Protocol for Responding to Concerns About a Person in a Position of Trust

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# Introduction

It is a requirement of the Care Act 2014 Statutory Guidance that Safeguarding Adults Boards should establish and agree a framework and process for any organisation to respond to allegations against anyone who works, (in either a paid or an unpaid capacity,) with adults with care and support needs. In this document this framework and process is referred to as the “Protocol”.

This Protocol applies to all partner agencies of Buckinghamshire Safeguarding Adults Board (BSAB), and organisations commissioned to provide services by them, so they respond appropriately to allegations against people who, whether an employee, volunteer, or student, paid or unpaid, works with or cares for adults with care and support needs. These individuals are known as persons in a position of trust (PIPOT).

BSAB requires its partner agencies to be individually responsible for ensuring they adopt the principles of this Protocol and maintain clear organisational procedures for dealing with PIPOT concerns.

BSAB also requires partner agencies and the service providers they commission to identify a designated safeguarding lead/PIPOT lead or contact to oversee the delivery of responsibilities in their organisation.

Partner agencies and the service providers they commission are individually responsible for ensuring that information relating to PIPOT concerns are shared and escalated outside of their organisation in circumstances where this is required, proportionate and appropriate. They are responsible for making the judgment that this is the case in each instance where they are the data controller.

This Protocol is designed to inform and support the decision-making processes of partner agencies and their commissioned services once they become aware of a PIPOT concern arising from whatever source.

The Care Act 2014 Guidance also requires that partner agencies and their commissioned services should have clear recording and information-sharing guidance, set explicit timescales for action and are aware of the need to preserve evidence.

This Protocol applies whether the allegation relates to a current or an historical concern.

This Protocol should be read in conjunction with [Buckinghamshire Adult Safeguarding Policy and Procedures](https://www.buckssafeguarding.org.uk/adultsboard/resources/reviews-annual-reports-policies-procedures/).

The Protocol is designed to ensure that if information is shared or disclosed it is done so in accordance with the law but in such a way that allows appropriate and proportionate enquiries to be made that ensures adults with care and support needs are protected and public confidence in services is maintained.

## This Protocol is not a substitute for internal policies and procedures, but may be used in conjunction with them and the [formal legal processes](https://www.buckssafeguarding.org.uk/adultsboard/information-for-professionals/), for example the Multi-Agency Risk Assessment Conference (MARAC), Multi-agency public protection arrangements (MAPPA) etc. For example If, following an investigation a Person in a Position of Trust is removed, dismissed or permanent redeployed, to a non-regulated activity, because they pose a risk of harm then the employer (or student body or voluntary organisation), has a legal duty to refer that individual to the Disclosure and Barring Service (DBS). To not do so is an offence Also where appropriate, employers should report workers to the statutory and other bodies, responsible for professional regulation such i.e., Health and Care Professions Council, General Medical Council and the Nursing and Midwifery Council.

##  Scope

This Protocol must be followed in all cases by the organisation which first becomes aware of a concern, where information (whether current or historical) is identified in connection with:

* The person in a position of trust's own work or voluntary activity with adults and/or children (for example where a worker or volunteer has been accused of the abuse or neglect of an adult with care and support needs or a child).
* The person in a position of trust's life outside work i.e., concerning adults with care and support needs in the family or social circle (for example where a son is accused of abusing his older mother and he also works as a domiciliary care worker with adults with care and support needs. Or where a woman is convicted of grievous bodily harm and also works in a residential home for people with learning disabilities).
* The person in a position of trust's life outside work i.e., concerning risks to children, whether the individual's own children or other children (for example where a woman is employed in a day centre for people with learning disabilities but her own children are subject to child protection procedures as a result of emotional abuse and neglect).

**And** the person has:

* Behaved in a way that has harmed or may have harmed an adult with care and support needs.
* Possibly committed a criminal offence against or related to an adult with care and support needs.
* Behaved towards an adult with care and support needs in a way that indicates s/he is unsuitable to work with adults with care and support needs.
* Behaved in a way that has harmed children or may have harmed children which means their ability to provide a service to adults with care and support needs must be reviewed.
* May be subject to abuse themselves and as a consequence means their ability to provide a service to adults with care and support needs must be assessed to ensure there is not a transfer of risk.
* 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.

