

North Somerset Multi-Agency Adult Safeguarding Procedures



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Framework for managing allegations against people in a position of trust (PiPoT)

Reference Number: P i P O T 1
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Document Owner: Business Manager - NSSAB
Approved by: NSSAB
Approval Date: 02/04/2025
Replaces: PiPOT 2021
Equalities impact: n/a
Impact on carers: n/a
Date displayed on NSSB web site:
Date due to be reviewed by responsible person or body: 0 2 / 0 4 / 2 0 2 7
Reviewed by/comments:

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1. Introduction

The [Care and Support Statutory Guidance](#) (14.121) requires North Somerset Council, its relevant partners, and those providing universal care and support services to have clear policies for dealing with current and/or historical allegations against people who work in 'positions of trust' (PiPoT) (i.e. paid staff, unpaid volunteers, and students).

Each organisations PiPoT policy and guidance should:

1. clearly distinguish between an allegation of abuse or neglect, a concern about the quality of care or practice, or a complaint,
2. have clear recording and information-sharing guidance,
3. have timescales for action, and
4. be mindful of the need to preserve evidence.

This document provides a framework for responding to allegations of abuse and neglect against people who work in 'positions of trust'. Any allegation against the person in a position of trust (i.e. concerning behaviours which could indicate a potential risk towards adults and/or children), either in their employment or in their personal life, must be carefully considered. Allegations considered under this framework can be current or historical.

This framework aligns with the [South West Region Adult Position of Trust framework: The framework and process for responding to allegations and concerns against people working with adults with care and support needs.](#)

This document does not replace existing safeguarding procedures and must be read and used in the context of [North Somersets Multi-Agency Safeguarding Policy and Procedures.](#)

The policy does not cover complaints or concerns raised about the quality of the care or professional practice provided by the person in a position of trust. Concerns or complaints about quality of care or practice should be dealt with under the relevant complaint, competence, or representations processes.

Where concerns are raised about someone who works with adults with care and support needs, the employer must assess any potential risk to adults who use their services and if necessary, take immediate action to safeguard them.

PiPoT concerns can be reported to North Somerset Council via Care Connect: 01275 888801/ care.connect@n-somerset.gov.uk

1.1. Key terms

In this document the term 'employer' refers to organisations including private, statutory, voluntary, community, faith and social enterprise (VCFSE) sector, and educational/student organisations.

The term 'employee' refers to paid staff, unpaid volunteers, and students.

The term 'information-owner' refers to the person/ organisation who holds the information regarding the concerns about the employee.

2. Purpose of this framework

The purpose of this framework is to support people to

1. clearly distinguish between an allegation of abuse or neglect, a concern about the quality of care or practice, or a complaint,
2. outline clear recording and information-sharing guidance,
3. set out timescales for action,
4. outline the importance of evidence preservation, and
5. ensure that risks potentially posed by people in a position of trust are appropriately managed.

3. Key principles

This PiPoT framework is based on the following principles:

- Partner organisations are expected to align (or develop) their current internal PiPoT management policies in line with the standards set out in this framework.
- The need for a proportionate, fair and transparent approach that seeks to build on current policies rather than replacing them.

- That PiPoT applies to anyone working in a position of trust such as employees, volunteers or students, in a paid or unpaid capacity regardless of the sector.
- PiPoT 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.

3.1. Lawful and proportionate

This framework builds upon existing relevant statutory provision. There is no primary statutory duty associated with the position of trust framework so any actions taken must be in line with other relevant statutory provision. Any actions and interventions must be lawful and proportionate in line with statutory provision.

3.1.1. Adult safeguarding - the six statutory principles

As with all adult safeguarding work the six statutory principles should inform this area of activity:

- Empowerment - People being supported and encouraged to make their own decisions and informed consent
- Prevention - It is better to take action before harm occurs
- Proportionality - The least intrusive response appropriate to the risk presented
- Protection - Support and representation for those in greatest need.
- Partnership - Local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse.
- Accountability - Accountability and transparency in safeguarding practice.

3.1.2 Confidentiality

The rules on confidentiality, privacy and the need to safeguard personal information arise from both legislation and case law. These enshrine the need for fair and ethical treatment of information where there is a duty of confidence, issues of privacy or where personal information is involved.

The common law duty of confidentiality is not a written Act of Parliament. It is “common” law. This means that it has been established over a period of time through the Courts. It recognises that some information has a quality of confidence, which

means that the individual or organisation that provided the information has an expectation that it will not be shared with or disclosed to others.

