#

 **Promise Care Services Ltd**

# POSITION OF TRUST

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Policy Statement

Broadly speaking, a relationship built on trust can be described as one in which one party is in a position of power or influence over the other by the virtue of their work or the nature of their activity. Those in positions of trust must understand the power this may give them over those they care for and the responsibility they must exercise as a consequence of their relationship.

The Policy

Responsibility of Staff

Staff must recognise that power is an important factor in working professional relationships and that such power must be balanced so that it does not become abusive. The Sexual Offences Act 2000 prohibits a person in a position of trust from having sexual relations with someone who cannot consent, which include minors and very vulnerable people. It is primarily used for the protection of young people who are above the age of consent but under the age of eighteen, or those with mental/learning disabilities.

Abuse of Power

The act of using one’s position of power in an abusive way can take many forms, such as improper use of authority by someone who holds public office.

Abuse of power is different from the usurpation of power, which is the exercise of a power which the offender does not have.

Introduction

This policy concerns people who work with or care for adults at risk in a paid or voluntary capacity and who could be exposed to allegations of adult abuse or neglect. These individuals are known as people in positions of trust (PiPoT).

Principles

The following principles are in place and should be followed for all cases where concern, suspicion, or allegations arise in connection with a person working with adults at risk who has:

* Behaved in a way that has harmed or may have harmed an adult at risk.
* Possibly committed a criminal offence against or related to an adult at risk.
* Otherwise behaved towards a vulnerable adult in a way that indicates they are unsuitable to work with adults at risk.
* Behaved in a way that has harmed children or may have harmed children, which means their ability to provide a service to people at risk must be reviewed.
* May be subject to abuse themselves which means their ability to provide a service to adults at risk must be reviewed.
* Has behaved in a way that questions a person’s ability to continue providing a service to an adult at risk, e.g. a conviction for grievous bodily harm.

The above principles apply to current or historical allegations. Any information sharing must follow the principles of UK data protection legislation and the organisation’s own Information Sharing Protocols. Information should only be shared with those entitled to see it and consent should be sought where necessary from the appropriate person.

Where a PiPoT concern is identified, the organisation's policies and procedures should be followed in respect of adult safeguarding protocols. If the allegations identify an adult safeguarding incident, the adult safeguarding team will instigate the PiPoT process.

**Note:** Where an allegation involves children within an adult setting, refer to the Safeguarding Children in an Adult Setting Policy, and inform the local authority designated officer (LADO). If the concerns do not meet safeguarding thresholds, a check must be made of the scope criteria applied to ensure the concerns are reported to the adult safeguarding team.

Related Policies

Adult Safeguarding

Codes of Conduct

Cyber Security

Data Protection Legislative Framework (UK GDPR)

Disclosure and Barring Service (DBS) and DBS Referral

Safeguarding Children in an Adult Setting

Whistleblowing

Related Guidance

Staff Handbook

Care Act 2014 Statutory Guidance:

https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance

Safeguarding Adult Boards (SAB): **[**Barking And Dagenham Safeguarding Adult Team

**https://www.lbbd.gov.uk/adult-health-and-social-care/barking-and-dagenham-safeguarding-adults-board**

Care Act 2014: Safeguarding Adults:

http://www.legislation.gov.uk/ukpga/2014/23/part/1/crossheading/safeguarding-adults-at-risk-of-abuse-or-neglect/enacted**]**

Skills for Care Code of Conduct for Healthcare Support Workers and Adult Social Care Workers:

http://www.skillsforhealth.org.uk/standards/item/217-code-of-conduct

SCIE Roles and Duties of Safeguarding Adults Boards:

https://www.scie.org.uk/care-act-2014/safeguarding-adults/safeguarding-adults-boards-checklist-and-resources/role-and-duties.asp

Training Statement

All staff, during induction, are made aware of the organisation’s policies and procedures, all of which are used for training updates. All policies and procedures are reviewed and amended where necessary, and staff are made aware of any changes. Observations are undertaken to check skills and competencies. Various methods of training are used, including one to one, online, workbook, group meetings, and individual supervisions.

Date Reviewed: May 2023

Person responsible for updating this policy: **IFEYINWA ODOEMENAM**

Next Review Date: May 2024

Appendix 1. Scope Criteria

The scope of the procedures applies to all cases where concern, suspicion or allegations arise in connection with:

* The PiPoT own work/voluntary activity (with adults and/or children), e.g. where a worker or volunteer has been accused of the abuse or neglect of an adult at risk or a child.
* The PiPoT’s life outside of work concerning adults at risk in the family or social circle, e.g. where a son/daughter is accused of abusing his/her older mother and works as a domiciliary care worker with adults at risk, or where a woman is convicted of grievous bodily harm and works in a residential home for people with learning disabilities.
* The PiPoT’s life outside work concerning risks to children, the individuals own children or other children, e.g. where a woman who works in Coventry with women who suffer domestic abuse but lives in Warwickshire is subject to similar child protection issues involving her children due to domestic abuse.

Person in Position of Trust Checklist

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| --- | --- |
| The concern, suspicion or allegation relates to: * The PiPoT’s own work/voluntary activity (adults and children)
* The PiPoT’s life outside work i.e. concerning adults at risk in the family, social circle
* The PiPoT’s life outside work i.e. concerning risks to children, the individuals own children or other children
 | Yes – carry on following questions No- no further action required in relation to the policy/procedure  |
| Is it a safeguarding adult’s incident?  | Yes – follow safeguarding adult’s procedures. No – report to safeguarding adults’ team (or local arrangement)  |
| Are there any issues or concerns related to children?  | Yes – Inform the LADO and make a child protection referral No – no further action required here  |
| Is the employer a service commissioned by the local authority?  | Yes – inform Commissioning and Care Contracts leadNo – Commissioning and Care Contracts do not need to be informed |
| Is the employer a service regulated by CQC?  | Yes – liaise with CQC and make a statutory notification. No – CQC do not need to be informed  |
| Are there any cross border issues?  | Yes – liaise with appropriate Local AuthoritiesNo – no further action required  |