



Adult Care and Quality Standards

The Management of Allegations against Persons in a Position of Trust (PiPoT) who work or volunteer with Vulnerable Adults in Waltham Forest

PiPoT Procedures

Adult Social Care
Peoples Services

Version Control Table

Version Number	Purpose	Author	Summary of Changes	Implementation Date	Approved By	Last Review Date	Next Review Date
1.0	To support staff to manage allegations against Persons in a Position of Trust (PiPoT) who work or volunteer with Vulnerable Adults in Waltham Forest		New document	November 2022	Gillian Nash	November 2022	November 2024

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1. Introduction

- 1.1 The Waltham Forest PiPoT process and protocol was designed to support the implementation of Sections 14.120 to 14.132 of the Care and Support Statutory Guidance (updated January 2022). Waltham Forest Safeguarding Adults Board (WFSAB) agreed this process for management of significant allegations made against people who work or volunteer in Waltham Forest with vulnerable adults.
- 1.2 **These procedures apply to the Local Authority, all partner agencies, commissioned services and all those providing care and support services to vulnerable adults.**
- 1.3 **Employer should designate a named senior manager to whom allegations or concerns should be reported. Employers and voluntary organisations should have clear PIPOT policies in line with Waltham Forest Safeguarding Adults Board.**
- 1.4 Each partner agency will be required to provide assurance annually to the Waltham Forest Safeguarding Adults Board (WFSAB) that the PIPOT arrangements within their organisation are functioning effectively.
- 1.5 Allegations against people who work with adults at risk must not be dealt with in isolation. Any corresponding action necessary to address the welfare of adults with care and support needs should be taken without delay and in a coordinated manner, to prevent the need for further safeguarding in the future.
- 1.6 These procedures do not replace the statutory responses to S42 concerns and enquiries. They are considered in parallel. The purpose of PiPoT procedures is to ensure adults with care and support needs are safeguarded by way of ensuring that those who work or volunteer with them are safe to do so.
- 1.7 These procedures relate to circumstances when a relevant agency becomes aware of an allegation or concern that relates to the suitability of a professional, or volunteer who works with an adult or adults who is at risk. The allegation or concern can relate to their suitability to work with adults at risk or may be a concern in the personal life.
- 1.8 Any actions or interventions taken, to address concerns or allegations regarding a person in a position of trust, must be lawful and proportionate and in accordance with any relevant statutory legislation, such as the Data Protection Act 1998 & GDPR; Human Rights Act 1998 and employment legislation.
- 1.9 If the allegation is that the person in a position of trust has abused or neglected an adult at risk in their care, then the S42 Enquiry process

applies. Discussion will take place with the Safeguarding Adults Team Manager as to if the PiPoT process needs to also be used in parallel to the S42 enquiry.

2. Consultations with the Safeguarding Adults Team (PiPoT lead team)

- 2.1 The Safeguarding adults' team is available for consultation via email piopot@walthamforest.gov.uk. The consultation service is for anyone who has a concern that a person who works or volunteers in a capacity that brings them into contact with vulnerable adults in Waltham Forest, may pose a safeguarding risk.
- 2.2 Any allegations or concerns should be reported to the Waltham Forest Front Door WFDLiaison@walthamforest.gov.uk within 24 hours or one working day of it coming to notice.
- 2.3 In normal circumstances the Safeguarding Adults Team Manager will be contacted by the designated safeguarding lead or senior safeguarding lead for the organisation which employs the individual/s of concern. It is important to note that anyone can contact the PiPoT lead if they are concerned about a person's conduct with vulnerable adults.
- 2.4 In Waltham Forest the Safeguarding adults' team will offer a consultation for any person who wishes to discuss a concern that meets the criteria for PiPoT involvement.

3. Information Sharing

- 3.1 Waltham Forest has signed up to the Pan London Safeguarding Adults Data Sharing Agreement. If information is shared or disclosed it is done so in accordance with the 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. All information is in line with the Data Protection Act (1998) and GDPR. Advice can be found here [Social Care Institute for Excellence \(2019\) Safeguarding Adults: Sharing Information - Seven Golden Rules.](#)
- 3.2 It is important to note that legislation such as the GDPR is not a bar to information sharing but offers a framework to ensure that information sharing is proportionate and respects the rights of all of those involved.

