



Framework for the management of allegations against people in positions of trust (PiPoT)

August 2022

Version 3

This guidance was originally based on the Framework produced by the Safeguarding Adults Boards in Hampshire, Isle of Wight, Portsmouth and Southampton.

The version was approved for publication by the Pan Berkshire Policies and Procedures Subgroup in August 2022. The policy will be reviewed in August 2024, or sooner if required.

There is a dedicated website for Safeguarding Adults Policies and Procedures which can be found here: [Home Of Berkshire Safe Guarding For Adults \(berkshiresafeguardingadults.co.uk\)](https://berkshiresafeguardingadults.co.uk)

If you have any queries please discuss with your manager you can contact the Policies and Procedures Subgroup directly about the content of this framework by completing a request for amendments form which can be found on the Berkshires Policies and Procedures Website: [Home Of Berkshire Safe Guarding For Adults \(berkshiresafeguardingadults.co.uk\)](https://berkshiresafeguardingadults.co.uk)



1. Introduction

1.1 The local authority's relevant partners, as set out in section 6 (7) of the Care Act 2014, and those providing universal care and support services, should have clear policies in line with those from the safeguarding adults board, for dealing with allegations against people who work, in either a paid or unpaid capacity, in positions of trust, with adults with care and support needs. These policies should clearly distinguish between an allegation, a concern about the quality of care or practice or a complaint.

1.2 For ease of reference, sec 6(7) of the Care Act 2014 sets out relevant partners as:

a) where the authority is a county council for an area for which there are district councils, each district council.

(b) any local authority, or district council for an area in England for which there is a county council, with which the authority agrees it would be appropriate to co-operate under this section.

(c) each NHS body in the authority's area.

(d) the Minister of the Crown exercising functions in relation to social security, employment and training, so far as those functions are exercisable in relation to England.

(e) the chief officer of police for a police area the whole or part of which is in the authority's area.

(f) the Minister of the Crown exercising functions in relation to prisons, so far as those functions are exercisable in relation to England.

(g) a relevant provider of probation services in the authority's area.

(h) such person, or a person of such description, as regulations may specify.

1.3 This policy refers to People in a Position of Trust, who work with adults (as a student, or in a paid, unpaid, or voluntary capacity) with care and support needs

1.4 Positions of trust are likely to include, but are not limited to those working on behalf of:

- Social care
- Health care
- Police, Probation and criminal justice
- Government officials or Local Authority officers
- Financial advisors
- Legal advisors
- Housing
- Education
- VCS organisations
- Sporting organisations and their governing bodies

1.5 An individual can be in a position of trust:

- Where they are likely to have contact with adults with care and support needs 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 adults with care and support needs



1.6 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 transferable risk may be posed to adults at risk by a person in a position of trust. Examples of such concerns could include allegations that 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 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.

1.7 Where such concerns are raised about someone who works with adults with care and support needs, it will be necessary for the employer (or student body or voluntary organisation) 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.

1.8 This framework must have clear recording and information sharing guidance and timescales for action and mindful of the need to preserve evidence. This will be whether the allegation or concern is current or historical.

1.9 Procedures for Allegations against people who work with children can be found in the LSCB Berkshire Child Protection Procedures online. <http://berks.proceduresonline.com>

2. Purpose and Principles

2.1 The Allegations Management Framework is an overarching framework setting standards around the management of allegations against people in a position of trust, supported by clear reporting requirements and arrangements across the whole system – this includes clear information-sharing arrangements and explicit timescales for action.

2.2 The Framework is based on the following principles:

- It reflects a proportionate, fair, and transparent approach and seeks to build on current internal allegations management processes rather than replacing these.
- It applies to anyone working in a position of trust such as employees, volunteers or students, in a paid or unpaid capacity regardless of the sector.
- It deals with current as well as non-recent allegations.
- The sharing of information will be justifiable and proportionate, based on an assessment of the potential or actual harm to adults or children at risk.

2.3 This is an overarching framework and individual organisations are expected to develop their own business process detailing how they will implement this framework internally. Partner organisations are expected to develop (or align) current allegations management processes in line with the standards set out in this framework.

2.4 To gain assurance of robust internal allegations management processes in organisations not represented on the SAB, i.e., within commissioned care and support services and the voluntary sector the Board will look to commissioners to use existing frameworks and processes to ensure that providers follow safe working procedures, including the management of allegations.

