, the referral will be made promptly either during or at the conclusion of the investigation in consultation with HR. This includes sharing with the professional body, the supporting evidence required as part of the referral. The individual should be informed of the referral.

15. Support for the person subject to an allegation

Alongside the duty of care towards the adult at risk, is the duty of care to the

employee. The employer should provide support to minimise stress associated with the process, this may need to include:

- support to understand the procedures being followed;
- updates on developments;
- opportunity to respond to allegations/concerns;
- support to raise questions or concerns about their circumstances; *and*
- counselling should also be considered.

There may be limitations on the amount of information that can be shared at a time in order not to prejudice any enquiry/investigation or place any person at risk.

Support may be available via occupational health or employee welfare arrangements where they exist. If the person is a member of a union or professional association or network, he or she should be advised that they may wish to seek support from that organisation.

The person may also wish to seek independent advice regarding employment issues, from organisations such as the Jersey Advisory & Conciliation Service (JACS). Such advice and support should be supplementary to that provided by the employer. There may be occasions where there is a need to agree changes to the person's working arrangements or to the support provided, to protect them from unfounded allegations in the future.

16. False Allegations

If it is established that an allegation has been deliberately invented, malicious or vexatious the police should be asked to consider what action may be appropriate.

17. Recording and Data collection







Individual organisations should maintain appropriate records of cases in line

with [Data Protection \(Jersey\) Law 2018](#) requirements and individual organisational policies around information governance and record retention.

Individual organisations should also establish monitoring arrangements to enable activity relating to allegations against staff to be tracked. Collated anonymised information about the number and nature of allegations made and their outcomes should be produced by the AWDO and these reports shared with the SPB. The information should be included as part of the SPB Multi-Agency Quality and Assurance Framework for Children, Young People, Adults and their Families and reported in the SPB Annual Report. Records that relate to investigations and actions taken to investigate concerns must be retained both in cases where the allegation has been substantiated and cases when the allegation is found to be without substance.

Individuals (including the person in a position of trust who is the subject of the recording) are entitled to have access to their personal records whether they are stored electronically or manually under the [Data Protection \(Jersey\) Law 2018](#).

Appendix 1 Adult Workforce Designated Officer (AWDO) Referral Timeline

Adult Workforce Designated Officer (AWDO) REFERRAL TIMELINE						
 Safeguarding Partnership Board	24hrs before referral received	Day 1	Within 48 hours	Within 5 working days	Within one month	Within one month unless otherwise specified
Referral Pathway	Referral form completed within 24 hours of becoming aware of concern and sent to SPOR	AWDO informed (by SPOR or directly e.g. by email) within 4 hours of receipt of referral. Initial risk assessment completed. Care Partner record set up by SPOR in restricted folder and populated as per recording convention / minimum data set	Planning Meeting convened, usually by the employer, involving relevant persons within 48 hours of receipt of referral	Planning Meeting Minutes including Actions finalised and distributed (within 5 days)	Initial Review of Progress of Actions by AWDO Risk Assurance Levels recorded by AWDO on form	Monitoring, Tracking, Progress chasing of Actions through to completion by AWDO.
Risk Assessment & Management			Initial Risk Assessment and Management Plan decided and recorded in Planning Meeting	Employer implements Risk Management arrangements as per its own policies, procedures and Employment Law		
Communications with Person in Position of Trust				Person in Position of Trust informed about allegation if not already and given the right to reply		
Communications with Employer				AWDO and Police discuss with Employer what information can be shared with Person in Position of Trust		
				Employer informed either by AWDO or Person in Position of Trust about the referral / allegations		
Support for Person in Position of Trust				Support provided to Person in Position of Trust by Employer		
Information Sharing		Chief Social worker made aware of JAWDO referral	Decision about who information can be shared with made and actions recorded at Planning Meeting	Information sharing with other relevant others as per action plan		Case closure checklist completed. Cases to be closed in supervision via the documented process with Chief Social worker

Appendix 2 Agenda Template for the Planning meeting

Date:

Venue:

NO	ITEM	LEAD	TIME
1	Welcome, introductions and apologies and housekeeping		
2	Confidentiality statement		
3	Purpose of the meeting		
5	Summary of concerns		
6	Risks Identified - please state each risk separately		
7	Risk Management Plan - please list how each risk will be mitigated		
8	Review of working arrangements and consideration of any restrictions to practice if applicable		
10	Notification to relevant agencies as appropriate		
11	Support in place for the person of concern		
12	Arrangements for review and follow up meeting		

Appendix 3 Referral form

In respect of allegations about people in a position of trust working with adults at risk

TO BE COMPLETED WITHIN 24 HOURS OF BECOMING AWARE OF THE CONCERN

Details of person making referral

Date of referral:	
Referrer name:	
Referrer Contact Details:	

Details of Person in Position of Trust (against whom allegations have been made)

Name of Person in a Position of Trust:	Surname:	First Name:	Mr / Mrs / Ms / Miss	Alias:
Date of Birth:				
Home Address:				
Current Job Role and brief description of responsibilities:				
Employing Agency:				
Length of Service in current post:				
Previous Employment and Job Role:				
Have any allegations been made against this individual previously?				
Yes <input type="checkbox"/> No <input type="checkbox"/> Not Known <input type="checkbox"/>				
If yes, please specify				

Details of adults (s) with care and support needs – to whom the allegation relates

	Adult 1	Adult 2	Adult 3*
Name:			
D.O.B:			

URN: If applicable			
Home Address:			
Care Homes Address (if applicable):			
Ethnicity:			
Relationship to Adult:			
<i>(*If there are more than 3 children/adults – please add details at the end of this referral)</i>			
Does this individual pose a risk to children in their employment setting or in any other way? If yes, please specify:			

Details of child(ren) who live in the same household as Person in Position of Trust			
	Child 1	Child 2	Child 3*
Name:			
D.O.B:			
ID code (if known):			
Address:			
Ethnicity:			
Relationship to Adult:			
<i>(*If there are more than 3 children/adults – please add details at the end of this referral)</i>			

Information about the allegation or behavior causing concern			
Date of alleged incident:			
Date information became known to referrer:			
Description of allegation/details of concerns: <i>(Please provide full names of any person referenced within this referral, not initials)</i>			
Any other known positions of trust held? <i>(Please include paid and</i>			

<i>voluntary roles)</i>			
Other agencies involved and contact details:			
Action taken by Organisations/Employers to date:			
*Details of other relevant children/adults if you need to list more than 3:			
<p style="text-align: center;">AWDO contact details: Email: SPOR@health.gov.je Tel: 01534 444 440</p>			