

Allegations against a Person in a Position of Trust (PiPOT)

What is PIPOT and what happens when an allegation is made.

What is PIPOT?

The statutory guidance to the Care Act 2014 requires Safeguarding Adults Boards to establish a framework and process to respond to allegations against anyone who works, either paid or unpaid, over the age of 18 with adults who have care and support needs, Known as a Person in a Position of Trust (PiPoT).

Person in a position of trust, over the age of 18 who works with adults who have care and support needs as identified in the Care Act 2014. It applies to working in a paid or voluntary capacity. A PiPoT could be a health or social care worker, police officer, probation officer, a member of staff in a care home or a charity in a paid or unpaid role. Basically, anyone of any position no matter how senior who works in a role where they have contact with adults with care and support needs. All allegation against a PIPOT must be taken seriously and dealt with fairly in a way that protects both the adult at risk and the PIPOT.

PiPOT Referral Criteria

A PIPOT referral should be made if the PIPOT is alleged to have behaved in one or more of the following ways to an adult with care and support needs:

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 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
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children/adults (including outside the working environment, known as transferrable risk)

An allegation does not have to be in relation to an adult at risk. So, examples maybe when:

- An individual has been accused of physically abusing their mother and is also employed, for example, as a doctor / police officer / carer / social worker / health professional, etc, who works with a range of adults some of whom will have care and support needs.
- An individual is accused of theft and is employed as a support worker.

- An individual has children subject to child protection procedures because of emotional abuse and neglect and is employed in a day centre for adults with dementia.

If the PiPoT also works in a paid or unpaid capacity with children, the Local Authority Designated Officer (LADO) will also need to be notified. Where a concern has been identified about a PiPoT and they are a parent or carer for a child or children, then consideration should be given to a referral to The Integrated Front Door by calling **01204 331500** and pressing **Option 2**. Phone lines are open **Monday to Friday - 8:45am to 5pm**.

If you believe there is an emergency and a child is at immediate risk of significant harm, you must contact the Police on 999.

PIPOT referral process

At this point, making sure the adult at risk is safe first and foremost is the priority. If there is any immediate risk, call the Police on, **999**.

You will need to safeguard all adults at risk who are using services and take the required action i.e. implementing a risk assessment. This is to safeguard any further abuse or neglect occurring or any further allegations being made against the PiPoT.

You will need to report the allegation immediately to the named Senior Manager or Designated Safeguarding Lead, within the organisation.

You should make a PiPoT referral. You will find the referral form on the Bolton Safeguarding Adults Board website which is www.bolton.gov.uk. The PiPoT policy is also published on the website. Once you have completed the form, send the form via a secure email to PiPoT@bolton.gov.uk the address is also provided on the form.

The PiPoT should be informed that an allegation has been raised about them, but not of the nature of the allegation until the employer/voluntary organisation/student body have sought advice from the Local Authority Adult Social Care department or where relevant the Police.

What's really vital is that The PiPoT must not be informed that an allegation has been raised about them if:

- Sharing details of the concern or allegation may increase the risk(s) to an adult at risk, child or any other person, or
- There is a potential it will hinder a police investigation.

What happens when you make a PIPOT referral?

On receipt of a PiPoT referral, a Safeguarding Manager will receive and screen the referral to check that the PiPoT criteria is met. A further check will be undertaken to check against any previous referrals in regard of the PiPoT, this is important as we know that sometimes the PiPoT may have moved from different organisations, each allegation will be viewed on a case-by-case basis, but there may well be a history of allegations that the adult social care safeguarding team need to be aware of.

If the criteria for a PIPOT referral is **not** met, the Adult Social Care Team Manager will contact the referrer and will provide some advice on what action they need to take, if any. Although actions may not be required under the PiPoT framework, an employer or agency may still need review the concern/complaint under its internal procedures and should seek advice from their HR team where applicable.

If the criterion of an allegation is met a decision to hold a strategy meeting will be taken wherever possible within 24-48 of receiving a referral. Following a decision, a Strategy Meeting will be convened within 5-10 working days by the Adult Safeguarding Team.

An adult with care and support needs who has alleged to have been harmed will need to be subject to safeguarding procedures. The focus within the safeguarding enquiry will be the adult. The safeguarding enquiry for the adult with care and support needs will run alongside the PIPOT process.

What happens at PIPOT strategy meetings?

