



West Midlands Adult Position of Trust Framework:

Toolkit to support local implementation including local Herefordshire contacts and guidance.

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This toolkit is designed to provide a range of optional documents and tools that can be used or adapted as required by local Safeguarding Adults Boards to support local implementation of the West Midlands Adult Position of Trust Framework.

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- 1.5 HSAB also requires partner agencies and the service providers they commission to identify a designated person to oversee the delivery of responsibilities in their organisation (i.e. adult Position of Trust lead).
- 1.6 Dealing with such situations can be complex due to the competing requirements of balancing individual rights to confidentiality against obligations to disclose information in order to safeguard adults at risk. Partner agencies and the service providers they commission are individually responsible for ensuring that information relating to adult Position of Trust concerns are shared and escalated outside of their organisation where this is **required** and **appropriate**. Each case must be dealt with on its own facts and with reference to relevant legislation and Information Sharing Protocols particularly when making a decision to disclose confidential information, in order to demonstrate **justification** and **proportionality**. Legal advice may be sought due to the **legal complexities** involved and to ensure an organisation is acting in accordance with the law.
- 1.7 Each partner agency, will/may be required to provide assurance to the HSAB that the Person in a Position of Trust arrangements within their organisation are functioning effectively. The HSAB will maintain oversight of whether these arrangements are considered to be working effectively between and across partner agencies in Herefordshire.
- 1.8 The Framework is designed to ensure that if information is shared or disclosed it is done so in accordance with the law but in such a way that allows appropriate and proportionate enquiries to be made that ensures adults with care and support needs are protected and public confidence in services is maintained.
- 1.9 The Framework is not a substitute for, but may be used in conjunction with, other formal legal processes; for example: Child Protection, The management of allegations against people working with Children (Working Together 2015), Multi-Agency Risk Assessment Conference (MARAC), Multi-agency public protection arrangements (MAPPA).

2. Local roles and responsibilities

- 2.1 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 (updated March 2016) sets out the expectation for local authorities and their relevant partners in respect of Position of Trust. The expectation is that organisations have clear policies in line with those from the safeguarding adult's board for dealing with allegations against people who work, in either a paid or unpaid capacity, with adults with care and support needs.

2.2 The Partners as set out in section 6(7) of the Care Act 2014 are:

The Local Authority – NHS England Clinical Commissioning Groups - NHS trusts and NHS foundation trusts –	Herefordshire Council NHS England Midlands and East NHS Herefordshire CCG Wye Valley NHS Trust 2g Mental Health Trust 2gether NHS Foundation Trust The Worcestershire Health & Care NHS Trust
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2.3 Department for Work and Pensions Police - Prisons - Probation services –	DWP West Mercia Police * the prison where an offender is located National Probation Service Warwickshire and West Mercia Community Rehabilitation Company
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3. Local reporting requirements

3.1 HSAB requires its partner agencies to be individually responsible for ensuring they adopt the principles of the Framework and maintain clear organisational procedures for dealing with Position of Trust concerns.

3.2 HSAB also requires partner agencies and the service providers they commission to identify a designated Position of Trust lead or contact to oversee the delivery of responsibilities in their organisation.

3.3 The HSAB partner agency (or service provider they commission) who first becomes aware of an allegation or concern will have first responsibility for taking the appropriate action in line with the Framework. Concerns should be shared with the relevant organisations Position of Trust Lead or contact.

3.4 Partner agencies and service providers should make employees, volunteers and other agency stakeholders aware of the Position of Trust Lead or Contact.

4. On receipt of the information the Position of Trust Lead will:

- Based on the information provided, determine if the situation is a position of trust concern or if other procedures should be used for e.g.: an adult safeguarding concern/enquiry
- Consider if the information indicates that any immediate risk management actions are needed
- 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
- Refer to the relevant Local Authority 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 of concern’s employer, and manage the disclosure in line with legal and best practice requirements for information sharing

5. If the concern or allegation is identified or received by a relevant partner, or agency member of the local Safeguarding Adults Board

5.1 Decisions are made whether to share the information with the employer

Employer assesses the risk, completes investigation in line with their internal employment processes

5.2 Employer takes appropriate risk management action dependent on outcome (dismissal, redeployment, increased monitoring).

5.3 Referrals made as required to other agencies- DBS, professional bodies such as the HCPC, NMC. -

6. Resolution process

Where there is concern that this framework is not succeeding in ensuring strong governance and effective partnership working to safeguard adults with care and support needs, resolution should be sought through local escalation processes, and/or discussions between the organisations and the HSAB Chair as appropriate.

