

Bolton Safeguarding Adults Board

Managing Allegations

Framework and guidance for responding to allegations against a Person in a Position of Trust

(PiPoT)

March 2023

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1. Introduction

- 1.1 Care and Support Statutory Guidance ('CASS Guidance') to the Care Act 2014 requires Safeguarding Adults Boards to have in place a framework and process for any organisation to respond to allegations against people who work with adults with care and support needs, in either a paid or unpaid capacity.
- 1.2 The purpose of this guidance is to provide a framework, to inform and support partner agencies to the Bolton Safeguarding Adults Board ('BSAB'), in ensuring a consistent and appropriate response to managing allegations against a person in a position of trust ('PiPoT'), that may affect the suitability of the PiPoT to work with adults in need of care and support (hereinafter referred to as "adults at risk").
- 1.3 This framework is to ensure that appropriate actions are taken to manage allegations regardless of whether they are made in connection with the PiPoT's employment, in their private life, or in any other capacity and is focussed on the management of risk based on an assessment of abuse, harm or potential abuse or harm against adults at risk.
- 1.4 It also outlines the role of the Local Authority Adult Social Care department once a PiPoT referral has been received by their team and provides a framework to ensure appropriate actions to identify, assess and manage risk are completed.

2. Scope

- 2.1 This guidance applies to all PiPoTs. This work may be paid or unpaid and covers situations where one person uses that position to their advantage to commit a crime or to injure the victim in some way. The adult at risk may be deterred from making a complaint or taking action out of a sense of loyalty, fear of abandonment or some other repercussion.
- 2.2 The focus of this framework is to safeguard one or more identified adults at risk. Safeguarding duties apply to an adult who has needs for care and support (whether or not the local authority is meeting any of those needs) and, as a result of those needs:
 - Is experiencing, or at risk of abuse or neglect, and/or
 - Is unable to protect themselves from either the risk of, or the experience of abuse and neglect.

- 2.3 There are occasions when concerns/incidents/allegations are reported that do not involve an adult at risk but indicate that a risk may be posed to such an adult. On these occasions the PiPoT process should be followed.
- 2.4 In this guidance, the term “employer” refers to the organisation that has a working relationship with the adult against whom the allegations have been made. This includes employment agencies, voluntary organisations, etc.
- 2.5 The Bolton Safeguarding Adult Board (BSAB) requires its partner agencies, and all those providing support to adults at risk to be individually responsible for ensuring they adopt and implement this Framework and maintain clear organisational procedures for dealing with position of trust concerns.

3. Legislation and guidance

3.1 In addition to the Care Act 2014 and the CASS guidance, there are additional existing pieces of legislation and guidance, which place a duty of care on the Safeguarding Adults Board and its partners to protect adults at risk, which should be read in conjunction with this framework. These include:

- The Data Protection Act 2018 in conjunction with the UK General Data Protection Regulation (UKGDPR)

[Data Protection Act 2018 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

- Information Sharing (HM government) 2018

[Information sharing: advice for practitioners \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk)

- Human Rights Act 1998

[Human Rights Act 1998 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

- The Vulnerable Groups Act 2006 (as amended by The Protection of Freedoms Act, 2021)

[Safeguarding Vulnerable Groups Act 2006 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

- Domestic Abuse Act 2021

[Domestic Abuse Act 2021 \(legislation.gov.uk\)](#)

- Crime & Disorder Act 1998

[Crime and Disorder Act 1998 \(legislation.gov.uk\)](#)

- Rehabilitation of Offences Act 1974, as amended.

[Rehabilitation of Offenders Act 1974 \(legislation.gov.uk\)](#)

- Equality Act 2010

[Equality Act 2010 \(legislation.gov.uk\)](#)

- Mental Capacity Act 2005

[Mental Capacity Act 2005 \(legislation.gov.uk\)](#)

- Public interest Disclosure Act 1998

[Public Interest Disclosure Act 1998 \(legislation.gov.uk\)](#)

- Disclosure and Barring Service Guidance, outlining appropriate levels of DBS checks.

[DBS checks: guidance for employers - GOV.UK \(www.gov.uk\)](#)

[Circumstances involving NHS organisations.](#)

Safeguarding Children, Young People and Adults at Risk in the NHS: Safeguarding Accountability and Assurance Framework (SAAF) 2022.

