

London Borough of Newham

Process for managing allegations against people in positions of trust.

This procedure relates to allegations against people in positions of trust where there are concerns that they may not be suitable to work with adults with care and support needs.

Definitions

The process for managing allegations against people in positions of trust is known as the **PiPoT Process**

The lead for managing this within LB Newham is known as the Adult Local Authority Designated Officer or **ALADO**

1. Introduction

1.1 This document is based on the [Care and Support Statutory Guidance](#). It is designed to enable a clear, thorough and fair process, in accordance with relevant legislation and guidance, to be followed where there are allegations raised against people in positions of trust. The PiPoT process does not replace the Safeguarding Adults Framework and where there is an allegation of abuse or neglect of an adult with care and support needs; this is explored under the Safeguarding Adults Policies and Procedures and safeguarding concerns should be raised under Section 42 of the Care Act and Enquiry progressed as required.

1.2. The Local Authority's relevant partners, as set out in [Section 6\(7\) of the Care Act 2014](#), and those providing care and support services, should have clear policies for dealing with allegations against people who work, in either a paid or unpaid capacity, with adults with care and support needs. These are people in a position of trust.

1.3. The Care Act (2014) defines People in Positions of Trust (PiPoT) as 'people who work in paid or unpaid capacity, including celebrities and people undertaking charitable duties with adults with care and support needs'. People can be considered to be in a 'position of trust':

- Where they are likely to have contact with adults at risk of abuse and harm (Care Act 2014) as part of their employment or voluntary work
- Where the role carries an expectation of trust
- Where the person in trust can exercise authority, power or control over an adult(s) at risk

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

- Social care
- Health services
- Police and criminal justice
- Government officials
- Financial advisers
- Housing
- Education
- Voluntary Community Service Enterprise (VCSE) organisations
- Sporting organisations and their governing bodies

2 Consent & Information Sharing

2.1. It is of key importance that, before an allegation against a person in a position of trust is referred to Newham's PiPoT process, the person concerned is informed that this action is being taken UNLESS this would place anyone at higher risk.

2.2. The referrer should encourage the person in a position of trust to share information with their employer (or student body or voluntary organisation), in order that they are aware that an allegation has been made, the nature of that allegation, and the person be able to access support and advice.

2.3. Informing the person in a position of trust that a referral is to be made about them to the ALADO does not necessarily mean that their consent is required in order for the referral to be made.

2.4. Decisions to share information should be justifiable, proportionate, have a basis in law and relevant to managing allegations against people in positions of trust, the individual situation presented and giving due regard to Article 8 of the Human Rights Act 1998 "Right to respect for private and family life" and Article 6 of the Human Rights Act 1998 "Right to a Fair and Public Hearing", the General Data Protection Regulations 2018 and applicable legal requirements.

2.5. All decision making processes, including information sharing, should be clearly recorded.

2.6. In order that allegations of this type are not dealt with in isolation they will be recorded on a confidential PiPoT Tracker Spreadsheet, with oversight maintained by the Safeguarding Governance Team with limited access only to authorised people.

Please add in that this has limited access only to authorised people

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3. Allegations under S42 of the Care Act 2014

3.1. If a concern arises that an adult(s) with care and/or support needs is experiencing, or at risk of experiencing, abuse, neglect or self-neglect, a Safeguarding Adult Concern must be raised with Adult Social Care

Call the 24 hour safeguarding helpline 020-3373-0440 or complete the referral form online by clicking here: [How to raise a concern about an adult in Newham](#)

3.2. The Newham Multiagency Safeguarding Hub and Vulnerable Adults Team will then make a decision, in discussion with relevant partners, about what action can and should to be taken to safeguard the adult(s), what information needs to be shared, and if so with whom, and whether or not further enquiries under section 42 of the Care Act 2014 are required.

4 When S42 of the Care Act 2014 applies

4.1. If a person in a position of trust is alleged to be responsible for abuse or neglect of that adult(s) a Safeguarding Adult Concern must be raised. Their employment or voluntary work should be risk assessed and managed within the framework of section 42 of the Care Act, and with reference to Safeguarding Adults procedures set out in:

- Care and Support Guidance, Chapter 14
- London Multi-Agency Adult Safeguarding Policy and Procedures.

4.2. Employers, student bodies and voluntary organisations should have clear procedures in place setting out the process, including timescales for investigation of allegations, where appropriate, and what support and advice will be available to individuals against whom allegations have been made.

4.3. It is important that all partners are clear where responsibility lies when abuse or neglect is carried out by employees or in a regulated setting, such as a care home, hospital, or college. The first responsibility to act must be with the employing organisation as provider of the service.

