



# LSAB

*Making safeguarding personal*

## **Protocol for responding to concerns about a Person in a Position of Trust (PiPoT)**

**Responsibilities, guidance and procedure for all LSAB  
partner agencies and their contracted service providers**

## 1. Introduction

**1.1** It is a requirement of the Care Act 2014 Statutory Guidance that Safeguarding Adults Boards should establish and agree a framework and process for any agency to respond appropriately to allegations against anyone who works, (in either a paid or an unpaid capacity,) with adults with care and support needs. In this document this framework and process is referred to as the “Protocol”.

**1.2** This Protocol applies to all partner agencies of Lincolnshire Safeguarding Adults Board (LSAB), and agencies commissioned to provide services when they identify or become aware of allegations against people they believe or know to work with or care for adults with care and support needs, whether an employee, volunteer or student, paid or unpaid. These individuals are known as People in a Position of Trust (PiPoT).

**1.3** People can be considered to be in a ‘position of trust’ where they are likely to have contact with adults at risk as part of their employment or voluntary work, and

- Where the role carries an expectation of trust and,
- The person is in a position to exercise authority, power or control over an adult(s) at risk (as perceived by the adult at risk).

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

- Social care
- Health services
- Police and criminal justice
- Housing
- Education
- Advocacy
- GPs
- Independent Sector
- Agency and Bank Workers
- Religious/Faith Leaders
- Commissioning Service

**1.5** All agencies should ensure their staff are aware of the distinction between:

- What is a safeguarding concern as described in LSAB Policy and Procedures and their agencies process for dealing with these;
- What constitutes a complaint and how their agency deals with these;

And,

- A concern / alleged allegation about a professional, or volunteer who works with or cares for, adults with care and support needs.

If a safeguarding concern needs to be raised because an adult is at risk of, or experiencing abuse or neglect, then a safeguarding adult's referral will be made to the local authority in accordance with the LSAB Safeguarding Adults Policy and Procedures. Where a S.42 Safeguarding enquiry is instigated it is not necessary to commence a separate PiPoT process as any risk to others and necessary action to reduce this will be considered as part of the safeguarding enquiry. At the point a safeguarding concern is raised, there will need to be a discussion between the Position of Trust Lead/Safeguarding Lead and other identified leads (such as Human Resources, Safeguarding Team, Police etc.) to determine the actions to be taken as part of the safeguarding enquiry (for example criminal investigation may take precedence over internal disciplinary processes initially). This will be determined on a case-by-case basis locally.

**1.6** The LSAB partner agency (or agency commissioned by them to provide a service) who first identifies or becomes aware of an allegation or concern against people they believe or know to work with or care for adults with care and support needs, whether an employee, volunteer or student, paid or unpaid, will **have responsibility** for responding in accordance with this Protocol. This agency will be the Primary Data Controller, or the “owner” of the information.

**1.7** LSAB requires its partner agencies to be individually responsible for ensuring they adopt the principles of this Protocol and maintain clear agency procedures for dealing with PiPoT concerns.

**1.8** LSAB also requires partner agencies and the service providers they commission to identify a designated PiPoT lead or contact to oversee the delivery of responsibilities in their agency.

**1.9** Partner agencies and the service providers they commission are individually responsible for ensuring that information relating to PiPoT concerns are shared and escalated outside of their agency in circumstances where this is *required, proportionate and appropriate*. They are responsible for making the judgment that this is the case in each instance where they are the data controller.

**1.10** This Protocol is designed to inform and support the decision-making processes of partner agencies and their commissioned services once they become aware of a PiPoT concern arising from whatever source.

**1.11** The Care Act 2014 Guidance also requires that partner agencies and their commissioned services should have clear recording and information-sharing guidance, set explicit timescales for action and are aware of the need to preserve evidence.

**1.12** This Protocol applies whether the allegation relates to a current or an historical concern.

**1.13** The Protocol is designed to ensure that 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.

**1.14** This Protocol is not a substitute for, but may be used in conjunction with, other formal legal processes; for example, Multi-Agency Risk Assessment Conference (MARAC), Multi-agency public protection arrangements (MAPPA) etc.

## 2. Scope

This Protocol must be followed in all cases by the agency which first becomes aware of a concern, where information (whether current or historical) is identified in connection with:

- The PiPoT's own work / voluntary activity with Adults and / or Children (for example where a worker or volunteer has been accused of the abuse or neglect of an adult with care and support needs or a child).
- The PiPoT's life outside work may raise concerns re contact with adults with care and support needs in the family or social circle (for example where a son is accused of abusing his older mother and he also works as a domiciliary care worker with adults with care and support needs. Or where a woman is convicted of grievous bodily harm and also works in a residential home for people with learning disabilities).