The NHS assurance framework sets out specific expectations in circumstances involving all individuals working in providers of NHS funded care settings and NHS commissioning organisations. NHS services will need to ensure they have arrangements in place to work in accordance with the NHS Assurance Framework.

4. Threshold for the PiPoT procedures to be engaged.

4.1 As an employer it is important for one to be clear about the distinction between an

allegation, a concern or a complaint. The threshold for a PiPoT referral is that an **allegation**, rather than a concern or complaint, has been made.

4.2 A Concern

4.2.1 “Behaviour which is of concern to a manager or employer, identified through the normal employer/employee relationship”.

4.2.2 A concern is an expression of dissatisfaction about a member of staff. Most concerns are likely to be minor. Some will not give rise to any ongoing concern and, accordingly, may be most appropriately dealt with by means of management guidance and/or training.

4.2.3 Concerns may arise from several sources, including a suspicion or a direct complaint from an adult at risk, or their carer or any other adult outside of the organisation, it may also be as a result of vetting checks.

4.2.4 A concern does not mean that it is insignificant; it means it does not meet the harm threshold for an allegation as outlined in paragraph 4.4 of this document. All concerns, no matter how small, must be reported to a Designated Named Senior Manager or Designated Safeguarding Lead within their organisation and dealt within under internal complaints and human resources procedures.

4.3 A Complaint

4.3.1 A complaint is usually where the conduct of the individual has breached the professional boundaries policy and includes:

- Failure to follow policy, procedures or guidance.
- Any breach of data protection or confidentiality
- Worsening of low-level issues or concern regarding the day-to-day care or education provided.

4.3.2 A complaint would not usually meet the threshold for a PiPoT referral, however, depending on the nature of the complaint, it should be referred to a Designated Named Senior Manager or Designated Safeguarding Lead within their organisation, to confirm that the matter should follow internal complaints and human resources procedures.

4.4 An Allegation

4.4.1 The CASS Guidance outlines the following as to what constitutes allegations which meet the threshold to be dealt with under PiPoT procedures. These are when a person in a position of trust 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
- 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)

4.4.2 An allegation does not have to be in relation to an adult at risk. The below examples highlight a transferrable risk, which may be posed by a PiPoT to an adult at risk that they are working with. On these occasions, the PiPoT process should be followed. Please note that this is not an exhaustive list but provides some examples:

- 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.

5. Informing the PiPoT about the allegation

5.1 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.

5.2 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.

- 5.3 If it comes to light that the employer is already aware and they are responding to the concern and managing risk, a decision will be made who is the most appropriate agency to inform the PiPoT that a concern has been raised to the Local Authority Adult Social Care Team.
- 5.4 Objections to sharing information with the PiPoT should be recorded by the employer and the Designated Safeguarding Lead.
- 5.5 When informing the PiPoT, the employer or agency, should also have due regard to the responsibilities of organisations managing allegations in paragraph 6 below.

6. Responsibilities of Organisations Managing Allegations

- 6.1 In line with the Care Act, 2014 and the CASS Guidance, all Employers, including BSAB members as laid out in statute; Local Authority, Greater Manchester Police, and, NHS GM Integrated Care Bolton Locality, and all Partner Agencies of the BSAB and Student Bodies, Voluntary and Independent agencies, and all those providing universal care and support services to adults at risk should have clear policies for responding to allegations against people who work in a position of trust, either in a paid or unpaid capacity in line with this BSAB Framework.
- 6.2 The below offers guidance that could be included in internal policies, this is not exhaustive, but serves as good practice guidance.
- 6.3 Internal policies should outline the following:
- 6.4 A clear distinction between an allegation, a concern about the quality of care or practice or a complaint, as highlighted at paragraph 4. above.
- 6.5 A Designated Named Senior Manager or Designated Safeguarding Lead to whom concerns, complaints and allegations should be reported to within the organisation.
- 6.6 An internal process for reporting a concern, complaint and allegation.
- 6.7 All allegations against an employee, student or volunteer who works with adults at risk should be reported immediately to the named Senior Manager or Designated Safeguarding Lead, within the organisation, this should include the process for dealing

with an allegation if the named senior manager or the Safeguarding lead is subject to an allegation.