For information to have a quality of confidentiality it is generally accepted that:

- it is not “trivial” in its nature,
- it is not in the public domain or easily available from another source,
- it has a degree of sensitivity,
- it has been communicated for a limited purpose and in circumstances where the individual or organisation is likely to assume an obligation of confidence. For example, information shared between a solicitor/client, health practitioner/person with care and support needs.

In such circumstances the information should only be disclosed:

- with the permission of the provider of the information; or,
- if the confidentiality requirement is overridden by legislation; or,
- if an effective case ‘that it is in the public interest’ can be made.

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

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

- where relevant and necessary, 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.

3.1.3 The General Data Protection Regulation (GDPR) and Data Protection Act 2018

The General Data Protection Regulation (GDPR) and the Data Protection Act 2018 introduce new elements to the data protection regime, superseding the Data Protection Act 1998.

Information relevant to adult safeguarding will often be data that the Act categorises as “special category personal data”, meaning it is sensitive and personal. Wherever

possible, individuals and agencies should seek consent to share information, and be open and honest with the individual from the outset as to why, what, how and with whom, their information will be shared. If consent is not given or cannot be gained, the GDPR and Data Protection Act 2018 do not prevent, or limit, the sharing of information for the purposes of keeping adults with care and support needs safe.

The Data Protection Act 2018 allows for sharing of “special category personal data” without consent of the data subject for the purpose of safeguarding adults with care and support needs. Information can be shared legally without consent if a person providing care and support in a paid/voluntary/student role or agency is

- unable to gain consent from the data subject,
- cannot be reasonably expected to gain consent from the data subject, or
- if gaining consent could place an adult with care and support needs (or child) at risk.

Individuals and agencies should consider the following information sharing principles to help when making decisions about sharing personal and sensitive information:

- Necessary and proportionate
 - When taking decisions about what information to share, you should consider how much information you need to release. Not sharing more data than is necessary to be of use is a key element of the GDPR and Data Protection Act 2018, and you should consider the impact of disclosing information on the information subject and any third parties. Information must be proportionate to the need and level of risk.
- Relevant
 - Only information that is relevant to the purposes should be shared with those who need it. This allows others to do their job effectively and make informed decisions.
- Adequate
 - Information should be adequate for its purpose. Information should be of the right quality to ensure that it can be understood and relied upon.
- Accurate

- Information should be accurate and up to date and should clearly distinguish between fact and opinion. If the information is historical then this should be explained.
- Timely
 - Information should be shared in a timely fashion to reduce the risk of missed opportunities to offer support and protection to adults with care and support needs. Timeliness is key in emergency situations and it may not be appropriate to seek consent for information sharing if it could cause delays and therefore place an adult with care and support needs at increased risk of harm. People should ensure that sufficient information is shared, as well as consider the urgency with which to share it.
- Secure
 - Wherever possible, information should be shared in an appropriate, secure way. People must always follow their organisation's policy on security for handling personal information.
- Record
 - Information sharing decisions should be recorded, whether or not the decision is taken to share. If the decision is to share, reasons should be cited including what information has been shared and with whom, in line with organisational procedures. If the decision is not to share, it is good practice to record the reasons for this decision. In line with each organisation's own retention policy, the information should not be kept any longer than is necessary. In some rare circumstances, this may be indefinitely, but if this is the case, there should be a review process scheduled at regular intervals to ensure data is not retained where it is unnecessary to do so.

3.1.4. Human Rights Act 1998

Human rights are freedoms which belong to all individuals regardless of their nationality and citizenship. They are fundamentally important in maintaining a fair and civilised society.

In cases of concern or allegations against people who care for adults with care and support needs the Act is relevant when decisions have to be made which consider balancing one right against another, or one person's right against the interest of society. These rights are fundamental and the most important of them are;

- Article 3: Prohibition of torture – No one shall be subjected to torture or to inhuman or degrading treatment or punishment.
- Article 6: Right to a fair trial – A person has a right to a fair and public hearing within a reasonable amount of time. This applies both to criminal charges against them and to cases concerning their civil rights and obligations. If it is a criminal charge, the person is presumed innocent until proven guilty according to law and has certain guaranteed rights to defend themselves.
- Article 7: No punishment without the law – A person normally has the right not to be found guilty of an offence arising out of actions which at the time they committed them were not criminal.
- Article 8: Right to respect for private and family life - A person has the right to respect for their family life, their home and their correspondence. This right can be restricted only in specified circumstances.

