



OLDHAM ADULTS SAFEGUARDING BOARD

Guidance and Procedure for Adults Allegation Management

Author: Oldham Safeguarding Adults Board

Adapted by: OSAB Policy, Procedure and Workforce Development Sub Group

With thanks to Rochdale Adult Safeguarding Board

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1. Introduction

- 1.1 The Care Act 2014 requires Safeguarding Adult Boards (SABs) to establish and approve a framework and process for member organisations of the SAB to respond to allegations and issues of concern that are raised about a person who may have harmed, or who may pose a risk, to adults at risk. The guidance for managing allegations against people in a 'position of trust' is contained within section 14 of the Care and Support Statutory Guidance of the Care Act 2014. Other relevant legislation includes: General Data Protection Regulations (GDPR), Human Rights Act 1998 and Employment Legislation.
- 1.2 These procedures are to be used in conjunction and are aligned with the 'North West Policy for managing concerns around people in positions of trust with adults who have care and support needs' when allegations are made against people who work with adults at risk in a paid or voluntary capacity. This procedure should also be applied when there may be concerns reported of harmful behaviour which casts doubt on the person's suitability to work with adults at risk. This includes students who are working with adults at risk, and personal assistants employed under direct payments.
- 1.3 These procedures are designed to ensure that if allegations of abuse are made, or there is any concern, appropriate and proportionate enquiries are made so that adults at risk are protected and public confidence in services maintained.
- 1.4 For the purpose of these procedures, employees, volunteers, or students (paid or unpaid) will be referred to as a 'person in a position of trust', or person. The term 'employer' will be used to refer to organisations that have a working relationship with the 'person in a position of trust'. This includes organisations that use volunteers. It also includes adults with care and support needs who employ personal assistants (PAs).
- 1.5 It is essential that any allegation of abuse made against a professional who works with adults with care and support needs or other members of staff or volunteers in any setting is dealt with fairly, quickly, and consistently, in a way that provides effective protection for the adult or adults and at the same time supports the person who is the subject of the allegation.
- 1.6 Legislative frameworks include The Care Act 2014, Human Rights Act 1998 (Article 8 – the right to private and family life), GDPR Regulations 2018, The Courts and Criminal Justice Act 2015 which now includes the following criminal offences:
- (20) Ill treatment or wilful neglect: care worker offence – “It is an offence for an individual who has the care of another individual by virtue of being a care worker to ill-treat or wilfully neglect that individual”
 - (21) Ill treatment or wilful neglect: care provider offence – A care provider commits an offence if “An individual who has the care of another individual by virtue of being part of the care provider’s arrangements ill-treats or wilfully neglects that individual...”

2. Glossary and Acronyms

In using this document, a number of phrases, wording or acronyms have been used. The following provides more information and, where necessary, a definition:

AML	Allegation Management Lead.
CQC	Care Quality Commission – Regulator of Health and Social Care Services.
DBS	Disclosure and Barring Service – This is the organisation which will deal with Criminal Record Checks and referrals about staff.
Employer	The organisation that has a working relationship with the adult against whom the allegations have been made. This includes employment agencies, voluntary organisations, student bodies etc.
LADO	Local Authority Designated Officer – Person in Children’s services who receives concerns regarding a person in a position of trust who works with children.
OSAB	Oldham Safeguarding Adults Board
Person/PIPoT	Person in a position of trust.
Safeguarding Adult Manager	Person responsible for coordinating safeguarding enquiries regarding allegations of adult abuse.
Safeguarding Enquiry Officer	Person responsible for conducting the safeguarding enquiry.
Service Manager	Local Authority Service Manager.

3. Scope

- 3.1 These procedures and guidance apply to all who work, in either a paid or unpaid capacity, **with adults who can be at risk of abuse or neglect**. It also applies to students who are working with adults at risk. A member of staff or volunteer is considered to be in a 'position of trust'. Any allegation against them or concern about harmful behaviour towards adults and/or children, either in employment or in their personal life, must be carefully considered. These concerns may be current, or historical.
- 3.2 The Care Act 2014 states that local authorities and their partners should have clear policies, in line with Safeguarding Adults Board policies, for dealing with allegations against people who work, either in a paid or unpaid capacity, with adults with care and support needs.
- 3.3 Safeguarding Adults Boards need to establish and agree a framework and process for how allegations against people working with adults with care and support needs (for example, those in positions of trust) should be notified and responded to. Whilst the focus of safeguarding adults work is to safeguard one or more identified adults with care and support needs, there are occasions when incidents are reported that do not involve an adult at risk, but indicate, nevertheless, that a risk may be posed to adults at risk by a person in a position of trust (Care Act Guidance 2014, 14.121, ADASS 'Top Tips for Directors on dealing with allegations against people in a position of trust').
- 3.3 This guidance **does not apply** if the allegations or concerns involve the person's suitability to work with children. **If the person is working with children a referral must be made without delay to the Local Authority Designated Officer (LADO)**. A referral form and further details can be found on the Oldham Safeguarding Children's Board website [here](#).
- 3.4 If the person is working with both children and adults the LADO and the local authority AML will work together to monitor the concern. People who pose a risk to children may also pose a risk to adults, and vice versa. The LADO and local authority AML will work closely together to identify risks across both adults and children's services.
- 3.5 Where a concern has been raised about a person, who is currently employed, volunteering or on a student placement in another local authority area, information must be shared with the Adult Safeguarding Lead for that local authority area.
- 3.6 The purpose of this guidance is to provide a framework for managing cases where allegations have been made against a person in a position of trust (PIPOT) and is focused on the management of risk based on an assessment of abuse or harm against an adult with care and support needs. It provides a framework to ensure appropriate actions are taken to manage allegations regardless of whether they are made in connection with the person's employment, in their private life or any other capacity.