2.5 Commissioning organisations should build reporting requirements into their existing procurement, commissioning and contract arrangements to ensure that provider organisations



promptly share information about incidents falling within the remit of this framework with their commissioners, via the use of the PiPoT notification form ([Appendix C](#)).

3. Responsibilities of partner organisations

3.1 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 SAB Allegations Management Framework. The procedure must have clear recording and information-sharing guidance and timescales for action and be mindful of the need to preserve evidence.
- Wherein the Person in a Position of Trust is working within an agency not considered to be one of the local authority's relevant partners, as set out in section 6 (7) of the Care Act 2014; the host Local Authority must be notified by the submission of PiPoT notification form ([Appendix C](#)). On receipt of this notification form it will be the responsibility of the Local Authority to manage these allegations and provide assurance to the SAB.
- 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 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.
- Maintaining records of the number and nature of allegations made, sharing this data with the SAB and using this data to inform service improvement and development.

3.2 Whilst no longer a requirement in the Care Act 2014, this framework strongly encourages partner organisations to establish a nominated safeguarding lead or Safeguarding Allegations Management Advisor (SAMA) to provide advice and guidance to their organisation and to maintain oversight of complex cases involving allegations against people in a position of trust. The SAMA



should have a significant level of expertise and knowledge in adult safeguarding, and they should also have an operational leadership role in respect of their organisation.

4. Applying this Framework in practice

4.1 This section provides guidance on how concerns should be reported and the process to be used to respond to these. As this is an overarching framework, individual organisations will be responsible for providing detailed guidance for staff reflecting any organisational requirements and standards that must be followed.

4.2 If a 'person in a position of trust' is alleged to have abused or harmed an adult with care and support needs, or who may pose a risk of abuse to an adult with care and support needs, it is essential that the concerns are appropriately reported and responded to under the Berkshire Multi-agency Policy and Procedures (2016). [Home Of Berkshire Safe Guarding For Adults \(berkshiresafeguardingadults.co.uk\)](http://berkshiresafeguardingadults.co.uk)

4.3 Concerns need to be raised at the earliest stage. Examples of concerns could include allegations that 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 or child.
- 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 or a child.

4.4 Concerns could also arise from the person's home / personal life, as well as within their work and may include situations such as:

- A person has behaved (or is alleged to have behaved) towards another adult in a way that indicates they may pose a risk of harm to adults with care and support needs. For example, this may include situations where a person is being investigated by the police for domestic abuse to a partner and undertakes voluntary work with adults with care and support needs.
- A person has behaved (or is alleged to have behaved) towards children in a way that indicates that they may pose a risk of harm to adults with care and support needs. For example, this may include situations where a person is alleged to have abused a child and is a student undertaking professional training to work with adults with care and support needs.
- A person is the subject of a formal safeguarding enquiry into allegations of abuse or neglect which have occurred in one setting. However, there are also concerns that the person is employed, volunteers or is a student in another setting where there are adults with care and support needs who may also be at risk of harm.
- 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's designated officer (LADO).

4.5 The purpose of the process is to ensure that risks potentially posed by the person are appropriately managed, alongside the specific safeguarding needs of the adult at risk. Allegations must be investigated promptly in line with the organisation's internal allegations management policy. In the interests of transparency and accountability, organisations must ensure clear recording of decisions and recommendations arising from the investigation.



4.6 Where a formal section 42 safeguarding enquiry is being undertaken, the allegations management function can be carried out as part of the enquiry process, and this should include:

- An assessment and management of risk posed by a ‘person in a position of trust’ to be considered in the initial safeguarding planning meeting and subsequent meetings.
- Any action taken in respect of a person to be included in the safeguarding enquiry report.
- Supporting documentation be reviewed as part of the Checking and Review stage of the safeguarding enquiry.
- Further actions to safeguard or manage risk should be included in the safeguarding plan.

4.7 Where a formal section 42 safeguarding enquiry is *not* being undertaken, a decision will need to be made on which agency will lead on the allegation management framework:

- For those agencies considered local authority’s relevant partners, as set out in section 6 (7) of the Care Act, the employing agency will take the lead and will provide assurance directly to the SAB that they are discharging their responsibilities effectively.
- In individual cases where clarification is required on if the PiPoT notification should be made to the local authority or relevant partner, contact the local authority for advice. Contact details are supplied in [Appendix C](#).
- For those agencies not falling within this group, following referral of the allegation by the employing agency or other party (e.g. Police, LADO, Partner agency) using the *PiPoT Notification Form*, the Local Authority will screen the referral and determine what action needs to be taken.
- In criminal cases the Police may be the lead agency. The Local Authority should consider convening a ‘Managing Concerns Meeting’ (supported by the template at [Appendix D](#)) to assess and determine the actions required to manage the risk posed by a ‘person in a position of trust’. Such meetings may need to include the:
 - Care Quality Commission,
 - Safeguarding lead,
 - LADO,
 - Commissioning,
 - Contracts,
 - Police,
 - and other relevant parties where appropriate to the case.
- Individual organisations will determine who should chair such meetings. The purpose of a ‘Managing Concerns Meeting’ ([Appendix D](#)) is to undertake a collaborative assessment of the level of risk posed by the person about whom concerns have been raised and to clarify what proportionate information should be shared with the employer. The sharing of information will be justifiable and proportionate based on an assessment of the potential or actual harm to adults or children at risk balanced against the impact on the rights of the person about whom concerns have been raised.

4.8 Where it is necessary to refer individuals to the DBS and/or the relevant professional body, these referrals will be made promptly and, in any event, no later than five working days from when the case is concluded.

4.9 For ease of reference, the pathway for referrals is simplified in [Appendix E](#).



5. Information Sharing

5.1 In cases involving an allegation against a person in a position of trust, a balance must be struck between the duty to protect people with care and support needs from harm and/or abuse and the effects upon individuals of information about them being shared.

5.2 Decisions should be mindful of the following principles set out in the Human Rights Act (1998):

- Article 6 – the right to a fair trial.
- Article 8 – right to respect for private and family life.

5.3 Decisions about sharing of information must be made in accordance with the Data Protection Act 2018. Data Protection should not be used as a barrier to prevent access or sharing of information. Its purpose is to set out a framework to ensure information is handled securely, safely and used for a specific purpose/objective.

5.4 Decisions on sharing information must be justifiable, proportionate, and based on the potential or actual harm to adults or children at risk. The rationale for decision-making should always be recorded. When sharing information between agencies about adults, children, and young people at risk it should only be shared:

- Where relevant and necessary, not simply sharing all the information held.
- With the relevant people who need all or some of the information; and
- When there is a specific need for the information to be shared at that time.

5.5 There may be times when a person is employed to work with adults but their behaviour towards a child or children (for example outside of work) may impact on their suitability to work with adults. Likewise, there may also be times when a person's conduct towards an adult outside of work may impact on their suitability to work with or continue to work with children. All these situations must be risk assessed individually in order to make a decision about referring the case to the relevant organisation.

5.6 Refer to the Berkshire Information Sharing Protocol: [Information Governance](#)

5.7 Informing the person about whom concerns have been raised:

- a) Unless it puts the adult at risk or a child in danger or interferes with police or other investigations, the person should be informed that an allegation has been made against them and that it may be shared with their employer. They should be offered a right to reply. In the event of Police involvement, they should take the lead in deciding what information can be shared and when.
- b) If possible, the persons consent should be sought to share information and they be advised what information will be shared, how and with whom. Each case must be assessed on its own individual merits as there may be cases where informing the person about details of the allegation, increases the risks to a child or adult at risk, in which case it may need to be shared without consent.
- c) The person should be given the opportunity to inform their employer themselves – sometimes the immediacy and nature of the risk won't allow for this.
- d) If after consideration, information is disclosed, the Lead organisation should check appropriate information has been shared with the employer to enable them to assess risk and review the suitability of the person continuing to work and any other actions required.



