Havering
Safeguarding Adults Board

Multi Agency Guidance for dealing with

Allegations against People in Positions of Trust

PIPOT

2022

Document Control

Name	Multi Agency Guidance for dealing with allegations against People in Positions of Trust (PIPOT)
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People in Positions of Trust (PIPOT) refers to a person, whether an employee, volunteer or student, paid or unpaid who works with or cares for adults with care and support needs.

Care and Support Statutory Guidance (section 14.120 – 14.132) established the requirement that all relevant Safeguarding Adults Board (SAB) partners (employers, student bodies and voluntary organisations) must have policies and procedures in line with those of Safeguarding Adults Boards for responding to concerns against any person who works with adults, in either a paid or unpaid capacity, in positions of trust. This applies to all organisations commissioned to provide services by them, so they respond appropriately to allegations made.

Where a concern is raised, it will be necessary for the employer, student body or voluntary organisation to assess any potential risk to adults who use their services and consider how to respond to allegations and concerns.

This document is designed to provide guidance on how concerns should be reported and the process to be used to respond to these. It should be read in conjunction with London Multi-Agency Adult Safeguarding policy and procedures which sets out the legal responsibilities and how organisations work together to safeguard adults.

As this is an overarching framework, individual organisations will be responsible for providing detailed guidance for staff reflecting any organisational requirements and standards that must be followed.

1. Introduction

1.1 There should be a clear distinction between:

• A concern/allegation about abuse or neglect by a professional, or volunteer – this should be managed via these procedures

• A concern about the quality of care or practice provided by the person in a position of trust, that do not meet the criteria for a safeguarding enquiry – this should be raised as a quality issue initially to management within the organisation

• Or a complaint – which needs to be dealt with via the organisation's own complaints procedure

1.2 A person can be considered to be in a 'Position of Trust' where they are likely to have contact with adults with care and support needs as part of their employment or voluntary work, and

• Where the role carries an expectation of trust and

• The person is in a position to exercise authority, power or control over an adult(s) with care and support needs (as perceived by the adult themselves).

1.3 This protocol provides the framework for how concerns and allegations against people working with adults with care and support needs should be notified and responded to. There are occasions when incidents are reported that do not involve adults with care and support needs, but indicate, nevertheless, that a risk may be posed to adults with care and support needs by a person in a position of trust.

This process provides assurance to the Havering Safeguarding Adults Board that all relevant partners:

- respond to concerns raised and balance the rights of individuals to whom concerns have been raised
- share information based on the principles of justification and proportionality
- work closely with other relevant partners, Position of Trust Leads and Children's Local Authority Designated Officer (LADO)
- Consider any transferability of risk, e.g. behaviour in their personal life to their work life.

2. Criteria for People in Position of Trust (PIPOT):

2.1 Positions of trust may include, but are not limited to, any staff working on behalf of:

• Social care
• Health services
• Police and criminal justice
• Housing
• Education
• Advocacy
• GPs
• Private and Voluntary Sector
• Agency and Bank Workers
• Religious/Faith Leaders
• Commissioning Services

The PIPOTs personal life may involve adults with care and support needs in the family or social circle. There may be a concern of a child accused of abusing their elderly mother and they work as a domiciliary care worker with adults with care and support needs. Or where the PIPOT is convicted of grievous bodily harm and also works in a residential home for people with learning disabilities.

The PIPOTs personal life may involve risks to children, for example the persons own children may be subject to a child protection plan.

2.2 PIPOT Concern
Where PIPOT concerns are raised about someone who works with adults with care and support needs, it will be necessary for partners to assess any potential risk to other adults who use their services and, if necessary, to take action to safeguard those adults.
Examples of such concerns could relate to a person who works with adults with care and support needs who has:
- Behaved (or alleged to have behaved) in a way that has harmed or may have harmed an adult or child
- Possibly committed a criminal offence against or related to an adult/s or child
- Otherwise behaved towards an adult with care and support needs or in a way that indicates s/he is unsuitable to work with adults with care and support needs
- Their conduct has raised concern as to their suitability to act in a position of trust.
- Behaved in a way which questions their ability to provide a service to an adult with care and support needs which must be reviewed e.g. conviction for grievous bodily harm against someone who is not an adult with care and support needs
- A person is the subject of a formal safeguarding enquiry into allegations of abuse or neglect which have occurred in one setting and there are concerns that the person is employed, volunteers or is a student in another.

