

# WBSAB



## Western Bay Professional Concerns Policy

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

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## **1. Introduction**

1.1 This protocol is for all Employers, Employees, Carers and volunteers whose role brings them into contact with vulnerable adults. The underpinning Principles and Values of this document reflect those outlined in the current Wales Interim Policy and Procedures of Vulnerable Adults from Abuse .The primary consideration must always be to ensure the protection of vulnerable adults.

1.2 For the avoidance of doubt, unless expressly stated otherwise in this policy interpretation and definitions within this policy are those adopted by the Wales Interim Policy and Procedures for the Protection of Vulnerable Adults from Abuse (Adult Protection Procedures).

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.

### **INFORMATION SHARING:**

It is important that you read s4.1 – 4.3 before entering into any discussion with the individual who is the subject of the concern.

## **2. Purpose and Scope**

2.1 This protocol is separate from the one for managing allegations that a person in a position of trust has abused or neglected an vulnerable adult as set out in the Adult Protection Procedures.

2.2 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.

2.3 This Protocol is for the management of cases where information comes to light that an employee, carer or volunteer may have acted in a way that suggests a risk of significant harm to vulnerable adults. It provides a process for the lawful and proportionate sharing of information, and management of risk where the matter is an adult protection issue.

2.4 Examples of the types of cases that should be managed under this protocol include:

- Harmful conduct that has occurred in a volunteer, carer 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 vulnerable adults
- Historic allegations of abuse by an employee, volunteer or carer

This is not an exhaustive list.

### **3. The role of the employer – Safe Recruitment**

3.1 Within this document, the term 'employer' includes any body or organisation that recruits, manages or commissions paid or unpaid individuals to carry out work or support in positions of trust with vulnerable adults.

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

3.3 This means that employer 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 and Contracting, Quality Assurance of service provision
- Processes for gathering and listening to service users feedback about service provision
- Disciplinary Procedures

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

### **4. The Management of Concerns**

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

In situations where the employer becomes aware of information that there is conduct that poses a risk to vulnerable adults then the employer has the duty to carry out a risk assessment and share information appropriately. The employer may seek advice from statutory agencies at any point.

The individual should be informed that a concern has been raised under this process, unless to do so could cause risk to a vulnerable adult or jeopardise an

investigation. This should be carried out in a relevant, timely, and proportionate manner.

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 vulnerable adults or children as a volunteer / employee in another setting. For example;

- whether the individual involved is also caring for a relative / friend who is a Vulnerable Adult
- 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 vulnerable adults
- whether the individual has committed a criminal offence

This may lead to an Adult Protection referral, a Child Protection referral or consideration of need to share information under the process set out in 4.3 below.

#### **4.2 Raising the Concern**

Anybody who becomes aware of information that suggests an employee, carer or volunteer may have acted, or is suspected of acting in a way that indicates a risk of significant harm to vulnerable adults should immediately share the information and risk assessment with the appropriate professional within Police, Local Health Board, or Social Services. The appropriate professional **should then decide with whom the** information should be shared in order to facilitate the safeguarding of vulnerable adults. In cases of concern about a health professional that is brought to the attention of the local authority DLM in the first instance, there must be discussion with the appropriate Health organisation about who will take the lead for managing the professional concerns process. Adult Safeguarding Boards should make clear the local arrangements about management of cases by either Local Authority or Health Managers as part of reporting arrangements under this protocol.

In cases of child protection concerns in relation to those who work or volunteer with vulnerable adults, there will be liaison and agreement between the relevant safeguarding managers about future management of the case.

#### **4.3 Information Sharing and Management of Risk**

Within 2 working days, of receiving the information, a strategy discussion should take place between the Manager, Police and other relevant professional to share information, plan safeguards and determine whether the case should continue to be managed under this process via a strategy meeting. The strategy discussion should decide;

- who will be invited to the strategy meeting
- what information should be disclosed ahead of the meeting to allow for essential safeguards to be put in place
- the timeframe within which the strategy meeting should be convened.

In situations where the concern is about a Health professional, for example, an LHB lead maybe more appropriate.

Invitees to the Strategy Meeting can include the following but consideration needs to be given to any overriding conflict of interest:

- Referring Agency
- Employer (s)
- Human Resources representative for the employing agency
- The CIW must be invited if the alert concerns a regulated setting/service
- Police
- Health Inspectorate Wales
- Contracts/Commissioning officer (Local Health Board, and or Social Services)
- Provider, Service Manager, Proprietor or their line manager
- Health care professionals, e.g. medical, nursing and therapy staff
- Local Authority Legal Services officer or lawyer
- Agencies with involvement with the individual e.g. care manager / social worker
- Health and Safety Executive and Environmental Health Officer
- Occupational therapist (e.g. if there are issues of equipment misuse)
- Children's service if there is a relevant involvement

A proposed agenda for the strategy meeting can be found at Appendix 1.