The Strategy Meeting will establish:

What is needed to safeguard any adults at risk that the PiPoT has had contact with:

- Whether Police and/or a Section 42 Safeguarding enquiry is required and/or any disciplinary procedures followed. Agree how the parallel process will work together, to avoid confusion/disruption of the processes (police investigation, s42 enquiry, organisation/HR investigation, contracts/commissioning teams).
- Any previous referrals in regard of the PiPoT should be considered.
- What information can be shared with the PiPoT and by whom and any support that they may require e.g., a union representative, health care professional and how they will be kept informed.
- If the PiPoT is aware of the allegations against them and has had the opportunity to share the information with their employer and make any appropriate representations.
- If the individual has declined to share this information, it does not mean this cannot be shared. A decision will be made in discussions or meetings, regarding whom will share all relevant information about the adult who is the subject of the allegation and any alleged victim. Decisions will be made on a case-by-case basis and should be proportionate and shared in a timely and transparent manner.
- The scope and timescales of any further enquiries/investigations/meetings should be agreed.
- Whether any other people are affected by the allegation and agree any further action, timescales and who will undertake agreed actions.
- Record how the individual who is the subject of the allegation is kept informed and supported.
- Record how the adult at risk or the alleged victim and their representatives will be kept informed.

A refusal by the adult who is the subject of the allegation to engage with the investigation/enquiries does not prevent the processes from proceeding.

What happens at the conclusion of a strategy meeting?

Investigation Outcomes

An investigation will be carried out by the most appropriate agency and reported back to the Adult Social Care Manager. A meeting will be called to consider and conclude the investigation. The meeting will decide if the allegation is:

- **Substantiated:** there is sufficient identifiable evidence to prove the allegation/s.
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive. In this case, if the allegation was made by another member of staff and disciplinary action may be needed against the person making the allegation.
- **Not determined or inconclusive:** there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
- **Not substantiated:** to reflect cases where there is no evidence or proper basis, which supports the allegation being made, or the allegation is unfounded, unsupported, or disproved. This may be because the employee making the allegation misinterpreted the actions or behaviour of their colleague or was not aware of the full circumstances.

Substantiated Allegations – Notifications and Referrals to

Other Parties

In any case of an upheld allegation, particularly where this involves professional malpractice, the lead agency should ensure that relevant agencies / professional bodies are appropriately informed, ensuring that information sharing is necessary and proportionate. The PiPoT should be informed of a referral to any professional or regulatory body.

Disclosure and Barring Service (DBS) Notification

- If someone is removed from their role providing regulated activity following a safeguarding incident, the regulated activity provider (or if the person has been provided by an agency or personnel supplier), has a legal duty to refer them to the DBS.
- The legal duty to refer to the DBS also applies where a person leaves their role before a disciplinary hearing has taken place, following a safeguarding incident and the employer/volunteer organisation feels they would, or might have dismissed the person based upon the information they hold.
- Refer to the DBS Guidance on how to make a referral.

Professional Bodies Notification

Where appropriate, the employer should report the PiPoT to the Statutory Regulator and other bodies responsible for professional regulation. For example, the Health and Care Professions Council, General Medical Council and the Nursing and Midwifery Council.

Care Quality Commission (CQC)

Where appropriate, if the PiPoT is a Registered Manager, then the CQC should be notified if there is an identified risk. CQC can act as deemed appropriate to ensure the service has appropriate standards of practice to prevent and respond to any future risk of harm. This includes the employer's 'fitness' to operate and responsibility to safeguard adults at risk.

What happens if an allegation is made against you? Will I be suspended?

It is recognised that having an allegation made about you can cause stress and anxiety. A point of contact will be provided to you by your employer, this may well be the same person identified in the PIPOT meetings who provides you with updates. Your employer should also advise you of any other support you can access such as counselling services or occupational health services.

The power to suspend lies with the employer or agency. Adult Social Care (or the Police) cannot require or make the decision on behalf of the employer or agency to suspend the PiPoT. However, in certain cases a PiPoT may be suspended where this is deemed the best way to ensure everyone is protected while an investigation is carried out.

Regardless of the outcome of the investigation, the lead agency is responsible for informing you of the outcome of the investigation in line with their human resources procedures.

This is a summary of the processes, **The PIPOT Framework and Guidance and all other associated documents are available from <https://www.bolton.gov.uk/adult-safeguarding-board/professionals/3>**