

# Professional Concerns Strategy Meetings

A Multi-Agency Protocol for the  
Management of Risk posed by  
Employees, Carers or Volunteers

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## **Introduction**

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 Wales Interim Policy and Procedures of Vulnerable Adults from Abuse (p.20). The primary consideration must always be to ensure the protection of Vulnerable Adults.

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 (2013)'

### **1. Purpose and Scope**

This protocol caters for those cases of concern where there is not an identifiable Vulnerable Adult that would be suitable for referral and management under existing PoVA processes. It 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, assessment and management of risk.

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 Vulnerable Adults
- This individual is also a parent / carer for children who are subject to a child protection investigation or whose names are added to the Child Protection Register
- Historic allegations of abuse by an employee, volunteer or carer

This is not an exhaustive list.

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

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

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

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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 and Contracting, Quality Assurance of service provision
- Processes for gathering and listening to service users feedback about service provision
- Disciplinary Procedures

### **3. The Management of Concerns**

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

In situations where the employing agency 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 invoke risk to a Vulnerable Adult or jeopardise an investigation. This should be carried out in a relevant, timely, and proportionate fashion.

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

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## **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.

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

The sharing of information should take place via the coordination of a Professional Concerns Strategy Meeting. In order to allow this to happen, the agency with the information should record the information and share the information with the Local Authority or Local Health Board who can host the Professional Concerns Strategy meeting. In situations where the concern is about a Health professional, for example, an LHB lead maybe more appropriate.

This will lead to a coordination of a Professional Concerns Strategy Meeting on a strictly need to know basis.

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

- Referring Agency
- The CSSIW 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)
- Human Resources representative for the employing agency

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

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### **Data Protection Act 1995**

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 1998.

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).

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#### **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 maybe required coordinating 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 employer should inform the employee about the concern at the earliest opportunity unless to do so would increase risk to an individual or jeopardise an investigation. Each meeting will consider what information should be disclosed but in principle each individual should be:

- Advised of the concern
- Informed about the process
- Be told what support is available to them
- Be clearly informed of the outcome of the process and any subsequent actions

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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 should also receive a letter to inform her / him of the outcome of the process.

#### **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.

LASBs / AAPCs should develop a method by which data can be collected in order to map trends or highlight concerns and inform the improvement of practice.

#### **6 References**

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

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## 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. They will only be shared in the best interests of the Vulnerable Adult.

Minutes of the meeting/conference are circulated on the strict understanding that they will be kept confidential and stored securely.

In certain lawful circumstances it may be necessary to make the minutes of the meeting available to the civil and criminal courts, solicitors, psychiatrists, other local authority social workers or other professionals involved in the care of the Vulnerable Adults'.

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. Date / Time of next Meeting

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

Issue of concern	What are the risks in the current work / volunteering environment	Likelihood	Impact	Overall Risk Rating	Risk Management Plan Action	By Whom	By When

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

### What is protection of Vulnerable Adults all about?

Health and social care agencies in Wales, along with Police, are working together to Protect Vulnerable Adults.

### Who may be a Vulnerable Adult?

The definition of a Vulnerable Adult is:

“A person who is 18 years of age or over and who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to care for him/herself, or unable to protect him/herself against significant harm or serious exploitation.”

### 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 your work or volunteering with Vulnerable Adults. You will normally be given information about the nature of the concern and the implications of the concern for your work or volunteering role.

In certain circumstances, for example to protect Vulnerable Adults or to avoid jeopardising an investigation certain details will not be shared with you until a later date.

### How will you be involved?

A meeting will take place to share information and make a decision about whether further investigation should take place and if so whether this investigation is to be coordinated by Police or your employer. 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 or 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 only 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 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.

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### **How will you be supported?**

If you are a paid care worker you can get support from:

- your employer
- 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 will 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.