An allegation is:

"A suspicion or concern that a trusted individual within an organisation or establishment (employee, volunteer or student) has mistreated or abused an adult with care and support needs or may be about to do so".

4. Key Roles in Managing Allegations

4.1 Role of the Allegation Management Lead (AML)

The AML has the overall responsibility to:

- Provide advice and guidance to safeguarding leads, senior managers, employers, and voluntary organisations who oversee those professionals that work with adults with care and support needs
- Liaise with the police if a potential crime has been committed

- Monitor the progress of all cases to ensure they are dealt with as quickly and consistently as possible through the use of a fair and thorough process
- Consider if allegations meet the criteria for an enquiry
- Chair allegation management strategy meetings and guide other safeguarding adult managers to do so if required
- Chair allegation management strategy meetings where the concern has originated from incidents outside the workers professional role or volunteer place of work
- Identify whether other actions may be required following the completion of an initial strategy meeting and to ascertain if further meetings may be required due to wider service concerns.

4.2 Role of the Safeguarding Lead

All Local Safeguarding Adult Board organisations should have a Safeguarding Lead with overall responsibility for:

- Ensuring that their organisation operates safeguarding procedures including those for dealing with allegations
- Resolving any inter-agency issues
- Liaising with the Oldham Safeguarding Adults Board (OSAB) on the subject.

This role relates to the management and oversight of individual cases and will be responsible for liaising with the AML and for making referrals.

4.3 Role of the Senior Manager within a statutory organisation, voluntary sector, education establishment

For those organisations not represented on the OSAB, the senior manager within an organisation is the senior person to whom all allegations or concerns should be reported and has overall responsibility for:

- Ensuring procedures are properly applied and implemented
- Providing advice, information, guidance and for staff within the organisation
- Sharing information as needed with the AML in complex cases where they require support
- Making referrals to and liaising with the AML during the enquiry
- Making referrals to regulatory bodies if required
- Taking the lead on decision making outcomes during the enquiry
- Completing employee risk assessments (prior and during the enquiry when required)

4.4 It is critical that the relationship between the AML and the Safeguarding lead or Senior Manager is clear to all. The AML should act independently of any organisation involved in the allegation concerned.

5. Practice Issues to Consider

5.1 Information Sharing

Decisions to share information must be justifiable and proportionate, based on the potential or actual harm to adults or children and the rationale for decision -making should always be recorded.

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

- Where relevant and necessary – not always sharing 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
- Considering the above – confidential information can be shared if it is justified as being in the public's interest e.g., for the detection and prevention of crime and for the protection of vulnerable person's, i.e., adults with care and support needs at risk of harm or neglect (and children).

Any information shared will be in line with current law which allows appropriate and proportionate enquiries to be made that ensures adults with care and support needs are protected and public confidence in services maintained.

5.2 Informing the Person Alleged to have Caused Harm

As a general principle, a person subject to an allegation should be informed by their employer that an investigation will be carried out, unless the initial risk assessment indicates that this disclosure might compromise an enquiry or increase the risk of harm. They should also be given the information leaflet about the process (see Appendix D).

5.3 Data Controller

If an organisation is in receipt of information that gives cause for concern about a person in a position of trust, then the organisation should give careful consideration as to whether they should share the information with the person's employers (or student body or voluntary organisation) to enable them to conduct an effective risk assessment.

Unless the risks are high, the person should be given the opportunity to inform their employer of concerns first within agreed timescales.

The AML will provide support and guidance to the initial data controller.

The receiving organisation becomes the Data Controller as defined by the General Data Protection Regulations (GDPR).

It is an offence to fail to make a referral without good reason.

5.4 Record Keeping

Record keeping is an integral part of the allegation management process. There is an expectation that complete and accurate records contain information which provides comprehensive details of:

- Events leading to the allegation or concern about an adult's behaviour
- The circumstances and context of the allegation
- Professional opinions
- Decisions made and the reasons for them
- Actions taken
- Final outcome decision by the employer

Employers are responsible for keeping all accurate and up to date records regarding any allegation involving an employee. Records will be stored in a secure area of the adults HR file and not on the service user's file.

The AML will keep accurate up to date records when an allegation meets the threshold for enquiry. The AML will record any advice given to employers or agencies.

For allegations that are **substantiated**, the information will be kept on the Allegation Management system until the person reaches 70 years of age.

Where the allegation is **unsubstantiated, unfounded, or malicious/false**, records should be kept on the Allegation Management system for 10 years, as this provides a safeguarding assurance to the employee.

The adult is entitled to have access to their personal records, it is therefore important that information recorded is fair, accurate and balanced.

Please use the Managing Allegations referral form (Appendix A), Attendance Form and Agenda templates (Appendix E). These are also available on the OSAB website.

5.5 Confidentiality

Information should be restricted to those who have a need to know in order to protect adults at risk or children, facilitate enquiries, or manage related disciplinary processes. The AML will ensure that all personal information is restricted to the local authority safeguarding service and to the relevant personnel who are conducting enquiries or undertaking disciplinary investigations.