- 6.8 Following an allegation, the employer, student body or volunteer organisation should have a procedure to assess and manage risk to adults at risk who use their services and take the required action to safeguard adults at risk, and a risk assessment must be put into place. In some cases, the PiPoT may be suspended from duty or other arrangements may need to be made to ensure the PIPO T is removed from contact with adults at risk, if deemed necessary.
- 6.9 Information in respect of any allegations should remain confidential and should not be shared with the wider workforce, in line with HR procedures for when allegations have been made against employees.
- 6.10 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. The employer or agency must consider carefully whether the circumstances that warrant suspension, seeking advice from their internal HR team. If internal procedures determine that immediate suspension is considered necessary, the rationale and justification for taking this action should be recorded and include what alternatives to suspension have been considered and why they are not appropriate. In line with best practice, the PiPoT should be given written confirmation of suspension within 1 working day.
- 6.11 The policy should acknowledge that when allegations are made against a staff member, it can be an upsetting and distressing time for the individual of concern. Each organisation should identify, a named support to be provided to ensure the PiPoT receives the necessary support. This could include any staff welfare support that is available within the organisation.
- 6.12 Where an allegation has met the criteria as set out at paragraph 4.4 of this guidance, the relevant partner organisation must complete a PiPoT referral form and refer to the Local Authority Adult Social Care Team. PiPoT referral forms should be emailed to: PiPoT@bolton.gov.uk or alternatively contact the Adult Social Care Safeguarding Team Manager on: (01204 337000) to consider next steps.

- 6.13 If the incident occurs out of hours, and is of an emergency nature, then the police must be contacted on 999 or 101.
- 6.14 If there is an immediate concern that cannot wait until the next working day, then please contact the Emergency Duty Team on 01204 337777.
- 6.15 The employer should not ask the PiPoT any questions that will interfere with any criminal investigation and any evidence such as CCTV footage etc will need to be preserved.
- 6.16 Following the investigation, which will be carried out by the most appropriate agencies, a decision will be made about conclusion/outcome.
- 6.17 A police investigation will have priority over other investigations, the employer, student body or volunteer organisation must seek agreement from the Police to conduct their own investigation or to commence a parallel investigation.
- 6.18 If the case is a criminal investigation the Police should inform the employer, so that the Employer can take any immediate action to mitigate any risk. Each disclosure will be considered on a case-by-case basis under the Common Law Police Disclosure Process. When a criminal investigation or trial is complete, or if it decided to close the investigation without charge, or not prosecute after the PiPoT has been charged, this information from the police should inform if any further actions are necessary including any disciplinary action (e.g., misconduct, dismissal, transfer to alternative duties, increased supervision, training). The employer should ask the police to obtain consent from the individuals involved to share their statements and evidence for use in the internal investigation or any subsequent disciplinary process. This request should be made as the Police/Local Authority investigation proceeds and will enable the Police/Local Authority to share relevant information without delaying the conclusion of their investigation or any court case. The employer should always take advice from their HR and/or Legal Department.
- 6.19 The Employer/voluntary organisation/student bodies must have clear procedures in place setting out their internal investigation or disciplinary processes, including timescales, for investigation and what support and advice will be available to the individual whom allegations have been made against. Any advice or actions provided by the Police/Local Authority to the Employer/voluntary organisation/student bodies must be followed. The organisation must inform the relevant agencies such as Adult

Social Care and the Police of any action taken, and any referral to the Disclosure and Barring Service (DBS).

- 6.20 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.
- 6.21 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 the Local Authority Designated Officer (LADO) LADO@bolton.gov.uk.

7. Making a PiPoT referral

- 7.1 To raise a concern about a PiPoT please ensure the criteria set out of in paragraph 4.4 of this policy is met.
- 7.2 Complete the referral form in appendix 2 and send the completed form to Bolton Adult Social Care Team on: PiPoT@bolton.gov.uk
- 7.3 Alternatively, contact the Adult Social Care Safeguarding Team on: 01204 337000 to consider next steps and state you wish to raise a concern about a person in a position of trust.
- 7.4 If the incident occurs out of hours, and is of an emergency nature, then the police must be contacted on 999.
- 7.5 If there is an immediate concern that cannot wait until the next working day, then please contact the Emergency Duty Team on 01204 337777.
- 7.6 All information shared shall be subject to the local authority's Privacy Notice, any current Data Sharing Agreements between the BASB members and the requirements of the Data Protection Act 2018 and the UK GDPR.