Decisions on sharing information must be justifiable and proportionate, based on the potential or actual harm to adults or children at risk and the rationale for decision making should always be recorded. (s14.131 Care and Support Statutory Guidance).

3.3 Partner agencies and the service providers they commission, are individually responsible for ensuring that information relating to concerns about an adult in a Position of Trust are shared and escalated outside of their organisation where necessary and proportionate.

3.4 There is a power to share information and a duty to share information. The duty to share information with relevant partners to prevent abuse and crime is contained with the Care Act 2014 and Safeguarding Vulnerable Groups Act 2006.

4. Initial Considerations

4.1 The initial considerations for the PiPoT lead are if the person could be considered as working either paid or unpaid with adults at risk. In order to establish this the PiPoT lead would consider the following:

- If the member of staff is in a position of trust or authority
- Has used their role to access adults at risk
- Manages or facilitates access to an establishment where vulnerable adults are present
- Manages information that maybe considered to facilitate access to vulnerable adults

4.2 The PiPoT lead will then review the concern against the criteria set out in s14.123 of the Care and Support Statutory Guidance and consider if the threshold is met for PiPoT oversight. The threshold is:

- **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.**

4.3 Additional considerations for the PiPoT lead to consider if oversight is required include:

- **Has behaved in a way in their personal lives that raises safeguarding concerns. These concerns do not have to directly relate to adults with care and support needs but**

could for example, include arrest for possession of a weapon.

- **As a parent or carer, become subject to child protection procedures.**
- **Is closely associated with someone of concern in their personal lives.**

When a person's conduct towards an adult may impact on their suitability to work or continue to work with children, this must be referred to the Local Authority Designated Officer who can be contacted via email lado@walthamforest.gov.uk

5. Consultation when the above criterion is NOT met

- 5.1 Where an individual has contacted the PiPoT lead for a consultation and the PiPoT lead deems that the criteria above are not met, the PiPoT lead will provide advice, guidance and signposting as appropriate. Where appropriate the PiPoT lead will advise the individual to email a summary of the concern which will be replied to, for them to hold a record of the consultation.
- 5.2 The PiPoT lead will also record the consultation on the local authorities secure databased under the record of consultations recorded on the referring agencies record. In these circumstances, in line with GDPR, where the criteria above are not met, the name of the person is not recorded, but the referring agency and nature of the concern and advice given would be recorded.

6. Consultation when the above criteria ARE met

- 6.1 When an individual has contacted the PiPoT lead for consultation and the criteria is met, then the referrer will be asked to complete a PiPoT referral form. This will need to be emailed to the PiPoT lead at the following email address pipot@walthamforest.gov.uk
- 6.2 Where an individual sends a completed referral form, a case file will then be created on the local authorities secure database. A separate file will be set up in the name of the alleged person and the organisation. If the name of the alleged person is not known, then this will be recorded by organisation only.
- 6.3 A record will be created for the both the alleged perpetrator and the adult with care and support needs. An initial record will be made on both files, advising that a PiPoT referral has been received. All other

records related to the individual in terms of the allegation will be recorded on the alleged perpetrator record and will be a restricted record. This means that those persons without rights to have sight of these records cannot do so.

- 6.4 If following the initial consideration of the referral it is then deemed to not meet the PiPoT threshold above, then the secure database record will reflect the immediate closure of the referral without further PiPoT procedures being commenced. In terms of formal PiPoT outcomes (please see below) then the outcome in this circumstance will be recorded as not having met threshold or no further action.
- 6.5 If an allegation arises about a staff member and/or volunteer in their personal lives, then the PiPoT lead will need to consider if there is a pressing need to breach the individual's rights pursuant to Article 8 HRA (1998). If this pressing need test is deemed to have NOT been met, the PiPoT lead will not contact the employer, and the case will be closed. Advice may be given to other agencies/organisations to address these concerns. A pressing need will consider what the risk may be to adults with care and support needs if the information were not shared with the employer.
- 6.6 If the PiPoT lead determines that to not share the information with the employer would potentially place adults with care and support needs at risk of harm, then contact will be made with the employee/volunteer in the first instance to discuss. If to have this discussion would place adults with care and support needs or children at risk of harm then this discussion would not happen, and the reasons why will be recorded.
- 6.7 The discussion with the employee/volunteer will be to discuss the concern raised and consider with them the best way forwards. If the PiPoT lead still considers that discussion with the employer still needs to happen this will be discussed with the employee/volunteer and they will be advised of who will be told, the rights of confidentiality in the workplace and what the employer will be advised.
- 6.8 The employer will be advised to consider the information within a risk assessment with the employee. There will be a discussion about steps which can be taken to safeguard adults with care and support needs and the employee from the risk of harm. The employer will be advised to seek HR advice. The PiPoT lead will make recommendations, but it is the employers' responsibility to take any necessary actions.
- 6.9 If the PiPoT lead is concerned about the employer's response and considers that adults or children will be at risk of harm, then this will be escalated to the appropriate regulatory body/bodies where appropriate.

