

Greenwich Safeguarding Adults Board

Managing Allegations against Persons in Position of Trust (PiPoT) Policy and Procedure

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1. Introduction

- 1.1 Under the Care and Support statutory guidance of the Care Act (2014) Greenwich Safeguarding Adult Board is required to have a clear framework and process for how allegations against people working with adults with care and support needs (for example people in positions of trust) should be notified and responded to.
- 1.2 Whilst the focus of safeguarding adults work is to safeguard one or more identified adults with care and support needs, there are occasions when incidents are reported that do not involve an adult at risk, but indicate, nevertheless, that a risk may be posed to adults with care and support needs by a person in position of trust.
- 1.3 This policy builds upon existing relevant statutory guidance for 'Managing allegations against People in a Position of Trust' which is contained within section 14 of the Care and Support Statutory Guidance of the Care Act 2014. Other relevant legislation includes Data Protection Act 2018/ UK General Data Protection Regulation [UK GDPR]; Human Rights Act 1998 and employment.
- 1.4 As with all adult safeguarding work, the Safeguarding Adults Boards (SABs) will work to the following six key safeguarding principles as defined in the Care Act 2014:

Empowerment – residents will be supported and encouraged to make their own decisions through informed consent.

Prevention – It is better to act before harm occurs.

Proportionality – The least intrusive response appropriate to the risk

Protection – Support and representation for those in greatest need

Partnership – Services working together with their local communities to help in preventing, detecting, and reporting neglect and abuse.

Accountability – The work of the Boards will be transparent and accountable to the residents of Greenwich.

2. Scope

- 2.1 This guidance applies to all concerns whether current or historical where information is identified in connection with:
 - The PiPoT's own work/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 PiPoT's life outside work i.e. concerning adults with care and support needs in the family, 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 works in a residential home for people with learning disabilities).

- The PiPoT's life outside work i.e. concerning risks to children, the individual's own children or other children (for example where a woman who works in a host authority with women who suffer domestic abuse and lives in the neighbouring authority is subject to child protection procedures involving her own children due to domestic abuse by her husband).

And the person has:

- Behaved in a way that has harmed or may have harmed an adult with care and support needs or a child.
- Possibly committed a criminal offence against or related to an adult(s) with care and support needs or a child. 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.
- May be subject to abuse themselves and therefore their ability to provide a service to adults with care and support needs must be reviewed.
- 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. Note: This framework is not a substitute for but may be used in conjunction with other formal legal processes for example MARAC, MAPPA etc.

2.2 What is not included: The following are excluded from this Policy:

- If an allegation is made that does concern the actions of a professional or volunteer related to alleged abuse or neglect of a person with care and support needs and this amounts to a safeguarding adults enquiry, then this should be dealt with by following the Greenwich safeguarding adult policy and procedures. The PiPoT process does not replace the Safeguarding Adults process.
- If the employer is aware of concerns about a staff member, it is their responsibility to manage the risks around this (unless this is also a safeguarding adults concern- see above). A PiPoT referral to the local authority is not required.
- Complaints about a care worker, professional or volunteer where concerns are raised about the quality of practice provided by the person in position of trust, but these do not pose a specific risk to adults or children. Other relevant bodies and their procedures should be used to recognise, respond to, and resolve these issues, such as complaints processes or contract management processes. This may also include referral to CQC, NMC, GMC, Social Work England, or similar.

3. Managing allegations regarding employees

3.1 It is expected that every organisation will have appropriate policies and procedures in place to manage allegations against their staff. Policies and procedures should be clear and accessible, setting out their process for managing risk should they become aware of a PiPoT concern about a member of their staff. These should determine who should undertake an investigation, including setting timescales and how support and advice will be made available to individuals against whom allegations have been made. Any

allegations against people who work with adults, should be reported immediately to a senior manager within the organisation. Employers should have their own source of advice (including legal advice) in place for dealing with such concerns.

- 3.2 Where such concerns are raised about someone who works with adults with care and support needs, it will be necessary for the employer 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.
- 3.4 Allegations against people who work with adults at risk must not be dealt with in isolation. Any corresponding action necessary to address the welfare of adults with care and support needs should be taken without delay and in a coordinated manner, to prevent the need for further safeguarding in future.
- 3.5 Organisations should ensure that there are appropriate arrangements in place to effectively consult with the police and other agencies to monitor the progress of cases and ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process.
- 3.6 The PiPoT process ends either once a decision has been taken not to disclose on the basis that the criteria are not met or following the disclosure to the employer a response has been received as to the outcome of the referral. At this point, the responsible manager will review the interventions and close the case as per standard protocol.