8. What happens when a PIPOT Referral is made?

- 8.1 On receipt of a PiPoT referral, the Adult Social Care Team Manager will receive and screen the referral to check that the PiPoT criteria is met as set out in paragraph 4.4 of this policy. Previous referrals in regard of the PiPoT should also be considered in regard of any new referrals.

- 8.2 If the criteria for a referral is **not** met, the Adult Social Care Team Manager will feedback to the referrer and advice will be given on what action they need to take, if any. Note, 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.
- 8.3 If the criteria **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.
- 8.4 In addition to the Care Act 2014, local authorities have a duty to implement government guidance to protect those adults who may be vulnerable to abuse or neglect. Disclosing relevant information to reduce the risk of abuse and in the wider public interest is therefore a key responsibility. Multi-agency meeting, including strategy meetings, are therefore vital to the process.
- 8.5 Further to the investigation, a decision will be made as per the outcomes listed at 9.6 below and the PiPoT and any relevant professional bodies, agencies and individuals shall be advised as deemed appropriate.

9. The Strategy Meeting

- 9.1 The strategy meeting is a multi-agency meeting, that will consider the details of the allegation, consider if a crime has been committed, confirm all appropriate immediate actions are taken to protect adults at risk and children and ensure that any required risk assessments are in place establishing a coordinated approach to any further required actions. The meeting will also identify how the PiPoT will be supported and agree any further meetings required.
- 9.2 The strategy meeting will consider information sharing that is necessary justifiable and proportionate, any action taken is the result of sound decision making and measured against both the legal framework, the duty of care and the wider public interest, therefore consultation needs to take place both with the Legal Department of Bolton Council and the Council's Caldicott Guardian (Assistant Director for Social Care) prior to any sharing of personal and sensitive data.

Who will attend the strategy meeting?

9.3 The meeting will be attended by all appropriate and relevant parties, e.g., Social Care, the adult's Employer, Supervisor, Line Manager or HR Manager, Care Quality Commission, Health Agencies, Children's Services, Commissioners, Contract Teams, the

Social Worker of the adult at risk and Recruitment Agencies. If a criminal offence has been committed, a representative from the Police will be in attendance. This list is not exhaustive, and each referral should be considered on a case-by-case basis, regarding who to discuss/share information with.

9.4 If the PiPoT is self-employed it should be considered how the PiPoT's activity can be monitored or restricted through working with professional or regulatory bodies: e.g. Police, Health Care Professional Council, Care Quality Commission, Disclosure Barring Service, General Medical Council, and that appropriate information is included on any future DBS checks. The PiPoT should be informed of a referral to any professional or regulatory body, and it should be recorded at the strategy meeting, who will be responsible for undertaking this.

The Strategy Meeting will establish:

9.5 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.

Investigation Outcomes

9.6 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.

10. Informing the PiPoT

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

11. Resignations during investigation or before disciplinary

- 11.1 If a person subject to a PiPoT investigation, attempts to leave employment by resigning in an effort to avoid the investigation or disciplinary process, the employer (or student body or voluntary organisation), is entitled not to accept that resignation and conclude whatever process has been utilised with the evidence before them. If the investigation outcome warrants it, the employer can dismiss the employee or volunteer instead and make a referral to the DBS. This would also be the case where the person intends to take up legitimate employment or a course of study. The employer should inform the Adult Social Care Team Manager of the date of the referral to the DBS.
- 11.2 **‘Settlement agreements’** between the adult and employer where the individual may agree to resign and the employer agree not to pursue disciplinary action, therefore both parties agree the content of future references are **not** an appropriate response to safeguarding concerns and should **not** be agreed.

12. Substantiated Allegations – Notifications and Referrals to Other Parties

- 12.1 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.
- 12.2 **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.

12.3 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.

12.4 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.