### **Data Protection Act 2018**

The Data Protection Act allows for the sharing of information without consent for reasons of protection or prevention of a crime.

Personal and sensitive information should be shared in compliance with the requirements of the Data Protection Act 2018.

The Office of the Information Commissioner supports sound practice in information sharing and provides checklists to support information sharing without consent where this is justified for the protection of an individual or to prevent a crime. Further information about the data sharing code of practice can be found at [www.ico.gov.uk](http://www.ico.gov.uk).

Consideration must be given by each organisation to the storage, sharing and retention and disposal of files/information, in line with its own organisation's policies and Freedom of Information and Data Protections Acts.

#### **4.4 Employer's Risk Management Plan:**

The Risk Management Plan may involve but is not limited to any of the following:

- Additional Supervision
- Training and Assessment of competency
- Making changes to the working arrangements to reduce risk
- Suspension to allow for enquiries to unfold
- Implementation of HR processes, including disciplinary which could ultimately lead to dismissal
- Referral to professional body
- Information and Support to the Individual of Concern
- Referral to Disclosure and Barring Service

Whilst the overriding imperative is the safeguarding of vulnerable adults, employers also have a duty to comply with the requirements of Employment and Equality Law and the principles of the Human Rights Act.

Risk Management Plans should be recorded, retained upon the individual's file and stored securely. Any Risk Management Plan should be subject to review / reconsideration in the light of new information. An example of a Risk Management tool can be found at Appendix 2.

A record of the meeting will be made and attendees will receive a copy of the record which should be stored securely in line with agencies policy and procedures.

It is possible that several meetings may be required to co-ordinate information and manage risk.

#### **4.5 Information and Support to Individual Posing a Risk**

Individuals who are subject to the process have the right to be treated fairly, openly and honestly. The strategy meeting / discussion will consider, in consultation with HR advice, what information should be disclosed but in principle each individual should be:

- advised that there is a concern
- informed about the professional concerns process
- told what support is available to them
- clearly informed of the outcome of the process and any subsequent actions
- informed what should be recorded on the employee's record and for how long
- informed what should be recorded on other relevant data bases.

Any actions taken to manage the presenting risks must be seen as a neutral act and outcome must not be pre-determined. The privacy and rights of others will have to be balanced against the needs and rights of vulnerable adults.

This process can be highly stressful and the employer will need to ensure that the individual has access to effective support and a clear line of contact for information. If the individual is a member of a Trade Union or Professional Body, they should be advised to contact that organisation.

An example of an information leaflet can be found at Appendix 3.

#### **4.6 Concluding the Process**

The Strategy Meeting should decide who should inform the individual of the outcome of the process. Best practice would suggest that the individual receives a letter to inform her / him of the outcome of the process.

The Chair of the meeting should ensure that an agreed outcome is recorded in respect of each case to allow for Quality Assurance of the process.

The possible recorded outcomes include:

1. Police Investigation	No Further Action	
	Charge	
	Conviction	
	Acquittal	
2. Employer / HR process	Investigation took place	
	Training	
	Additional Supervision	
	Disciplinary Action	
	Dismissal	
	Other Action – please state	
3. Professional Body	Referral Made	
4. Disclosure and Barring Service	Referral Made	
5. Time taken to conclude the case	Less than one month	
	More than three months	
	More than 6 months	
	More than a year	
6.	No Further Action – Information Shared and Risk Management Implemented	

Has this case highlighted any learning?	
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7. Arrangements for storage, sharing and retention of information/record	Consideration must be given by each organisation to the storage, sharing and retention/disposal of files/information, in line with its own organisation's policies and Freedom of Information and Data Protections Acts
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## **5. Quality Assurance and Inter – Agency Governance**

Awareness raising should take place amongst local social care providers about the significance of safe recruitment and the existence of this protocol.

Safeguarding Adults Board should develop a method by which data from the outcomes can be collected in order to map trends or highlight concerns and inform the improvement of practice.

## **6. Relevant Materials**

In Safe Hands (2000) National Assembly of Wales

Wales Interim Policy and Procedures for the Protection of Vulnerable Adults from Abuse (2012)

Escalating Concerns With and Closures of, Care Homes Providing Services for Adults (2009) Welsh Assembly Government

Social Services and Wellbeing (Wales) Act 2014.

## Appendix 1: Agenda for Professional Concerns Strategy Meeting

'This meeting/conference is held under the Wales Procedures for the Protection of Vulnerable Adults.