4. Responsibilities of partner organisations

4.1 Individual organisations are responsible for responding to allegations regarding any person working for them in a position of trust with adults with care and support needs and for undertaking all necessary action in line with their internal process and agreed timescales. 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. This procedure should reflect the Greenwich SAB Managing allegations a PiPoT policy.
- 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.

5 Data Controller

- 5.1 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.
- 5.2 The receiving organisation becomes the **Data Controller** as defined by the [Data Protection Act 1998](#) and [GDPR; Article 4](#)
- 5.3 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 lawful, proportionate, and appropriate. Organisations are responsible for making the judgment that this is the case in every instance when they are the **Data Controller**.

6. Information Sharing

- 6.1 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.
- 6.2 When sharing information about adults, children, and young people 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 is shared securely
- 6.3 In deciding whether the information should be shared, it is necessary to consider the key question of whether the person has behaved or may have behaved, in a way that means their suitability to undertake their current role or to provide a service to adults with care and support needs should be reviewed.
- 6.4 When the employer or voluntary body has been informed, they are responsible for assessing the risks in the context of their service or organisation. Only the employer has the authority to suspend, redeploy or make other changes to the working arrangements. Each organisation will have policies or procedures in place for investigating concerns about staff, such as disciplinary processes and these should be the employer's primary source of guidance.
- 6.5 The employer should be advised of their duty to assess and effectively manage the potential risk of harm posed by the staff member to adults with care and support needs, considering the nature and seriousness of the allegation. The employer should undertake a risk assessment and action plan.

- 6.6 The employer should also be reminded of their duty of care for their employee and ensure that appropriate information and advice is provided to them.
- 6.7 If an organisation removes an individual (paid worker or unpaid volunteer) from work with an adult with care and support needs (or would have, had the person not left first) because the person poses a risk of harm to adults, the organisation must make a referral to the Disclosure and Barring Service. It is an offence to fail to make a referral without good reason.
- 6.8 The person referred (PiPoT) should be kept updated during the process and informed of the outcome (Unless it puts the adult at risk or a child in danger,). If the decision is taken to inform the employer / voluntary organisation, the information shared should be proportionate and the person (PiPoT) should be advised what information will be shared. Wherever possible, the referred person (PiPoT) should be encouraged to share the information with their employer / voluntary organisation themselves, although this will need to be followed up by the Data Controller to confirm.
- 6.9 Please also reference [Social Care Institute for Excellence \(2019\) Safeguarding Adults: Sharing Information – Seven Golden Rules.](#)

7. Allegations regarding a potential PiPoT who works outside of Greenwich

- 7.1 If the potential PiPoT works outside of Greenwich, then agencies should familiarise themselves with the relevant Safeguarding Adult Board PiPoT guidance for that area, and make referrals as required.
- 7.2 If no PiPoT policy is available within that Local authority, then the Head of Safeguarding Adults team should be contacted, and information shared. Requests should be made to be kept informed of the PiPoT process and outcome.
- 7.3 The Greenwich Pipot lead (see below) should also be informed that this information has been shared with an authority outside of Greenwich so that this can be recorded.

8. Responsibilities when there are potential risks to children.

- 8.1 (See Appendix C) 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 Designated Officer (LADO). Where concerns have been identified about their practice and they are a parent / carer for children, then consideration should be given to whether a referral to children's services is required.

9. Further information

- 9.1 Further information or advise please contact the lead for PIPOT in Greenwich
Simon King (Acting Head of Safeguarding Adults) simon.king@royalgreenwich.gov.uk
0208 921 3888

Appendix A: Referrals to professional bodies

Referrals to Professional Bodies If the person is registered with a professional body and there are concerns about their fitness to practice, the employer/volunteer manager must refer to the professional body's published guidance and consider the need to raise the concern with that professional body. A professional body has a range of options where appropriate, these usually include suspending the person from practice, de-registering them or imposing conditions of practice that the person must work under. The principal organisations within health and social care are:

- Nursing and Midwifery Council (www.nmc-uk.org)
- Social Work England(www.socialworkengland.org.uk)
- Health and Care Professions Council (www.hpc-uk.org)
- General Medical Council (www.gmc-uk.org)
- General Optical Society (www.optical.org)
- General Dental Society (www.gdc-uk.org)
- General Chiropractic Council (www.gcc-uk.org)
- Royal Pharmaceutical Society of Great Britain (www.rpsgb.org.uk)
- General Osteopathic Council (www.osteopathy.org.uk)

Each professional registration body:

- Maintains a public register of qualified workers
- Sets standards for conduct, performance, and ethics
- Considers allegations of misconduct, lack of competence or unfitness to practice
- Makes decisions as to whether a registered worker can practice

Notification of a professional body is the responsibility of the employer. Where this action has been agreed with the organisation's nominated safeguarding adults lead, confirmation should be provided to them that the action has been completed. As the responsible authority for adult safeguarding, the local authority has the power to make a referral where the relevant criteria have been met and should do so where it is necessary to ensure an appropriate referral has been made.

Appendix B- Disclosure and Barring Scheme

Under legislation, the following can make referrals to the DBS:

- local authorities
- education authority in Northern Ireland
- health and social care bodies in Northern Ireland
- keepers of register in England, Wales, or Northern Ireland
- supervisory authorities in England, Wales, or Northern Ireland

The power to refer happens when an organisation is not acting as a regulated activity provider. This will usually be when the organisation is undertaking their safeguarding role.

The power to refer can be used when an organisation thinks a person has either:

- harmed or poses a risk of harm to a child or vulnerable adult.
- has satisfied the harm test; or
- has received a caution or conviction for a relevant offence and.
- the person they are referring is, has or might in future be working in regulated activity and.
- the DBS may consider it appropriate for the person to be added to a barred list.

Regulated activity providers (employers or volunteer managers of people working in regulated activity in England, Wales and Northern Ireland) [regulated activity with children](#) and [regulated activity with adults](#) and personnel suppliers have a legal duty to refer to DBS where conditions are met. This applies even when a referral has also been made to a local authority safeguarding team or professional regulator.

If you are a regulated activity provider or fall within the category of personnel supplier, you must make a referral when both of the following conditions have been met:

Condition 1

- you withdraw permission for a person to engage in regulated activity with children and/or vulnerable adults. Or you move the person to another area of work that is not regulated activity. (This includes situations when you would have taken the above action, but the person was re-deployed, resigned, retired, or left. For example, a teacher resigns when an allegation of harm to a student is first made.)

Condition 2

You think the person has carried out 1 of the following:

- engaged in relevant conduct in relation to children and/or adults. An action or inaction has harmed a child or vulnerable adult or put them at risk or harm or.
- satisfied the harm test in relation to children and / or vulnerable adults. eg there has been no relevant conduct but a risk of harm to a child or vulnerable still exists.
Or
- been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence.

Relevant conduct in relation to children

Look at a list of [examples of harm to children](#) (PDF, 57.6 KB, 2 pages).

Look at a list of [examples of harm to vulnerable adults](#) (PDF, 56.3 KB, 1 page).

If you engaged a person to work in regulated activity, you have a legal duty to refer where the relevant conditions are met. The duty to refer applies even when a report has been made to another body such as a local authority safeguarding team. The duty to refer applies irrespective of whether another body has made a referral to the DBS in relation to the same person. This helps to make sure the DBS have all the relevant information to consider a case. DBS can then make a fair, consistent and thorough decision about whether to bar a person from working with vulnerable groups. A person who is under a duty to refer and fails to refer to us without reasonable justification is committing an offence. If convicted, they may be subject to a fine up to £5,000.

There could be times when you consider that you should make a referral in the interests of safeguarding children or vulnerable adults even if you have not removed the person from working in regulated activity. This could include acting on advice of the police or a safeguarding professional, or in situations where you do not have enough evidence to dismiss or remove a person from working with vulnerable groups.

DBS will use legal powers and barring processes to determine whether the person should be barred from working in regulated activity with children and / or vulnerable adults.

Anyone convicted or cautioned for certain serious offences will, subject to the consideration of representations where permitted, be barred from working in regulated activity with children and/or vulnerable adults.

You should complete your investigations and disciplinary processes (even if the person has left your employment). This is particularly important as DBS rely on referral evidence and any other relevant evidence gathered.