- a) **5.5 Informing the employer:** If concerns arise in the person's personal or private life, or in another work setting, the decision to share information must be justifiable and proportionate and based on the potential or actual harm to adults at risk. The decision to share information and the rationale for doing so should be recorded.
- b) Decisions about sharing information should consider the key question of 'whether the person has behaved or may have behaved, in a way that questions their suitability to undertake their current role or to support adults at risk'.
- c) The following issues should be taken into consideration when making decisions about sharing information.
- Nature and seriousness of the actions/behaviour.
 - The context within the actions/behaviour occurred.
 - Frequency or patterns of actions/behaviour.
 - Time elapsed since the alleged behaviour
 - The person's current attitude towards the alleged behaviour
 - Nature of the person's access/role with adults at risk.
 - Potential impact on an adult with care and support needs.
- 5.6 Informing other local authorities:**
- a) If the person is employed, volunteers or is a student (paid or unpaid) in another local authority area, inform the relevant local authority area.
- b) If there is also a risk to children, also inform the relevant LADO.
- 5.7 Working jointly with the police:**
- a) If the concern involves possible criminal offences to either an adult or child, liaise with the police about the need for possible criminal investigation.
- b) When the police are undertaking criminal investigations, they have a common law power to disclose sensitive personal information to relevant parties where there is an urgent 'pressing social need'.
- c) A pressing social need might be the safeguarding or protection from harm of an individual, a group of individuals, or society at large. This could include informing a relevant employer about criminal investigations relating to their employee where this has been assessed as necessary and appropriate in a particular case.
- 5.8 Informing Commissioning and Contracts Teams:**
- a) Where the concerns involve a person working in a commissioned service, inform the relevant commissioning/contracts team.
- b) Within their own procedures, commissioning/ contracts teams can take action as deemed appropriate to ensure the service has appropriate standards of practice to prevent and respond to any future risk of harm.
- 5.9 Informing the Care Quality Commission:**
- a) If the person is employed or volunteers for a regulated service provider, CQC should be informed.



- b) CQC can take action as deemed appropriate within their own procedures to ensure the service has appropriate standards of practice to prevent and respond to any future risks of harm.
- c) This includes the employer's 'fitness' to operate and responsibility to safeguard adults at risk.

5.10 Informing Professional Bodies:

- a) 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.
- b) A Professional Body has a range of options. These usually include suspending the person from practice, de-registering them or imposing conditions of practice that the person must work under.
- c) See [Appendix A](#) for more information about referrals to Professional Bodies.

6. Risk Management

6.1 Employer risk assessment and management process:

- a) The organisation must have a mechanism for gaining assurance that the presenting risks have been appropriately assessed and responded to seeking evidence of the action taken as required.
- b) Employers are responsible for assessing the risk in the context of their service. Only the employer has the power to suspend an employee, redeploy them or make other changes to their working arrangements, and so must be responsible and accountable for the decision reached.

6.2 Risk management arrangements are the responsibility of the employing organisation taking into account their assessment of the risk, their own internal policies and procedures, and employment law.

6.3 Review of working arrangements:

- a) The employer is responsible for assessing and managing the risk of harm posed by the person taking into account the nature and seriousness of the allegation harm to any patients/service users, and the risk of repeated incidents/on-going behaviour.
- b) Sometimes the employer will need to consider suspending an employee -this should not happen automatically but only after they have considered if the circumstances of a case warrant a person being suspended until the allegation is resolved.
- c) Whilst it's the employer who makes this decision, it is entirely reasonable for the local authority to request a risk assessment or explanation on how they have reached that decision, where the employer has decided NOT to suspend or apply any proportionate sanctions to the person who has had an allegation made against them.
- d) The employer should also make arrangements to keep the individual informed about developments in the workplace

6.4. Supervision and Training

- a) Supervision and training may be relevant to managing aspects of a presenting risk.



- b) Supervision is a formal process ensuring the performance of each member of staff in a team, section, or unit is evaluated and reviewed so that, where necessary, learning and change can take place. Supervision is an important vehicle for meeting practice standards.
- c) Supervision should address any issues of practice that are below the expected standard; and be used to ensure the practice of employees and volunteers reflects essential values and principles of practice, including choice, capacity, consent, privacy, dignity and respect to patients/service users, as well as the promoting safeguarding and individual wellbeing.
- d) Training should be used to ensure employees, students and volunteers have the appropriate skills, knowledge and attitudes; but also, in response to identified needs as may emerge from practice, supervision or personal development programmes.

6.5. Suspension

- a) Suspension may not be required if risks can be managed through changes to working arrangements such as:
 - Not working with a particular patient/service user
 - Working in a non-patient/service user contact role whilst the allegations are being investigated.
- b) If a person is suspended, they are entitled to know in broad terms the reasons for this.
- c) Whilst an individual must be afforded the right to respond, this must be at an appropriate time.
- d) Care should be taken to ensure information is not shared at the point of suspension that may prejudice a subsequent enquiry/investigation or place any person at additional risk.
- e) Suspension should always be considered in any case where there is cause to think: an adult with care and support needs is at further risk of abuse or neglect, or the allegation warrants investigation by the Police, or is so serious that it might be grounds for dismissal, or the presence of the person in the workplace will interfere with the enquiry/ investigation process.