13. Referrals to Local Authority Designated Officer (LADO) and Children and Families

- 13.1 When a person who works with children and has behaved in such a way that they are likely to harm or have harmed a child, it is the responsibility of the partner organisation to refer to the Local Authority Designated Officer (LADO) Bolton

Safeguarding Children Partnership (BSCP) within one working day. Contact details are as follows: -

Tel: 01204 337474 and complete the LADO referral form, which can be found at :- <https://www.boltonsafeguardingchildren.org.uk/managing-allegations> and then email to: lado@bolton.gov.uk.

13.2 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.

14. Information Sharing

14.1 Employers and Agencies will observe the 'Golden Rules' for information sharing. When sharing information about adults or children, between agencies it should only be shared:

- Where there is a legal justification for doing so.
- 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.

14.2 Decisions made about sharing information must be justifiable and proportionate, based on the risk of harm to adults or children. The rationale for sharing information should always be recorded. Any information shared will be in line with current law but in such a way that allows appropriate and proportionate enquiries, to be made that ensures adults with care and support needs are protected and public confidence in services is maintained. (Please refer to Appendix 3.).

15. Record Keeping

15.1 Robust and accurate record keeping is an integral part of adult safeguarding processes, to ensure that adults at risk are safeguarded, and that individuals and organisations are held accountable for their actions.

15.2 It is a requirement that a summary of any allegations made, and the outcome of any investigation is kept on the HR file of the person concerned. It is advised that.

employers/agencies keep records, which detail how the allegation was investigated, the rationale of how decisions were reached, and actions taken, in addition to copies of referrals to any professional bodies, etc.

15.3 Individuals subject to the allegation/concern should be made aware that the Criminal Records Bureau checks may reveal the outcome of strategy meetings, if the police have been in attendance.

16. The Role of the Bolton Safeguarding Adult Board

Each partner agency will be required to provide assurance annually to the BSAB that the PiPoT arrangements within their organisation, are robust and functioning effectively. PiPoT activity data may be requested to be reported to the BSAB on a quarterly basis.

17. Learning lessons

At the conclusion of a case the Safeguarding Service Manager should discuss with the employer or agency and any other appropriate partners whether there are any improvements / changes that could be made to their policy and practice to prevent similar future events. Any significant concerns or themes will be collated by the Local Authority's Adult Safeguarding Lead and shared with the Workforce Development sub-group of the BSAB. Where appropriate, a report will be presented to the BSAB to provide assurances and will feed into the annual report.

18. All Other Safeguarding Enquires

All other safeguarding concerns should be made via the Safeguarding Referral [Online Form](#)

Email: Safeguardingadults@bolton.gov.uk

In matters of urgency, please telephone 01204 337000 (office hours).

If the incident occurs out of hours, please contact: Emergency Duty Team on 01204 337777

Appendix 1 - Flow Chart

Has the PiPoT Criteria been met?

Has the person in a position of trust:

- 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 a transferable risk)?

Yes

No

Do not question the victim/witness.

Fully record initial account & what you observed / have been told

Allegation is passed to your named Senior Manager or Designated Safeguarding Lead

Do not wait to act!

If someone is at risk of immediate harm, contact the Police on 999

- Senior Manager / Designated Safeguarding Lead provides advice & guidance
- Agree if action required
- Record action, rationale & outcomes

- Complete the [PiPoT Referral Form](#) & send to PiPoT@bolton.gov.uk or ring the Adult Safeguarding Team Manager on 01204 337000
- Out of hours in an emergency ring the Police or 999 or 101
- Immediate concern that cannot wait until the next day? Ring the Emergency Duty Team on 01204 337777
- 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 a transferable risk)?
- 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.

Strategy meeting convened (refer to main Policy for detail), including what is needed to safeguard any adult (or children) at risk that the PiPoT had contact with.

Outcomes

- Substantiated – sufficient identifiable evidence to prove allegation(s)
- Malicious
- Not determined or inconclusive
- Not substantiated

Learning

At conclusion, Senior Manager / Designated Safeguarding Lead to discuss changes / improvements / learning with employer / partners

Appendix 2 - Referral form

Person in a Position of Trust Referral Form

Please complete ALL sections or the form will be returned to you

Referrer Information

Name of person completing the form

Role of person completing the form

Date when person completed the form

Where is person completing the form based
Please give full address

Phone Number and Email of person completing the form

Agency of Referrer

If Other, please give details

Alleged incident/concern

Date and time the incident took place

Where did the incident take place?

