



Better Bolton.



Bolton Clinical Commissioning Group

Guidance for Safe Working Practice for Adults Who Work With Children and Adults at Risk

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1. Introduction

The vast majority of people who work with Children / Adult's at Risk act professionally and aim to provide a safe and supportive environment, which secures the well-being and very best outcomes of the individual.

This document is a guide to identify what behaviours are expected of adults who come into contact with or directly work with Children / Adult at Risk in all settings. Adults whose practice deviates from this guidance or their professional or employment-related code of conduct may call into question their suitability to work with Children / Adult at Risk. It does not replace or take priority over advice or codes of conduct produced by employers, or national bodies, but is intended to provide guidance where an individual's suitability to work with Children / Adults at Risk has been called into question.

All employees of NHS Bolton Clinical Commissioning Group (CCG), whatever their position, role, or responsibilities should have a clear understanding about the nature and content of this document, discuss any uncertainties or confusion with their manager or a senior colleague and understand what behaviours may call into question their suitability to work with Children / Adult at Risk. This should be integral to all corporate and departmental induction programmes.

It is recognised that achieving this aim is not always straightforward and sometimes tensions and misunderstandings can occur. The behaviour of practitioners can give rise to allegations of abuse being made against them. Allegations may be genuine, malicious or misplaced. They may arise from differing perceptions of the same event, but when they occur, they are inevitably distressing and difficult for all concerned.

Whilst every attempt has been made to cover a wide range of situations, it is recognised that this guidance cannot cover all eventualities. There may be times when professional judgements are made in situations not covered by this document, or which directly contravene the guidance given by their employer. It is expected that in these circumstances employees will always advise their senior colleagues of the justification for any such action already taken or proposed.

2. The guidance should be read in conjunction with:

- NHS Bolton CCG Child and Adult Safeguarding Policy

- NHS Bolton CCG Mental Capacity Act and Deprivation of Liberty Safeguards Policy

3. Definitions

Children and Young People: Throughout this document references are made to "children and young people". These terms are interchangeable and refer to children who have not yet reached their 18th birthday.

Employees: Directly or indirectly employed by NHS Bolton CCG including volunteers.

Adult at Risk: Adults at Risk as defined by the Care Act 2014 as an adult 18 years or over who:

- Has needs for care and support (whether the local authority is meeting any of those needs) and;
- is experiencing, or is at risk of abuse or neglect; and
- as a result of those care needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

Allegation: any information which suggests an adult who works with children or adults at risk has:

- behaved in a way that has harmed, or may have harmed a Children / Adult at Risk
- possibly committed a criminal offence against, or related to , a child; or
- behaved towards a Children / Adult at Risk in a way that indicates s/he is unsuitable to work with this vulnerable group of individuals.

4. Underpinning Principles

- The welfare of the child is paramount (Children Act 1989).
- The welfare of Adults at Risk should always be in the person's Best Interest underpinned by the Mental Capacity Act 2005.
- It is the responsibility of all employees to safeguard and promote the welfare of Children / Adult's at Risk.
- Employees who work with Children / Adult's at Risk are responsible for their own actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivation and intentions.
- Employees should work and be seen to work, in an open and transparent way.

- All employees must comply with the Equality Act 2010.
- Employees and their managers should continually monitor and review practice.

5. Listening to Children / Adult's at Risk

The responsibility for trying to establish effective communication lies firmly with the Employees. The following points give guidance on how to deal with a person who makes an allegation:

- The person should be listened to but not interviewed or asked to repeat the account. Avoid questions, particularly leading questions.
- The person should not be interrupted when recalling significant events.
- All information should be noted carefully, including details such as timing, setting, who was present and what was said, in the person's own words. The account should be obtained verbatim or as near as possible.
- Care should be taken not to make assumptions about what the person is saying or to make interpretations.
- On no account should suggestions be made to the person as to alternative explanations for their worries.
- Explain to the person that you will get help to keep them safe. This means safe from
 - Physical abuse
 - Domestic violence.
 - Sexual abuse
 - Psychological abuse
 - Financial or material abuse
 - Modern slavery
 - Discriminatory abuse
 - Organisational abuse
 - Self-neglect
- The written record of the allegations should be signed and dated by the person who received the information as soon as practicable.
- All actions subsequently taken should be recorded

6. Duty of Care

Employees are accountable for the way in which they exercise authority; manage risk; use resources and protect Children / Adult's at Risk from discrimination and avoidable harm.