Where the concern is subject to an adult safeguarding enquiry or protection plan it will be necessary to enter details of the concern onto the local authority recording system in order to:

- carry out an effective adult safeguarding intervention
- record the experience, outcomes, and thoughts of the adult at risk
- record the impact of any substantiated harm on the life of the adult at risk.

5.6 Learning Lessons

At the conclusion of an enquiry the AML should discuss with the employer and any other appropriate partners whether there are any improvements or changes that could be made to their policy and practice to prevent similar events from happening in the future.

Any significant concerns will be shared with the OSAB and any further actions undertaken by appropriate Sub Groups of the Board.

6. The Process

6.1 Responding to an Allegation

The procedures should be used when an allegation is made that a person who works with adults with care and support needs has:

- 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 they may pose a risk of harm to adults with care and support needs
- behaved in a way that casts doubt on their suitability to work with adults at risk, for example been arrested or convicted of drug or alcohol or violence related offences.

Examples:

- Allegation of assault or abuse of a family member
- Children removed from the care of the person following concerns regarding abuse and/or neglect
- Criminal convictions including sexual assault, theft/fraud, alcohol/drug/violence related offences, including those related to domestic abuse offences. Also, convictions for wilful neglect

Concerns may be identified and brought to the attention of the AML by the person's employer, the police, a social worker or other professional, an adult at risk, complainant, whistle blower or member of the public. Concerns may come to light via a child protection investigation, a complaint, a quality assurance visit or provider alerting commissioners of services, or any other source of disclosure.

If allegations arise within the person's workplace, the employee should be given the opportunity to inform their employer of the concerns (within agreed timescales). If the person refuses to inform their employer, the data controller will inform them and, in addition provide advice and support to the employer. An Adult

Safeguarding Enquiry may be considered to ascertain the need for a safeguarding plan to address the safety and well-being of the adult(s) at risk.

A non-recent allegation of child abuse must be referred to the police and to children's services via child.mash@oldham.gov.uk This may also become an adult abuse of position of trust concern if the alleged person causing harm currently works with or has contact with adults at risk.

Where a non-recent allegation of adult abuse is made, consideration must be given to a person's wishes and consent, however, the person should be informed that the allegation must be reported to adult MASH via adult.mash@oldham.gov.uk in order to make the decision of how to proceed.

Where there are public protection risks identified, the allegation must be referred to the police. This may also become a concern if the alleged person causing harm currently works with or has contact with adults at risk.

6.2 Notification from MARAC

If a perpetrator of domestic violence is found to be working with adults deemed to be vulnerable, this needs to be discussed at the MARAC meeting. The meeting must focus on the potential risk posed to adults at risk and the increased chance of risk to the victim of domestic violence who may have disclosed the information.

An Allegation Management referral form may need to be completed if the criteria are met.

6.3 The Manager's (provider, voluntary organisation manager or student bodies) Initial Response

Prior to contacting the AML, it is helpful to obtain basic information from the person that is making the allegation. These enquiries should be kept as simple as four basis questions:

- Who - who is the allegation against?
- What - what happened?
- When - when did the incident happen?
- Where - where did the incident occur?

Managers need to ensure that they have robust and clear processes in place to follow should incidents of allegation management occur. It is expected that an allegation will be reported immediately to the named senior manager within the organisation and organisations should have access to their own sources of advice (including legal advice) in place to deal with such concerns. Advice and support can also be requested from the AML and Adult Social Care.

Any disciplinary investigation should be conducted alongside the OSAB multi-agency safeguarding adult's policy and procedures and/or any police investigation.

A police investigation will have priority over other enquiries, but internal investigations and safeguarding enquiries can run concurrently. Police will offer guidance on whether this is appropriate.

6.4 Initial Referral

All agencies who work, or are in contact with, adults at risk must comply with this policy and procedures. Concerns must be reported to the AML within one working day of identification or disclosure.

Information shared between the AML and the employer, police, safeguarding lead or senior manager must be via the referral form. There are two possible outcomes to an initial referral:

- Allegation does not meet the threshold and an enquiry is not required
- The threshold is met, and a strategy meeting is to be convened. The AML to inform the police and adult social care if appropriate (if the adult with care and support needs requires safeguarding)

Once a decision has been made regarding disclosure, the AML is responsible for ensuring liaison has taken place with:

- The police to determine whether a criminal investigation is indicated
- The LADO if children or young people are at risk
- The employer or student body, including the agency adult safeguarding lead
- Other local authorities as necessary
- CQC and commissioners as necessary.

Each organisation will have policies and procedures in place in relation to employees and volunteers and these will be their primary source of guidance. A suggested risk assessment (Appendix C) should be read alongside each organisation's own policies and procedures to assist good practice in decision making. It must not be used as a substitute for the organisation's own policies and procedures.

Whilst the AML may provide support, the risk management arrangements are the responsibility of the employer/student body/voluntary organisation, considering their assessment of the risk, their own internal policies and procedures, and employment law. The AML should be provided with an assurance of how the risk is being managed, including a copy of the risk management plan if requested

To assist in making a decision, the safeguarding lead or senior manager in the organisation should complete the referral form available on the OSAB website (also Appendix A) and email this to the AML for a decision to be made. If unsure and advice is required, please contact the AML: Karen.Lloyd@oldham.gov.uk

6.5 Allegation Management Strategy Meetings

If the criteria are met an Allegation Management Strategy meeting should take place within **5 days** of receipt of a referral.