3. Responsibilities of partner organisations as defined in Section 6 of the Care Act 2014, and/or who are members of the SABs, as well as those agencies providing universal care and support services.

For those organisations who are not SAB members, please see "Informing commissioning and contracts teams" below.

Partner agencies and the service providers they commission are individually responsible for ensuring that information in relation to PIPOT concerns is shared and escalated outside of their organisation in circumstances where this is required, and it should be proportionate and appropriate with decisions made on each individual case. Each agency should have a designated lead officer for managing issues relating to positions of trust
The specific responsibilities of individual organisations include:
•   Establishing a clear internal allegations management procedure setting out the process, including timescales, for investigation and what support and advice will be available to individuals against whom allegations have been made.
•   Ensuring their staff and managers have access to expert advice and guidance to enable them to fulfil their responsibilities when responding to allegations.
•   Responding promptly to allegations regarding their staff and for undertaking all necessary action in line with their internal process and agreed timescales.
•   Monitoring the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process.
•   Ensuring appropriate systems are in place to support and provide regular updates to the employee in respect of the investigation.
•   Making prompt referrals to the Disclosure and Barring Service (DBS) and/or Professional Registration Bodies, as relevant.
•   Ensuring appropriate recording systems are in place and that these provide a clear audit trail about the decision-making process and any recommendations arising from the investigation and subsequent actions.
•   Ensuring the control of information in respect of individual cases is in accordance with accepted data protection and confidentiality requirements.
•   Maintain records of the number and nature of allegations made and using this data to inform service improvement and development.
•   Where information is received regarding other relevant partners' employees, then the receiving Position of Trust Lead/Safeguarding Lead will advise the Position of Trust Lead/Safeguarding Lead of the responsible relevant partners
•   When a person's conduct towards an adult may impact on their suitability to work with, or continue to work with children, this must be referred to the local authority's designated officer (LADO) without delay.

4.   Applying this Framework in practice
Whilst PIPOT concerns may be raised through safeguarding processes, concerns may also come to light through other routes, including complaints, regulatory inspections, audits and quality systems, staff grievances, 'whistleblowing', social media, disciplinary and performance procedures. Organisations must have effective systems for identifying allegations from these different sources and the organisation's safeguarding lead(s) covering both children and adults must be informed about any safeguarding concerns relating to people in a position of trust.
If a PIPOT is alleged to have abused or harmed an adult with care and support needs, or may pose a risk of abuse to an adult with care and support needs, it is essential that

the concerns are appropriately reported to the London Borough of Havering Safeguarding Adults Team.

## 5.	Information Sharing
5.1 Decisions on sharing information must be justifiable, proportionate and based on the potential or actual harm to adults or children at risk. The rationale for decision making should always be recorded. When sharing information between agencies about adults, children and young people at risk it should only be shared:
- Where relevant and necessary, not simply sharing all the information held;
- With the relevant people who need all or some of the information; and
- When there is a specific need for the information to be shared at that time.
- The Data Protection Act 2018 and the General Data Protection Regulations should be adhered to.

5.2 Informing the person about whom concerns have been raised
As well as the responsibility for the safety of adults with care and support needs, employers also have a duty of care to their employees. They should ensure they provide effective support for anyone facing an allegation and provide the employee with a named contact if they are suspended. It is essential that any allegation of abuse made against a member of staff or volunteer is dealt with very quickly, in a fair and consistent way that provides effective protection for the adult and, at the same time, supports the person who is the subject of the concern continuing to work and any other actions required. This may include:
•	Support to understand the procedures being followed
•	Updates on developments
•	Opportunity to respond to allegations/concerns
•	Support to raise questions or concerns about their circumstances.

