



Redcar & Cleveland Borough Council
Adult Social Care

Public Guidance

Managing concerns around People in Position of Trust
(PiPoT)

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1. About this Guide

This Guidance is for Managing Allegations against People in Positions of Trust (PIPOT) who work with adults who have Care and Support needs.

2. Background

Managing allegations against adults in a position of trust is set out in Section 6 (7) of the Care Act and suggests those providing universal care and support services should have clear policies in line with those from safeguarding adults board for dealing with allegations against people who work in either a paid or unpaid capacity, with adults with care and support needs.

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

- Social Care
- Health Services
- Police and Criminal Justice
- Housing
- Education
- Advocacy
- GPs
- Independent Sector
- Agency and Bank Workers
- Religious/Faith Leaders
- Commissioning Services

3. Guidance Statement

The purpose of this guidance is to ensure that all allegations of abuse made against staff or volunteers working with adults are dealt with in a fair, consistent, and timely manner.

This guidance deals with any **paid or unpaid** members of staff in a position of trust working with:

- An adult or adults who have needs for care and support (regardless of whether the local authority is meeting any of those needs), and who are:
 - Experiencing, or are at risk of abuse and neglect.
 - Unable to protect themselves from either the risk of, or the experience of abuse or neglect.

The adult experiencing, or at risk of abuse or neglect will be referred to as adult for the rest of this guidance.

4. Scope

This guidance should be used where such concerns are raised about someone who works or volunteers with adults with care and support needs. This includes staff and volunteers who:

- Work directly with adults
- Work in a setting where adults regard themselves as safe and trustworthy.
- Have access to sensitive information regarding adults; and/or
- are senior managers who have responsibility for appointing people to work with adults.

Examples of such concerns could relate to a person who works with adults with care and support needs who 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.
- behaved towards an adult in a way that indicates they may pose a risk or harm to adults with care and support needs.
- their contact has raised concern as to their suitability to act in a position of trust.

Types, patterns and different circumstances of abuse and neglect should be considered within the categories identified in the Care Act 2014 i.e., physical abuse, domestic violence, sexual abuse, psychological abuse, financial or material abuse, modern slavery, discriminatory abuse, organisational abuse, neglect and acts of omission and self-neglect. These include concerns relating to inappropriate relationship(s) between members of staff and adults in their care, e.g.:

- Having a sexual relationship with an adult in a position of trust even if the relationship appears consensual.
- The sending of inappropriate text/email messages or images.
- Possession of indecent photographs/pseudo-photographs of vulnerable adults.

A failure to report an allegation or concern in accordance with this procedure is potentially a disciplinary matter.

Staff and volunteers are strongly advised to report any incident involving themselves that could give rise to concern, including the potential for misinterpretation by others.

5. Responsibilities of partner organisations managing concerns with employees

Employers, student bodies and voluntary organisations should have clear procedures in place for managing concerns about PiPoT, setting out a process that states who should undertake an investigation, and what sources of support and advice will be available to individuals against whom allegations have been made in accordance with UK Employment Law:

It is the responsibility of the employer, student body or voluntary organisation to follow their own procedures to assess and manage risk to the adults with care and support needs who use their services, and to take required actions to safeguard those adults.

It is also the responsibility of the employer, student body or voluntary organisation to notify Professional Bodies.

If the employer, student body or voluntary organisation is already aware of the concern(s) and if the person in a position of trust is not working anywhere else with adults with care and support needs, there is no need to make a PiPoT referral.

6. Raising a PiPoT Concern

Any allegations against a PiPoT must be raised with the Lead responsible for the employee when the conduct of a person may impact upon their suitability to work with adults with care and support needs.

If the person works in Redcar and Cleveland, a referral should be made to Adult Social Care using the PiPoT referral form and emailed to PiPoT@redcar-cleveland.gov.uk. If urgent action is required outside of working hours (08:30 – 17:00 Monday to Thursday, 08:30 – 16:30 Friday) contact the Emergency Duty Team on 01642 524552.

7. Response to a Concern

The process would be as follows:

- The PiPoT Trust Lead/Safeguarding Lead will assess the information provided and undertake the necessary enquiries within a specific agreed timeframe by the agency (2 weeks for RCBC).
- Each agency's own policies/procedures will dictate human resources and escalation procedures.
- Where information is received regarding other relevant partners employees then the receiving PiPoT Lead/Safeguarding Lead will advise the PiPoT Lead/Safeguarding Lead of the responsible relevant partners.
- If the person works with both adults and children, the Children's Services Local Authority Designated Officer (LADO) will also be informed.

When a decision has been made to share information with the PiPoT's employer, student body or voluntary organisation, the PiPoT should be:

- Informed that the allegation against them will be shared with their employer, student body or voluntary organisation, unless it puts a child or any other person in danger, or the PiPoT themselves.
- Offered a right to reply to the allegation or concern raised about them.
- Given the opportunity to tell their employer, student body or voluntary organisation themselves, unless the immediacy and nature of the risk do not allow for this. The PiPoT

Lead will need to be assured that appropriate information has been shared by following up with the employer, student body or voluntary organisation.

- Advised what information will be shared about them, how the information will be shared and with whom.