The AML will make a decision about who should be invited to the strategy meeting. The alleged person to have caused harm **does not** attend the meeting. Only key agencies should attend the meetings. These may include:

- Police representation should be sought for each occasion in order for them to determine the potential for criminal actions
- Human Resources
- The Employer
- Representative from Adult Social Care
- Representative from the Commissioning Team
- The Organisation's Safeguarding Lead

Meetings need to be structured and have a set formal agenda (see Appendix E for Allegation Management Strategy Meeting supporting documents including agenda templates). A Confidentiality Statement should be made at the commencement of each meeting and the signing of an attendance sheet by all participants will demonstrate their intention to abide by this.

In deciding whether the information should be shared, it is necessary to consider the key question of 'whether the person has behaved or may have behaved, in a way that means their suitability to undertake their current role or to provide a service to adults with care and support needs should be reviewed'.

The following factors should be considered, but are not exhaustive:

1. Does the person work in a setting where there are or are likely to be adults at risk?
2. What type of access to adults does the person have?
3. How frequently does the individual have access to adults at risk?
4. What is the severity of the allegation?
5. What would the impact be on an adult at risk if harm were to occur?

6. Likelihood of recurrence
7. Does the incident relate to them as a victim or perpetrator?

Unless it puts the adult at risk or a child in danger, the person should be informed that the allegation against them will be shared with their employer or academic institution and they should be given the information leaflet. If a professional has referred the concern to the local authority, they should tell the person that they are referring. The grounds for not doing so would be that telling the person would:

- Put an adult at risk or child in danger
- There is a risk the person will self-harm
- There is a risk to the professional who is telling the person they are making a disclosure.

The following must also be established:

- Is the adult aware of the allegations against them and have they had the opportunity to share the information with their employer and make appropriate representation
- If the person has declined to share this information this does not mean it cannot be shared. A decision will be made in discussions/strategy meetings regarding who will share all relevant information about the adult who is subject to the allegation and any alleged victim
- It should be clarified what support is available to the person
- The scope and timescales of any further enquiries/meetings should be agreed
- Consider whether any other people are affected by the allegation and agree any further action and timescales
- Record how the person subject to the allegation is kept informed and supported
- Agree how parallel processes will be managed to avoid confusion/disruption of the processes (police investigation, section 42 enquiry, organisation/HR investigation, contracts/commissioning)
- A refusal by the person to engage with the enquiries does not prevent the process from proceeding.

Details of the risks identified and why the person has not been told about the disclosure must be recorded.

The person's consent should be sought to share information, after advising them what information will be shared, how and who with.

Wherever possible, if disclosure is to take place, the person must be given an opportunity to inform their employer/student body themselves. There may however be some occasions where the immediacy and nature of the risk does not allow for this.

The AML will need to ensure that the appropriate information has been shared with the employing or academic organisation to enable them to assess risk and take action under these procedures.

In some cases, an outcome is reached following the first strategy meeting. In other cases, further enquiries will be required from Police, Adult Social Care, or the Employer in order to reach an outcome. Additional meetings may be required if necessary.

Minutes will be taken at the meeting and distributed to attendees within 10 working days of the meeting taking place.

Possible actions required by the employer include:

6.6 **Disciplinary Investigation**

An employer must ensure any risk to adults with care and support needs is managed. If this is not possible in the workplace, the employer may suspend a person alleged to have caused harm (this is a neutral act and should not be seen as a sanction, more as a way in which to safeguard both the adult with care and support needs and the employee).

Suspension should be considered in every case where:

- There is cause to suspect an adult with care and support needs has been abused or neglected
- The allegation warrants investigation by the police
- The allegation is so serious that it might be grounds for dismissal.

If the police are leading the enquiry, as part of the strategy meeting, there will be a discussion around when the employer should begin their internal investigation.

Alternatives to suspension can be considered if available and deemed suitable, this may be achieved by:

- The individual undertaking duties which do not involve direct contact with adults with care and support needs
- Providing a colleague to be present when the employer has contact with the adult with care and support needs.

6.7 Outcome Meeting

Following the completion of the Allegation Management enquiry where the outcome was not agreed at the first strategy meeting, the AML will arrange an outcome meeting.

The purpose of this meeting is for the employer/s and other attendees to discuss as a multi-agency group and then vote on whether the alleged category of abuse against the adult at risk has occurred or not on the civil threshold of 'on the balance of probability'. The multi-agency discussions and vote act as a guide for the employer. Ultimately, it is the responsibility of the employer to decide the outcome following all completed enquiries.

In the event of dissent or conflict and failure to reach a consensus it will be the responsibility of the employer to make the final decision based on the evidence available. A clear rationale, subsequently recorded, must be given. Decision making must be measured against evidence presented, the legal framework and the duty of care.

The potential outcomes are as follows:

- Substantiated - There is sufficient identifiable evidence to prove the allegation. Relevant conduct has occurred.
- Unsubstantiated - This is not the same as a false allegation, it simply means that there is insufficient identifiable evidence to prove the allegation. The term does not imply guilt or innocence.
- Unfounded - There is no evidence or proper basis which supports the allegation being made, or there is evidence to prove that the allegation is untrue. It may also indicate the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances.
- Malicious/False - There is "clear" evidence to prove that there has been a deliberate act to deceive, and the allegation is entirely false.