4. Identifying Concerns

All allegations that cause concern about someone's suitability to work with adults or children, whether they arise within or outside of the person's workplace, must be reported to the council as soon as possible.

Concerns can be identified or raised in different ways. For example, through the work of partner agencies such as the Police, by a member of the public or other third party, through [adult safeguarding enquiries](#), or shared by the [Local Authority Designated Officer \(LADO\) through Children's processes](#).

If the person in a position of trust has been alleged to have abused or neglected an adult at risk connected to their place of work, this must be raised as a safeguarding adults concern and responded to according to [The Care Act 2014 \(S.42\)](#).

The PiPoT framework applies whether the allegation relates to a **current** or an

historic concern. It is important for the information owner to ascertain if the person is currently working with adults with care and support needs or children, and if that is the case, to inform the council and to consider in partnership with them whether information should be shared with the current employer.

5. Deciding to share information

The council will work with other relevant agencies to decide what information should be shared with whom by the information owner. The council will require assurance that these actions are completed.

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

Information about a person in a position of trust should only be shared between agencies:

- Where relevant and necessary
- With the relevant people who need all or some of the information and
- When there is a specific need for the information to be shared at that time

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 care and support to adults with care and support needs should be reviewed.

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 suitability to work with or continue to work with children. All these situations must be risk assessed individually in order to make a decision about sharing information.

5.1. When to share information

Once a PiPoT concern has been raised with the council, the following issues should be taken into consideration when making decisions about sharing

information with the employer:

- Nature and severity of the actions/behaviour
- The context within which the actions/behaviour occurred
- Frequency or patterns of actions/behaviour
- Nature of the person's access/role with adults at risk
- Potential impact on an adult with care and support needs

If concerns arise in connection with a person in a position of trust relating to their life outside work i.e. concerning adults or children in their family, social circle or community which indicate they have:

- Behaved in a way that has harmed, or may have harmed an adult or child or
- Committed a criminal offence against, or related to, an adult or child or
- 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 or
- Behaved in a way that casts doubt on their suitability to work with adults at risk

The decision should be made to disclose the information following best practice around information-sharing. Decisions on sharing information must be justifiable and proportionate, based on the potential or actual harm to adults at risk and the rationale for decision-making should always be recorded.

6. Information sharing responsibilities

6.1. Information sharing responsibilities of the information owner

- Informing the person about whom concerns have been raised:
 - Unless it puts the adult at risk or a child in danger, the person should be informed that an allegation against them has been made. The person should be informed of the nature of the concern and their account should be ascertained. The person should be given the opportunity to inform their employer themselves.
 - Where the person is not going to or is not able to share the information with their employer then there is an obligation for the information owner to share the information with the employer themselves. The person's

consent should be sought, if possible, to share information and they must be advised what information will be shared, how and who with. Each case must be assessed on its own individual merits as there may be cases where informing the person about details of the allegation increases the risks to a child or adult at risk.

- Whilst the person should be given the opportunity to inform their employer themselves, sometimes the immediacy and nature of the risk won't allow for this.
- The council will seek assurance that appropriate information has been shared with the employer to enable them to assess risk and review the suitability of the person continuing to work and any other actions required.
- Informing other local authorities
 - When the person is employed, volunteers, or is a student in another local authority area, inform the relevant local authority.
 - When there is also a risk to children, also inform the relevant [LADO](#).
- Working jointly with the Police
 - If the concerns involve possible criminal offences to either an adult or child, liaise with the Police about the need for possible criminal investigation.
 - When the Police are undertaking criminal investigations, they have a common law power to disclose sensitive personal information to relevant parties where there is an urgent 'pressing social need'.
 - A pressing social need might be the safeguarding or protection from harm of an individual, a group of individuals, or society at large. This could include informing a relevant employer about criminal investigations relating to their employee where this has been assessed as necessary and appropriate in a particular case.
- Informing [LADO](#) and [children services](#)
 - If the person may pose a risk of harm to his/her own children, or other children/young people in the course of their private life, children services should be informed without delay.

- If the person may pose a risk to children/young people in the course of their work, paid or unpaid, the [LADO](#) should be informed without delay.