Item 2.

Best Practice guidance when making a decision to disclose information

1. The default position should be that the owner of the information (data owner) about a person in a PoT should not share it without the person's knowledge and permission, unless doing so would increase risk to the adult/s involved or others. The person in a PoT should be encouraged to share the information with their own employer/s first. If they decline to share it with their employer/s for whatever reason, this does not mean the information cannot be shared. In deciding whether to nevertheless share the information with an employer, student body or voluntary organisation, the following principles should be followed.
2. If the person in a PoT asks the data owner not to share the information, a decision must be made in line with the principles contained within this guidance. If it is agreed that information will not be shared, this must be qualified since it may be the case that more detail comes to light to change this decision. If a decision is made at a later date to share information, the person in a PoT should be consulted again and given a further opportunity to disclose the information him or herself if it is appropriate to do so. Again, the data owner could decide to share the information even if the person in a PoT decides not to. All decisions to share or not share information, and their rationale should be clearly recorded.
3. In each case involving an allegation or concern against a person in a PoT, a balance has to be struck between the duty to protect people with care and support needs from harm or abuse and the effect upon individuals of information about them being shared, for example, upon the person's Human Rights (Article 8- the right to private and family life).
4. For these reasons each case must be considered on its own merits and personal data shall be processed in accordance with the principles contained in Part I of Schedule 1 of the Data Protection Act 1998 ("the DPA").
5. Due regard must be had to Article 8 of the European Convention on Human Rights, which states that:

Everyone has the right to respect for his private and family life, his home and his correspondence.

And

There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or

morals, or for the protection of the rights and freedoms of others.

6. When deciding whether to interfere with a person's Article 8 rights, each case must be judged on its own facts. The issue is essentially one of proportionality. Information is to be disclosed only if there is a "pressing need" for that disclosure. In considering proportionality, consideration should be given to the following general principles³:

- The legitimate aim in question must be sufficiently important to justify the interference,
- The measures taken to achieve the legitimate aim must be rationally connected to it,
- The means used to impair the right must be no more than is necessary to accomplish the objective,
- A fair balance must be struck between the rights of the individual and the interests of the community; this requires a careful assessment of the severity and consequences of the interference⁴.

"There is a general presumption [which is not absolute] that information should not be disclosed, such a presumption being based upon a recognition of (a) the potentially serious effect on the ability of [in this case convicted people] to live a normal life; (b) the risk of violence to such people and (c) the risk that disclosure might drive them underground.⁹"

7. Before actually disclosing information to a third party, there is a need to consult with the person whose information is to be disclosed and to give them an opportunity of making representations before the information is disclosed⁵.

"[T]he imposition of such a duty is a necessary ingredient of the process if it is to be fair and proportionate.⁶"

8. Information may be shared by an individual or an agency in the expectation that it will not be shared with others; i.e. it will be kept confidential. Confidential information can be shared if it is justified as being in the public interest (e.g. for the detection and prevention of crime and for the protection of vulnerable persons, i.e. children or adults with care and support need). It is a matter for professional judgment, acting in accordance with information sharing protocols and the principles of the DPA to decide whether breaching the person in a Position of Trust's confidentiality is in the public's interest.

9. If after following the above principles, and weighing up the information available, a decision is made not to tell the person in a Position of Trust about the concern about them and ask their permission to share it with their employer, (because doing this would place any adults or children at increased risk of harm), then this decision and the reasons for it should be recorded. However, further planning processes must identify the earliest opportunity for them to be informed.

10. Disclosures to employers should be made without unnecessary delay. If the disclosure is made verbally to the employer, it is best practice to follow this up in writing to outline exactly what information has been shared. A copy of this can be shared with the person in a PoT if this is appropriate, and will not increase risk.

³ R (on the application of H) v A City Council [2011] EWCA Civ 403

⁴ Huang v Secretary of State for the Home Department, Kashmiri v Same [2007] UKHL 11, [2007] 2 AC 167, para [19]

⁵ R (L) v Commissioner of Police of the Metropolis (SoS for the Home Department intervening) [2010] 1 AC 410

⁶ Ibid per Lord Neuberger (Par [84])

Item 3.**Position of Trust Risk Balance Sheet**

The owner of concern information i.e. the first person or nominated representative of the owner's organisation who identifies a position of trust risk can use this checklist to determine if position of trust procedures need to be commenced. If in doubt consult the appropriate Adult Safeguarding Lead.

