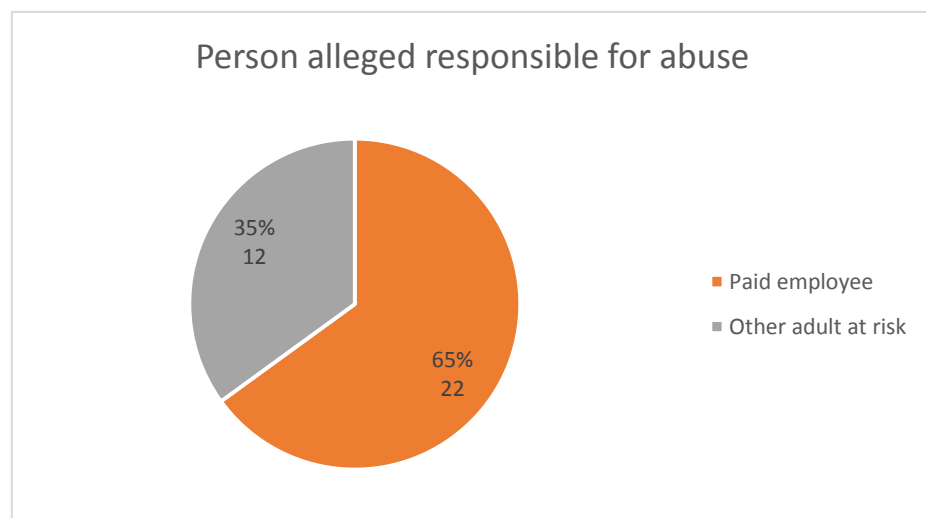
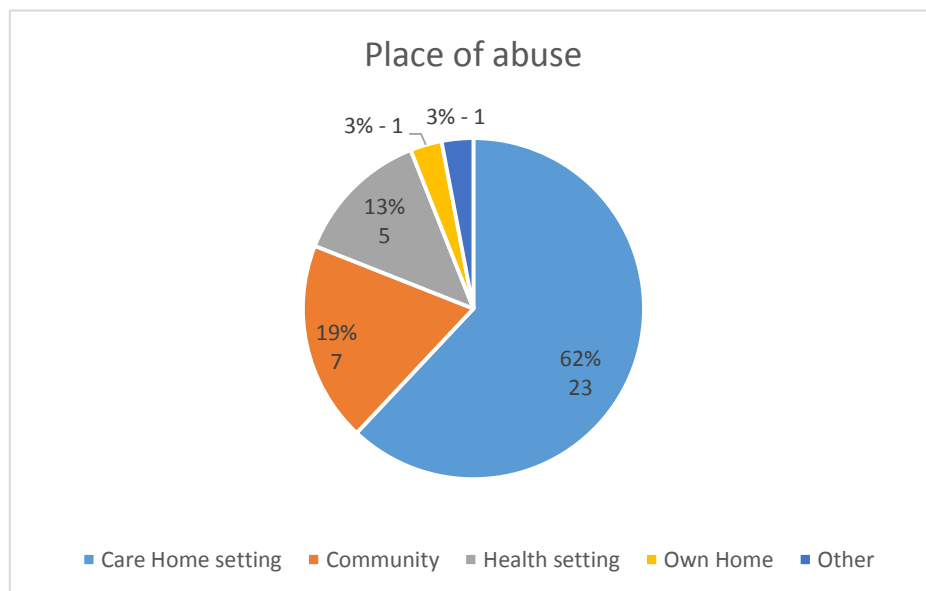
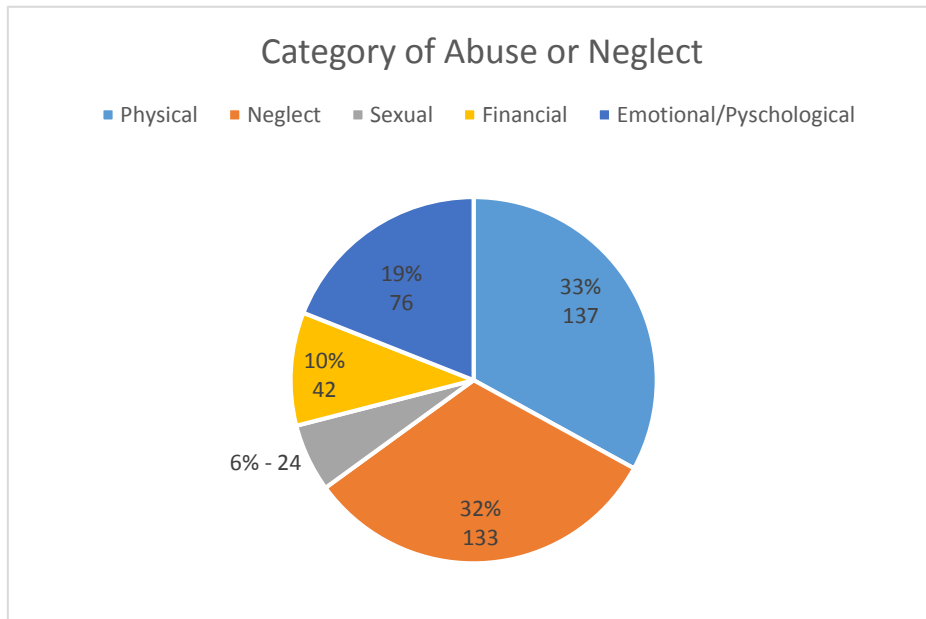


