

# Abuse of Trust Policy

This Policy Should Be Read In Conjunction with the Safeguarding Policy & Procedures and Mental Capacity Policy & Procedure.

## 1. DEFINITION OF ABUSE OF TRUST

- 1.1. Abuse of Trust can occur in any settings, for example, in an education establishment, a residential establishment, supported living, day service, a foster home, a social club or other activity.
- 1.2. The Sexual Offences Act 2003 prohibits a person in a position of trust from having sexual acts with someone who cannot consent which include children and vulnerable adults. This is primarily used for the protection of young people who are above the age of consent but under the age of 18, or those with learning disabilities.
- 1.3. Abuse of Trust relates to all relationships where one person is in a position of responsibility (and power) in relation to a service user.
- 1.4. Abuse of Trust relates to paid employees, ex employees, unpaid staff (for example trainees and students), volunteers, foster carers, consultants and contractors.
- 1.5. Abuse of Trust occurs where the person in a position of responsibility betrays the trust of an individual and uses their relationship to abuse the service user, particularly a sexual relationship or financial abuse, but also other forms of abuse as defined within the Together Trust Safeguarding Policy.

### Associated Policies :

- Allegations Against Foster Carers Policy and Procedure (Service) (*Fostering only*)
- Code of Conduct Policy and Procedure (HR)
- Complaints, Representations and Compliments Policy and Procedure (Service)
- Confidentiality Policy and Procedure (Service)
- Disciplinary Policy and Procedure (HR)
- Giving and Receiving of Gifts Policy and Procedure (Service) (*Personalisation & Community only*)
- House Keys Agreement and Accessing Service User Spaces Policy and Procedure (Service) (*Personalisation & Community only*)
- Mental Capacity Policy and Procedure (Service)
- Raising Concerns (previously Whistleblowing) Policy and Procedure (HR)
- Review of Foster Carers Policy and Procedure (Service) (*Fostering only*)
- Review of the Placement Policy and Procedure (Service) (*Fostering only*)
- Safe Caring Policy and Procedure (Service) (*Fostering only*)
- Safe Personal and Pressure Care Policy and Procedure (Service) (*Personalisation & Community only*)
- Safeguarding and Protection of Adults at Risk - Detailed Guidance (Service)
- Safeguarding and Protection of Adults at Risk (formerly POVA) Policy and Procedure (Service)
- Safeguarding Children/Young People Detailed Guidance (Service)
- Safeguarding Children/Young People Policy and Procedure (Service)

### Legislation and Reference Documents:

- Sexual Offences Act 2003
- Serious Crime Act 2005

## Abuse of Trust Procedure

This Procedure Should Be Read In Conjunction with the Safeguarding Policy & Procedures and Mental Capacity Policy & Procedure.

### 1. PRACTICE FOR STAFF IN POSITIONS OF TRUST

- 1.1. The aim of this policy is to ensure that the staff member/foster carer 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/foster carer, unrelated to professional practice, take precedence. Emotional involvement or behaviour that is, or may be seen to be, primarily in the interest of staff/foster carers, 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 (if appropriate)
  - Staff must not give their home telephone number, mobile telephone numbers, e-mail address, home address to service users, their carers or families
  - Staff must not chat to service users, their carers or families on any social media site
  - Staff/foster carers 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/or Supervising Social Worker 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 or a vulnerable adult receiving a service from Together Trust should be founded on trust. The Together Trust expects all employees/foster carers, 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 may be subject to disciplinary processes and may involve safeguarding or criminal procedures being invoked. The Trust and legislation do not view relationships with service users as consensual and thus any betrayal, for example by entering into a sexual relationship on this basis will be defined as an abuse of trust. For Foster Carers the matter could result in de-registration.
- 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/Supervising Social Worker and staff group informed where they feel that a particular or strong relationship is developing.
- 1.8. All interactions between staff/foster carers and service users which are stronger than usual intensity, should be recorded or notified to the Line Manager/Supervising Social Worker
- 1.9. Any inappropriate relationship or dependency, which appears to be developing, should be notified to the Line Manager/Supervising Social Worker, particularly where the service user seems to be becoming particularly dependent. This will protect both parties.
- 1.10. Where staff/foster carers feel vulnerable, or think 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. For foster carers this may result in the placement being reviewed to consider whether it remains an appropriate placement.
- 1.11. For staff, all allegations about an abuse of trust will be fully investigated under the Together Trust's complaints and disciplinary procedures or through the criminal justice system, and for foster carers the Allegations Against Foster Carers procedures. If a staff member/foster carer is found to have an inappropriate relationship, which has not been notified to their Line Manager/Supervising Social Worker, then the possibility of an abuse of trust will be accepted.

## **2. PRACTICE FOR OTHER PROFESSIONALS IN POSITIONS OF TRUST**

As cited in 1.4 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.

These professionals will be made aware of the policy by the person at the service who is 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.