

Information Governance Department  
West Wing  
St. Pancras Hospital  
4. St. Pancras Way  
London NW1 0PE  
[Freedom.Information@Candi.nhs.uk](mailto:Freedom.Information@Candi.nhs.uk)

3 December 2013

**Reference: 2013-281**

Dear Ms Moriarty,

**Re: Information Request – Freedom of Information Act 2000**

Following your request for information we received on the 3 November 2013, we are providing you with access to the recorded information held by Camden and Islington NHS Foundation Trust in answer to your enquiry.

You requested the following information:

***1/ Please also confirm and provide details/policy documents on how many of the 25 and 15 cases respectively were reported as a safeguarding issue to the local authority or logged as such within the Trust. Is there an automatic procedure and if not why not?***

There is an automatic procedure for logging safeguarding alerts, which are raised when abuse or neglect is identified or suspected, the service user's safety is paramount. If a service user or a carer reports abuse to any member of staff, that person must listen carefully and explain that they have a duty of care to raise the concern and to report it to their manager. A safeguarding alert will be raised that is the start of the safeguarding process, as many details as possible must be recorded, including where, when and what took place.

Safeguarding is managed by the service user's C & I mental health team as a delegated responsibility under S75 of the National Health Services Act (2006), between the Local Authority and the NHS Trust. The recording of safeguarding is logged on the Local Authority safeguarding workflow system because the Local Authority has the lead responsibility for safeguarding.

If a member of staff has concerns about a colleague they are required to raise this with their manager, unless the concern is about the manager; then the concerns should be reported to the senior manager or director, or reported via the Trust Whistle Blowing Policy. A manager from the Human Resources department must be informed about any allegation made against a member of staff and invited to attend a safeguarding strategy meeting as they are able to provide advice on all matters related to employment and disciplinary investigation.

Therefore, the safeguarding alert / process precede any disciplinary investigation. It would be unusual for a disciplinary investigation to begin that subsequently uncovers safeguarding, although if this were to happen the disciplinary investigating officer would have the same duty to raise a safeguarding alert.

The Trust does keep separate records for disciplinary matters and for professional body referrals; these are dealt with by the Human Resource Department within the Trust. The focus of the disciplinary investigation is on the individual member of staff, not the service user.

***2/ The Trust has confirmed that not one of the 25 cases of Gross Misconduct were referred to the Local Authority as a safeguarding issue which answers part of the request.***

The safeguarding of service users is dealt with through the safeguarding adult's process; cases of staff gross misconduct are dealt with via the disciplinary route and are referred to the Disclosure and Barring Service (DBS) and to the relevant Professional Regulatory Body, e.g. Nursing and Midwifery Council.

The types of offences that might be dealt with under Gross Misconduct includes:

Assault or abuse of another person, theft, fraud, deliberate falsification of records, fighting, deliberate damage to / serious abuse of Trust property / facilities, serious incapability through alcohol or being under the influence of illegal drugs, sleeping whilst on duty, serious negligence which causes unacceptable loss, damage or injury, serious act of insubordination, unauthorised absence in extreme circumstances, unauthorised entry to computer records, unauthorised access and use of confidential / sensitive data, discrimination, harassment, victimisation, bullying, threatening, intimidating, violent behaviour.

***3/ However the Trust has not provided any guidance or policy documents as requested that would be referred in order to make such decisions. What I am trying to establish is if there is a formalised AND automatic process where the Safeguarding Manager within the Trust is notified of Gross Misconduct cases so that consideration is given to referring to the Local Authority.***

We apologise for not providing the policy documents as requested, please find enclosed copies of the Trust Safeguarding Adult's Policy and the Trust Disciplinary Procedure.

As described in the answers to Q1 and Q2 the safeguarding process is initiated following a concern about abuse or neglect, the focus is on protection of the service user. The Disciplinary Procedure is initiated following concerns identified about a member of staff. There are a wide range of reasons for cases of Gross Misconduct, as listed above.

***4/ So far it appears from the response that there is no process at all but I would like to give the Trust an opportunity to clarify this and provide the policy documentation in case I misunderstand***

The Trust would like to assure you that there are processes and procedures in place to ensure that the safeguarding of service users and the management and disciplinary of staff is dealt with appropriately. Please find enclosed the Trust Safeguarding Adult's Policy and Trust Disciplinary Policy.

The Trust takes the safeguarding of service users very seriously, a Safeguarding Statement was developed that is the first headline in safeguarding training and presentations, it is also included in job descriptions and in new and updated Trust policies:

#### Safeguarding Statement

The Trust is committed to safeguarding and promoting the welfare of children, young people and vulnerable adults. All employees have a duty to be alert to potential vulnerabilities in children and adults, and to know what to do if they have concerns. All staff are expected to be aware of and implement the Trusts safeguarding policies and procedures.

I do hope you are satisfied with the way in which your response was handled, if not you may request an internal review at the above email address. When contacting the Trust please use the above reference that is unique to your request.

Further information about your rights, is available from the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF and on the Information Centre's website. [www.ico.gov.uk/](http://www.ico.gov.uk/)

Yours Sincerely

Wayne Elliott  
Information Governance Officer