Children / Adult's at Risk have a right to be treated with respect and dignity. It follows that adults in a position of trust are expected to take reasonable steps to ensure the safety and promote the well-being of Children / Adult at Risks. Failure to do so may be regarded as neglect.

Employees should understand the responsibilities relating to their role and sanctions that will be applied if these are breached. Employees must always act in the person's best interests and avoid any situation or conduct that would lead any reasonable person to question their motivation or intentions.

Employees must always take responsibility for their own actions. Employees who accept a role that involves working with children / adult's at risk, need to understand and acknowledge the responsibilities and trust inherent in that role.

NHS Bolton CCG as employers have a duty of care towards their employees both paid and unpaid under the Health and Safety at Work Act 1974¹. This requires the employer to provide a safe working environment and guidance about safe working practices.

NHS Bolton CCG has a duty of care for the well-being of employees and to ensure that employees are treated fairly and reasonably in all circumstances. Additionally, the Human Rights Act (1998) sets out important principles regarding protection of individuals from abuse by state organisations or people working for those institutions. Employees who are subject to an allegation should therefore be supported and the principles of natural justice applied.

The Health and Safety Act 1974 also imposes a duty on employees² to take care of themselves and anyone else who may be affected by their actions or failings. An employer's duty of care and the adult's duty of care towards children should not conflict. This 'duty' can be demonstrated through the use and implementation of these guidelines.

7. Exercise of Professional Judgement

Employees are expected to make judgements about their behaviour in order to secure the best interests and welfare of Children / Adult's at Risk in their charge. Making such judgements can be difficult because of the ambiguity and uncertainty involved in protecting them from harm. Such judgements, in these circumstances, should always be shared with the manager who should consult with the Safeguarding Leads / Chief Nurse. In undertaking

¹ Health and Safety at Work Act 1974 Part I, Section. 2 (1) and (2)

² Health and Safety at Work Act 1974 Part I, Section.7

these actions individuals will be seen to be acting reasonably. Employees should always consider whether their actions are warranted, proportionate, safe and applied equitably.

In cases where no specific guidance exists employees should always:

- Discuss the circumstances that informed their action, or their proposed action, with a manager.
- Report any actions, allegations, threats, incidents, accidents or misunderstandings to the manager.
- Record discussions and reasons why actions were taken.

8. Power and Positions of Trust

As a result of their knowledge, position and/or the authority invested in their role, all persons working with Children / Adult at Risk are in positions of trust in relation to people in their care; there is potential for exploitation and harm of these vulnerable people.

Employees should not use their position to gain access to information for their own or others' advantage. Adults should not use their position to intimidate, humiliate, threaten, coerce or undermine Children / Adult's at Risk.

Employees should always maintain appropriate professional boundaries and avoid behaviour which might be misinterpreted by others. They should report and record any incident with this potential.

For the purpose of this guidance under the Sexual Offences Act 2003 it is a criminal offence for the person in a position of trust to engage in sexual activity with or in the presence of a child or person who lacks mental capacity to consent to forming a sexual relationship or consenting to sex.

9. Confidentiality

Employees may have access to confidential information about the Child / Adult at Risk in order to undertake their responsibilities; in some circumstances they may be given highly sensitive or private information. This information must never be used to intimidate, humiliate, or embarrass the Child / Adult's at Risk.

Confidential information about a Child / Adult at Risk should never be used casually in conversation or shared with any other person except on a need-to-know basis. In

circumstances where the individual's identity does not need to be disclosed the information should be used anonymously.

There are some circumstances in which a worker may be expected to share information about Children / Adult's at Risk for example when abuse is alleged or suspected. This includes information required for a Serious Case Review following the death of Child / Adult at Risk or a life threatening event. In such cases, there is a duty to pass information on without delay in line with Bolton Safeguarding Boards and CCG safeguarding procedures.

The storing and processing of personal information about patients is governed by the Data Protection Act 1998.