If, following an enquiry, a person in a position of trust is removed from their post by either dismissal or permanent redeployment to a non-regulated activity, because they pose a risk of harm to adults with care and support needs, (or would have, had the person not left first), then the employer/student body or voluntary organisation has a legal duty to refer the person to the Disclosure and Barring Service (DBS). The new employer should also be informed.

If a person subject to an enquiry attempts to leave employment by resigning in an effort to avoid the enquiry or disciplinary process, the internal investigation by the employer/student body or voluntary organisation should continue and, depending on the outcome, the DBS or regulatory bodies may be notified.

If the enquiry warrants it, the employer can dismiss the employee or volunteer instead and make a referral to the DBS.

If immediate suspension of the person is considered necessary, the rationale and justification for taking this action should be recorded and include what alternatives to suspension have been considered and why they were not appropriate. **The power to suspend lies with the employer.** Adult Social Care or the police cannot require or make the decision on behalf of the employer to suspend the person.

7. Referral to the Disclosure & Barring Service or Regulatory Body

- 7.1 If an allegation is substantiated the AML should discuss during the outcomes meeting whether a referral should be made to the Disclosure & Barring Service (DBS).
- 7.2 It is the responsibility of the employer to make this referral. However, should the employer be reluctant to make the referral this may need to be undertaken by Adult Social Care.
- 7.3 The DBS holds responsibility for making decisions about barring individuals from working with adults with care and support needs.

8. When Adult Safeguarding Enquiries should be undertaken

Local authorities must make enquiries, or cause another agency to do so, whenever abuse or neglect are suspected in relation to an adult at risk, and the local authority thinks it necessary to enable it to decide what (if any) action is needed to help and protect the adult.

If an adult at risk has allegedly been harmed or neglected by a person in a position of trust an adult safeguarding enquiry must be carried out. A decision as to the necessity for a strategy meeting will be made based on:

- the risk posed to adults in need of safeguarding
- sharing information with employers, where they are not aware.

If no adult at risk has been harmed adult safeguarding processes are not required.

For more information about Adult Safeguarding Enquiries and Allegation Management as parallel processes see Appendix G.

Other processes, including police criminal investigation or employer's disciplinary processes, will also be considered. All risk assessments and subsequent actions must be carefully coordinated and take account of the well-being and safety of the adult at risk.

9. Support for the 'Person in a Position of Trust'

Where concerns have been raised that a 'person in a position of trust' may pose a risk to people with care and support needs, the experience is likely to be very stressful for them. Alongside the duty of care towards the adult at risk, there must be a duty of care to the employee, volunteer or student concerned.

The employer/student body will need to provide support to minimise stress associated with the process, this may need to include where possible:

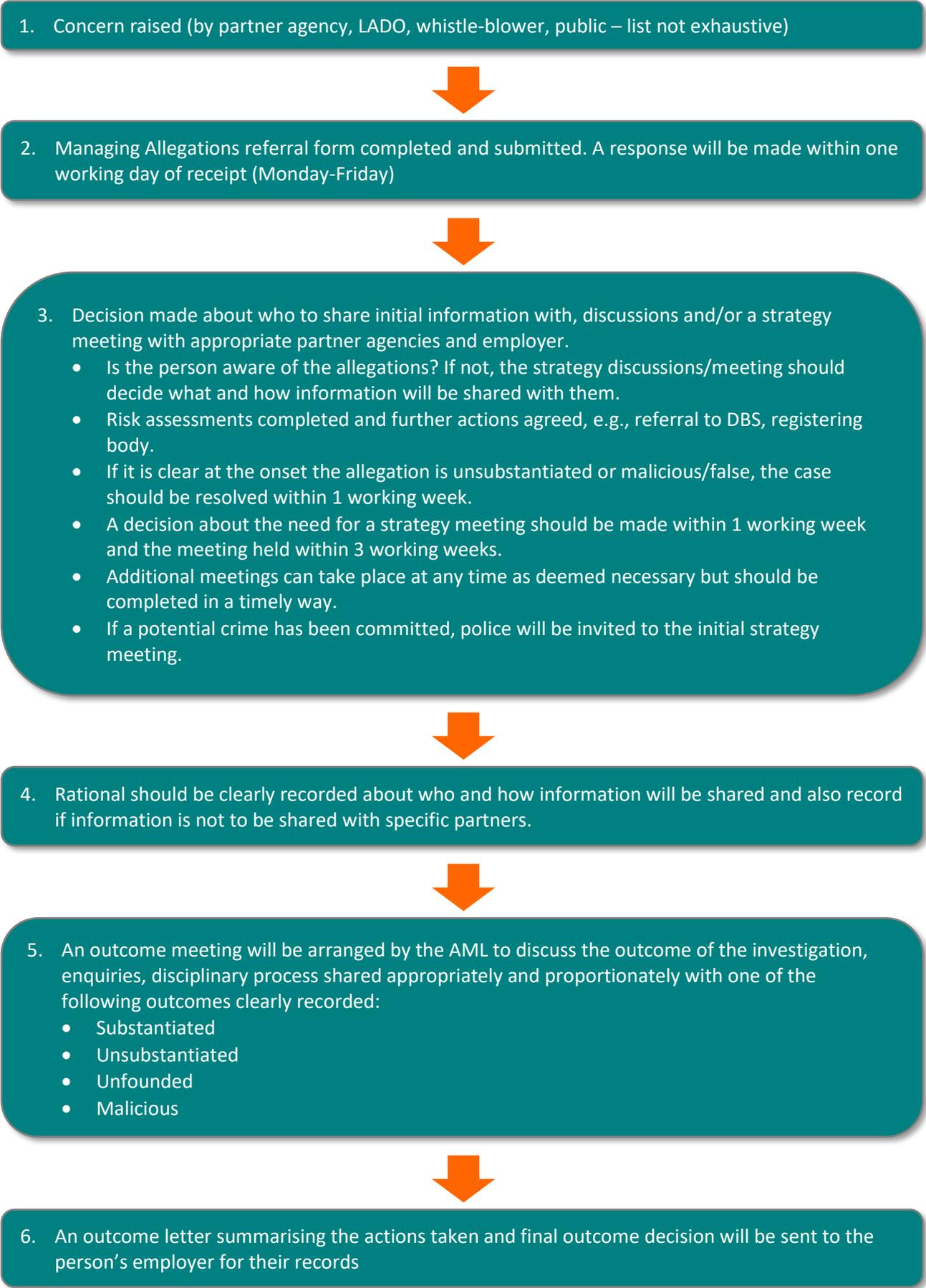
- support for the person to understand the procedures being followed
- updates on developments
- the opportunity to respond to allegations/concerns
- support to raise questions or concerns about their circumstances.

