

Title: <i>Managing HR Concerns with Safeguarding Adults</i>	
Business Area: <i>Devon Safeguarding Adults</i>	
Document Version No: <i>1.0</i>	Document Ref:
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Related Legislation / Strategy / Policy: <i>Care Act 2014; Care Act 2014 Statutory Guidance; Police and Criminal Evidence Act 1984; Youth Justice and Criminal Evidence Act 1999; Sexual Offences Act 2003; Protection from Harassment Act 1997; Criminal Justice and Courts Act 2015</i>	
Related Practice Guidance: <i>Advocacy in Safeguarding; Legal Framework; Operational Guidance; Recording and Preserving Evidence; Responsible Manager; Responsibilities of a Safeguarding Adults Investigator</i>	

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- 1.1. To avoid unnecessary delay, distress, duplication, or intrusion for the adult at risk, or the person allegedly responsible, or for others affected, the following should be considered:
- Information gathered as part of a Safeguarding Enquiry may be used as part of other processes.
 - In many cases, the outcome of the Safeguarding Adults Enquiry will be determined before the commencement of any Human Resources procedures where they may apply. This would be agreed at the Strategy Meetings or discussions.
 - In some circumstances, where this has been agreed through strategy meetings or discussions, there may be occasions where Human Resources Policies and Procedures, such as disciplinary procedures, may be progressed to avoid delay. This is on those occasions where it is clear this will not have a detrimental impact upon the Safeguarding Adults Enquiry involving a number of different and unrelated allegations against a number of individuals.
 - Consideration will be given in strategy discussions as to what information can be passed on to the person whom the allegations are against, including information around timescales and the process for Enquiry, if required.
 - If a staff member has been suspended as a result of an allegation, the employer will contact the individual concerned to explain the process and support arrangements, and ensure that the individual understands the terms of suspension. The decision to suspend must be taken in accordance with the relevant organisational HR Policies and Procedures.
 - The employer should keep in touch with the suspended member of staff to ensure they are provided with up-to-date information about the process of the Enquiry.
 - If no Safeguarding Adults Enquiry is to be undertaken, HR Policies and Procedures, such as disciplinary procedures, can commence if appropriate. This will be discussed and agreed at the Strategy Meeting/discussion.
 - Where a Safeguarding issue arises during a disciplinary Enquiry and is related to matters already under Enquiry, the disciplinary process may be paused, but resumed where agreed as part of the on-going safeguarding process.
 - Human Resource Officers, or the relevant managers, from the employing service may be consulted as part of Safeguarding Enquiries.

- When undertaking interviews under the Safeguarding Adults process, individuals will be made aware that the information they provide may be used in HR Policies and Procedures, such as a disciplinary Enquiry.
- Appropriate measures should be taken by the employer to ensure the employee has support through this process. Where an employee requests support during a fact-finding interview, this request needs to be made to their immediate line manager.
- Once the Safeguarding Enquiry has been completed, the employer must be notified of the outcome as soon as possible, and agreement must be reached regarding how the individual whom the allegations are against should be notified; generally the outcome would be best delivered by the employer. There may be occasions, such as a Police Enquiry, where someone other than the employer provides the information to the employee. The strategy group should decide who best to provide that information, how and when.
- If an HR Enquiry is required, the HR investigating manager should use as much information as possible from the Safeguarding Enquiry to avoid duplication. The strategy group will decide whether an HR process runs concurrently with and informs the safeguarding Enquiry.
- The Manager leading the Safeguarding Enquiry will ensure relevant information are passed to the HR investigating manager for reference, in line with Information Sharing guidance and the Data Protection Act.
- The Enquiry will recommend whether a referral should be made to the Disclosure and Barring Service (DBS) and any relevant professional body. This will usually be made by the employer but can be made by the Local Authority or the Care Quality Commission.
- All partner agencies and organisations should ensure their HR Policies and Procedures reflect the principles of the Care Act and Devon Policies and Procedures for Safeguarding Adults at Risk.