## Children

Whilst this Protocol is concerned with potential harm to adults with care and support needs, if the allegation is such that there is a concern that the person may also pose a risk to children, then Children’s Services must be informed. It is everyone’s duty to refer any current and historical allegations of abuse against children to Children’s Services, whether the alleged perpetrator is a people in positions of trust or not.

Concerns about children should be referred to the local authority designated officer (LADO):

Phone: 01296 382070

Email: secure-LADO@buckinghamshire.gov.uk

# Identifying and responding to concerns

## How might a concern about a PIPOT be identified

Concerns about behaviour regarding persons in positions of trust may be identified by the following people/procedures:

* Police intervention or investigation
* Whistleblowing disclosure
* Safeguarding adults enquiry
* Safeguarding children investigation
* Complaints
* Reports from members of the public
* Providers alerting commissioners of services
* Commissioner’s contract monitoring activity
* Or any other source of disclosure

## Whose responsibility is it to respond where a PIPOT concern is identified?

The BSAB partner agency (or organisation commissioned by them to provide a service) who first identifies or becomes aware of an allegation or concern will be the “owner” of the information, also known as the primary data controller, and will have first responsibility for responding in accordance with this Protocol. However there remains a system wide safeguarding responsibility and data ownership. For example, were there may be a concern which cross borders or organisations.

If an organisation is in receipt of information that gives cause for concern about a person in a position of trust, then that organisation should give careful consideration as to whether they should share the information with the person’s employers, (or student body or voluntary organisation), to enable them to conduct an effective risk assessment. The receiving organisation becomes the Data Controller as defined by the Data Protection Act 1998 and GDPR; Article 4

Partner agencies and the service providers they commission, are individually responsible for ensuring that information relating to PIPOT allegations, are shared, and escalated outside of their organisation. In circumstances where this is required such sharing of information must be law proportionate and appropriate. Organisations are responsible for making the judgment that this is the case in every instance when they are the Data Controller.

## How should PIPOT concerns be responded to?

Any allegation against people who work with adults with care and support needs should be reported immediately to a senior manager within that organisation and in line with organisational procedures and processes.

Each partner agency will be required to provide assurance to the BSAB that the Person in a Position of Trust arrangements within their organisation are functioning effectively. Decisions on sharing information must be justifiable and proportionate, based on the potential or actual harm to adults or children at risk, and the rationale for decision-making should always be recorded.

When sharing information about adults at risk between agencies, it should only be shared:

 Where relevant and necessary, not simply all the information held.

 With the relevant people who need all or some of the information.

 When there is a specific need for the information to be shared at that time.

There is a power to share information and a duty to share information. The duty to share information with relevant partners to prevent abuse and crime is contained in the Care Act 2014 and Safeguarding Vulnerable Groups Act 2006. While the Care Act 2014 provides a mechanism for information sharing, the guidance suggests that consent should be obtained where possible. However, if consent is not obtained but judged to be in the public interest to share, then the information can be shared.

If the local authority, Police or CCG/Health organisation is given information about an allegation regarding a person in a position of trust, they should give careful consideration to what information should be shared with employers (or student body or voluntary organisation) so that a suitable response is made, in line with the principles outlined in this document.

The responsible lead for investigating the allegation of concern about the person in a position of trust must, on the information provided, determine if the situation is a PIPOT concern or if other procedures should be used (see [Appendix 2](#_Appendix_2_-) for the Factors to Consider Chart which visualises the process). In all cases where there are concerns raised for a PIPOT, a referral should be raised to an appropriate manager.

A detailed record of the concern and the steps taken in response must be kept using the PIPOT Referral Form. See the [BSAB website for the Referral Form](https://www.buckssafeguarding.org.uk/adultsboard/information-for-professionals/) and [Section 3](#_Information_sharing) for further information on recording.