There may be limitations on the amount of information that can be shared at a particular time in order not to prejudice any enquiry/investigation or place any adult or child at risk. This must be agreed following consultation with the AML.

There may also be occasions where there is a need to agree changes to the person's working arrangements or to the support provided; any changes should be reported to the AML.

If the person is a member of a union or professional association or network s/he 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. Such advice and support should be supplementary to that provided by the employer.

10. Summary of Process



Appendix A: Allegation Management Referral Form

The Allegation Management Referral Form is available on the OSAB website [here](#).

Appendix B: Information Sharing

What is the sharing meant to achieve?

You should have a clear objective or set of objectives. Being clear about this will allow you to work out what data you need to share and who with. It is good practice to document this.

What information needs to be shared?

You shouldn't share all the personal data you hold about someone if only certain data items are needed to achieve your objectives. For example, you might need to share somebody's current name and address but no other information you hold about them.

Who requires access to the shared personal data?

You should employ 'need to know' principles, meaning that other organisations should only have access to your data if they need it, and that only relevant staff within those organisations should have access to the data. This should also address any necessary restrictions on onward sharing of data with third parties.

When should it be shared?

Again, it is good practice to document this, for example setting out whether the sharing should be an on-going, routine process or whether it should only take place in response to particular events.

How should it be shared?

This involves addressing the security surrounding the transmission or accessing of the data and establishing common rules for its security. How can we check the sharing is achieving its objectives? You will need to judge whether it is still appropriate and confirm that the safeguards still match the risks.

What risk does the data sharing pose?

For example, is any individual likely to be damaged by it? Is any individual likely to object? Might it undermine individuals' trust in the organisations that keep records about them?

Could the objective be achieved without sharing the data or by anonymising it?

It is not appropriate to use personal data to plan service provision, for example, where this could be done with information that does not amount to personal data.

Key points to consider:

- Do you think you should share the information?
- Have you assessed the potential benefits and risks to individuals and/or society of sharing or not sharing?
- Do you have concerns that an individual is at risk of serious harm?
- Do you need to consider an exemption in the DPA to share? Do you have the power to share?

Further points to consider:

- The type of organisation you work for.
- Any relevant functions or powers of your organisation.
- The nature of the information you have been asked to share (for example was it given in confidence?).
- Any legal obligation to share information (for example a statutory requirement or a court order).

If you decide to share, points to consider:

- What information do you need to share?
- Only share what is necessary.
- Distinguish fact from opinion.
- How should the information be shared?
- Information must be shared securely.
- Ensure you are giving information to the right person.
- Consider whether it is appropriate/safe to inform the individual that you have shared their information.
- Record your decision - what information was shared and for what purpose, who it was shared with, when it was shared and whether you shared the information with or without consent.
- Record your data sharing decision and your reasoning – whether or not you shared the information.

Appendix C: Risk Assessment

It is critical to have as much information as possible to hand in order to make a reasoned decision. The areas highlighted below provide some guidance but are all encompassing. Cases must be taken on their individual merits with more or less information being sought to assist in the decision making.

Allegation

- what it is
- validity of source
- status of referrer
- risk to individual(s)
- wider public interest issues

Person's Work

- nature of work
- supervised or not contact with service users
- does the person work alone?
- is there contact with people that have previously experienced abuse

Existing Intelligence

- has this person been subject to previous safeguarding children/adult alerts,
- are the person's children subject to a child protection plan?
- does the person work for more than one agency
- what is the person's employment history?
- have there been any complaints against them
- have there been any concerns raised – when what
- what is their sickness record like—what are the reported reasons for absence
- have there been any disciplinary issues
- are there any known health issues – mental and physical
- are there any dependency issues – drugs, alcohol etc
- is the person subject to police charges or bail restrictions?
- is there any information from MARAC or MAPPA?

Mitigating Circumstances

- Is there or has there recently been a family crisis
- Is the person in personal crisis – divorce etc
- Has the person recently suffered a bereavement?

How disclosures are made

Once a decision is reached to make a disclosure a standard letter should be dispatched to a senior executive within the organisation in question. The disclosure letter should be sent from the Director of Adult Social Care. The person that has had the allegations made about them has a right to know. The organisation for which they work has responsibility to keep them advised.