6.2. Information sharing responsibilities of the employer

- Informing the Care Quality Commission:
 - If the person works at or volunteers for a regulated service provider, CQC should be informed.
 - CQC can take action as deemed appropriate within their own procedures to ensure the service has appropriate standards of practice to prevent and respond to any future risks of harm.
 - This includes the employer's 'fitness' to operate and responsibility to safeguard adults at risk.
- Informing professional bodies
 - If the person is registered with a professional body and there are concerns about their fitness to practice, the employer must refer to the professional body's published policy 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. See [Appendix A](#) for more information about referrals to professional bodies.
- Informing other employers
 - Where the allegation or concern is historical, it is important to ascertain if the person is currently working with adults with care and support needs or children and if that is the case, to consider whether information should be shared with their current employer.

7. Dealing with Allegations

7.1. Allegations that arise within the person's workplace

Allegations about a member of staff relating to specific people drawing on care and support are dealt with by the council who have responsibility for undertaking enquiries into individual safeguarding concerns. The employer will be informed if

they do not already know and a formal section 42 safeguarding enquiry may be undertaken. Where the concerns relate to potential abuse or neglect which has occurred in North Somerset then North Somerset Council will co-ordinate the enquiry and log information on the individuals confidential record.

Allegations about abuse or neglect by a member of staff that cannot be linked to any individual person drawing on care and support, where everyone receiving support is potentially at risk (such as night staff sleeping on duty), are considered as organisational/service level concerns. The information and the service provider's response are logged on the service provider's confidential record.

The enquiry process should include:

- An assessment and management of risk posed by the 'person in a position of trust' to be considered in any safeguarding meetings
- Any action taken in respect of a person to be included in the safeguarding enquiry report
- Further actions to safeguard or manage risk should be included in the safeguarding plan

7.2. Allegations that arise outside the person's workplace

Where a formal section 42 safeguarding enquiry is not being undertaken because the concern relates to the person's life outside of work and relates to their suitability to work with adults or children then the council should be notified as soon as possible.

The employer has a responsibility to risk assess the situation as it potentially affects everyone in the service. Their risk assessment/response is logged on the service provider's confidential record.

8. Investigation of allegations

Allegations must be investigated promptly in line with the organisation's internal allegations management policy. In the interests of transparency and accountability, organisations must ensure clear recording of decisions and recommendations arising from the investigation.

9. Risk Management

Before any employer action is taken it is essential to ensure that in the event of a potentially criminal concern, the police are contacted and advice sought to ensure any investigation is not jeopardised.

Employers are responsible for assessing the risk in the context of their service. Only the employer has the power to suspend an employee, redeploy them or make other changes to their working arrangements, and so must be responsible and accountable for the decision reached.

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.

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 the allegation is resolved. The employer should seek advice from their HR department when considering this course of action. Whilst it's the employer who makes this decision, the council may request a risk assessment where the employer has decided not to suspend.

Where 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 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 at additional risk.

Supervision and training may be relevant to managing aspects of a presenting risk. Supervision should address any issues of practice that are below the expected standard and be used to ensure the practice of employees and volunteers reflects essential values and principles of practice (including choice, capacity, consent, privacy, dignity and respect), as well as promoting safeguarding and individual wellbeing.

Training should be considered where appropriate to ensure employees, students and volunteers have the appropriate skills, knowledge and attitudes, but also in response

to identified needs as may emerge from practice, supervision or personal development programmes.

10. Support for the person against whom the allegation has been made

Alongside the duty of care towards the adult at risk is the employer's duty of care to the employee. The employer needs to provide support to minimise stress associated with the policy, 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

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 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 they 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. However, 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 safeguard them from unfounded allegations in the future.

11. Disciplinary hearing processes and responsibilities

The need for, and timing of, a disciplinary hearing is a decision for the 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 Safeguarding Adults

process may potentially affect decision making within the disciplinary process, and vice versa. Such 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.

If a service removes 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 adults, the service must make a referral to the Disclosure and Barring Service (DBS). It is an offence to fail to make a referral without good reason. See [Appendix B](#) for more information about DBS referrals.

Where it is necessary to refer individual employees to the DBS and/or the relevant professional body, these should be made promptly and as soon as possible once the disciplinary process has concluded. (On the basis of risk there will be occasions where DBS and professional bodies are informed prior to the conclusion). This includes sharing with the professional body the supporting evidence required as part of the referral.

12. Recording and data collection

Individual services should maintain appropriate records of cases in line with the General Data Protection Regulations and individual organisational policies around information governance and record retention.

