Abuse of Trust Policy (ALL SERVICES)

This Policy Should Be Read In Conjunction with the Safeguarding Policy & Procedure

1. POLICY RELATING TO ABUSE OF TRUST

1.1 This policy relating to Abuse of Trust is in addition to Safeguarding Procedures but those procedures may also apply to the following situations. Staff must consult with their Manager regarding which is the appropriate policy to apply in a given situation.

2. DEFINITION OF ABUSE OF TRUST

2.1 Abuse of Trust can occur in a number of settings, for example, in an education establishment, a residential establishment, a foster home, a social club or other activity.

2.2 Abuse of Trust is distinct and different from sexual abuse or other abuse.

2.3 Abuse of Trust relates to all relationships where one person is in a position of responsibility (and power) in relation to another person, who is either under 18 years or is a vulnerable adult, whether the relationship is of a heterosexual or homosexual nature.

2.4 Abuse of Trust relates to paid employees, ex employees, unpaid staff (for example trainees and students), volunteers, foster carers, consultants and contractors.

2.5 Abuse of Trust occurs where the person in a position of trust betrays the trust and enters into a relationship, particularly a sexual relationship, but also other abusive relationships, with a child/young person or vulnerable adult (referred to as service user), for whom they have responsibility.

Associated Policy Documents:

- Disciplinary Policy & Procedure (Personnel)
- Giving and Receiving of Gifts Policy & Procedure (Service)
- Safeguarding Policy & Procedure (Service)
- Safeguarding Detailed Guidance (Service)
- Whistleblowing Policy & Procedure (Personnel)
- Contact between Ex Employees and (Ex) Service Users Policy & Procedure (Service)
- Complaints, Representations and Compliments Policy & Procedure (Service)

Legislation and Reference Documents:

- Sexual Offences Act 2003
Abuse of Trust Procedure (ALL SERVICES)

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1. PRACTICE FOR STAFF IN POSITIONS OF TRUST

1.1. The aim of this policy is most definitely not to discourage caring relationships, but to ensure that the staff member and the service user are protected.

1.2. The key characteristic of the professional relationship is that the sole objective is meeting the assessed need of the service user, their families or carers. At no point must the needs of staff, unrelated to professional practice, take precedence. Emotional involvement or behaviour that is, or may be seen to be, primarily in the interest of staff, rather than meeting the assessed needs of the service user, their families or carers may be defined as extending beyond the professional.

1.3. Unless there is sound reason to do so, and action is taken with the express knowledge and approval of a line manager, and the decision is recorded:

- Staff must not make personal arrangements to see service users, their carers, or families when off-duty.
- Staff must not make personal arrangements to see service users, their carers, or families after they have left The Trust.
- Staff must not take service users, their carers or families to their home unless it is integral to the Care Plan and agreed with the local authority social worker.
- Staff must not give their home telephone number, mobile telephone numbers, or address to service users, their carers or families.
- Staff must neither sell nor buy property from service users, their carers or families.

1.4. Some examples of specific behaviour that is not permitted include:

- Sexual contact
- Lending/borrowing money or property
- Witnessing wills or acting as a named executor
- Arranging extra help for a fee
- Giving or receiving gifts of which the Manager and team members are unaware.

Whether motivated by a desire to care for people, or less well intentioned illegal motives, all such behaviour presents a risk to the professional relationship.

1.5. All relationships with anyone under 18 years should be founded on trust. The Together Trust expects all employees, whatever their standing, to understand their position in relation to those in the Together Trust’s care and to ensure that trust is never betrayed.

1.6. Where a position of trust is betrayed this will be a disciplinary matter, or subject to other appropriate action, and the Trust’s disciplinary procedures will apply. The relationship cannot be consensual and thus any betrayal, for example by entering into a sexual relationship on the basis that this was consensual, will not be accepted.

1.7. The Together Trust insists on a culture of openness in all relations between staff and those for whom we care. Adults can best protect themselves and service users by
ensuring that they keep their line manager and staff group informed where they feel that a particular or strong relationship is developing.

1.8. All interactions between staff and service users which are outside the normal day to day contacts, or which are of a stronger than usual intensity, should be recorded or notified to the line manager.

1.9. Any inappropriate relationship or dependency, which appears to be developing, should be notified to the line manager, particularly where the service user seems to be becoming particularly dependent. This will protect both parties.

1.10. Where an adult feels vulnerable, or thinks that the developing relationship is beyond their control, it may be necessary for them to consider with their line manager the appropriateness of their continuing in that particular place of employment. Honesty and openness will help all parties. It may be appropriate to move to another of the Together Trust’s establishments. Honesty and openness will not lead to discrimination against the staff member.

1.11. All allegations about an abuse of trust will be fully investigated under the Together Trust’s complaints and disciplinary procedures. If a staff member is found to have an inappropriate relationship, which has not been notified to their line manager, then the possibility of an abuse of trust will be accepted.

2. PRACTICE FOR OTHER PROFESSIONALS IN POSITIONS OF TRUST

As cited in 2.4 in the Policy section on page 1, there are other professionals apart from paid staff who are required to abide by this policy and procedure. These include volunteers, unpaid staff, ex-employees, consultants and contractors. Foster carers receive a separate policy.

These professionals will be made aware of the policy by the manager responsible for the worker on site. Should any concerns arise around breach of the policy then the professional will be notified immediately and asked to attend a meeting where the concerns are discussed and if required Safeguarding procedures instigated. Should any concerns be upheld then the professional will not be in a position to provide further services to the Together Trust in any capacity. Ex-employees will be reminded of their obligations under this policy should an abuse of trust come to the attention of staff and depending on the level of severity, appropriate action would be taken under safeguarding procedures.