How did the concern first come to light, and to whom?

Is this an historical allegation?

Brief description of incident/concern including any injuries

Factual Details of Allegation: details of specific incident, date known to you, any evidence CCTV, witness etc.

Areas of adult at risk contact: (e.g., think about the wider areas of potential risk: family, employment,

unpaid contact with children, young people or adults at risk).

Specific Safeguarding concerns: are the police aware?

Primary abuse category of the allegation (see definitions)

Choose an item.

If you believe that secondary categories apply, please give details

Does this allegation involve a restraint? (See definitions)

Choose an item.

If yes, is than was this an authorised restraint?

Choose an item.

Subject of the allegation

Full name

If known by any other name(s), please give details here

Gender

Choose an item.

Ethnicity

Choose an item.

Date of Birth

Home Address

Job title/role

Does this person work in Bolton?

Choose an item.

Employment sector of the subject of the allegation

Self-Employed

If Other, please give details

Length of service in current post

Employer

Address of employment

Have there been other referrals regarding this setting?

If yes, please give details

In what basis is the person employed?

If Other or Volunteer, please give details

Any previous allegations or concerns against this person?

If yes, please give details

Does the concern involve additional subjects?

If yes, please give their details within the Additional Subject of Allegation

Adult at risk

Does this allegation concern a specific adult?

If yes, please complete the details below

Name

Gender

Ethnicity

Date of Birth

Address

Is the adult known to Social Care?

If yes, which Authority?

Please give details of the Social Worker below

| | |
|---|----------------------|
| Social Worker's Name | <input type="text"/> |
| Social Worker's Telephone | <input type="text"/> |
| Social Worker's email | <input type="text"/> |
| Has the adult person raised previous concerns? | Choose an item. |
| Has CCTV or other video footage been used? | Choose an item. |
| Have the Police been informed? | Choose an item. |
| Has a referral been made to Social Care? | Choose an item. |
| Does this allegation concern more than one adult? | Choose an item. |
| If yes, please provide details including Name, Address, DoB | <input type="text"/> |

Additional Subject of the Allegation

| | |
|---|----------------------|
| Full name | <input type="text"/> |
| If known by any other name(s), please give details here | <input type="text"/> |
| Gender | Choose an item. |
| Ethnicity | Choose an item. |
| Date of Birth | <input type="text"/> |
| Home Address | <input type="text"/> |
| Job title/role | <input type="text"/> |
| Does this person work in Bolton? | Choose an item. |
| Employment sector of the subject of the allegation | Choose an item. |
| If other, please give details | <input type="text"/> |
| Length of service in current post | <input type="text"/> |

Employer

Address of employment

In what basis is the person employed?

If Other or Volunteer, please give details

Any previous allegations or concerns against this person?

If yes, please give details

Does the concern involve additional subjects?

If yes, please give their details

Once completed, please return the completed form to PiPoT@bolton.gov.uk

APPENDIX 3: Data Protection Act 2018 and UK GDPR Overview

Both the Data Protection Act 2018 and the UK GDPR define the following:

Personal data

Personal data means data, which relates to a living individual who can be identified:

- from those data, or
- from those data and other information, which is in the possession of, or is likely to come into the possession of, the data controller

...and involves any expression of opinion about the individual and any indication of the intentions of the Data Controller, or any other person in respect of the individual.

Sensitive personal data, also known as special category data, in Article 9 of the UK GDPR data, means personal data consisting of information that is about:

- racial or ethnic origin
- political opinions
- religious beliefs, philosophical beliefs or other beliefs of a similar nature.
- Trade Union Membership
- genetic data
- biometric data for uniquely identifying an individual
- data concerning physical or mental health
- data concerning sex life or sexual orientation.

[The Data Protection Act 2018](#) states that data relating to criminal activity, whether that is in relation to an offence committed or alleged to have been committed, should be treated as special category data.

