

5. Key roles and responsibilities.

5.1. The Data Owner

5.1.1. The owner of the information relating to the concern or allegation is expected to -

- Consider if the information indicates that any immediate risk management actions are needed, or referrals into adult or children safeguarding processes,
- 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; early liaison with Police should take place to agree next steps and to avoid contamination of evidence; if a criminal investigation is required, this will take primacy over an agency or organisation's internal investigation,
- 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 in a PoT's employer, and manage the disclosure in line with legal and best practice requirements for information sharing,
- Where a disclosure is made, notify the relevant service commissioners and regulatory agencies,
- Record the information and decisions clearly, including the rationale for any decision made.

5.2. Employers, student bodies, or voluntary organisations

5.2.1. Any employer, student body, or voluntary organisation who is responsible for a person in a PoT where there is a concern or allegation raised are expected to-

- Respond in individual cases where concerns are raised about people working in a PoT, ensuring that the risk is assessed, investigated where appropriate through internal employment processes, and that risk management actions are identified and implemented as appropriate to the individual case,
- Where appropriate, make notify and refer to external agencies; to the CQC (where the person in a PoT is working or volunteering in a CQC regulated organisation), statutory and other bodies responsible for professional regulation (such as the General Medical Council and the Nursing and Midwifery Council, The Charity Commission) and the DBS,
- Provide feedback at regular intervals to the relevant Local Authority (if there is a related safeguarding enquiry) and to their commissioning agency (if they have one),
- Ensure the safety and protection of adults with care and support needs is central to their decision making,
- Ensure their organisation has a range of policies and procedures that will support their decisions,

- Ensure all safeguarding concerns that result from a concern about a PoT are reported,
- Share information in line with these procedures where it is known the person in a PoT also has other employment or voluntary work with adults with care and support needs or children,
- If an organisation removes an individual (paid worker or unpaid volunteer) from work with an adult with care and support needs (or would have, had the person not left first) because the person poses a risk of harm to adults, the organisation must make a referral to the Disclosure and Barring Service. It is an offence to fail to make a referral without good reason¹.
- At the conclusion of any PoT enquiries, consider if the findings demonstrate evidence of a theme or pattern in the context of past and historic PoT concerns; identify potential themes or system wide issues within the organisation; and ensure that appropriate action is taken by their organisation so that learning from past events is applied to reduce the risk of harm to adults with care and support needs in the future.

5.3. Service commissioners and regulators

5.3.1. Service commissioners and regulators are expected to -

- Use their contract compliance and regulatory processes to ensure that service providers have the right internal policy and procedural frameworks, and respond appropriately to manage risk in individual cases,
- Monitor the activities of commissioned services in their compliance of this Framework.

¹ Paragraph 14.127 Care and Support Statutory Guidance