4.4. When an employer is aware of abuse or neglect of adults with care and support needs in their organisation, they should inform the local authority, Care Quality Commissions (CQC) and NHS Integrated Care System where the latter is the commissioner.

4.5. It will be the responsibility of the employer (or student body or voluntary organisation), in consultation with relevant safeguarding partners, to assess and manage risks, in consultation with their own legal and personnel advisors. Advice can also be sought from the allocated Safeguarding Adult Manager or Newham's ALADO by emailing PiPoT@newham.gov.uk

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4.6. The employer should investigate any concern (and provide any additional support that the adult may need) unless there is a compelling reason why it is inappropriate or unsafe to do this. For example, this could be a serious conflict of interest on the part of the employer, concerns having been raised about non-effective past enquiries or serious, multiple concerns, or the concern is about a criminal allegation.

4.7. Where an allegation is of a criminal act, it is crucial that employers, voluntary organisations, student bodies, and the local authority, do not take investigative action. Report all allegations of crime to the police. Criminal allegations should be investigated by Police.

4.8. Inappropriate investigative actions by non-police can jeopardise prosecution and access to justice.

4.9. Employers, voluntary organisations and student bodies may need to consult with the Police where there is a police investigation underway to inform their decision making about risk management strategies and disclosure of information to the person in a position of trust.

4.10. The duties and powers of employers, Local Authorities and professional regulatory bodies to make referrals to the Disclosure and Barring Service are set out in the government guidance:

Making barring referrals to the DBS - GOV.UK (www.gov.uk).

It is an offence to fail to fulfil a duty to make a referral to the Disclosure and Barring Service when the grounds are met.

5. When to Refer to the Adult Local Authority Designated Officer (ALADO)

5.1. The PiPoT process should be used when allegations are made against people in positions of trust, which fall outside of the framework of section 42 of the Care Act 2014 because they do not indicate alleged abuse or neglect of specific adults with care and support needs.

5.2. Where allegations or concerns indicate that the person may be unsuitable to work or volunteer with adults with care and support needs, a referrals must be submitted to the ALADO, using the referral form in the Appendix of this document, to: PiPoT@Newham.gov.uk

5.3. The referral should be made to the ALADO within 24 hours of such a concern being identified.

5.4. Examples could include allegations that a person who works with adults with care and support needs has:

- behaved in a way that has harmed, or may have harmed, any adult or child

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- been subject to enquiries / under investigation / been charged / prosecuted with a criminal offence against 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

5.5. These allegations could relate to their current workplace, another workplace, online activity or their personal lives and could include non-recent allegations.

5.6. If a local authority receives information about such concerns, they should give consideration to what information should be shared with employers (or student body or voluntary organisation) to enable risk assessment.

5.7. In some cases, an allegation of abuse of children or adults against someone closely associated with a person in a position of trust (e.g. partner, member of the family or other household member) may present a risk of harm to adults for whom that person is responsible through their employment/volunteering. In these circumstances, the ALADO process should be used, and should consider:

- The ability and/or willingness of the member of staff to adequately protect the adults;
- Whether measures need to be put in place to ensure the protection of any adults with care and support needs;
- Whether the role of the member of staff is compromised.

5.8. If a police officer becomes aware that a person accused of a crime against a child or adult is a person in a position of trust with adults with care and support needs they should consider what information needs to be shared and with whom, for example with an employer. There is guidance for officers issued by the National Police Chiefs' Council on Common Law Police Disclosure in such situations. The officer should also make a referral to the ALADO as soon as an officer becomes aware that a person accused of a crime is also a person in a position of trust.

5.9. When an employer, voluntary organisation or student body first becomes aware of an allegation or concern about a member of staff or volunteer they should take the matter seriously and keep an open mind. They should:

- Make a written record of the information, where possible using the words of the person who made the allegation, including the time, date and place of incident/s, persons present and what was said
- Sign and date the written record
- Immediately report the matter to their organisation's designated safeguarding lead, or the deputy in their absence, or,
- Where the designated safeguarding lead is the subject of the allegation, report to the deputy or other appropriate senior manager

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- Allegations of crime should be immediately reported to the police – this will also enable prompt action to be taken to safeguard adults at risk or children and gather evidence.
- Allegations of crimes should NOT be investigated by employers, voluntary organisations or student bodies.