It is important that you provide as much information as you can. DBS relies on the quality of information provided to us. You are not expected to provide information you do not have access to. More information around what to include as part of your referral can be found in the [DBS 'How to make a good quality barring referral' video and/or transcript](#)

www.gov.uk/guidance/making-barring-referrals-to-the-dbs

Appendix C: Childrens LADO

Working Together to Safeguard Children updated December 2020 (HM Government) and the ***Children Act 2004 (Section 11)*** set out arrangements for dealing with allegations of abuse made against staff or volunteers working with or in contact with children. The guidance states that organisations should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children, and this includes a clear policy for dealing with allegations against people who work with children. These policies should make a clear distinction between an allegation, a concern about the quality of care or practice or a complaint. Any allegation made that relates to the fact that a person who works with children has behaved in a way that has harmed or may have harmed a child, possibly committed an offence against or related to a child, behaved towards a child or children in a way that indicates that they may pose a risk of harm to children or behaved or may have behaved in a way that indicates they may not be suitable to work with children should not be dealt with in isolation. It states that any action necessary to address corresponding welfare concerns in relation to the child or children involved should be taken without delay and in a coordinated manner. Local authorities should have a designated officer, or team of officers (either as part of multi-agency arrangements or otherwise), to be involved in the management and oversight of allegations against people that work with children. The team of Local Authority Designated Officers (LADO) should be sufficiently qualified and experienced to be able to fulfil the role effectively and must be qualified social workers. The guidance states that Local authorities should put in place arrangements to provide advice and guidance to employers and voluntary organisations and agencies on how to deal with allegations against people who work with children to employers and voluntary organisations. The Local authority should also ensure that there are appropriate arrangements in place to effectively liaise with the police and other agencies to monitor the progress of cases and ensure that they are dealt with as quickly as possible, consistent with a through and fair process.

1.2 The ***London Safeguarding Children Procedures and Practice Guidance (updated March 2022)***, ***Keeping Children Safe in Education updated Jan 2021*** state that in reporting allegations or concerns against any person who works with children in connection with their employment or voluntary activity these must show that the person has:

- *Behaved in a way that has harmed a child or may have harmed a child.*
- *Possibly committed a criminal offence against or related to a child.*
- *Behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children; or*
- *Behaved or may have behaved in a way that indicates they may not be suitable to work with children.*

In addition, these procedures should be applied when there is an allegation that any person who works with children:

- *Has behaved in a way in their personal life that raises safeguarding concerns. These concerns do not have to directly relate to a child but could, for example, include arrest for possession of a weapon.*
- *As a parent or carer, has become subject to child protection procedures.*
- *Is closely associated with someone in their personal lives (e.g., partner, member of the family or other household member) who may present a risk of harm to*

child/ren for whom the member of staff is responsible in their employment/volunteering.

These behaviours should be considered within the context of four categories: *physical, sexual, emotional abuse and neglect.*

The LADO has a duty to ensure that procedures for the evaluation and monitoring of allegations are applied with common sense and professional judgment. Many cases may either not meet the criteria set out above or may do so without warranting consideration of either a police investigation or enquiries by the local authority Children's Social Care Services. In these cases, employers should follow their safeguarding and or relevant procedures to resolve cases without delay.

1.3 The LADO or team of LADOs role, is to:

- *Receive reports about allegations and to be involved in the management and oversight of individual cases.*
- *Provide advice and guidance to employers and voluntary organisations.*
- *Liaise with the police and other agencies.*
- *Monitor the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process.*
- *Provide advice and guidance to employers in relation to making referrals to the Disclosure and Barring Service (DBS) and regulatory bodies such as Ofsted, the General Medical Council (GMC) etc.*

It is important to be aware that LADOs do not carry out investigations into allegations. The responsibility for the investigation remains with the employer (or whoever is commissioned by the employer to investigate the matter) and/or the police. The LADO provides advice and, where necessary, co-ordinates the process and ensures that an appropriate outcome is reached. The LADO will provide advice regarding which organisation is best placed to lead the investigation in cases where this is not straightforward to determine e.g. where responsibility may be shared between an employment agency and the organisation where the person is working,

The guidance states cases should be resolved as quickly as possible and that investigations must be fair and thorough with all allegations investigated to avoid any delay. The timeliness of investigations and resolutions on individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation or concern.

To contact RBG children's LADO contact either mash-referrals@royalgreenwich.gov.uk or Childrens-Lado@royalgreenwich.gov.uk where you will be sent a form to complete