7. Support for the person against whom allegation have been made

7.1. Alongside the duty of care towards the adult at risk, is the duty of care to the employee. The employer needs to provide support to minimise stress associated with the process, this may need to include:

- Support to understand the procedures being followed
- Updates on developments
- Opportunity to respond to allegations/concerns
- Support to raise questions or concerns about their circumstances.

7.2. There may be limitations on the amount of information that can be shared at a particular time in order not to prejudice any enquiry/investigation or place any person at risk. Support may be available via occupational health or employee welfare arrangements where they exist. If the person is a member of a union or professional association or network, they should be advised that they may wish to seek support from that organisation.



7.3. The person may also wish to seek independent advice regarding employment issues. Such advice and support, however, should be supplementary to that provided by the employer. There may be occasions where there is a need to agree changes to the person's working arrangements or to the support provided, to safeguard them from unfounded allegations in the future.

7.4 Unsubstantiated and False Allegations

Where it is concluded that there is insufficient evidence to substantiate an allegation, the Senior Manager of the employer should have been involved in the information sharing and decision making to this point, which enables them to consider what further action, if any, should be taken, taking into account the advice of the Designated Officer. False or vexatious allegations may be a strong indicator of abuse elsewhere which requires further exploration. If it is established that an allegation has been deliberately invented, the police should be asked to consider what action may be appropriate.

8. Disciplinary hearing processes and responsibilities

8.1. The need for, and timing of, a disciplinary hearing is a decision for the employer and will depend on the specific circumstances of the situation. Consideration should be given to whether the decisions or findings within any police or safeguarding adults process may potentially affect decision making within the disciplinary process, and vice versa. Such decisions will need to be reached on a case-by-case basis.

8.2. Disciplinary hearings will be focused on the conduct of the individual as an employee. Decisions reached should, however, also give due consideration to the organisation's responsibility to safeguard children and adults at risk. Employers who are also service providers or service commissioners have not only a duty to the adult at risk but also a responsibility to act in relation to the employee when allegations of abuse are made against him or her. Employers must ensure that their disciplinary procedures are compatible with the responsibility to protect adults at risk of abuse or neglect.

8.3. 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. Please see [Appendix B](#) for more information about DBS referrals.

8.4. Where it is necessary to refer individual employees to the DBS and/or the relevant professional body, these will be made promptly and as soon as possible once the investigation has concluded. This includes sharing with the professional body, the supporting evidence required as part of the referral.

9. Recording and data collection

9.1. Individual organisations should maintain appropriate records of cases in line with the Data Protection Act 1998 requirements and individual organisational policies around information governance and record retention.

9.5. Individual organisations should also establish monitoring arrangements to enable activity relating to allegations against staff to be tracked. Collated anonymised information about the number and nature of allegations made and their outcomes should be produced at least annually, and these reports shared with relevant boards, committees, and leadership teams to inform service improvement and development.



10. Local Authority Designated Officer (LADO)

If the person may pose a risk to children/young people in the course of their work, paid or unpaid, the LADO should be informed without delay. Each local authority has a Local Authority Designated Officer (LADO) who receives reports about allegations made against individuals that work with children.

The LADO provides advice and guidance to organisations, liaises with other agencies when there are allegations, and monitors the progress of any allegations ensuring that they are dealt with as quickly as possible, consistent with a thorough and fair process.

Where a person may pose a risk of harm to both adults and children's a decision will be made between the LADO and the professional leading on the PiPoT to agree how the processes will work together. Disagreements should be managed through SABs escalations policies.

Contact details for LADO's across Berkshire can be found here:

[Bracknell Forest Council](#)

[Reading Borough Council](#)

[Royal Borough of Windsor and Maidenhead](#)

[Slough Borough Council](#)

[West Berkshire Council](#)

[Wokingham Borough Council](#)

11. Assurance to Safeguarding Adults Boards (SAB)

11.1 Each partner agency will be required to provide assurance to their SAB that the Person in Position of Trust arrangement within their organisation are functioning effectively.

11.2 It will be for individual SABs to determine how this assurance is obtained.

12. Appendices

- [Appendix A: Referrals to Professional Bodies](#)
- [Appendix B: Referrals to the Disclosure and Barring Service \(DBS\)](#)
- [Appendix C: Framework for the management of allegations against people in positions of trust \(PiPoT\) – Notification Form](#)
- [Appendix D: Framework for the management of allegations against people in positions of trust \(PiPoT\) – Meeting Template](#)
- [Appendix E: Framework for the management of allegations against people in positions of trust \(PiPoT\) – Decision to refer pathway](#)

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