The Act regulates the “processing” of personal data. Processing in relation to information or data, means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including –

- organisation, adaptation or alteration of the information or data
- retrieval, consultation or use of the information or data
- disclosure of the information or data by transmission, dissemination or otherwise making available
- alignment combination, blocking, erasure or destruction of the information or data.

Data Protection principles

Article 5 of the UK GDPR lists the data protection principles:

- Personal data shall be processed fairly and lawfully and, in particular, shall not

be processed unless:

- at least one of the conditions in Article 6 is met, and
 - in the case of special category data, at least one of the conditions in Article 9 is also met
- Personal data will be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
 - Personal data shall be adequate, relevant and limited to what is necessary in relation to the purpose or purposes for which they are processed.
 - Personal data shall be accurate and where necessary, kept up to date. Every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.
 - Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
 - Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

Data Subject means an individual who is the subject of personal data. The data subject is the individual whom the particular personal data is about. The legislation does not count, as a data subject, an individual who has died or who cannot be identified or distinguished from others.

Data Controller means a person who (either alone or jointly with other persons) determines the purposes for which and the manner in which any personal data are, or are to be, processed. The Data Controller is considered the owner of the information and has responsibility for taking appropriate action i.e., risk assess and decide whether disclosure to other bodies should be made. The Data Controller must exercise control over the processing and carry data protection responsibility for it. The Data Controller must be a “person” recognised in law, that is to say:

- Individuals
- Organisations; and
- Other corporate and unincorporated bodies of persons.

Data Controllers will usually be organisations, but can be individuals, for example, self-employed consultants. An individual given responsibility for data protection in an organisation will be acting on behalf of the organisation, which will be the Data Controller.

The term Data Controllers can be used where two or more persons (usually organisations), act together to decide the purpose and manner of any data processing. Data Controllers must ensure that any processing of personal data, for which they are responsible, complies

with the Act. Failure to do so risks enforcement action, even prosecution and compensation claims from individuals.

Data Processor

In relation to personal data, means any person (other than an employee of the Data Controller), who processes the data on behalf of the Data Controller.

The Information Commissioners Office (ICO) is the regulatory body in the UK which upholds information rights in the public interest. Further information about data protection legislation can be found on their website - [Home | ICO](#)

[The Crime and Disorder Act 1998](#), states any person may disclose information to a relevant authority under Section 115 of the Act:

“Where disclosure is necessary or expedient for the purposes of the Act (reduction and prevention of crime and disorder)”

The Human Rights Act

The [Human Rights Act 1998](#), The principles set out in the Human Rights Act must also be taken into account within this framework in particular the following:

- **Article 6 – The right to a fair trial**
This applies to both criminal and civil proceedings with regard to the former, the person is presumed innocent until proven guilty according to the law, and has certain guaranteed rights to defend themselves.
- **Article 7 – No Punishment without law**
Article 7 provides protection against arbitrary prosecution, conviction and punishment. A person who claims that a public authority has acted or proposes to act in a way, which is unlawful by section 6(1) may,
 - a) bring proceedings against the local authority under this act in the appropriate court or tribunal or,
 - b) rely on the convention rights or rights concerned in any legal proceedings.
- **Article 8 – The right to respect for private and family life**
Article 8 gives everyone the right to respect for his private and family life and his correspondence.

Appendix 4 - Useful links

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

<https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs#should-i-make-a-referral-when-an-allegation-is-first-made-or-when-i-temporarily-suspend-someone>

Care And Support Statutory Guidance (Chapter 14)
<https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#safeguarding-1>

Regulation 7: Requirements relating to registered managers |Care Quality Commission (cqc.org.uk)
<https://www.cqc.org.uk/guidance-providers/regulations-enforcement/regulation-7-requirements-relating-registered-managers#full-regulation>

Safeguarding children, young people and adults at risk in the NHS Safeguarding accountability and assurance framework

https://www.england.nhs.uk/wp-content/uploads/2015/07/B0818_Safeguarding-children-young-people-and-adults-at-risk-in-the-NHS-Safeguarding-accountability-and-assuran.pdf

Abbreviations

PiPoT- Persons in a position of trust

CQC- Care Quality Commission

DBS-Disclosure and Barring Service

LADO-Local Authority Designated Officer

BSAB -Bolton Safeguarding Adult Board