- 6.10 If the member of staff resides in a different local authority area than their workplace, consideration will be given by the PiPoT lead as to whether that local authority needs to take place to ensure any identified risk is considered.
- 6.11 In some cases, an allegation of abuse against someone closely associated with the staff member/volunteer (e.g partner, member of the family, other household member) may present a risk of harm to vulnerable adults for whom the staff member is responsible for through their employment/volunteering. In these circumstances a meeting/discussion should be convened to discuss:
- The ability and/or willingness of the staff member to adequately protect vulnerable adults
 - Whether measures need to be put in place to ensure the protection of vulnerable adults
 - Whether the role of the staff member is compromised by their association.

7. Management of Referrals to PiPoT

- 7.1 Where an allegation or concern is identified as a referral to the PiPoT, consideration will be given as to how best to investigate the allegation/concern. These could include police; Adult/Childrens social care; the employer under disciplinary procedures or a combination of these. In the first instance consideration **MUST** be given to assessing the immediate risk to adults with care and support needs. Actions should be agreed to mitigate or reduce this risk.
- 7.2 Where it is suspected that a criminal offence may have been committed, the police **MUST** be consulted by the PiPoT lead and in these circumstances a referral will be sent to the MASH police referrals desk for a strategy discussion.
- 7.3 Where this is not the case, or where the police and PiPoT lead agree that police involvement is not appropriate the PiPoT lead will consider how best to proceed with the employer. This can fall into three main strands:
- Whether a matter is complex or unclear, and/or it is unclear as to whether the threshold is met, the PiPoT lead should consider an **Initial Evaluation Meeting**.
 - Where there is no perceived threshold for the police and adults' social care, a recommendation will be made for the employer to conduct its own investigation into the allegation, overseen by the PiPoT lead. In these circumstances, an investigation approach

will be agreed including the timescales for the employer to feed back to the PiPoT lead. A copy of the employers' investigation report and any supporting evidence should be sent to the PiPoT lead for review. This enables independent oversight that individual and organisational safeguarding has been considered.

- Where information sharing is required with other agencies an initial **Allegations against Staff and Volunteers (ASV)** strategy meeting will be convened, where appropriate.

7.4 Where it is clear that the risk is deemed to require urgent action, the PiPoT lead will consider convening an ASV meeting following initial enquiries made by the police / social care.

8. Allegations against Staff/Volunteers Meeting (ASV)

8.1 Where the decision is made to convene an ASV meeting, the PiPoT lead will complete an invitation list. The PiPoT lead will send invitations to appropriate professionals via email. The PiPoT lead will ensure that there is a minute taker. The PiPoT lead will chair the meeting and should be attended by (where applicable)

- The 'employer'
- Responsible organisation for the adult with care and support needs
- The police
- An adult's social care manager and/or representative
- Regulatory representative (where appropriate)
- The designated CCG safeguarding lead – when an allegation concerns a health professional
- Any other professional deemed to have a role to support the PiPoT process and/or management of perceived risk

8.2 The meeting will not be attended by either the adult against who the allegation is made or the adult who is the alleged victim.

The ASV meeting will consider:

- That arrangements are made to protect the adult/adults involved an any other adults affected, including taking emergency action when needed.
- What support should be provided to the adult/s who may be affected and how they and/or their parents/carers are updated with the progress of the investigation.

