



North Wales Safeguarding Adults Board

North Wales Adults Professional Concerns 'Interim' Protocol

A Multi-Agency Interim Protocol for the Management of Risk associated with Adult Protection Concerns about Employees, Carers or Volunteers

Date ratified	January 2018
Review Date	Subject to issue of Welsh Government Guidance.

Version	Consultation End Date	Reason	Reviewed By	Ratified
1	26/06/14	Review	NWSAB P&P Group / G Heeney	13.11.2015
2	06/11/17	Review	NWSAB P & P Group	18.01.2018

1. Introduction

- 1.1 This protocol is for all Employers, Employees, Workers, Carers and Volunteers whose role brings them into contact with adults at risk. The underpinning Principles and Values of this document reflect those outlined in the Statutory Guidance in relation to Part of the Act on Handling Individual Cases to Protect Adults at Risk
- 1.2 For the avoidance of doubt, unless expressly stated otherwise in this protocol interpretation and definitions within this protocol are those adopted by the Statutory Guidance in relation to Part 7 of the Act on Handling Individual Cases to Protect Adults at Risk. For example the definition of an Adult at Risk:



- 1.3 There are areas of common practice with the All Wales Child Protection Procedures, and thus, this Protocol should be considered in conjunction with Part 4 of the All Wales Child Protection Procedures which take precedence where the originating concern is a Child Protection matter.
- 1.4 This protocol provides a framework for decision making and risk management, and does not replace sound professional judgement.

Purpose and Scope

- 2.1 **This protocol is separate from the policy and procedures for managing allegations where a person in a position of trust has been alleged to have abused or neglected an Adult at Risk as set out in the Statutory Guidance in relation to Part of the Act on Handling Individual Cases to Protect Adults at Risk and the Wales Interim Policy and Procedures for the Protection of Vulnerable Adults from Abuse 2013.**
- 2.2 It provides a process for the lawful and proportionate sharing of information, and management of risk where the matter is an adult protection issue.
- 2.3 Where the primary concern is a child protection matter part 4 of the Child Protection Procedures provides the process for information sharing and management of risk of the subject.
- 2.4 Examples of the types of cases that should be managed under this protocol include:

- Harmful conduct that has occurred in a volunteer or employee's private life (for example being a perpetrator of domestic abuse)
- The individual of concern is the subject of a Police investigation and the investigation has identified a risk to adults, children or vulnerable groups
- Concerns identified that suggest the individual may be unsuitable to work with Adults at Risk although no individual is identified in the initial concern
- Concerns raised relating to allegations and or behaviour that poses a risk to others

Note: this list is not exhaustive

3.0. **The role of the employer – Safe Recruitment**

3.1 Within this document, the term 'employer' applies equally to a body or organisation that recruits paid or unpaid individuals to carry out work or support in positions of trust with adults at risk.

3.2 The overriding duty for safe recruitment and safe practice by its employees / volunteers remains with the employer or voluntary organisation. This duty equally applies to employers who are recipients of Direct Payments.

3.3 This means that agencies have a duty to have the following in place:

- Safe Recruitment Procedure
- Adult Protection Procedures
- Training
- Operational policies and procedures that clearly establish the standard / quality of practice that is expected
- Staff supervision and appraisal process
- Whistle Blowing Policy
- Robust arrangements for Commissioning, ,Contracting, and Quality Assuring service provision
- Processes for gathering and listening to service users' feedback about service provision
- Disciplinary Procedures

3.4 Each agency should identify staff with responsibility for managing and responding to allegations under this protocol.

4.0. **The Management of Concerns**

4.1. When the employer becomes aware of a risk via intra agency routes

4.2. In situations where the employing agency becomes aware of information that there is conduct that poses concerns in relation to an adult, then the employer has the duty to carry out a risk assessment and share information appropriately.
Note: the employer may seek advice from statutory agencies at any point.

4.3. As part of the risk assessment, the employer will need to consider whether the information also indicates a risk due to the individual's involvement with adults at risk or children as a volunteer / employee in another setting. For example;

- whether the individual involved is also caring for a relative / friend who is an adult who may be at risk
 - whether the individual involved is also caring for a child and the information represents a risk of significant harm to a child
 - whether the individual is also employed / volunteering with children or adults who may be at risk
 - whether the individual has committed a criminal offence
- 4.4. This may lead to an Adult Safeguarding report, a Child Protection report and consideration of need to share information under the process set out in section below.

5.0. **Raising the Concern**

- 5.1. Anybody who becomes aware of information that suggests an employee, worker, carer or volunteer may have acted, or is suspected of acting in a way that indicates a risk of significant harm to adults at risk, should immediately share the information and risk assessment with the appropriate professional within Police, Health Board, or Social Services, who will decide with whom the information needs to be shared in order to facilitate the safeguarding of adults at risk.