Where the person responsible for investigating the allegation of concern about the person in a position of trust concludes the concern does not meet the definition of a PIPOT concern (see 1.1 above), they will make a record of the discussion and decision and the reasons for this conclusion. These details could be drawn upon if further concerns come about in relation to a people in positions of trust.

Where the person responsible for investigating the allegation concludes the concern does meet the definition of a PIPOT concern (see 1.1 above), appropriate action must be taken in line with the protocol outlined in this document [https://www.buckssafeguarding.org.uk/adultsboard/information-for-professionals/](https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.buckssafeguarding.org.uk%2Fadultsboard%2Finformation-for-professionals%2F&data=04%7C01%7Ccharmain.duberry%40buckinghamshire.gov.uk%7C940288778f004122875708d9c47b8257%7C7fb976b99e2848e180861ddabecf82a0%7C0%7C0%7C637756857005201119%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000&sdata=ZSEuRJo%2FjaBNdUFE05J7vGp9JqJrWvGRjcNG7k%2Bh4C8%3D&reserved=0)Where PIPOT concerns are identified by partner agencies or services they commission about their employee or volunteer, it will be necessary for the employer (or student body or voluntary organisation) to assess any potential risk to adults with care and support needs who use their services and, if necessary, to take action to safeguard those adults.

If the employer (or student body or voluntary organisation) is aware of abuse or neglect in their organisation, then they have a duty to correct this and protect the adult with care and support needs from harm as soon as possible and inform the local authority in accordance with the [BSAB Multi-agency Policy & Procedures](https://www.buckssafeguarding.org.uk/adultsboard/resources/reviews-annual-reports-policies-procedures/) and the CQC (if a regulated care provider).

They also have a duty to consider what support and advice they will make available to their staff or volunteers against whom allegations have been made. Any person in a position of trust about whom there are concerns should be treated fairly and honestly. Their employer has a duty of care towards them.

If the person in a position of trust is removed by either being dismissed or permanently redeployed to a non-regulated activity because they pose a risk of harm to adults with care and support needs, the employer (or student body or voluntary organisation) has a legal duty to refer the person to the Disclosure and Barring Service. In addition, where appropriate, employers should report workers to the statutory and other bodies responsible for professional regulation such as the General Medical Council and the Nursing and Midwifery Council.

If a person subject to a PIPOT investigation attempts to leave their employment by resigning in an effort to avoid the investigation or disciplinary process the employer can always make it clear that any reference provided to a future employer will state that the employee resigned pending disciplinary proceedings however they cannot state whether they thought that the allegations were true or not.

Employers, student bodies and voluntary organisations should have their own sources of advice (including legal advice) in place for dealing with such concerns.

A flow chart demonstrating visually how PIPOT concerns should be managed can be found in [Appendix 1.](#_Appendix_1_-)

# Information sharing

The default position should be that the owner of the information about aperson in positions of trust should not share it without the person in a position of trust’s knowledge and permission, so they are given the opportunity to share the information with their employer first. If the ~~people~~ person in positions of trust decline to share it with their employer for whatever reason, this does not mean the information cannot be shared by the data controller. Existing relevant statutory provision governs the lawful sharing of information and employer responsibility to risk assess and manage the safety of their service and staff. Any actions and interventions taken, to address concerns or allegations regarding a person in a position of trust, must be lawful and proportionate, and accord with any relevant statutory provision, for example, Data Protection Act 1998 and GDPR, Human Rights Act 1998 and employment legislation.

If the person in a position of trust asks the data controller not to share the information, a decision must be made by the data controller, in line with the principles contained within this Protocol, whether to agree.

If it is agreed that information will not be shared, this must be qualified since it may be the case that more detail comes to light to change this decision. If a decision is made later to share information, the person in a position of trust should be consulted again and given a further opportunity to disclose the information him or herself if it is appropriate to do so. Again, the data controller could, following the principles for disclosure in this section (Section 6) decide to share the information even if the people in positions of trust decides not to. All decisions to share or not share information, and their rationale should be clearly recorded.