- What support should be provided to the member of staff and others who may be affected and how they will be kept up to date with the progress of the investigation.
- Ensure that investigations are sufficiently independent.
- Make recommendations where appropriate regarding suspension, or alternatives to suspension.
- Identify a lead person within each agency.
- Agree protocols for reviewing investigations and monitoring progress by the PiPoT lead, having regard to target timescales.
- Consider issues for the attention of senior management (e.g., media interest, resource implications)
- Agree dates for future meetings/discussions.

8.3 Where a further meeting is required, for example to review the progress of investigations, this should occur as soon as possible to ensure that allegations are managed in a timely manner. Where a further meeting is not convened a review date will be set by the PiPoT lead.

8.4 All contacts with and actions completed by the PiPoT lead should be recorded in the subjects restricted secure database record. Where documents are provided or salient emails exchanged, these will be stored on the same subjected restricted record.

8.5 A final ASV meeting/discussion should be held to ensure that all tasks have been completed. This will include any referrals to DBS, if appropriate and any regulatory bodies. Where appropriate consideration should be given to agree an action plan for future practice based on lessons learnt.

8.6 At the final ASV meeting/discussion a final outcome will be agreed against one of the following definitions:

- **Substantiated**
There is sufficient evidence to prove the allegation. NB: this outcome should only be used if it is decided that the incident constitutes an allegation of risk/harm. If the facts of the incident are found to be true but this threshold has not been met, the consideration should be given to deciding that the outcome is unsubstantiated or unfounded.
- **Unsubstantiated**
Where it is concluded that there is insufficient evidence to substantiate the allegation, the chair of the meeting/discussion should make a record of the agreed outcome. The PiPoT lead will make a record of the agreed outcome with the employer and consider what if any further action should be taken.

- **False**
False allegations may be an indicator of abuse elsewhere which requires further exploration. If an allegation is demonstrably false, the employer, in consultation with the PiPoT lead, should consider if onwards referral to social care is required for determination of appropriate service provision and support.
- **Unfounded**
The additional definition of Unfounded can be used to reflect cases where there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted or was mistaken about what they say. Alternatively, they may not have been aware of all of the circumstances.

8.7 Cases in which an allegation was proven to be false, unsubstantiated, or malicious should not be included in any employer references. A history of repeated concerns which have all been found to be false, unsubstantiated, or malicious should also not be included in any reference.

8.8 The outcome as well as any further actions required will be records on the subjects restricted record and the database updated. A case note will be put on the subjects file by the PiPoT lead to confirm the actions taken and outcome.

9. Substantiated Allegations

- 9.1 Where an allegation is substantiated the ASV meeting/discussion will consider the following:
- Referral to the disclosure and barring service, who will complete this referral. This would usually be the employer
 - Notification to any regulatory body.
 - Disciplinary actions by the employer
 - Organisational learning
 - Training requirements

10. Disclosure and Barring Service

- 10.1 If, following an investigation a person in a position of trust is removed by dismissal because they pose a risk of harm to adults with care and support needs (or would have if they did not leave the organisation first), then the employer has a legal duty to refer the person to the

disclosure and barring service. It is an offence to fail to make a referral without good reason.

- 10.2 Where appropriate, employers should report workers to the statutory and other bodies responsible for professional's regulation such as the Health and Care Professions Council, General Medical Council and/or the Nursing and Midwifery Council.
- 10.3 If a person subject to a PiPoT investigation attempts to leave employment by resigning to avoid the investigation or disciplinary process, the employer is entitled to NOT accept the resignation and conclude it processes with the evidence before them.
- 10.4 In all cases, employers should seek HR advice.

11. Lessons Learnt

- 11.1 In all circumstances, the employer and PiPoT lead should consider the circumstances of the case to determine whether there are any improvements to be made to the organisation's procedures or practice. These should be recorded in the ASV meetings a appropriate.
- 11.2 Should the PiPoT lead decide that the organisations conduct regarding safeguarding processes and procedures raises concerns about the safety and welfare of other persons whom it works with, the PiPoT lead will make a referral to the LBWF High Risk Panel for a decision about any further actions.
- 11.3 All referrals' data (excluding identifying details) to the PiPoT team are considered by the Head of Settings and Workforce safeguarding quartley. Discussion may be had at the SAB or BMG for the Waltham Forest Safeguarding Adults Board. This allows for strategic consideration of borough safeguarding