5.10. When informed of a concern or allegation, the designated safeguarding lead/appropriate manager should not investigate the matter, but they should continue to gather factual information with regard to the allegation and ensure any evidence is preserved. This fact-finding should be a neutral process and should not amount to an investigation of the allegation at this stage. They should:

- Obtain written details of the concern / allegation, signed and dated by the person receiving the information:
- Approve and date the written details
- Record any information about times, dates and location of incident/s and names of any potential witnesses
- Record discussions about any decisions made as to how and whether adults or children at risk are to be safeguarded at this point, and the reasons for those decisions. This may need to involve consultation with legal and personnel advisors of the employer of the person against whom the allegations have been made.
- Make a PiPoT referral to the Newham Adult LADO within 24 hours of receiving the allegation, using the referral form and sending it to PiPoT@Newham.gov.uk
- Allegations of crime should be immediately reported to the police – this will also enable prompt action to be taken to safeguard adults at risk or children and gather evidence.
- Allegations of crimes should NOT be investigated by employers, voluntary organisations or student bodies.

5.11. Allegations against people who work with adults with care and support needs 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 further abuse or neglect. This may require liaison with Police as well as with legal and personnel advisors for the employer, voluntary organisation or student body.

6. The Function of the Adult Local Authority Designated Officer (ALADO)

6.1. The ALADO functions are carried out by the Senior Safeguarding Adults Adviser with support from the Safeguarding Governance Team.

6.2. The nature of the concern and the level of complexity will determine who undertakes the role of the ALADO in each case.

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6.3. The ALADO is a source of support and guidance to employers, voluntary organisations or student bodies where there is uncertainty about whether or not the criteria are met for referral into the ALADO.

6.4. If a Section 42 enquiry is taking place in another Local Authority, and the person alleged to be responsible for abuse or neglect works in a position of trust in Newham then the ALADO can act as a central point of contact for the Local Authority. The Newham ALADO will seek assurance that appropriate action is being taken in regards to assessing and managing the risk of the person alleged to be responsible for abuse or neglect.

6.5. The ALADO will maintain a live record of the case in a restricted area to maintain confidentiality. New allegations will be considered with reference to any previous ones held in the record to ensure that any patterns are identified in a timely manner.

6.6. An initial allegations meeting, or discussion, will be held within 5 working days of the allegation being made. It will be chaired by the ALADO. The purpose of this meeting will be to:

- Seek assurance from the employer and or police that the risk of harm to adults with care and support needs is effectively managed.
- Review and ratify actions taken so far by police and/or employer, voluntary organisation or student body, to safeguard adults with care and support needs.
- Identify any further information sharing necessary to safeguarding adults or children at risk or protect the public and seek assurance from relevant partners that this action will be taken and agree timescales.
- Ratify next steps in terms of who is leading the investigation. In instances of criminal offences the investigation will be led by the police. Where there is no criminal offence the investigation will be led by the employer, voluntary organisation or student body.
- Make decisions on whether further meetings to review findings and reach conclusions.

6.7. Decisions will be recorded following a six stage process

- STEP ONE: The Referral
- STEP TWO: Decision making
- STEP THREE: Contact with the referrer
- STEP FOUR: Contact with the person in a position of trust
- STEP FIVE: Information sharing
- STEP SIX: Contact with the employer and case closure

6.8. If the person in a position of trust also works with children, the ALADO will discuss the allegations within 24 hours with the Children's LADO to reach an urgent decision as to which LADO is best placed to lead.

6.9. If the person in a position of trust also works in another Local Authority area the ALADO will liaise with their counterpart in the other Local Authority to agree which of them will take lead responsibility and how subsequent liaison between the Local Authorities will take place. The decision should be based on which Local Authority carries the greatest risk. Disagreements about who should lead must NOT delay action being taken, by either party, to ensure the safety of adults with care and support needs nor children.

6.10. The potential outcomes of the ALADO process are that the allegation is found to be one of the following:

- Malicious – that is deliberately and purposefully untruthful
- False – that the person reporting is mistaken in what they have alleged
- Unsubstantiated – that there is insufficient evidence to refute/support the allegation
- Substantiated – that there is evidence that the alleged incident occurred.

6.11. The Police, employer, voluntary organisation or student body will submit their conclusion about the outcome, with their reasoning, to the ALADO for review.

6.12. The outcome will be clearly recorded and shared appropriately. Onward duties in terms of referrals to the Disclosure and Barring Service or professional regulatory bodies will be clearly recorded and shared by the ALADO with relevant partners.

6.13. It is in everyone's interest to resolve cases as quickly as possible consistent with a fair and thorough investigation. The time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness and complexity of the allegation. The investigation should be undertaken in an expeditious manner.

Appendices to PiPoT protocol to guide PiPoT practice:

Appendix A: LB Newham PiPoT Referral Form

Appendix B: Safeguarding Adult National Network (SANN) Managing Concerns and Allegations Against People Who Work with Adults with Care and Support Needs – Flowchart.

Appendix C: LB Newham PiPoT Referral pathway flowchart

Appendix D: PiPoT Decision Support Tool

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