In each case involving an allegation against a person in a position of trust, a balance has to be struck between the duty to protect people with care and support needs from harm or abuse and the effect upon individuals of information about them being shared, for example, upon the person’s Article 8 Human Rights (the right to private and family life).

For these reasons each case must be considered on its own merits and personal data shall be processed in accordance with the principles contained in Part I of Schedule 1 of the Data Protection Act 1998 (“the DPA”).

Due regard must be had to Article 8 of the European Convention on Human Rights and the [Human Rights Act 1998](https://www.legislation.gov.uk/ukpga/1998/42/schedule/1/part/I/chapter/7), which state that:

‘Everyone has the right to respect for his private and family life, his home and his correspondence.’

and

‘There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.’

When deciding whether to interfere with a person’s Article 8 rights, each case must be judged on its own facts. The issue is essentially one of proportionality. Information is to be disclosed only if there is a “pressing need” for that disclosure.

In considering proportionality, consideration must be given to the following general principles:

* The legitimate aim in question must be sufficiently important to justify the interference.
* The measures taken to achieve the legitimate aim must be rationally connected to it.
* The means used to impair the right must be no more than is necessary to accomplish the objective.
* A fair balance must be struck between the rights of the individual and the interests of the community. This requires a careful assessment of the severity and consequences of the interference.

Confidential information can be shared if it is justified as being in the public’s interest (e.g., for the detection and prevention of crime and for the protection of vulnerable persons, i.e., children or adults with care and support need at risk of harm or neglect). It is a matter for professional judgment, acting in accordance with information sharing protocols and the principles of the [Data Protection Act 1998](https://www.gov.uk/data-protection) to decide whether breaching a people in positions of trust’s confidentiality is in the public’s interest.

If after following the above principles, and weighing up the information available, a decision is made not to tell the person in a position of trust about the concern about them nor to ask their permission to share it with their employer, (because doing this would place any adults or children at increased risk of harm), then this decision and the reasons for it should be recorded. However, the PIPOT planning process must identify the earliest opportunity for the person under allegation to be informed.

# Roles and responsibilities

**4.0 The Safeguarding Board**

The Buckinghamshire Safeguarding Adults Board (BSAB) requires its partner agencies to be individually responsible for ensuring they adopt and implement this practice guide. The purpose is to maintain clear organisational procedures for dealing with allegations around Persons In Positions Of Trust that relate to adults. The Protocol must be followed, in all cases, by the organisation which first becomes aware of a relevant allegation, where information (whether current or historical) is identified.

All BSAB partners should have clear procedures in place setting out the process, including timescales, for investigation and what support and advice will be available to individuals against whom allegations have been made.

All BSAB partners are required to assess any potential risk imposed by the PIPOT to adults with care and support needs who use their services, and, if necessary, to act to safeguard those adults in a prompt and robust way. The BSAB will maintain oversight of whether these arrangements are considered to be working effectively between and across partner agencies

## The local authority safeguarding manager

The local authority safeguarding manager (LASM) will:

* Record PIPOT issues according to local arrangements. The record should include details of the person referring, the person(s) in positions of trust, the allegation, how the allegation was followed up and resolved, the decisions reached, and the action taken. The record should be kept in accordance with GDPR principles and should only be shared in accordance with this Protocol.
* If not a Safeguarding Adults or Safeguarding Children case, instigate suitable enquiries to ascertain the truth or otherwise of allegations and be responsible for deciding what information should be shared with whom and on what basis, bearing in mind the contents of this Protocol. This decision must be recorded in accordance with best practice.
* Report people in positions of trust activity data to the Safeguarding Adults Board on a quarterly basis.
* At the conclusion of any PIPOT enquiry,
	+ consider if the findings demonstrate evidence of a theme or pattern in the context of past and historic people in positions of trust 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.