North Somerset Council maintains confidential records of allegations against people working in Positions of Trust. An annual report to the Safeguarding Adults Board will be produced to report anonymised data about this work, to enable analysis of trends and themes.

13. Summary of key roles and responsibilities

13.1. The Information Owner - Raise a PIPOT concern with the council

The owner of the information relating to the concern or allegation is expected to;

- Consider if the information indicates that any immediate risk management actions are needed, or referrals into adult or children safeguarding processes.

- Consider whether the allegation or concern indicates a criminal offence has occurred or may occur. If so, the allegation or concern must be reported to the Police; early liaison with Police should take place to agree next steps and to avoid contamination of evidence; if a criminal investigation is required, this may take primacy over an agency or organisation's internal investigation.
- Refer to the [Local Authority Designated Officer \(LADO\)](#) where the information indicates the person also works with and could pose a risk of harm to children,
- Make a decision whether the information should be disclosed to the person in a position of trust.
 - When making a decision, consider any known history of conduct, complaints, cautions or convictions that may be relevant to the potential risk.
 - If disclosing, manage this disclosure in line with legal and best practice requirements for information sharing.
 - The Care and Support statutory guidance states that local authority's relevant partners, and agencies providing universal care and support services should have clear policies in line with those from the safeguarding adults board to deal with this area of activity.
- Where a disclosure is made, notify the relevant service commissioners and regulatory agencies.
- Record the information and decisions clearly, including the rationale for any decision made.
- Records should be maintained in line with internal agency record keeping policies and requirements.

13.2. Employers, educational/student bodies, or voluntary, community, faith, social enterprise (VCFSE) organisations

Any employer, educational/student body, or VCFSE organisation who is responsible for a person in a position of trust where there is a concern or allegation raised are expected to;

- Respond in individual cases where concerns are raised about people working in a position of trust, ensuring that the risk is assessed, investigated where

appropriate through internal employment processes, and that risk management actions are identified and implemented as appropriate to the individual case.

- Ensure all adult or child safeguarding concerns that result from a concern about a position of trust are reported.
- Where appropriate, notify and refer to external agencies; to the Care Quality Commission (CQC) (where the person in a position of trust is working or volunteering in a CQC regulated organisation), statutory and other bodies responsible for professional regulation (such as Social Work England, the General Medical Council, the Nursing and Midwifery Council, The Charity Commission etc) and the Disclosure and Barring Service (DBS).
- Provide feedback at regular intervals to the council (if there is a related safeguarding enquiry) and to their commissioning agency (if they have one).
- Ensure the safety and protection of adults with care and support needs is central to their decision making.
- Employers, educational/student bodies and VCFSE organisations should have clear procedures in place that are consistent with this framework setting out the process, including timescales, for investigation and what support and advice will be available to individuals against whom allegations have been made. Any allegation against people who work with adults should be reported immediately to a senior manager within the organisation.
- Share information in line with these procedures where it is known the person in a position of trust also has other employment or voluntary work with adults with care and support needs or children.
- If an organisation removes 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 adults, the organisation must make a referral to the Disclosure and Barring Service. It is an offence to fail to make a referral without good reason.
- At the conclusion of any position of trust enquiries, consider if the findings demonstrate evidence of a theme or pattern in the context of past and historic position of trust concerns; identify potential themes or system wide issues within the organisation; and ensure that appropriate action is taken by their

organisation so that learning from past events is applied to reduce the risk of harm to adults with care and support needs in the future.

- Record the information and decisions clearly, including the rationale for any decision made.
- Records should be maintained in line with internal agency record keeping policies and requirements.

13.3. Service commissioners and regulators

Service commissioners and regulators are expected to

- Use their contract compliance and regulatory processes to ensure that service providers have the right internal policy and procedural frameworks, and respond appropriately to manage risk in individual cases.
- Build requirements into their existing procurement, commissioning, and contract arrangements to ensure that provider organisations promptly share information about allegations falling within the remit of safeguarding adults board policies and guidance with their commissioners.
- Monitor the activities of commissioned services in their compliance of this Framework.
- Record the information and decisions clearly, including the rationale for any decision made.
- Records should be maintained in line with internal agency record keeping policies and requirements.
- Use existing frameworks and policies to ensure safe working procedures including the management of allegations, are implemented within the organisations from whom they commission services.

14. How to get help if you are a professional

If you are a professional and are concerned about someone you know or in your care, please use the referral form to raise an adult safeguarding concern. [Submit your completed form](#) to care.connect@n-somerset.gov.uk.