This checklist can also be used by Adult Safeguarding Leads on receipt of a position of trust referral to aid decision making.

QUESTION	Unlikely to support position of Trust procedures	Likely to support position of Trust procedures
Has the individual: <ul style="list-style-type: none"> behaved in a way that has harmed or may have harmed an adult; possibly committed a criminal offence against, or related to, an adult; behaved towards an adult in a way that indicates they may pose a risk of harm to adults with care and support needs. 	No	Yes
Has the individual: <ul style="list-style-type: none"> behaved in a way that has harmed, or may have harmed, a child possibly committed a criminal offence against, or related to a child; or behaved towards a child or children in a way that indicates s/he is unsuitable to work with adults at risk 	No Child protection issues but does not work in a regulated activity with adults with care and support,	Child protection issues suggesting suitability to work with adults with care and support must be considered
Who is the information coming from – are they credible? Is there any incident/tension/friction between the parties?	After information gathering source of information is questionable (e.g. malicious). Or is an anonymous concern with insufficient information to warrant procedures.	Source of information is credible and reliable. E.g. police, several consistent witnesses.
What is the severity of the allegation?	Insignificant	Severe
What level of access to adults at risk does the individual have?	Supervised	Unsupervised
How frequently does the individual have access to adults at risk?	Never/Infrequent	Very frequent

Likelihood of reoccurrence.	None/Low	High
Does the incident relate to them as a victim or person alleged to be the source of risk?	Victim	Person alleged to be the source of risk
What is the truth of the allegation? The greater the conviction that the allegation is true the more pressing the need to disclose.	Weak or no evidence Concern	Strong evidence Fact
Why does the third party need to know (proportionality)? The more intense the need (legally or operationally) the more pressing the need to disclose.	No legal remit to share No operational need to know	There is a legal right to be told Operational need to safeguarding adults at risk
What are the risks if the information is NOT shared? When answering this question consider the persons previous history (if any) of involvement with children.	No or few risks	Risks are significant.
How will the disclosure of information impact on the persons ARTICLE 8 – ECHR – Right to Private Life?	Whilst everyone has the right to a private life these situations will require a case by case consideration of the facts and a balancing exercise of the individuals rights against the wider public interest.	
Is there a qualified right to confidentiality or does the law enable or require the information to be shared.	No right to confidentiality and no public interest to share	Of public interest

Factors to consider in relation to PoT notifications

The following applies to all cases where current or historical concern, suspicion or allegation arises in connection with:

- a. The person in a PoT's own work/voluntary activity (Adults and Children)
- b. The person in a PoT's life outside work i.e. concerning adults at risk in the family, social circle.
- c. The person in a PoT's life outside work i.e. concerning risks to children, the individual's own children or other children.

Questions	No cause for concern	Some cause for concern requiring investigation	Cause for concern
1. The person has behaved in a way that has harmed or may have harmed an Adult with care & support needs or a child?	No harm or potential harm	Some harm or potential harm	Serious harm or potential harm
2. Possibly committed criminal offence against or related to an adult/s with care and support needs or a child?	No	Not to an Adult with care & support needs but the offence is serious	Yes
3. Otherwise 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.	No	Yes	
4. May be subject to abuse themselves which means their ability to provide a service to adults at risk must be reviewed	NO	YES	



Item 5.

CONFIDENTIAL AND RESTRICTED

**ALLEGATIONS AGAINST PEOPLE WHO
WORK IN POSITIONS OF TRUST (PoT) WITH
ADULTS REFERRAL/REPORTING FORM**

Ref No:

Date Referral sent:		Date of alleged incident:	
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REFERRER DETAILS			
Family Name		First Name/s	
Position		Email address	
Agency		Tel. No/Mobile	
Address			

This referral applies to allegations or concerns raised about a person, whether an employee, volunteer or student, paid or unpaid who works with or cares for adults with care and support needs. These individuals are known as People in Position of Trust (person in a PoT) and the process is the Position of Trust (PoT) process.