If an adult who works with Children / Adult's at Risk is in any doubt about whether to share information or to keep it confidential he or she should seek guidance from a senior member of staff, Designated/Named Safeguarding professionals, Data Protection Officer or the Caldecott Guardian and must work within safeguarding procedures and the CCG Information Sharing Agreement. The responsibility for trying to establish effective communication lies firmly with the employees. Further guidance on information sharing can be accessed at: <https://www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice>

10. Propriety and Behaviour

All employees working with Children / Adult's at Risk have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of the person. They should adopt high standards of personal / professional conduct in order to maintain the confidence and respect of the person they are working with as well as their peers and the public in general.

An employee's behaviour, either in or out of the workplace, should not compromise her/his position within the work setting.

Employees who work with Children / Adult's at Risk should not behave in a way that would lead any reasonable person to question their suitability to work with vulnerable groups. They should never make (or encourage others to make) unprofessional personal comments which scapegoat, demean or humiliate, or might be interpreted as such. Consideration should be given to how their personal / professional conduct will reflect on their activities and should always act within their professional code of conduct.

11. Dress and Appearance

A person's dress and appearance are matters of personal choice and self-expression. However, employees should consider the manner of dress and appearance appropriate to their role which may be different to that adopted in their personal life.

Employees should ensure they are dressed safely and appropriately for the tasks they undertake. Those who dress or appear in a manner which could be considered as inappropriate could render themselves vulnerable to criticism or allegations.

12. Personal Living Space

The CCG does not expect or request that private living space be used for any work with Children / Adults at Risk.

Under no circumstances should Children / Adult's at Risk be asked to assist employees with jobs or tasks in the home.

13. Gifts, Rewards and Favouritism

Employees should be aware of the NHS Bolton CCG policy relating to the giving and receiving of gifts.

Employees need to take care that they do not accept any gift that might be construed as a bribe by others, or lead the giver to expect preferential treatment. It is against the law for public servants to take bribes.

There are occasions when Children / Adult's at Risk / Parents / Carers wish to pass small tokens of appreciation to employees e.g. at Christmas or as a thank-you and this is acceptable as long as it is declared. However, it is unacceptable to receive gifts on a regular basis or of any significant value.

Similarly, it is inadvisable to give such personal gifts or rewards to Children / Adult's at Risk. This could be misinterpreted as a gesture either to bribe, groom or single out the person. It might be perceived that a 'favour' of some kind is expected in return. Any reward given should be agreed practice within the CCG and be part of supporting positive behaviour. Such rewards should be recorded and not based on favouritism.

14. Infatuations

It is not uncommon for Children / Adult's at Risk to be attracted to a member of staff and / or develop an infatuation. All situations should be responded to sensitively to maintain the dignity of all concerned. Individuals should also be aware that such circumstances always carry a high risk of words or actions being misinterpreted and as a result, allegations could be made against them.

Anyone who becomes aware that a Child / Adult at Risk may be infatuated with them or with a colleague, should discuss this at the earliest opportunity with a manager so that appropriate action can be taken. In this way, steps can be taken to avoid hurt and distress for all concerned. All incidents or indications (verbal, written or physical) that may suggest a Children / Adult's at Risk has developed an infatuation with any member of staff should be reported and recorded and the staff member should always maintain professional boundaries.

15. Social Contact

Adults should not establish or seek to establish social contact with Children / Adult's Risk for the purpose of securing a friendship or to pursue or strengthen a relationship. If a Child / Adult at Risk or Parent / Carer seeks to establish social contact, or if this occurs coincidentally, the employee should exercise her/his professional judgement in making a response and be aware that such social contact could be misconstrued as grooming. This also applies to social contacts made through interests outside of work.

It is recognised that some workers may support a parent / carer who may be in particular difficulty. Care needs to be exercised in those situations where the parent / carer comes to depend upon the worker for support outside their roles and responsibilities. This situation should be discussed with senior management and where necessary referrals made to the appropriate support agency.

The above also applies to wider use of technology such as mobile phones, text messaging, emails, digital cameras, videos, web cams, websites, blogs and social media.

16. Physical Contact

There are occasions when it is entirely appropriate for other employees to have some physical contact with the person with whom they are working. However, it is crucial that in all circumstances, employees should only touch a Child / Adult at Risk with their permission and in ways which are appropriate to their professional or agreed role and responsibilities.

