



## Responding to Allegations Against a Person in a Position of Trust (PIPOT)

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### Introduction

The Care Act 2014 statutory guidance requires Safeguarding Adults Boards to establish and agree a framework and process to respond to allegations against anyone who works (either paid or voluntary capacity) with adults with care and support needs. A ‘Person in Position of Trust’ (PiPoT) is an employee, volunteer or student who works with individuals who have care and support needs.

This policy builds on existing statutory requirements for sharing information and addressing concerns about individuals in positions of trust.

This policy document should be read in conjunction with the Joint Multi-Agency Safeguarding Adults Policy and Procedures which are available on the City of York Safeguarding Adults Board (CYSAB) website.



### Scope

When concerns arise about an individual working or volunteering with adults who have care and support needs, the responsible organisation (including student bodies or voluntary groups) must assess any potential risk to those adults using their services and take appropriate action to safeguard them if necessary. The Care Act statutory guidance (s.14.123) states that allegations that relate to a person who works with adults with care and support needs could include:

- Concerns that a person 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

Concerns should be reported in line with safeguarding adults' procedures as a safeguarding concern. This policy does not override local policies and procedures held by partner organisations.

This policy covers all employees, volunteers, students, contractors, shared lives carers and anyone in a position of trust who has contact with adults with care and support needs. It includes concerns arising inside or outside the workplace (e.g., private life incidents that indicate transferable risk).

The following are excluded from this Policy:

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).



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Complaints about a care worker, professional or volunteer where concerns are raised about the quality of practice provided by the person in position of trust, but these do not pose a transferable risk to adults or children. Other relevant bodies and their procedures should be used to recognise, respond to and resolve these issues, such as complaints processes or contract management processes. This may also include referral to the Care Quality Commission (CQC), Nursing and Midwifery Council (NMC), General Medical Council (GMC), Social Work England (SWE) or similar.

If an allegation is made that concerns the actions of a professional, student or volunteer, which relates to alleged abuse or neglect of an adult with care and support needs and does not pose a risk to anyone other than that individual then a safeguarding concern should be raised in accordance with Section 42 (s42) of the Care act 2014 and can be raised [here](#).

### What is a “PiPoT”?

Under the Care Act 2014, a Person in a Position of Trust (PiPoT) refers to anyone whether paid, unpaid, a student, or engaged in charitable work who interacts with adults who have care and support needs.

A position of trust exists when the individual is likely to have contact with adults with care and support needs through their employment or voluntary role.

The role carries an expectation of trust.

The individual has, or could exercise, authority, power, or control over an adult. A PiPoT concern relates to a person who works with adults with care and support needs who has:

- Possibly committed a criminal offence against, or related to, an adult or child, or
- 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 in a way which may pose a risk to their professional work or volunteering role



## Legal Framework

### Adults with Care and Support Needs

Allegations involving adults with care and support needs must be managed under the Person in a Position of Trust (PiPoT) Framework, as outlined in the Care Act 2014 and Care and Support Statutory Guidance (Section 1.5).

### Children

For allegations against adults who work with children, the process is overseen by the Local Authority Designated Officer (LADO) in accordance with Working Together to Safeguard Children (2023) statutory guidance.

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 Designated Officer (LADO) within one day. Further information on how to refer to the LADO can be found <https://www.saferchildrenyork.org.uk/safeguarding-information/allegations-childcare-workers-professionals>

### Human Rights Act 1998

The principles outlined in the Human Rights Act 1998 must be considered within this framework, particularly the following articles:

*Article 6 – Right to a Fair Trial.* This applies to both criminal and civil proceedings. In criminal cases, individuals are presumed innocent until proven guilty according to law and have guaranteed rights to defend themselves.

*Article 7 – No Punishment Without Law.* Article 7 protects individuals from arbitrary prosecution, conviction, and punishment. A person who believes a public authority has acted, or intends to act, unlawfully under Section 6(1) may:

Bring proceedings against the authority under this Act in the appropriate court or tribunal; or rely on the relevant convention rights in any legal proceedings.

*Article 8 – Right to Respect for Private and Family Life.* Article 8 provides everyone with the right to respect for their private and family life, home, and correspondence.



### **The Crime and Disorder Act 1998**

This act 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).”

Crime and Disorder Act 1998

### **Information sharing**

Decisions about sharing information must be justifiable, reasonable, and proportionate, based on the potential or actual risk of harm to adults or children. The rationale for any decision to share information must always be clearly recorded.

#### **Conditions for Sharing Information**

When sharing information between agencies about adults or children, it should only occur:

- Where there is a lawful basis or legal justification for sharing.
- Where the information is relevant and necessary - not all information held, only what is required.
- With individuals or agencies who need the information, in full or in part, to carry out their role.
- When there is a specific and timely need for the information to be shared.

Disclosure to third parties requires an assessment of the person's Article 8 Human Rights balanced against the potential risk to the adults in the person's care.

If a person has been arrested and are employed and/or undertake voluntary work the person may receive a common law disclosure notice. The police have a responsibility to disclose certain information to third



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parties to enable them to consider risk alleviation measures in respect of an employment or volunteering role undertaken by that individual.