## PIPOT Leads

## The Bucks Safeguarding Adults Board also requires partner agencies, and the service providers they commission, to identify a designated person to oversee the delivery of responsibilities in their organisation

## Managing officers in the Local Authority

The managing officer is the local authority representative who is coordinating any adult safeguarding enquiry, so this section applies in circumstances where the local authority is responding to an adult safeguarding concern where a PIPOT issue is also present.

Managing officers will:

* Inform the LASM in all cases where a person in a position of trust is involved so local recording arrangements can be followed.
* Where there is no concurrent Police investigation, be responsible for deciding what information should be shared with whom and on what basis, bearing in mind the contents of this Protocol. This decision must be recorded in accordance with best practice.
* Where it is appropriate to do so, involve the people in positions of trust's employer in the safeguarding process.
* Inform Commissioning and Care Contracts if the employer is a contracted service and involve them in the safeguarding process.
* Ensure that when an adult with care and support needs has been safeguarded but the PIPOT process continues, the adult is monitored according to local arrangements until the PIPOT process is concluded.
* Where appropriate liaise with the CQC (where the people in positions of trust 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) and the DBS if there are concerns about the employer’s fitness to operate and safeguard adults with care and support needs.
* Liaise with other local authority safeguarding adults teams where there are cross border issues.
* Liaise with Children Teams and make a referral to the appropriate local authority designated officer (LADO) if there are specific issues about the person in a position of trust’s contact with children (see section 1.2).

## The Police

The Police will:

* Report to their safeguarding lead when they know a person in a position of trust has behaved in a way as described in section 1.1.
* Where it is a Police led investigation, be responsible for deciding what information should be shared with whom and on what basis, bearing in mind the contents of this Protocol and their responsibilities under [common law police disclosure](https://www.gov.uk/government/publications/common-law-police-disclosure) and/or non-conviction disclosure. This decision must be recorded in accordance with best practice.
* Request that the employer considers taking appropriate action in line with their own procedures to ensure adults at risk are protected from any potential abuse and harm.
* Where it is a Police led investigation, request that the employer carries out their own risk assessment(s) and consider referral to the Disclosure and Barring Services (DBS) and/or other registration bodies as appropriate.
* Where appropriate, liaise with the CQC (where the people in positions of trust 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) and the DBS if there are concerns about the employer’s fitness to operate and safeguard adults with care and support needs.
* Liaise with other local authority Safeguarding Adults and Children’s Teams where there are out of area issues.
* Make a referral to the LADO if there are specific issues about the people in positions of trust’s contact with children through the CIAS service.
* Seek advice as appropriate from the Buckinghamshire Safeguarding Adults Team and attend/share relevant Police information at any subsequent people in positions of trust strategy meeting. Any Police information shared is for safeguarding purposes only and must not be used for any subsequent disciplinary proceedings without the permission of Thames Valley Police.

## The service commissioner

Where a service commissioner is aware that a service it commissions employs a person in a position of trust who is under investigation, the service commissioner will ensure the commissioned service does the following:

* Takes appropriate action in line with their own procedures to ensure adults with care and support needs are protected from abuse and harm
* Carries out appropriate risk management procedures, including consideration of referral to the DBS and other registration bodies
* Provides feedback at regular intervals until case conclusion.

The service commissioner will also:

* Monitor the activities of commissioned services in their compliance of this Protocol.
* Where appropriate, liaise with the CQC (where the people in positions of trust 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) and the DBS if there are concerns about the employer’s fitness to operate and safeguard adults with care and support needs.
* Regularly update the service commissioner’s safeguarding lead until case conclusion.

## Provider of services

Providers (statutory, voluntary, and private) are expected to:

* Take appropriate action in line with their own procedures to ensure adults with care and support needs are protected from abuse and harm.
* Carry out appropriate risk management procedures, including, where appropriate, referral to the CQC (where the person in a position of trust 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) and the DBS.
* Provide feedback at regular intervals to the managing officer (if there is a safeguarding investigation) and Commissioning and Care Contracts until case conclusion.
* Ensure the 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 PIPOT concern are reported.
* Share information in line with these procedures where it is known the person in a position of trust also has other employment or voluntary work with adults with care and support needs or children.
* At the conclusion of any PIPOT enquiry,
	+ consider if the findings demonstrate evidence of a theme or pattern in the context of past and historic people in positions of trust 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.