Alternatively, anyone can call our Care Connect service directly to raise a concern, make a referral or to seek further guidance on:

01275 888 801

Monday to Friday 8am - 6pm

In an emergency please ring 999 and ask for the police.

Emergency Duty Team

01454 615 165

Out of hours and weekends

If you are deaf or hearing impaired

- text 'EDT' followed by your name and message to 60066
- you will be sent an immediate autoreply to confirm that your text has been received
- you will be contacted by an Emergency Duty Team officer via text, to discuss your concerns - this should happen within 30 minutes, although during busy periods this may take longer
- texts will cost your standard network rates

Appendix A: Referrals to Professional Bodies

If the person is registered with a professional body and there are concerns about their fitness to practice, the employer 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. The principal organisations within health and social care are:

- Nursing and Midwifery Council (www.nmc.org.uk)
- Health and Care Professions Council (www.hcpc-uk.org)
- General Medical Council (www.gmc-uk.org)
- General Optical Society (www.optical.org)
- General Dental Society (www.gdc-uk.org)
- General Chiropractic Council (www.gcc-uk.org)
- Royal Pharmaceutical Society of Great Britain (www.rpsgb.org.uk)
- General Osteopathic Council (www.osteopathy.org.uk)
- Social Work England (www.socialworkengland.org.uk)

Each professional registration body:

- Maintains a public register of qualified workers
- Sets standards for conduct, performance and ethics
- Considers allegations of misconduct, lack of competence or unfitness to practice
- Makes decisions as to whether a registered worker can practice

Notification to a professional body is the responsibility of the employer.

Where this action has been agreed with the organisation's nominated safeguarding lead, or as part of a Safeguarding Adults Enquiry, confirmation should be provided to the safeguarding lead or the chair of the Safeguarding Adults Enquiry that the action has been completed.

As the responsible authority for adult safeguarding, the local authority has the power to make a referral where the relevant criteria have been met and should do so where it is necessary to ensure an appropriate referral has been made.

Appendix B: Referrals to the Disclosure and Barring Service (DBS)

On the 1st December 2012 the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA) merged and became the Disclosure and Barring Service (DBS). This means that these same services are now provided by a single organisation rather than two.

The Disclosure and Barring Service can bar a person unsuitable to work with vulnerable people, including children, from working in regulated activity in the future. If a person is barred it becomes an offence for an organisation to knowingly engage that person in regulated activity.

Employers of people working in 'regulated activity' have a legal duty to make referrals to the Disclosure and Barring Service in certain circumstances. The local authority also has a power to make a referral and should do where it is necessary to ensure the appropriate referral has been made. Regulated activity is work (both paid and unpaid) with children or adults that meets certain criteria. In relation to adults, regulated activity in broad terms includes activities involved in:

- Providing health care
- Providing personal care
- Providing social work
- Providing assistance with cash, bills and/or shopping
- Providing assistance in the conduct of personal affairs
- Conveying the person

There is a duty placed on regulated activity providers and personnel suppliers to make a DBS referral in circumstances where they have permanently removed a person from 'activity' through dismissal or permanent transfer (or would have if the person had not left, resigned, retired or been made redundant); because the person has:

- Been cautioned or convicted for a relevant offence; or
- Engaged in relevant conduct in relation to children and/or adults that has harmed a child or adult or put them at risk of harm; or

- Satisfied the Harm Test in relation to children and/or adults (i.e. there has been no relevant conduct but a risk of harm to a child or vulnerable adult still exists.)

It is also possible to make a referral where this legal duty has not been met. For example, where there are strong concerns but the evidence is not sufficient to justify dismissing or removing the person from working with children or adults. Such a referral would need to be compliant with relevant employment and data protection laws.

Where the need for a referral to the Disclosure and Barring Scheme (DBS) has been agreed with the organisation's nominated safeguarding lead, or as part of a Safeguarding Adults Enquiry, confirmation should be provided to the safeguarding lead or the chair of the Safeguarding Adults Enquiry that the action has been completed.

The full up-to-date guidance and definitions must be referred to when deciding whether to make a Disclosure and Barring Service referral.

For further information contact the Disclosure and Barring Service (DBS):

Helpline: 03000 200 190

Website: www.homeoffice.gov.uk/agencies-public-bodies/dbs Email:

customerservices@dbs.gsi.gov.uk

Appendix C: Flow Chart