5.3 Informing Commissioning and Contracts Teams
In order to gain assurance of robust internal allegations of management processes in organisations not represented at the SAB, the Board will look to commissioners to ensure safe working procedures, including the management of allegations, are implemented within the organisations from whom they commission services.
Where the concerns involve a person working in a commissioned service, inform the relevant commissioning/contracts team.

Within their own procedures, commissioning/ contracts teams can take action as deemed appropriate to ensure the service has appropriate standards of practice to prevent and respond to any future risk of harm.

## 6.	Concluding the Enquiry
Record the information and decisions clearly, including the rationale for any decision made.
Maintain records in line with agency record keeping policies and requirements. Because each agency will need to decide how to maintain records about people in positions of trust and alleged to have caused harm the detail of that cannot be specified here.

7. Organised abuse
Investigators should be alert to signs of organised or widespread abuse and/or the involvement of other perpetrators or institutions. They should consider whether the

matter should be dealt with in accordance with complex abuse procedures which, if applicable, will take priority.

8. Whistleblowing
All staff should be made aware of the organisation's whistleblowing policy and feel confident to voice concerns about the attitude or actions of colleagues. If a member of staff believes that a reported allegation or concern is not being dealt with appropriately by their organisation, they should report the matter to the Independent Chair of the Safeguarding Adults Board.

9. Making a Referral
Referrals should be submitted in line with agency protocol to each agency's PIPOT lead. At the point of a safeguarding concern being raised, there will need to be a discussion between the Position of Trust Lead/Safeguarding Lead and other identified leads such as Human Resources, LBH Adult Safeguarding Team, Police, etc. to determine the actions to be taken as part of, and separate to, the safeguarding enquiry (for example criminal investigation may take precedence over internal disciplinary processes initially). This is described as a planning meeting. This will be determined on a case by case basis locally. Any subsequent activity which falls under the Section 42 duties follows the London Multi-Agency Adult Safeguarding policy and procedures.

If a person who is not connected to an organization has a concern, they should contact the local authority for safeguarding advice.

10. Oversight and Monitoring
The Havering Safeguarding Adults Board (HSAB) will receive assurance through the annual self-assessment framework that each partner agency has arrangements in place to deal with allegations against a PIPOT within their organisation and that these are adequate and functioning effectively. Agencies will need to be able to provide evidence that they have nominated a PIPOT lead person to manage allegations. The SAB will in turn maintain oversight of whether these arrangements are considered to be working effectively between, and across, partner agencies in the local authority area. Appropriate cross organisational challenge should be possible as it is an important part of this process.
The HSAB will have an overview of the number of all PIPOT referrals across the borough, which will be included in the board annual report. It will be the responsibility of each organisation to provide data on the number of PIPOT referrals into their organisation, including the outcomes.

11. Escalation
If there is disagreement between agencies, they should follow the process set out in the Havering SAB Escalation policy:

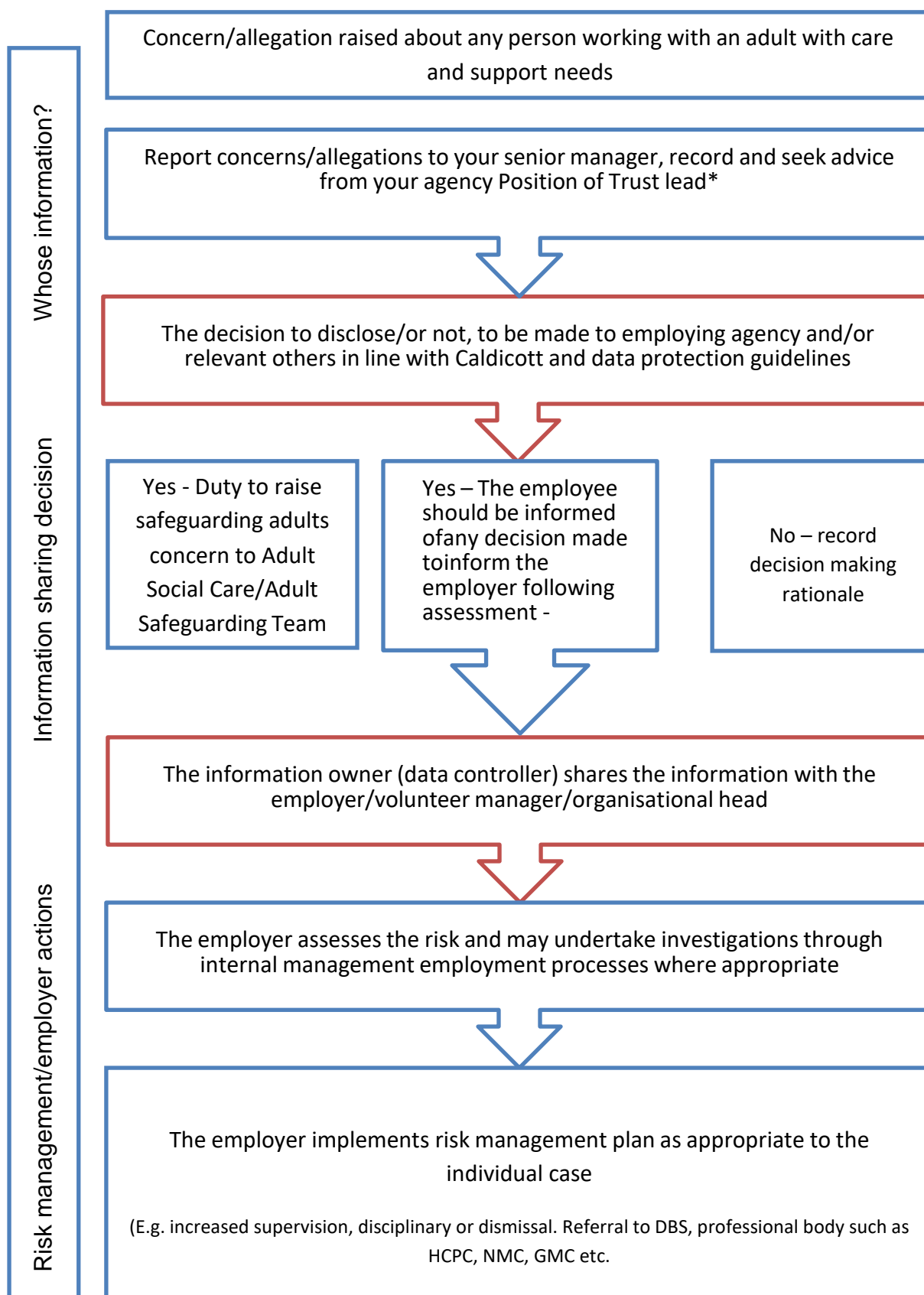https://safeguardinghavering.org.uk/adultsboard/wp-content/uploads/sites/3/2021/12/HSAB-escalation-policy-Jan-2020.pdf

12. Training

To find out about the multi-agency training programme please visit:

https://safeguardinghavering.org.uk/training/

Flowchart

Concern/allegation raised about any person working with an adult with care and support needs

Report concerns/allegations to your senior manager, record and seek advice from your agency Position of Trust lead*

The decision to disclose/or not, to be made to employing agency and/or relevant others in line with Caldicott and data protection guidelines

Information sharing decision

| Yes - Duty to raise safeguarding adults concern to Adult Social Care/Adult Safeguarding Team | Yes – The employee should be informed ofany decision made toinform the employer following assessment - | No – record decision making rationale |

The information owner (data controller) shares the information with the employer/volunteer manager/organisational head

Risk management/employer actions

The employer assesses the risk and may undertake investigations through internal management employment processes where appropriate

The employer implements risk management plan as appropriate to the individual case

(E.g. increased supervision, disciplinary or dismissal. Referral to DBS, professional body such as HCPC, NMC, GMC etc.

*If a person who isn't connected to an organisation has a concern, they should contact the local authority for safeguarding advice