Employees should be aware that even well intentioned physical contact may be misconstrued by the person, an observer or by anyone to whom this action is described and be prepared to report and explain actions and accept that all physical contact be open to scrutiny and should always be within Health and Safety requirements.

17. Incident Reporting

Employees should be aware of the procedure for reporting and recording incidents and managers should ensure that information about incidents and outcomes can be easily accessed by senior management including measures that have been taken to reduce risk. A copy of the completed incident report should be sent to the NHS Bolton CCG Associate Director for Quality and Safety.

NHS Bolton CCG should provide any incident reporting information to the Local Safeguarding Board if there are interagency safeguarding implications or lessons to be learnt.

18. Behaviour Management

All individuals have a right to be treated with respect and dignity. Corporal punishment is unlawful. Physical intervention can only be justified in exceptional circumstances and must be used as a last resort when other behaviour management strategies have failed

Employees should not use any form of degrading treatment to punish a person. The use of humour can help to defuse a situation. The use of sarcasm, demeaning or insensitive comments towards people is not acceptable in any situation. Force should never be used as a form of punishment and employees should always attempt to diffuse situations before they escalate. Parents / Carers should always be fully informed about any behaviour management techniques used.

19. Children and Adults at Risk in Distress

There may be occasions when a distressed Child / Adult at Risk needs comfort and reassurance, which may involve physical contact. Young children, in particular, may need immediate physical comfort, for example after a fall, separation from parent etc. Employees should use their judgement to comfort or reassure the person in an age-appropriate way. Any contact made should not be threatening or intrusive.

Where an employee has a particular concern about the need to provide this type of care and reassurance, or is concerned that an action may be misinterpreted, advice should be sought from their manager.

20. Respect and Privacy

All individuals are entitled to respect and privacy and staff providing healthcare for a child should always be mindful of that right.

21. Home Visits

There are some staff for whom home visits are an aspect of their work such as the NHS Bolton CCG Continuing Health Care Team. It is essential that appropriate policies and related risk assessments are in place to safeguard both adults and children, who can be more vulnerable in these situations.

A risk assessment should include an evaluation of any known factors regarding all persons living in the household. Risk factors such as hostility, safeguarding concerns, complaints or grievances can make employees more vulnerable to an allegation.

Specific consideration should be given to visits outside of 'office hours' or in remote or secluded locations. Following the assessment, appropriate risk management measures should be in place to mitigate risks before visits are arranged.. Where little or no information is available, visits should not be made alone.

Under no circumstances should an employee visit a person in their own home without the knowledge of their manager or other senior representative in the organisation outside of their normal working hours and/or roles and responsibilities.

22. Communication with Children using Technology

E-Safety, the safe and responsible use of technology is sometimes presented as primarily a safeguarding issue. While vulnerable persons do need support to keep themselves safe online, the risks associated with the use of technology are not confined to them.

E-Safety issues may also affect everybody, for example, the mismanagement of personal data, risks of financial scams, identity theft and cyber bullying. This will be particularly relevant for individuals who are new to using technology.

Under no circumstances should an employee use NHS Bolton CCG equipment to access

inappropriate images and inappropriate internet usage. Please refer to NHS Bolton CCG policy regarding internet use.

Employees should only use equipment provided by NHS Bolton CCG to communicate with Children / Adult's at Risk in their care. Refer to NHS Bolton CCG policy on data using and sharing.

In any event where indecent images of children or other unsuitable material are found, the police, the CCG Senior Nominated Officer Senior Nominated Officer (SNO) and the Local Authority Designated Officer Local Authority Designated Officer (LADO) must be informed immediately.

23. Whistle blowing

Whistle blowing is the mechanism by which adults can voice their concerns, made in good faith, without fear of repercussion. NHS Bolton CCG have a Whistle Blowing Policy and procedure accessible via the intranet that meets the terms of the Public Interest Disclosure Act 1998.

24. Sharing Concerns and Recording Incidents

In the event of an incident occurring, which may result in an action being misinterpreted and /or an allegation being made against a member of staff, the relevant information should be clearly and promptly recorded and reported to senior managers and the SNO who will advise the LADO in line with the policies and procedures of [Bolton Safeguarding Children Board](#) and [Bolton Safeguarding Adult Board](#).