# Record-keeping

Record-keeping is an integral part of all adult safeguarding processes to ensure that adults with care and support needs are safeguarded, and that organisations and individuals are accountable for their actions when responding to PIPOT concerns. All cases should be recorded in accordance with this Protocol.

Individuals with responsibility for the investigation and management of PIPOT concerns must, as far as is practicable, contemporaneously document a complete account of the events, actions and any decisions taken, together with their rationale. This is to enable any objective person to understand the basis of any decision that was made, together with any subsequent action taken.

Records of actions taken to investigate PIPOT concerns which have been found to be without substance must also be retained so as to build up any history.

Records may be used to prepare reports to the Safeguarding Adult Board (for example to identify trends and patterns or give assurance that adults with care and support needs have been protected).

They might also be shared with any other relevant party to ensure the safety of adults with care and support needs (see section 3 above).

A chronology or log of key events, decisions and actions taken should also be maintained to provide a ready overview of progress.

Individuals (including a person in a position of trust who are the subject of the recording) are entitled to have access to their personal records whether they are stored electronically or manually. It is therefore important that information recorded, is fair, accurate and balanced.

The purpose of PIPOT record-keeping is to:

* Enable accurate information to be given in response to any future request for a reference.
* Provide clarification in cases where a future DBS disclosure reveals information from the Police that an allegation was made but did not result in a prosecution or conviction.
* Prevent unnecessary re-investigation if an allegation later resurfaces.
* Enable patterns of behaviour which may pose a risk to adults with care and support needs to be identified.
* To assure the Safeguarding Adults Board that adults with care and support needs are protected from harm.
* Confidential records should be stored and maintained in line with internal agency record keeping policies and requirements. If in any doubt about the necessary requirements, please contact the Data Protection Officer for the relevant internal agency.

# Complex cases

This protocol and process applies to allegations about:

A person who works with adults with care and support needs in a position of trust, whether an employee, volunteer, or student (paid or unpaid); and,

Where those concerns or allegations indicate the person in a position of trust poses a risk of harm to adults with care and support needs.

These concerns or allegations could include, for example, that the person in a position of trust has:

Behaved in a way that has harmed or may have harmed an adult.

Possibly committed a criminal offence against, or related to, an adult or child.

Behaved towards an adult or child in a way that indicates they may pose a risk of harm to adults with care and support needs.

This protocol applies whether the allegation relates to a current or an historical concern. Where the allegation is historical, it is also important to ascertain if the person is currently working with adults with care and support needs or children and if that is the case, to consider whether information should be shared with the current employer. The protocol does not cover complaints or concerns raised about the quality of the care or professional practice provided by the person in a Position of Trust (PIPOT).

## Identifying key stakeholders

These could include:

* The Employer (supervisor/line manager/ HR manager
* The Commissioner of a commissioned service contract
* The appropriate service regulator (e.g., CQC, Ofsted)
* The Police where there is a criminal concern
* The social worker of an adult with care and support needs
* Children’s Services if children are involved
* Other case specific e.g., University representative if a student

## Planning discussions/meetings

The relevant safeguarding lead/PIPOT lead or managing officer will need to decide on the grounds of urgency and risk the best way to share information, risk assess and plan the lines of enquiry. The options would be a discussion, conference calls or a formal meeting. More complex cases and / or those with many stakeholders are likely to require a meeting. Appropriate records should be kept, agenda and minute templates can be found under [the PIPOT section of the BSAB website.](https://www.buckssafeguarding.org.uk/adultsboard/information-for-professionals/)

The planning discussion/meeting should cover the following areas and be clearly recorded:

* Confidentiality agreement
* Sharing the PIPOT concern and purpose of the meeting
* Information from data controller and attendees
* Risk assessment
* Whether a crime has been committed
* Agree lines of enquiry (who is doing what and by when)
* Identify actions to be taken in respect of adults with care and support needs
* Identify who will support the person(s) in a position of trust
* Timescales for actions and feedback
* Agree next step and actions.

