

MANAGING CONCERNS AROUND PEOPLE IN A POSITION OF TRUST



(PIPOT)

ST HELENS SAFEGUARDING ADULTS UNIT POLICY

VERSION 1

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1. INTRODUCTION

This policy has been developed to meet the requirements of the Care and Support Statutory Guidance section 3, which established the expectations on local safeguarding adults boards to produce and agree a framework for how to respond to allegations against people working with adults with care and support needs. This person would be considered to be in a position of trust (PIPoT) and this policy provides a clear process for when a referral for a PIPoT is received.

A sub-group (Performance and Practice) of St Helens Safeguarding Adults Board, identified a small group key partners to create a task and finish group to support the development of this policy.

As with all safeguarding work, the six principles underpinning the Care Act 2014 should inform this area of activity.

1. **Empowerment** – People being supported and encouraged to make their own decisions and informed consent
2. **Prevention** – It is better to take action before harm occurs
3. **Proportionality** – The least intrusive response appropriate to the risk presented

4. Protection – Support and representation for those in greatest need

5. Partnership – Local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse

6. Accountability – Accountability and transparency in safeguarding practice

2. MANAGING CONCERNS REGARDING PEOPLE IN A POSITION OF TRUST

There are many roles which are identified as a position of trust, but are not limited to any staff working on behalf of:

- Social care
- Health Services, including GPs
- Police
- Criminal Justice
- Housing
- Education
- Religious/Faith Leaders
- Commissioning Services
- Advocacy
- Independent Sector

the following points identify the circumstances that would be considered under this policy:

- 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.
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children
- 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 policy applies whether the allegation relates to a current or an historical concern. Where the allegation or concern is historical, it is 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 policy 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. Concerns or complaints about quality of care or practice should be dealt with under the relevant agency or individual complaint, competence, or representations processes.

3. SAFEGUARDING

The St Helens Multi-Agency Policy and Procedures should be followed if an allegation of abuse or neglect regarding an adult/s with care and support needs is identified and a section 42 referral made. It will be necessary for partners to assess any potential risks to other adults that also use the service and take necessary action to safeguard those adults.

It is the responsibility of individual agencies to share and escalate concerns outside of their organisation in circumstances where it is proportionate and appropriate to do so, it is also the agencies responsibility to escalate the concerns for services they commission. Agencies should have clear recording and information sharing guidance, with timescales for action and the need to preserve evidence.

4. CONFIDENTIALITY AND INFORMATION SHARING

The Data Protection Act 2018 and the General Data Protection Regulations recognise information should be shared when there are safeguarding concerns raised in order to protect adults with care and support needs and reduce any risks to the adult, or others. The information owner is identified as the data controller.

Throughout this process is also the need to ensure confidentiality is maintained and guard against any unwanted publicity while an allegation is being investigated.

5. INITIAL RESPONSE TO A CONCERN

Allegations against a PIPoT must be raised with the Lead responsible for the employee when the conduct of the person may impact on their suitability to work with adults with care and support needs.

The following process needs to be followed:

- Contact to be made within own agencies relevant PIPoT Lead or Equivalent (e.g. Safeguarding Lead)
- The PIPoT/Safeguarding Lead will assess the information provided and undertake preliminary enquiries (within a specific timeframe agreed by the agency)
- The agency policy and procedures will dictate human resources and escalation procedures
- Where information is received by a partner agency regarding another partner agency's employee, the receiving agency's PIPoT/Safeguarding Lead will liaise with the employee's agency PIPoT/Safeguarding Lead.
- If an allegation is made regarding an employee who works with both adults and children the Local Authority Designated Officer will also be informed.
- If an allegation is made regarding an employee of St Helens Local Authority, a PIPoT referral should be made and sent to safeguardingadults@sthelens.gov.uk.

6. CRIMINAL INVESTIGATION

If a Section 42 Safeguarding Adults concern has been raised and is progressing through the process, there will be a need to determine whether PIPoT actions need to be taken as part of and separate to the safeguarding enquiry, for example a criminal investigation may take precedence over the internal disciplinary processes.

In relation to criminal investigations, the Police will need to determine whether the individuals contact in their private life needs to be shared with the employing agency under Common Law Police Disclosure Scheme. Any historical concerns against a person who no longer works with adults would be referred to the Police in the first instance. It is the responsibility of the Police to liaise with appropriate organisations as part of any investigation.

7. OUTCOMES OF INVESTIGATIONS

PIPoT outcomes are different to Section 42 Safeguarding Outcomes and should be considered when closing the investigation.

- **SUBSTANSIATED:** there is sufficient evidence to prove the allegation.
- **UNSUBSTANSIATED:** there is insufficient evidence to either prove or disprove the allegation. This term therefore does not imply guilt or innocence.
- **UNFOUNDED:** to reflect cases where there is no evidence or proper basis which supports the allegation being made. It may also mean the person making the allegation has not been aware of the circumstances or misinterpreted what they saw.
- **MALICIOUS:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive. If there is a malicious allegation made by another staff member disciplinary action regarding that member of staff would be considered. The police should be asked if action appropriate against the person responsible.
- **SECTION 42 ENQUIRIES:** If a Safeguarding referral has been made, the outcome will be determined as part of the overall safeguarding enquiry.
- **CRIMINAL INVESTIGATION:** Outcome will be determined by the Police.
- **REFERRAL TO OTHER AGENCY:** There may be circumstances when the allegations need to be shared with other agencies, this will be on a case by case basis with.
- **REFERRAL TO OTHER LOCAL AUTHORITY:** If the person is working in another LA consideration will be given to sharing the information as appropriate.

8. RECORDS OF ALLEGATIONS

All records relating to PIPoT allegations must be kept confidential and be shared with those on a 'need to know' basis only. Where there is disciplinary action taken the appropriate HR records will be kept in the individual's personal records and a copy provided to them.

The referral, PIPoT Strategy Discussion Record and Closure/Outcomes Form should not be shared on an open system. The Safeguarding Adults Unit SharePoint Folder should be used to keep a secure record of all the appropriate documents, only the Safeguarding Adult Unit have access to this information and will be able to respond to future requests if required, where this is appropriate. For example, Disclosure and Barring Service (DBS) checks reveal information from the police about an allegation which did not result in a criminal conviction and will help un-necessary re-investigation if a concern should re-surface in the future.

There is a legal requirement for employers to make a referral to DBS and other professional bodies where they think an individual has engaged in conduct that has harmed or is likely to

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harm a person and they are engaged in regulated activity or where they may pose a risk of harm to another person.

Useful Links

Disclosure and Barring Service: <https://www.gov.uk/government/collections/dbs-referrals-guidance—2>

Health and Care Professionals Council: www.hcpc-uk.co.uk

Nursing and Midwifery Council: www.nmc.org.uk

Social Work England: www.socialworkengland.org.uk



PiPOT outcome form
DRAFT 1.docx



PiPOT referral form 1
DRAFT 1.docx



PiPOT strategy
discussion record DR/

