

# 7 Minute Briefing: West Midlands Adult Position of Trust Framework

## Definition

There may be occasions where someone who works with adults with care and support needs poses a risk or potential risk due to allegations/concerns of abuse/crime against any child or adult in their employment or personal lives. Where such concerns are raised, it will be necessary for the organisation to assess any potential risk to adults with care and support needs who use their services, and, if necessary, take action to safeguard those adults.

## Why is it important?

There are clear legal duties on the local authority to undertake enquiries in certain circumstances where adults with care and support needs are identified as experiencing or being at risk of abuse or neglect.

However, The Care Act does not set out any primary legal duties on the local authority associated with managing allegations against people who work in a position of trust with adults with care and support needs.

The care and support statutory guidance does set out the expectation for agencies providing care and support services to have clear policies in line with those from the safeguarding adults board for dealing with allegations against people who work with those with care and support needs.

## Resources

The West Midlands Adults Working in a Position of Trust [guidance](#) provides a high-level, overarching framework on the approach and process to follow when responding to allegations and concerns relating to people who work in a Position of Trust (PoT) with adults who have care and support needs.

There are specific case studies and a flowchart within the above document that you may find useful.

## Responsibilities of the employers/organisations:

Where a person in a PoT has a concern/allegation raised about them, the **organisation/employer** must:

- Assess and investigate risk in individual cases where concerns are raised
- Ensure all child and adult safeguarding concerns are reported
- Where appropriate, notify and refer to external agencies
- Provide feedback at regular intervals to the Local Authority
- Record information and decisions made
  - Consider if the information indicates immediate risk and referrals required into adult or children safeguarding
  - Consider if the information indicates a criminal offence has occurred. If so, report to the police.
- Refer to the [LADO](#) where the information indicates the person also works with children.
- Make a decision whether the information should be disclosed to the PoT's employer. If disclosing, manage in line with information sharing requirements and notify relevant service commissioners and regulatory agencies.
- Record the information and decisions clearly, including rationale for any decision made

## Information Owners:

- If you have information relating to a concern/allegation then you are the **information owner**

## Types of concerns/allegations:

These concerns or allegations could include, for example, that the person in a position of trust 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

This framework applies whether the allegation relates to a current or a historical concern. The policy does not cover complaints or concerns raised about the quality of the care or professional practice.

## Scope:

The framework and process applies to concerns and allegations about:

- a person who works with adults with care and support needs in a position of trust, whether an employee, volunteer or student (paid or unpaid); and
- where those concerns or allegations indicate the person in a position of trust poses a risk of harm to adults with care and support needs.