The employer/student body risk management arrangements

The following outlines considerations in responding to an assessed risk. This summary of issues is not exhaustive and other responses may be relevant depending on the circumstances of each case.

Review of working arrangements

The possible risk of harm posed by a 'person in a position of trust' to adults with care and support needs will need to be assessed and managed effectively, taking into account the nature and seriousness of any allegation, harm to any patients/service users, and the risk of repeated incidents/ongoing behaviour.

In some cases, the employer will need to consider suspending an employee. Suspension should not be viewed as a form of sanction. It is a neutral act and does not imply guilt. People must not be suspended automatically or without careful thought. Employers must consider carefully whether the circumstances of a case warrant a person being suspended until the allegation is resolved. If the person is suspended, the employer must make arrangements to keep the individual informed about developments in the workplace.

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

- adults with care and support needs are at further risk of abuse or neglect, or
- the allegation warrants investigation by the Police, or
- is so serious that it might be grounds for dismissal, or
- the presence of the person in the work place will interfere with the enquiry/ investigation process.

Suspension may not be required where there are appropriate alternatives. This may sometimes include changes to working arrangements, such as working in a non-patient/service user contact role whilst the allegations are being investigated. The potential for alternative working arrangements will be determined by the nature of the organisation's structure and services. Advice should be sought from HR advisors and/or employment lawyers who may assist with finding alternative arrangements to suspension. The employer cannot be required to suspend any employee by a local authority, police, or other agency.

Where a person is suspended, they are entitled to know in broad terms the reasons for the suspension. Whilst an individual has the right to respond to allegations or concerns raised, this must be at an appropriate time and 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 / adult at risk in additional risk.

Where, on conclusion of a case, it is decided that a person who has been suspended can return to work this process should be carefully managed. The employer should consider what help and support might be appropriate e.g., a phased return to work and/or provision of a mentor, and how best to manage the employee contact with the adult concerned, if still in the workplace.

Disciplinary hearing processes and responsibilities

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

Disciplinary hearings will be focused on the conduct of the individual as an employee. Decisions reached should, however, also give due consideration to the organisation's responsibility to safeguard children and adults at risk.

Employers who are also service providers or service commissioners have not only a duty to the adult at risk but also a responsibility to act in relation to the employee when allegations of abuse are made against him

or her. Employers should ensure that their disciplinary procedures are compatible with the responsibility to protect adults at risk of abuse or neglect.

For these reasons, it is necessary for the disciplinary hearing process to:

- develop an understanding of the safeguarding issues that have emerged during the enquiry/investigation
- reassure itself that it is acting proportionately to the risk of abuse occurring or reoccurring
- understand the potential impact of disciplinary decisions on the adult at risk and other service users.
- assure itself that staff are safe to work with adults at risk and where needed detail the measures required to provide this reassurance
- consider the need to seek advice from their organisation's adult safeguarding lead in relation to the impact of their decisions on an adult at risk
- understand and act upon responsibilities to refer individuals to Professional Regulatory Bodies and to the Disclosure and Barring Scheme, where appropriate.

Resignations

An employee has the right to resign, giving contractual notice at any time during disciplinary proceedings. The management in consultation with Human Resources needs to consider how to respond if the employee wishes to resign with 'immediate effect'. It may be more appropriate to require the contractual notice period to be fulfilled. This will ensure that there is an obligation on the employee to co-operate with employment procedures. Employees may still fail to attend meetings. Every effort should be made to define risks to ensure Adults at Risk are safeguarded in all cases even if the employee refuses to participate in an internal investigation, having been given a full opportunity to answer the allegation and make representations.

If the employee's period of notice expires before the disciplinary process is complete the employee should continue to be invited to participate at each stage of the process. It may not be possible to apply any disciplinary sanctions if an employee's period of notice expires before the process is complete. Nevertheless, where the disciplinary process concludes that 'there is a case to answer' a disciplinary hearing should take place. If the (ex-) employee fails to attend the chair should continue with the normal format of a disciplinary hearing and reach a conclusion to determine whether or not the allegations are proven. If some or all allegations are proven the chair of the hearing should record the action that would have been taken if the employee had remained in employment up to the date of the hearing. The (ex-) employee must always be notified in writing of the outcome of the disciplinary hearing.

Managers must not negotiate any form of 'compromise agreements' to release the employee without matters being concluded. Regardless of the circumstances of an employee leaving their employment, the employer will have an obligation to consider requests for references.

References must only be given by managers with the authority to provide an accurate reference and managers are advised to seek advice from HR on receipt of reference requests. Consideration must be given as to whether a referral to the Disclosure and Barring Service is warranted (www.homeoffice.gov.uk/dbs) when any disciplinary process has been concluded. Referral can still take place after the resignation of an employee from a service. It is an offence to fail to make a referral to the DBS without good reason.

Employment records and adult safeguarding concerns should not be deleted after a time period where the employee works in a role caring for adults as future concerns may arise and past historic information will need to be available to make adequate risk assessments.