6.0. **Professional Concerns Protocol and Adult at Risk**

- 6.1 The outcome of safeguarding enquiry may identify that the threshold for Adult at Risk strategy meeting has not been met but the concerns are such that a Professionals Concerns meeting is required. This decision may be made by the referring agency/ professional or jointly with the Local Authority.
- 6.2. In certain circumstances, a decision may be made at the Adult at Risk Strategy meeting that a Professional Concerns meeting should be convened following the outcome of the Adult at Risk Strategy Meeting.
- 6.3. As identified earlier in the protocol, the Professionals Concerns Protocol will apply in the following situations:
- Harmful conduct that has occurred in a volunteer or employee's private life (for example being a perpetrator of domestic abuse)
 - The individual of concern is the subject of a Police investigation and the investigation has identified a risk to adults, children or vulnerable groups
 - Concerns identified that suggest the individual may be unsuitable to work with Adults at Risk although no individual is identified in the initial concern
 - Concerns raised relating to allegations and or behaviour that poses a risk to others
- 6.4. A nominated lead person will be responsible for coordinating the professionals concerns meeting. In cases, where the threshold for Adults at Risk Strategy meeting is not met, **the Lead Person may be from either a Partner Statutory agency or Third/ Private Sector**
- 6.5. The Lead Person will need to identify the relevant professionals to attend the professionals concerns meeting. For example the following professionals may be invited

- Lead Professional (Chairperson)
- Senior Manager (from the employers' organisation)
- Nominated HR Officer
- Relevant Partner Agencies

- 6.6. When a complaint or allegation has been made against a member of staff, including people employed by the adult, they should be made aware of their rights under employment legislation and any internal disciplinary procedures.
- 6.7. The Lead Professional will need to follow the agenda attached in Appendix 1.
- 6.8. The standard of proof for internal disciplinary procedures such as the Professional Concerns protocol and for discretionary barring consideration by the Disclosure and Barring Service (DBS) and the Vetting and Barring Board is usually the civil standard of 'on the balance of probabilities'. This means that when criminal procedures are concluded without action being taken this does not automatically mean that regulatory or disciplinary procedures should cease or not be considered. In any event there is a legal duty to make a safeguarding referral to DBS if a person is dismissed or removed from their role due to harm to a child or a vulnerable adult.
- 6.9. The Professional Concerns meeting will need to consider whether employers should report workers to the statutory and other bodies responsible for professional regulation such as the General Medical Council and the Nursing and Midwifery Council. 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.
- 6.10. The legal duty to refer to the Disclosure and Barring Service also applies where a person leaves their role to avoid a disciplinary hearing following a safeguarding incident and the employer/volunteer organisation feels they would have dismissed the person based on the information they hold.
- 7.0. **Information Sharing**
- 7.1. All information shared at the Professional Concerns meeting should be done so in compliance with Data Protection requirements.
- 7.2. Storage of documents should be in accordance with the Lead Agency Retention Schedule and in accordance with the relevant legal framework.

Appendix 1: Agenda for Professional Concerns Meeting

This meeting/conference is held under the **Statutory Guidance in relation to Part 7 of the Act on Handling Individual Cases to Protect Adults at Risk**

The issues discussed are confidential to the members of meeting and the agencies they represent.

All of the information shared today will be done so in compliance with the duties and requirements of the Data Protection Act and Freedom of Information.

1. People present, apologies and non-attendance
2. Purpose of the meeting
3. Nature of the concern
4. Roles / settings in which the individual works or volunteers.
5. Information about safe recruitment and management of the individual
6. Presentation of report by agencies
7. Consideration of risks to the adult at risk and others
8. Employer's Risk Management Plan
9. Information and support to the individual and others affected by the process
10. Agree terms of reference and timescales for the investigation, if there is to be one.
11. Agree an estimate for the completion of the professional concerns process.
12. Decisions / actions of the meeting
13. Recording the outcome
14. Information sharing with professional bodies and / or Disclosure and Barring Service
15. Decisions / actions of the meeting
16. Date / Time of next Meeting

Appendix 2: Example of an Information Leaflet for Professional Concerns

What is protection of adults at risk all about?

Health and social care agencies in Wales, along with Police, are working together to protect adults at risk.

Why have I been given this information?

Your employer has given you this information as part of their responsibility to make you aware that a concern has been raised about you that may have implications for your role with adults at risk.

In certain circumstances, to protect adults at risk or to avoid jeopardising an investigation, certain details may not be shared with you until a later date.

How will I be involved?

Information sharing will take place to make a decision about whether further investigation should take place. Your employer will make a decision about what changes need to take place while any investigation takes place; this is the Employer's Risk Management Plan. If you are a paid employee in a registered service - for example, a care home or home care worker – you may be asked to work in a different place, be placed on restricted duties or you may be asked not to come to work during the investigation. This is to protect you from being put in a difficult position while questions are asked, and to make sure the service carries out its duty of care to protect adults at risk until the situation is resolved. This does not mean that any judgment has been made about you or your work.

You will be informed about the relevant decisions of the meeting and be given the opportunity to respond to the concern that has been raised about you.

Your employer will use their own employment policies to make sure support is available for you if you need it. They will also make sure you are kept informed about what is happening and that you have enough notice to arrange for someone to support you when you attend interviews or meetings.

How will I be supported?

You can get support from:

- your employer or voluntary organisation
- your organisation's human resources department
- your trade union or staff organisation
- the Citizens Advice Bureau
- a solicitor

What happens after the investigation?

Another meeting may be held. At this meeting, we will look at the outcomes of any investigation and your employer will contact you following the meeting to inform you about the outcome of the process and any next steps in terms of the Employer's Risk Management Plan.

Confidentiality

Information may need to be shared. This information is only shared with those people involved in the process who need to know it and in order to ensure the protection of vulnerable adults at risk

Appendix 3

EXAMPLE Letter from Head of Service to Employer

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 North Wales version of the Professional Concerns Protocol.

As a result of that meeting I write to inform you of the following:

What the person has allegedly done

What we believe to be the considered risk

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 of the disclosure.

We have taken measures to inform

- regulatory body
- professional body
- Independent Safeguarding Authority

Yours sincerely

Appendix 4

EXAMPLE 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 North Wales version of the Professional Concerns Protocol.

As a result of that meeting I write to inform you of the following:

What the person has allegedly done

What we believe to be the considered risk

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

Flowchart