Appendix 1



Appendix 2

Case Study A

Section 5 - 'Person in a Position of Trust'

Overview of Concern Raised

Person in a Position of Trust referral was received, which identified a member of the care staff in a residential care home. The concern related to a male staff member covertly recording female staff in the toilet area. It was alleged that this action had been on-going over a period of months and was not a one off instance. Initial action taken by the registered manager was to report the incident to Police, the staff member immediately resigned and removed himself from the premises.

Actions Taken

A Strategy Discussion took place involving the register manager, Responsible Individual, Police, Care Inspector Wales and Denbighshire Contracts team. It was agreed that due to the seriousness of this allegation and the setting of where alleged incident had taken place, this concern need to progress a formal Strategy Meeting. A criminal investigation was already underway, the process of retrieving all the video footage from the phone formed the initial focus of the investigation. The possible arrested would focus on suspicion of voyeurism and this evidence would be crucial before the suspect could be interviewed. During the formal strategy meeting it was agreed that the police would provide feedback on their investigation and share any findings during the next meeting. In line with the Section 5 procedures the employee was sent a letter advising him that he was subject to the process as detailed within the Safeguarding Wales Procedures and was advised of the nature of the concerns/allegations.

The Police informed the Responsible Individual of the names of the staff who were the subjects of the elitist recordings taken in the toilet. This included many members of staff and a resident of the care home. Consideration was given to informing the identified resident of the incident, family were informed and decided it would not be in best interest to share with citizen.

All the members of staff who were filmed were informed and a counselling service arranged for staff members to access. The remainder of the staff group were also advised of the allegation. One member of staff resigned from her job and left the home, as she found it too distressing to remain. As a precautionary measure the Police advised all parties involved in this concern, not to take any actions against this ex-staff member, noting that he lived in the local area.

Offer of support to the alleged offender was discussed during a full assessment by the Custody Nurse, where he was advised to access any additional support through his GP. Having resigned from his employment, meant access through his employers HR service was not available.

In order to managing the wider safeguarding concerns and pending the outcome of the criminal investigation, the Disclosure and Barring Service (DBS) and Social Care Wales reporting process was followed. A final update from the Police at the reconvened strategy meeting informed the Multi-Disciplinary Team (MDT) that the case had been heard at court and the accused had pleaded guilty, a further date had been set for sentencing. The outcome of the criminal process was imprisonment for 10 months.

Decision made on the balance of probability.

The conclusion of section 5 process was to determine, whether on the balance of probabilities the concern was substantiated, this was made easier in this instance as criminal investigation had led to prosecution. The regulatory bodies were advised of the outcome of this process. A letter from the Chair of the meeting was sent to the individual informing of the outcome, explaining the reason for the outcome and the closure of this process. There were no additional safeguarding actions required, no further risks identified, the case was then closed.

Case Study B

Adult at Risk report

Overview of concern raised

This citizen was living in a residential placement. Concerns were reported that a member of staff was behaving in an unprofessional manner. The allegation reported that the member of staff was bullying this citizen, controlling her movements and using inappropriate language in a tone that was causing distress. There were further concerns that related to posting on social media with reference to this individual and recording defamatory comments. These concerns and allegations were raised via a whistle-blower within the same organization

Action taken

An Adult at Risk report was submitted to the LA and S126 enquiries commenced. The Provider service had taken all the necessary safeguarding actions by suspending the member of staff in order to reduce any further risk of harm to the individual or others and to support the named staff member pending further actions in regards to gathering more information and/or evidence. During these S126 enquiries, the capacity of this individual was considered in relation to this alleged incident and to having an understanding regarding her wishes/views towards these concerns. Family were identified as acting as her advocate and were contacted to support their involvement, to ensure that the safeguarding process was 'person centred' with regards to managing the risk of further harm.

A number of Strategy meetings were held with key professionals. Following the conclusion of an investigation, the employer instigated their disciplinary procedure. The section 5 process was considered, there was agreement that these concerns would be best managed via the employer's own HR process. It was agreed that the disciplinary process would inform the employer to determine if there was grounds for dismissal of the employee or ensure that additional training was completed by the named staff member to support future practice. The outcome was agreed that these concerns related to poor practice rather than abuse.