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 Act

1. People present, Apologies and Non-attendance
2. Purpose of the meeting
3. Nature of 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 Vulnerable Adult and others
8. Employers Risk Management Plan
9. Information and Support to the individual and others affected by the process
10. Information sharing with professional bodies and / or Disclosure and Barring Service
11. Recording the Outcome
12. Decisions / Actions of the meeting
13. Date / Time of next Meeting

# **Safeguarding Children and Adults:**

## **Guidance Notes on the completion of a Risk Assessment Form for Allegations Against an Employee**

**RISK** is a combination of the likelihood and severity of a specified event (incident).

This form is used to undertake a detailed risk assessment when potential risks have been identified at a Professional Strategy Meeting held under Part IV of the All Wales Child Protection procedures 2008, and/or when a member of staff is considered to be a risk to adults at risk.

All sections of this form should be completed by the employee's line manager, with support from the appropriate Safeguarding Team, and Workforce as part of the Professional Strategy Meeting proceedings. The objective of this form is to establish whether the individual poses a risk to children/adults at risk, and if so, to establish what appropriate, additional controls can be put in place to ensure that the risks are reduced to an acceptable level. The completed form must be kept in the employees' confidential file.

### **NATURE OF ALLEGATIONS**

#### **TYPE OF ABUSE ALLEGED**

Select the type of abuse that is being alleged.

#### **SEVERITY OF THE ABUSE ALLEGED**

Select severity of abuse alleged as appropriate. If unsure please contact the Safeguarding Team

#### **HOW MANY TIMES HAS THE ABUSE OCCURRED**

Select whether the abuse has occurred on one occasion or more than one occasion. This information will be shared at the Professional Strategy Meeting.

#### **EXPLANATIONS GIVEN**

Select whether no explanation provided, or if explanation provided, whether the explanation is inconsistent or consistent. This information will be shared at the Professional Strategy Meeting.

#### **PERSONS PRESENT AT TIME OF INCIDENT**

Select whether the employee was the sole carer at the time of the incident, or whether there were other people present. This information will be shared at the Professional Strategy Meeting.

#### **LEGAL PROCEEDINGS**

Select whether care proceedings or criminal proceedings are in place. This information will be shared at the Professional Strategy Meeting.

## **EMPLOYMENT ISSUES**

### **ROLE WITHIN HB**

Select whether administrative, academic, clinical or other. If other, please give details

### **ACCESS TO CHILDREN**

If employee has access to children or young people under the ages of 18 years, in any capacity whilst in his role in the HB select yes. If employee only has access to people aged 18 years and above, then select no

### **UNSUPERVISED ACCESS TO CHILDREN**

If the employee does have access to children or young people under the age of 18 years, select how often this access is unsupervised/employee sole staff member present

### **ACCESS TO ADULTS AT RISK**

If the employee has access to adults at risk, select how often this access is unsupervised/employee sole staff member present

## Appendix 2: An Example of a Risk Assessment / Management Pro Forma

### RISK ASSESSMENT MATRIX

#### 1. PROBABLE LIKELIHOOD RATING (PLR)

Taking account of the controls in place and their adequacy, how likely is it the individual will harm a patient or visitor during the course of their work for the HB? Score according to the following scale:

Score	Descriptor	Description
5	Almost Certain	Likely to occur on many occasions
4	Likely	Will probably occur but is not a persistent issue
3	Possible	May occur occasionally
2	Unlikely	Do not expect it to happen but it is possible
1	Rare	Can't believe that this will ever happen

#### 2. PROBABLE CONSEQUENCE RATING (PCR)

Taking account of the controls in place and their adequacy, how severe would the consequence be of such an incident if it were to occur? Apply a score according to the following scale:

Level	Descriptor	Actual or potential impact on individual	Actual or potential impact on organisation
5	Catastrophic	Death or national adverse publicity	National adverse publicity, possible investigation
4	Major	Permanent physical / psychological injury	Service closure Local adverse publicity, possible investigation
3	Moderate	Semi permanent injury or harm	Needs careful PR
2	Minor	Short term injury or harm	Risk to organisation
1	Insignificant	No injury or adverse outcome	No risk at all to the organisation

#### RISK LEVEL ESTIMATOR/ RISK RATING (RR)

**LIKELIHOOD of Adverse Event Occurring X SEVERITY of Outcome = Risk Rating**

Likelihood (PLR) \ Severity (PCR)	Almost Certain 5	Likely 4	Possible 3	Unlikely 2	Rare 1
Catastrophic 5	25	20	15	10	5
Major 4	20	16	12	8	4
Moderate 3	15	12	9	6	3
Minor 2	10	8	6	4	2
Insignificant 1	5	4	3	2	1

RR Score	RISK LEVEL	ACTION AND TIMESCALE
1 - 5	LOW	Provide support for the individual. Continue normal working activity with close monitoring
6 - 10	MODERATE	Provide support for the individual. Consider redeployment to low risk area or work with continuous supervision whilst enquiries undertaken
11 - 25	UNACCEPTABLE	Provide support for the individual Suspension pending further enquiries