## Progress monitoring and timescales

It is important that PIPOT concerns are managed in a timely way. This is the role of the safeguarding lead/PIPOT lead overseeing the people in positions of trust enquiry. Timescales should be identified at the planning stage. Regular monitoring is essential to ensure procedures are kept on track and risks are managed. Additional meetings can take place at any time as deemed necessary.

## Evaluation and conclusion

It is important these cases have a robust evaluation and conclusion. This should include the following areas:

* Share the results of enquiries (e.g., results of disciplinary processes) and assess if they are adequate or if further work is required.
* Risk assess, including transferable risk (e.g., child protection risk to adults with care and support needs).
* Make recommendations for required actions
* Feedback mechanisms (to whom, by whom)
* Determine if further work is required or case closure.

For further information regarding escalation and mode of referral and risk. Please see following links:

[Disclosure and Barring Service](https://www.gov.uk/government/collections/dbs-referrals-guidance--2)

[Health and Care Professionals Council](http://www.hcpc-uk.co.uk)

[Nursing and Midwifery Council](http://www.nmc.org.uk)

[General Medical Council](http://www.gmc-uk.org)

[General Dental Council](http://www.gdc-uk.org)

[UK Council for Psychotherapists.](https://www.psychotherapy.org.uk/registers-standards/)

[The Care Quality Commission.](https://cqc.org.uk/)

# Appendix 1 - Process for dealing with PIPOT concerns

|  |  |
| --- | --- |
| Whose information is it? | Concern or allegation is identified by a relevant partner or agency member of the Safeguarding Adults Board. This agency is the **data owner**.Concern raised through partner agency duties, e.g., PoliceInformation shared by LADO through Children’s processMember of the public or other 3rd party informs the partner agencyConcern can be identified or raised in different ways |
| Decision – Can the information be shared? | Data owner makes a clear record giving rationale of why the information has not been shared.Unless it puts an adult or child in danger, the employee/volunteer should be informed what information about them will be shared. Wherever possible, seek their consent to share the information and be given a right to reply.NoYesThe **data owner** must decide whether it will disclose the information to the employer of the employee/volunteer and any relevant others. |
| Risk management/employer actions | The employer or volunteering manager takes risk management actions as appropriate to the individual case, e.g., increased supervision or monitoring, disciplinary or dismissal, referral to other agencies.The **data owner** shares information with the employer or volunteering manager.The employer or volunteering manager assesses the risk and may investigate through internal employment processes where it is appropriate to do so. |

# Appendix 2 - Factors to consider in relation to PIPOT notifications

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| **Questions** | **No cause for concern** | **Some cause for concern requiring investigation** | **Cause for concern** |

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| --- | --- | --- | --- |
| 1. The person has behaved in a way that has harmed or may have harmed an Adult with care & support needs? | No harm or potential harm | Some harm or potential harm | Serious harm or potential harm |
| 2. Possibly committed criminal offence against or related to adults at risk? | No | Not to an Adult with care & support needs but the offence is serious | Yes |
| 3. Otherwise behaved towards an adult/s at risk or in a way that indicates s/he is unsuitable to work with adults with care and support needs. | No | Yes |  |
| 4. Has the person behaved in a way that has harmed children or may have harmed children which means their ability to provide a service to adults with care and support needs must be reviewed? | No | Yes |  |
| 5. May be subject to abuse themselves which means their ability to provide a service to adults with care and support needs must be reviewed | No | Yes |  |
| 6. Behaved in a way which questions their ability to provide a service to adults with care and support needs which must be reviewed – e.g., conviction for grievous bodily harm who is not an Adult with care & support needs. | No | Yes |  |

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| **ALL GREEN NOT SAFEGUARDING OR PIPOT** | **MORE THAN TWO AMBER – FOLLOW PIPOT PROCEDURE** | **ONE OR MORE RED – FOLLOW SAFEGUARDING PROCEDURES** |