Appendix D: Information Leaflets

Information Leaflet for Adults with Care and Support Needs
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Available here

Information Leaflet for Families, Informal Carers and Advocates	Available here
Information Leaflet for Employers	Available here
Information Leaflet for Employees	Available here

Appendix E: Allegation Management Strategy Meeting Supporting Documents

Confidentiality Statement and Attendance Form	Available here
Allegations Management Strategy Meeting Agenda Template	Available here
Allegations Management Second Strategy Meeting Agenda Template	Available here

Appendix F: Template Letters

Letter from Head of Service to Employer

<p>Name</p> <p>Address</p> <p>Date</p> <p>Dear</p> <p>Re: (Name of Person employed by organisation)</p> <p>I write to inform you that we have received information about the above named person which has caused us concern. A meeting was held in accordance with the Procedure for Managing Concerns around People in Positions of Trust with Adults who have Care and Support Needs, ratified by Oldham’s Safeguarding Adults Board.</p> <p>As a result of that meeting, I write to inform you of the following:</p> <p>What we believe the person has done xxx</p> <p>What we believe to be the considered risk xxx</p> <p>It is anticipated that you will now take appropriate action in relation to the safety and protection of those in your care. It is our expectation that you will advise xxx of the disclosure.</p> <p>We have taken measures to inform</p> <ul style="list-style-type: none"> • Regulatory body • Professional body • Disclosure and Barring Service <p>Yours sincerely</p>

Letter from Head of Service to Regulatory Body

Name

Address

Date

Dear

Re: (Name of Person employed by organisation)

I write to inform you that we have received information about the above named person which has caused us concern. A meeting was held in accordance with the Procedure for Managing Concerns around People in Positions of Trust with Adults who have Care and Support Needs, ratified by Oldham's Safeguarding Adults Board.

As a result of that meeting, I write to inform you of the following: What we believe the person has done
xxx

What we believe to be the considered risk xxx

Please find enclosed the relevant information brought to our attention which may assist you with your decision making. We have informed the employer and we have stipulated that it is our expectation that they will advise the employee of the disclosure.

Yours sincerely

Letter from Head of Service to DBS

Name

Address

Date

Dear

Re: (Name of Person employed by organisation)

I write to inform you that we have received information about the above named person which has caused us concern. A meeting was held in accordance with the Procedure for Managing Concerns around People in Positions of Trust with Adults who have Care and Support Needs, ratified by Oldham's Safeguarding Adults Board.

As a result of that meeting, I write to inform you of the following: What we believe the person has done
xxx

What we believe to be the considered risk xxx

Please find enclosed the relevant information brought to our attention which may assist you with your decision making. We have informed the employer and we have stipulated that it is our expectation that they will advise the employee of the disclosure.

Yours sincerely

Appendix G: Adult Safeguarding Enquiries and Allegation Management as Parallel Processes Guidance

Section 42 Safeguarding Enquiry	Allegation Management
<p>Decide if criteria have met for a section 42 safeguarding enquiry using decision making levels of harm.</p> <p>Complete risk assessment.</p> <p>Visit the service user; talk to them and find out what has happened from their point of view.</p> <p>Record in the person's own words what has happened. What do they want to happen? How do they feel? How can we make sure they are safe?</p> <p>Complete details as Section 42 safeguarding enquiry.</p> <p>Ensure there are no details of names of the alleged person to have caused harm on the service users records. Use the term 'care worker' etc.</p> <p>Attend the Allegation Management strategy meeting. Role within the meeting is to feedback what the service user has said and what they know so far.</p> <p>Ensure any actions from the meeting are completed in a timely way.</p> <p>If being investigated by GMP, there may be a requirement to assist with video interviewing. The role is to support the service user through the process.</p> <p>Attend any further meetings required re: Allegation Management.</p> <p>Continue to support service user with actions/protection plan/managing the risks.</p> <p>Take direction from the AML to support.</p>	<p>Allegation Management lead responsibility to facilitate and liaise with the employer around the employee.</p> <p>Ensure the employer has considered GMP involvement or the AML sends the information to GMP.</p> <p>Initial risk assessing will be completed with the employer in discussion with the AML.</p> <p>Ensure that the employee is aware that information is being held about them. All details about the alleged person to have caused harm are held in a secure drive by the AML.</p> <p>Allegation Management strategy meeting will be completed to include adult care re: Section 42 safeguarding enquiry and employer and GMP if they are leading on the investigation. If an in-house worker, HR services will be involved and HR process and the AM process to run together.</p> <p>Actions identified as part of the strategy meeting. This could be for adult care or employer.</p> <p>The aim is to risk assess the harm that the worker poses to adults with care and support needs.</p>

<p>Closure – if agreed that section 42 safeguarding enquiry has been completed, there will be a need to complete a case conference meeting with the person to ensure outcomes have been met.</p> <p>Continue to focus on the <i>needs</i> of the service user and what has happened to them.</p> <p>Minimal information can be fed back about the conclusion of the allegation management process, such as ‘the employer is managing the worker and ensuring this is dealt with.’</p> <p>No details of the alleged person to have caused harm must be uploaded onto the service user record, this includes any meeting minutes attended as part of the Allegation Management process.</p>	<p>A shared outcome is identified of substantiated, unsubstantiated, unfounded, malicious/false.</p> <p>This might not be concluded at the first meeting; more information might be needed before reaching a decision.</p> <p>It is the employer’s responsibility to make a decision about what happens to the worker and what the outcome is.</p> <p>The AM process guides the employer and gives them adequate information in order to make decisions that ensure service users with care and support needs are not put at risk.</p> <p>The AML will liaise with GMP if they are continuing to investigate. This would not prevent a section 42 safeguarding enquiry from being concluded.</p> <p>Employers should not start any internal investigation until a police enquiry is concluded, if appropriate.</p> <p>Social workers to take direction from the AML as needed.</p>
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