An Adult Protection Conference was convened, involving family/advocate and key professionals, in order to discuss risks and ensure appropriate measures were in place to reduce any further risk of harm. Family were satisfied with the actions taken and the measures in place to safeguard their family member. They were content that the alleged abuser would not be supporting or working with their family member in the future and that the employer was implementing their disciplinary procedures.

The difference/impact to the Citizen and or the service

The Provider was satisfied that their whistleblowing policy had worked well. The management felt confident that appropriate action was taken following information from the whistleblowing alert. Whistle-blowers were more assured that when concerns are reported they were taken seriously and followed up appropriately by the employer.

The employer felt confident that their disciplinary procedure would support the actions required to manage these concerns, therefore manage any further risks for the individual and for the wider risks towards others.

The Adult Protection Conference gave the opportunity to review the risk management strategies and gave some assurances to family that appropriate measure were in place to reduce any further risk of harm to their daughter.

OVERVIEW: WALES SAFEGUARDING PROCEDURES – SECTION 5

The procedures set out arrangements for responding to safeguarding concerns about those whose work, either in a paid or voluntary capacity, which brings them into contact with children or adults at risk. It also includes individuals who have caring responsibilities for children or adults in need of care and support and their employment or voluntary work brings them into contact with children or adults at risk.

It is intended that the procedures support internal disciplinary procedures and provides guidance to deal appropriately with any concerns or allegations of professional abuse, neglect or harm and to ensure that all allegations of abuse made against staff or volunteers working with children, young people and adults at risk are dealt with in a fair, consistent and timely manner.

The main factor to consider when applying the procedures is whether the individual subject to the allegation or concern, occupies a position of trust; this is where a member of staff / volunteer is in a position of power or influence over a child or adult at risk, by virtue of the work or nature of activity being undertaken.

Every Council has a duty to manage allegations and concerns about any person who works with children and young people and adults at risk in their area. This includes Council staff, staff or partner agencies and volunteers.

Managing cases under these procedures applies to a wider range of allegations than those in which there is reasonable cause to believe a child or adult at risk is suffering, or is likely to suffer harm. It also applies to concerns that might indicate that a person is unsuitable to continue to work with children or adults at risk in their present position or in any capacity. It should be used in all cases in which it is alleged that a person who works with children or adults at risk has:

- Behaved in a way that has harmed or may have harmed a child or adult at risk
- May have committed a criminal offence against a child or adult at risk or that has a direct impact on the child or adult at risk
- Behaved towards a child, children or adults at risk in a way that indicates they are unsuitable to work with both children and adults

It can be difficult to determine what may fall into the category of "unsuitable to work with children or adults at risk". The employer should consider whether the subject of the allegation or concern has:

- Been the subject of criminal procedures that indicate a risk of harm to a child or adult at risk
- Caused harm or possible harm to a child or adult at risk and there is a risk in the working, volunteering, or caring environment
- Contravened or continued to contravene their agency's Safeguarding Policy and Procedures
- Failed to understand or comply with the need for clear personal and professional boundaries in the work place
- Behaved in a way in their personal life which could put children and adults at risk of harm
- Behaved in a way that undermined the trust placed in them by virtue of their position

- Children who are subject to Child Protection Procedures
- Has caring responsibilities for an adult who is subject to Adult Protection Procedures

Overarching principles

Ensure that children at risk and adults at risk are safeguarded from individuals who may pose a risk in the setting within which they work or volunteer

Ensure that allegations and safeguarding concerns are dealt with in a fair, consistent and timely manner and in accordance with statutory guidance

Ensure that there is appropriate support, information and advice for all those affected during this process

Ensure that individuals who are not suitable to work with children and adults at risk are prevented from doing so by notification to the Disclosure and Barring Service and other relevant and professional bodies

Local authorities must ensure there is a senior manager with responsibility for ensuring these procedures are adhered to. This role can be delegated but there needs to be an overarching senior manager responsible.

The definition of 'work' includes the following:

- Those in paid employment, including temporary, students/trainees; casual, agency staff and those who are employed as Personal Assistants under the direct payment scheme
- Individuals undertaking unpaid voluntary work
- Individuals who are self-employed and work directly, or are contracted to work, in the provision of services to children and adults at risk

The procedures are underpinned by the following legislation and guidance and should be read in conjunction with them:

- Social Services and Well-being (Wales) Act 2014
- Social Services and Well-being (Wales) Act 2014: Working Together to Safeguard People: Volume 5 – Handling Individual Cases to Protect Children at Risk
- Social Services and Well-being (Wales) Act 2014: Working Together to Safeguard People: Volume 6 – Handling Individual Cases to Protect Adults at risk
- Keeping learners safe: managing allegations of abuse against teachers and others engaged in education services in Wales 2015