City of York Safeguarding Adults Board (CYSAB) have a Safeguarding Adults York Privacy Notice which can be viewed here:

<https://www.safeguardingadultsyork.org.uk/terms-conditions/safeguarding-adults-york-privacy-notice>.

## Process

### How to make a referral

Partner organisations should complete a referral if they are made aware of information that may affect the suitability of a professional, volunteer or student to work with adults with care and support needs.

A referral should be made if a person in a position of trust is alleged to have:

- 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

Referrals are made via the form on the City of York Safeguarding Adults Board website here:

<https://www.safeguardingadultsyork.org.uk/information-professionals/people-positions-trust-referral-form>

When a referral is received via the PiPoT inbox a Safeguarding Adults Manager will then contact the referrer for an initial discussion and depending on the circumstances may discuss the content and further actions with key agencies including police, adult safeguarding leads from health agencies / hospitals, HR departments, LADO (Local Authority Designated Officer).

Initial discussions above may lead to a meeting involving all appropriate agencies. The focus of the meeting will be to determine what actions are required, who will undertake actions and by when. It will also be agreed who will be responsible for contacting and updating the PIPOT and the meeting will decide what information can be shared at this point.



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A possible outcome of an allegation of inappropriate behaviour may be to consider actions under disciplinary procedures and a referral made to an appropriate professional body. The PiPoT may be required to undertake further training or their duties or responsibilities changed. Timescales for actions will be agreed to ensure the process is concluded in a timely way.

If a decision is made to suspend the PiPoT this will be made by their employer and should be viewed as a neutral act to protect and support the PiPoT and not viewed to be a decision of guilt at this point by the employer / PIPOT process.

The employer will provide the PiPoT with specific details of how any disciplinary interviews will be conducted and who will be present and also discuss representation to support.

If an allegation is found to be malicious this will be clearly recorded with the employer and any other agency records. There may also be a discussion with Police regarding any further action they could pursue against the source of the allegation.

There will be a record of the outcome of the investigation, and it will be agreed who will inform the PiPoT of the outcome, the information to be shared, how and by when.

It is recognised that having an allegation made about a PiPoT can cause stress and anxiety. A point of contact will be provided to the PiPoT by their employer, this may be the person identified in the PIPOT meetings who provides you with updates.

The employer should also advise the PiPoT of any other support you can access such as counselling services or occupational health services.

### **What happens at PIPOT meetings?**

Formal meetings will usually be chaired by an Adult Safeguarding Manager.

The employer is required to attend the meeting. The Police, Human Resources representative and any other relevant agency or person may also attend. The PIPOT will not be involved in this meeting.

At the closure meeting, the outcome of the investigation, enquiries and disciplinary process will be shared appropriately and proportionately.



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### Responsibilities of partner organisations managing concerns within employment

Employers, student bodies and voluntary organisations should have clear procedures in place setting out the process, including timescales for investigation and what sources of support and advice will be available to individuals against whom allegations have been made, in accordance with Employment Law:

- Employers, student bodies and voluntary organisations should have their own Human Resources (HR) policy and source of HR advice and legal advice, for dealing with concerns about an employee who is a PiPoT.
- Any allegation against an employee, student or volunteer who works with adults should be reported immediately following internal policies and procedures to a Safeguarding Concerns Manager or Safeguarding Lead, within the organisation.
- It is the responsibility of the employer, student body or volunteer organisation to follow their own procedures to assess and manage risk to adults with care and support needs who use their services, and to take action required to safeguard those adults.
- It is also the responsibility of the employer to notify the Professional Bodies where the PiPoT is a registered professional.



“if a concern is raised about an employee 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 and this could also include informing any other employer subject to checks and balances outlined in your internal guidance...”

Care and Support Statutory Guidance: Paragraph 14.122

If an organisation permanently 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 (DBS) and the relevant regulatory body (where applicable).

### **Referrals to Disclosure and Barring Service (DBS), Regulatory Bodies and the Care Quality Commission (CQC)**

#### *Legal Duty to Refer to the Disclosure and Barring Service*

If an individual is removed from a role involving regulated activity following a safeguarding incident, the regulated activity provider - or, where applicable, the agency or personnel supplier - has a legal duty to refer the matter to the Disclosure and Barring Service (DBS).

This duty also applies if the person leaves their role before a disciplinary hearing takes place and the employer or volunteer organisation believes they would, or might, have dismissed the individual based on the information available.

Failure to make a DBS referral without good reason is a criminal offence.

Refer to the DBS Guidance on how to make a referral:

<https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs>

### **Referral to Professional Regulatory Bodies**



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Where appropriate, employers should also report concerns to relevant professional regulatory bodies, such as:

- General Medical Council (GMC)
- Nursing and Midwifery Council (NMC)
- Health and Care Professions Council (HCPC)
- Social Work England

Employers must consider whether a referral to these bodies is necessary in addition to the DBS referral.

### **Notification to the Care Quality Commission (CQC)**

If the employer is a regulated service provider under Schedule 1 of the Health and Social Care Act 2008 (Regulated Activities Regulations 2014), they must also notify the Care Quality Commission (CQC).

### **Key Compliance Reminder**

Employers must comply with their legal duties to notify the DBS, particularly where a person leaves their role before a disciplinary hearing following a safeguarding incident and dismissal would have been likely based on the information held.

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