## SAFEGUARDING CHILDREN / ADULTS – EMPLOYEE RISK ASSESSMENT FORM

Name of Individual  Designation  Unit/ Department

### Nature of Allegations

Type of abuse alleged: *(please tick)*

Neglect  Emotional Abuse  Sexual Abuse  Physical Injury  Domestic Abuse   
 Financial

Severity of alleged abuse *(please tick)*

Mild  Moderate  Severe

Has the abuse occurred on: *(please tick)*

One occasion  More than one occasion

Explanations given: *(please tick)*

None  Inconsistent explanation  Consistent explanation

Persons present at time of incident: *(please tick)*

Individual - sole care  Individual and another – shared care

Legal Proceedings: *(please tick)*

None  Care Proceedings  Criminal Proceedings

### Employment Issues

Role within HB: *(please tick)*

Administrative  Academic  Clinical  Other *(please state)*

Access to children/adults at risk: *(please tick)* Yes  No

Unsupervised Access to children/adults at risk: *(please tick)* Never  Occasional  Regular

### Initial Risk Rating

Given the information above, what level of risk does the employee pose to the organisation and its service users?  
*(see page 2)*

Probable Likelihood Rating (PLR)  x Potential Consequence Rating (PCR)  = Initial Risk Rating (IRR)

**Risk Level** *(please delete):* LOW / MODERATE / UNACCEPTABLE

**Safeguards to minimise risk**

Safeguards needed to minimise/eliminate risk: (see page 2 for suggested actions)

Feasibility of implementing safeguards:

**Revised Risk Rating**

With the above action implemented the risk rating figure would be reduced to:

Probable Likelihood Rating (PLR)  X Potential Consequence Rating (PSR)  = Revised Risk Rating (RRR)

**Revised Risk Level** (please delete): LOW / MODERATE / UNACCEPTABLE

**Recommendations**

**Joint Assessment made by:**

Name	Signature	Position

Date of Assessment		Review Period		Dates of Review			
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<b>Further information on review:</b>	Risk Rating	Date & Sign

## **Appendix 3: Example of an Information Leaflet for Professional Concerns**

### **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 vulnerable adults.

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

### **How will you 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, 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 vulnerable adults 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 you 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.

## **Contact Information**

If you would like more information on the protection of vulnerable adults, please contact your local authority's social services department.

**Appendix 4:** An example of a Contact / Referral form:

Date of Referral	
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Name of Individual	
Date of Birth	
Home Address	
Children or Vulnerable adult also living at the address	

Working / Volunteering role	
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Other roles with children or vulnerable adults – paid or unpaid	
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Cause for concern	
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Risk Management Arrangements	
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Name, Role and Contact Details of referrer	
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**Appendix 5:** An example of a Case Management Pro Forma (Record of DLM decision making)

**Stage 1:** Initial Evaluation

Date Referral received:	
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<p>Does the case meet the criteria for management under the process?</p> <ul style="list-style-type: none"> <li>• There should be no identifiable vulnerable adult that would make the case suitable for referral and management under existing POVA processes</li> <li>• Has employee, carer or volunteer acted in a way that suggests a risk of serious harm to an vulnerable adult?</li> </ul>	<p>DLM Comments / rationale for including or excluding the case for management under the process:</p> <p>Consider any alternative to management under ( Professional Concerns ) process</p>
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**Stage 2: Strategy Discussion**

Date and Time of Strategy Discussion	
Those involved in the Strategy Discussion	
Record and outcome of Strategy Discussion	
Arrangements for management of risk	

**Stage 2: Strategy Discussion**

Date and Time of Strategy Discussion	
Those involved in the Strategy Discussion	
Record and outcome of Strategy Discussion	
Arrangements for management of risk	

**Stage 3:** Strategy meeting(s)

Date of Strategy Meetings	Actions/Outcomes

**Stage 4:** Outcome and Conclusion:

Arrangements for communicating / writing to individual about outcome	
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Process Type	Outcome	Yes / No
1. Police Investigation	No Further Action	
	Charge	
	Conviction	
	Acquittal	
2. Employer / HR process	Investigation took place	
	Training	
	Additional Supervision	
	Disciplinary Action	
	Dismissal	
	Other Action – please state	
3. Professional Body	Referral Made	
	Sanction	
	De-registered	
	Other Action – please state	
4. Disclosure and Barring Service	Referral Made	
	Barred	
	Not Barred	
	Other Action – please state	
5. Time taken to conclude the case	Less than one month	
	More than three months	
	More than 6 months	
	More than a year	
6.	No Further Action – Information Shared and Risk Management Implemented	

Has this case highlighted any learning?	
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Closure Date and signature of DLM	
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Appendix 6: Flow chart

Flowchart: Professional Concerns for Information Sharing