The lead agency undertaking the PiPoT enquiry may convene a Managing Concerns discussion or meeting, to assess and determine what actions are required to manage the risk(s) posed by the PiPoT. The following may be invited, the Police, Care Quality Commission, LADO, Health or Social Care Commissioners and other relevant parties. Please note the PiPoT would not attend the Managing Concerns Meeting. When the relevant ICB or the Police have completed their enquiry, they will notify the PiPoT Lead of the outcome.

Careful consideration is required as to whether the Lead Agency should share this information with the persons employer, student body or voluntary organisation to enable them to undertake a risk assessment. N.B. any organisation that receives this data will be a Data Controller as defined by the Data Protection Act 2018 and GDPR Article 4. The Lead Agency may wish to seek their own legal advice.

When a decision has been made to share information with the PiPoT's employer, student body or voluntary organisation, the PiPoT Lead will need to:

- Contact the employer, student body or voluntary organisation to share information and any relevant parties.
- Ensure that sharing of information is justifiable and proportionate.
- Request details of any actions taken and seek assurance that they have carried out a risk assessment.
- Record the rationale for all decision making, and ensure it is timely.
- Make it clear whether the information relates to a criminal or civil enquiry.

8. Record keeping

All information about PiPoT cases should be held securely and not on an open system. It is important to retain allegation records to enable accurate information to be given in response to future reference requests where appropriate. It will provide clarification in cases where future Disclosure and Barring Service (DBS) check reveal information from the police about an allegation that did not result in a criminal conviction, and it will help unnecessary re-investigation if a concern re-surfaces after a period of time.

There is a legal requirement for employers to make a referral to the DBS and professional bodies where they think an individual has engaged in conduct that harmed (or is likely to harm) a person and they are in regulated activity or if a person otherwise poses a risk of harm to another person.

9. Case examples

Safeguarding concern is received regarding a woman. The concerns relate to her daughter allegedly physically and emotionally abusing her. The woman's daughter works as a carer for a homecare agency supporting people in the community.

The Safeguarding Team make enquiries under Section 42 of the Care Act 2014, and establish the daughter works as a carer for a home care agency providing support to people who live in the community.

Redcar and Cleveland Social Care are the **data controller** and decide that due to the nature of the cruel treatment alleged, that the daughter works with adults of a similar age to her mother, and that she works unsupervised with people in their own homes, they do need to disclose the information and allegations to the daughter's employer.

The daughter is aware that concerns have been raised about the way that she treats her mother, so Adult Social Care try to engage directly with the daughter to provide her with an opportunity to disclose herself to her employer, or to gain consent to share the information. The daughter refuses to do this, so Adult Social Care informs the daughter that they are sharing the information without her consent and make the disclosure directly to the registered manager of the home care agency.

Adult Social Care notify the Care Quality Commission and can follow up the issue with the home care agency (under contract compliance/regulatory process) to gain assurance that the agency has risk assessed the issue properly and managed the identified risks to the public.

Cleveland Police receive information that a local GP has formed a relationship with a patient who had significant mental health issues. The woman alleged that despite telling her GP that she wanted to end the relationship, he has continued to visit her at home and coerced her into having sexual intercourse.

The Police checked with agencies working with the woman to ascertain that she did have care and support needs.

Cleveland Police is the **data controller** and think through whether they have a duty to make a disclosure to the GP's employer.

The Police decided that this is a safeguarding matter and make a referral to the Safeguarding Team and to investigate the case further.

The Safeguarding Team progress the case to a Section 42 enquiry with the Police taking the lead with the action to manage the potential risk to others.

The Police notify the Care Quality Commissioner as regulator and the Integrated Care Board (ICB) about the allegations.

The GP was found to be having a coercive relationship with the adult at risk and was suspended from duties pending further investigation from the CQC.

John a young adult with care and support needs is volunteering at a local charity shop serving customers and stock taking. Another volunteer called Beth who also has care and support needs tells the manager that John keeps asking her to go on a date, but he won't take no for an answer. The Manager is concerned because John started a relationship with another volunteer last year which ended with both being upset with each other.

The Charity Shop Manger is the data controller and thinks through whether John's behaviour is a concern to female adults at risk working within the shop.

On reflection, the Manager decides that this is not a PiPoT concern, and that John is a vulnerable young man who may have issues trying to form relationships.

As a supportive measure, the Manager decides to have an informal chat with John about making relationships and to help explain that when Lucy says no to having a date with him, she really does mean that and for him to stop continuing to pursue and harass her.

Contact Details Adult Social Care

Directorate of Adults & Communities
Adult Social Care
Redcar and Cleveland Borough Council
Seafield House
Kirkleatham Street
Redcar
Yorkshire
TS10 1SP

Telephone: 01642 771500

For Adult Social Care email:
AccessAdultsTeam@redcar-cleveland.gov.uk

For general council enquiries
email: contactus@redcar-cleveland.gov.uk

Website: www.redcar-cleveland.gov.uk

Relay UK (for deaf, hard-of-hearing, and speech impaired people)

Office hours: Monday to Thursday: 8.30 am - 5.00 pm and Friday: 8.30 am - 4.30 pm.

If you need help in emergency when our offices are closed, you can contact the Emergency Duty Team: 01642 524552.

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