Criteria for PoT:

Tick those which apply:

Concern/allegation is identified in connection with:

	The person in a PoT's own work/voluntary activity (with Adults and/or Children) (for example where a worker or volunteer has been accused of the abuse or neglect of an adult with care and support needs or child)
	The person in a PoT s life outside work i.e. concerning adults with care and support needs in the family, social circle (for example where a son is accused of abusing his older mother and he also works as a domiciliary care worker with adults with care and support needs. Or where a woman is convicted of grievous bodily harm and also works in a residential home for people with learning disabilities)
	The person in a PoT's life outside work i.e. concerning risks to children, the individual's own children or other children (for example where a woman who works in a host authority with women who suffer domestic abuse and lives in the neighbouring authority is subject to child protection procedures involving her own children due to domestic abuse by her husband)

And the person has:

	Behaved in a way that has harmed or may have harmed an adult with care and support needs.
	Possibly committed a criminal offence against or related to an adult/s with care and support needs.
	Otherwise behaved towards an adult with care and support needs or in a way that indicates s/he is unsuitable to work with adults with care and support needs.
	Behaved in a way that has harmed children or may have harmed children which means their ability to provide a service to adults with care and support needs must be reviewed.
	May be subject to abuse themselves which means their ability to provide a service to adults with care and support needs must be reviewed.
	Behaved in a way which questions their ability to provide a service to an adult with care and support needs which must be reviewed e.g. conviction for grievous bodily harm against someone who is not an adult with care and support needs.

PERSON IN POSITIONS OF TRUST DETAILS**PERSONAL DETAILS OF THE EMPLOYEE/VOLUNTEER BEING REFERRED for POSITION OF TRUST**

Family Name		First Name/s	
Date of Birth		Gender	
Home Address			
ID Number (if known)		Tel. No	
Current Address (if different)			
Race	Religion	Language	
Gender	Sexuality	Disability	

Other Household Members (including non-Family)

Name	M/F	DOB	ID	Relationship to Child/Young Person /Adult	First Language	Parental Responsibility	
						Yes	No

Organisation & Address Person in Position of Trust Works/Volunteers for:	
Is the organisation named above CQC Registered?	Yes / No

Job Title & Role:	
Does the Person in Position of Trust have a Professional Registration? <i>(e.g. NMC, HCPC, GMC etc.)</i>	Yes / No State: NMC / HCPC / GMC / (specify)
Manager Contact Details at Employing Organisation:	Name: Address: Email: Telephone:
Current employment status (e.g. permanent/temporary/agency/full time /part time/zero hours):	
Has this person been referred to the Adult Safeguarding Lead before? When? What were the concerns and the outcome? e.g. managed as an advice issue or went to a POT meeting	Yes / No
Does the Person in Position of Trust know you are making this referral?	Yes / No
If not why not? (Please note there may be some situations where the adult may be placed at greater risk if the PoT is informed immediately. See PoT policy for further detail))	

INCIDENT/CONCERNS DETAILS

Brief description of concerns:	
Was the victim a child or adult with care and support needs?	Child / Adult at Risk / Other (please state)
Are there adult or children's safeguarding procedures currently in process?	Adult Safeguarding Procedures: Yes / No Children's Safeguarding Procedures: Yes / No
Police Crime Reference Number (if applicable)	Person in Position of Trust: Child (if applicable):

ALLEGED VICTIMS DETAILS

No. of Alleged Victims	
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1st - Adult / Child / Young Person / other individual		ID Number if applicable:
Specify		
Full Name:		DOB:
Gender:	Male / Female	
Current/Past Local Authority Involvement (specify):	Child in need / child protection/not applicable	
(if a child) Parent's names and DOB: (if different)	Adult / Child's Relationship to the Alleged Person in Position of Trust:	

2nd - Adult / Child / Young Person / other individual		ID Number if applicable:
Specify		
Full Name:		DOB:
Gender:	Male / Female	
Current/Past LA Involvement:	Indicate if Child in need / Child Protection/Not applicable	
(if a child) Parent's names and DOB: (if different)	Adult / Child's Relationship to the Alleged Person in Position of Trust:	

3rd - Adult / Child / Young Person / other individual		ID Number if applicable:
Specify		
Full Name:		DOB:
Gender:	Male / Female	
Current/Past LA Involvement:	Child in need / child protection	
(if a child) Parent's names and DOB: (if different)	Adult / Child's Relationship to the Alleged Person in Position of Trust:	

~copy and paste here victims information if more than 3 victims~

Please provide names of key individuals connected to the Alleged Person in Position of Trust as the Adult Safeguarding Lead will need to consider who to invite to the POT meeting:

Job role/title	Name and Job role	Organisation	Telephone Number	Email Address
Supervisor/Line manager				

HR/Personnel				
Provider Manager				
Police contact				
Contract and Commissioning contact for provider				
CQC for provider				
Health Professional				
Others				

Please provide names of key individuals connected to the Alleged Victim(s) as the Adult Safeguarding Lead will need to consider who to invite to the POT meeting:

Job role/title	Name and job role	Organisation	Telephone Number	Email Address
Social Worker				
Health Professional				
Advocate				
Provider				
Voluntary Agency				
Contract and Commissioning contact for provider				
Others				

For Completion by Adult Safeguarding Lead - POT Case Recording (record name after each entry or group of entries)

Adult Safeguarding Lead ADVICE	Adult Safeguarding Lead ACTIONS
Date referral received;	Date advice given:

Adult Safeguarding Lead DECISION:	
Not Adult POT, referred to another process/procedure (specify):	Initiate POT procedures
Request further information from referrer (Referrer to action)	Request further information from other sources (ASL to action) <input type="checkbox"/>
Refer to other ASL for management	Refer to LADO if appropriate
ASL DECISION DATE:	

For Completion by ASL - POT Case Recording (record name after each entry or group of entries)

Date/Time	Recording	Outcome/Actions	Contact Details

Item 6.**Position of Trust Agenda for Planning Meeting/Planning Discussion Template**

Chair		Date	
Start time		Finish Time	
Venue		Minute Taker	
Person in Position of Trust		Employer and role	

Confidentiality Statement

Those present are reminded that this meeting is strictly confidential. Discussions should not be shared outside of the meeting. All agencies should develop procedures to ensure that the minutes are retained in a confidential and appropriately restricted manner. The minutes will aim to reflect that all individuals who are discussed at the meetings should be treated fairly, with respect and without improper discrimination. All decisions undertaken at the meetings will be informed by a commitment to equal opportunities and effective practice issues in relation to race, gender, sexuality and disability.

Minutes of this meeting could be shared as part of criminal, civil or disciplinary proceedings, or as part of investigations concerning whether an individual should be barred from working with children or adults with care and support needs. If further disclosure is felt essential, permission must be sought from the Chair. The minutes should not be photocopied or shared without the agreement of the Chair and must be kept in a restricted or confidential section of the agency files.

Purpose of the meeting

This meeting is held under the West Midlands Position of Trust Guidance (2016) to:

- Share information
- Agree actions to be taken, by whom and by when
- Risk assess

Agenda

1	Introductions and confidentiality statement
2	Detail of the allegations (to include current and previous allegations, details to whom the allegation relates)
3	How this is relevant to their employment with adults with care and support needs
4	Relevant information from attendees

5		Risk assessment <ul style="list-style-type: none"> • To consider the safety of adult/s concerned • To consider the safety of other adults or children 		
6		Agree support to person in position of trust		
7		Agree feedback mechanism to the referrer (who, what, when)		
8		Planning the management of the allegation		
		Action	By whom	By when
	1			
	2			
	3			
4				
9		Consider strategy for media enquiries (if relevant)		
10		Next steps including details of further meetings		
11		AOB		

Item 7.

Position of Trust Agenda for Case Closure Meeting Template

Chair		Date	
Start time		Finish Time	
Venue		Minute Taker	
Person in Position of Trust		Employer and role	

Confidentiality Statement
<p>Those present are reminded that this meeting is strictly confidential. Discussions should not be shared outside of the meeting. All agencies should develop procedures to ensure that the minutes are retained in a confidential and appropriately restricted manner. The minutes will aim to reflect that all individuals who are discussed at the meetings should be treated fairly, with respect and without improper discrimination. All decisions undertaken at the meetings will be informed by a commitment to equal opportunities and effective practice issues in relation to race, gender, sexuality and disability.</p> <p>Minutes of this meeting could be shared as part of criminal, civil or disciplinary proceedings, or as part of investigations concerning whether an individual should be barred from working with children or adults with care and support needs. If further disclosure is felt essential, permission must be sought from the Chair. The minutes should not be photocopied or shared without the agreement of the Chair and must be kept in a restricted or confidential section of the agency files.</p>

Purpose of the meeting	
<p>This meeting is held under the West Midlands Position of Trust Guidance (2016) to:</p> <ul style="list-style-type: none"> • Gain feedback from agreed actions from the PoT planning meeting or discussions • Reach a formal determination of the case • Further risk assess 	
Agenda	
1	Introductions and confidentiality statement
2	Summary of original allegations
3	Feedback of agreed actions from planning meeting or discussion
4	<p>Risk assessment</p> <ul style="list-style-type: none"> • To consider the safety of adult/s concerned • To consider the safety of other adults or children

5	Agree formal determination of the case		
6	Agree actions (includes disciplinary action. Referral to regulator and professional bodies (e.g. HCPC, NMC), Disclosure & Barring Service, criminal prosecution, etc.)		
		Action	By whom
	1		
	2		
	3		
4			
7	Consider strategy for media enquiries (if relevant)		
8	Agree feedback to person in position of trust		
9	Agree feedback mechanism to the referrer (who , what, when) and relevant others		
10	AOB		

Item 8.