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**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 Adults 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 significant harm to Vulnerable Adults?</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 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	

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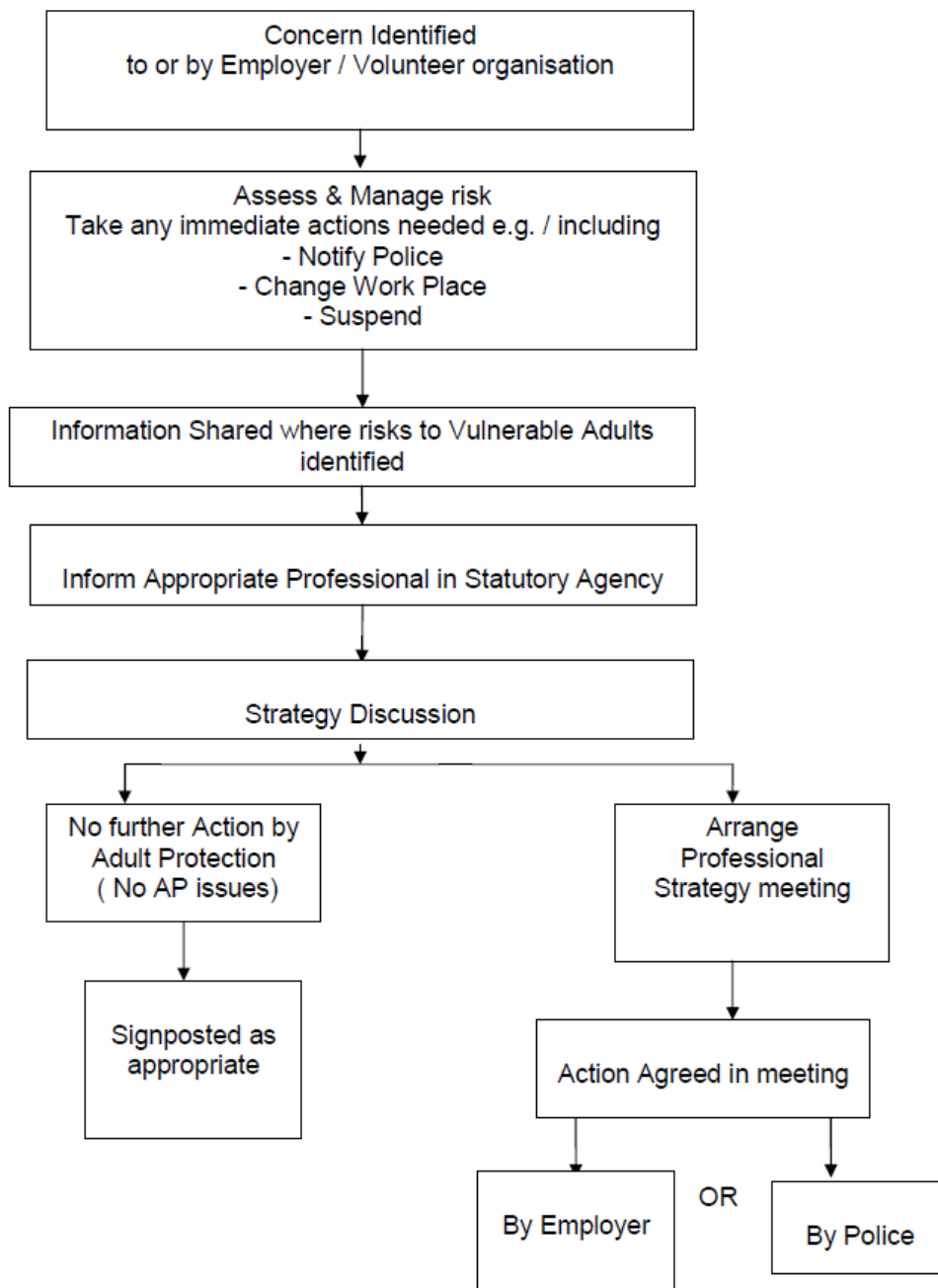
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Appendix 6: Flow chart

Flowchart: Professional Concerns for Information Sharing



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