Position of Trust Planning Meeting or Planning Discussion Minutes Template

Chair		Date	
Start time		Finish Time	
Venue		Minute taker	
Person in Position of Trust		Employer and Role	

Present	
Apologies	
Non-Attendees	
Detail of the allegations	
How this is relevant to their employment	
Agree feedback mechanism to the referrer (who , what, when)	
Risk Assessment	
Agree support to person in position of trust	
Agree feedback mechanism to the referrer (who , what, when)	
Planning the management of the allegation	

Actions	By Whom	By when
1		
2		
3		
4		
5		
Strategy for media enquiries		
Next steps/further meetings		
A.O. B		

This record is issued in the belief that it accurately reflects of the meeting. Please contact the chair within 7 working days of receipt to record any inaccuracies or omissions. This record is confidential and is not to be reproduced or copied to others without the chair’s approval.

Item 9.**Position of Trust Case Closure Meeting Minutes Template**

Chair		Date	
Start time		Finish Time	
Venue		Minute taker	
Person in Position of Trust		Employer and Role	

Present		
Apologies		
Non-Attendees		
Summary of the allegations		
Feedback of agreed actions from planning meeting or discussion		
Risk assessment		
Formal determination of the cases		
Agreed actions from this meeting	By Whom	By when
1		
2		
3		

4		
5		
Strategy for media enquiries		
Agree feedback to person in position of trust		
Agree feedback mechanism to the referrer and relevant others		
A.O. B		

This record is issued in the belief that it accurately reflects of the meeting. Please contact the chair within 7 working days of receipt to record any inaccuracies or omissions. This record is confidential and is not to be reproduced or copied to others without the chair’s approval.

Item 10.**Suggested Database (for data collection and checking for previous concerns)**

Date PoT concern received	Date	
From	Referrers details	Name Organisation Contact details
In relation to	PoT details	Name Address DOB Contact details Position of trust detail (job/role)
Specific to their employment/placement with	Employer/managers details	Name Organisation Contact details
The concerns are	Details of allegation/concern	What, when
The concerns is going to be managed by	Managed by	Safeguarding Adults Safeguarding Children Adult PoT Guidance Childrens PoT procedure NO PoT process
Date passed to employer	Date passed to employer	
Outcome	Outcome	Date Outcomes Referrals to regulatory bodies etc.

Guidance on Recording Position of Trust Cases

Record-keeping is an integral part of all adult safeguarding processes to ensure that adults with care and support needs are safeguarded, and that organisations and individuals are accountable for their actions when responding to concerns about a person in a Position of Trust.

Individuals with responsibility for the investigation and management of PoT concerns must, as far as is practicable, contemporaneously document a complete account of the events, actions and any decisions taken, together with their rationale. This is to enable any objective person to understand the basis of any decision that was made, together with any subsequent action taken.

Records of actions taken to investigate PoT concerns which have been found to be without substance should also be retained so as to build up any history.

Records may be used to prepare reports to the Safeguarding Adult Board (for example to identify trends and patterns or give assurance that adults with care and support needs have been protected).

They might also be shared with any other relevant party to ensure the safety of adults with care and support needs.

A chronology or log of key events, decisions and actions taken should also be maintained to provide a ready overview of progress.

Individuals (including a person in a Position of Trust who is the subject of the recording) are entitled to have access to their personal records whether they are stored electronically or manually. It is therefore important that information recorded, is fair, accurate and balanced.

The purpose of the PoT record-keeping is to:

- Prevent unnecessary re-investigation if an allegation resurfaces after a period of time.
- Enable patterns of behaviour which may pose a risk to adults with care and support needs to be identified.
- To assure the Safeguarding Adults Board that adults with care and support needs are protected from harm

Item 12.

Agency good practice checklist.

1. Does your organisation have an Adult PoT lead
2. Does your organisation have an Adult PoT record system to record concerns, the steps taken, the decisions made on actions or no action taken, and the basis for taking this position
3. Does your organisation include reference to how Adult PoT issues have been dealt with in your assurance report to HSAB
4. Does your organisation consider what support is offered to a person in an Adult PoT alleged to have caused harm
5. Has your organisation established sources of advice (including, where necessary, legal advice)