**And** the person has:

- Behaved in a way that has harmed or may have harmed an adult with care and support needs.
- Possibly committed a criminal offence against or related to an adult with care and support needs.
- Behaved towards an adult with care and support needs in a way that indicates s/he is unsuitable to work with adults with care and support needs.
- Behaved in a way that has harmed children or may have harmed children which means their ability to provide a service to adults with care and support needs must be reviewed.
- May be subject to abuse themselves and the abuse may be impairing their ability to provide a service to adults with care and support needs.
- Behaved in a way which questions their ability to provide a service to an adult with care and support needs which must be reviewed e.g., conviction for grievous bodily harm against someone who is not an adult with care and support needs.

**Children** - whilst this Protocol is concerned with potential harm to adults with care and support needs, if the allegation is such that there is a concern that the person may also pose a risk to children, then Children's Services must be informed. It is everyone's duty to refer any current and historical allegations of abuse against children to Children's Services, whether the alleged perpetrator is a PiPoT or not. If there is no immediate danger to the child, or if you need some advice or information, you can contact the Children Services Customer Service Centre (CSC) on 01522 782111. If it is outside normal office hours you can contact the Emergency Duty Team (EDT) on 01522 782333

### 3. How might a concern about a PiPoT be identified?

Concerns about a PiPoT's behaviour may be identified by the following people / procedures:

- Police intervention or investigation
- Whistleblowing disclosure
- Safeguarding adults enquiry
- Safeguarding children investigation
- Providers alerting commissioners of services
- Reports from members of the public
- Complaints
- Commissioner's contract monitoring activity
- Or any other source of disclosure

### 4. What should that response be?

- 4.1** Any allegation against people who work with adults with care and support needs should be reported immediately to a senior manager and their PiPoT Lead within the agency that has identified the allegation or concern.
- 4.2** If an agency is given information about an allegation against a PiPoT, they should give careful consideration to what information should be shared with employers (or student body or voluntary agency) so that a suitable response is made.
- 4.3** The person responsible for investigating the allegation of concern about the PiPoT must, on the information provided, determine if the situation is a position of trust concern or if other procedures should be used. (See Appendix 2 for Factors to Consider Chart as a suggested tool to help in this process).
- 4.4** A detailed record of the concern and the steps taken in response must be kept (see Appendix 3 for a suggested template example and Section 8 for further information on recording).
- 4.5** Where the person responsible for investigating the allegation of concern about the PiPoT and / or the PiPoT Lead concludes the concern **does not** meet the definition of a PiPoT concern (see 2 above), the PiPoT Lead will make a record of the discussion and decision and the reasons for this conclusion. These details could be drawn upon if further concerns come about in relation to a PiPoT.
- 4.6** Where the person responsible for investigating the allegation and / or the PiPoT Lead concludes the concern **does** meet the definition of a PiPoT concern (see section 2), appropriate action **must** be taken in line with Section 4.7 onwards.
- 4.7** Where PiPoT concerns are identified by, or referred to agencies, it will be necessary for that agency 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. If the employer (or student body or voluntary agency) is aware of abuse or neglect in their agency, then they have a duty to correct this and protect the adult with care and support needs from harm as soon as possible and inform the local authority in accordance with the Lincolnshire Safeguarding Adults Policy, Procedure and Process 2017 ([www.lsab.org](http://www.lsab.org)) and CQC (if a regulated care provider).
- 4.8** They also have a duty to consider what support and advice they will make available to their staff or volunteers against whom allegations have been made. Any PiPoT about whom there are concerns should be treated fairly and honestly. Their employer has a duty of care towards them.
- 4.9** If the PiPoT is removed by either being dismissed or permanently redeployed to a non-regulated activity because they pose a risk of harm to adults with care and support needs, the employer (or student body or voluntary agency) has a **legal duty** to refer the person to the Disclosure and Barring Service. In addition, where appropriate, employers should report workers to the statutory and other bodies responsible for professional regulation such as the General Medical Council and the Nursing and Midwifery Council.
- 4.10** If a person subject to a PiPoT investigation leaves their employment by resigning prior to the conclusion of the investigation or disciplinary process, the employer (or student body or voluntary

agency) should conclude whatever process has been utilised and, if the outcome warrants it to make a referral to any relevant professional body and/or the DBS.

**4.11** Employers, student bodies and voluntary agencies should have their own sources of advice (including legal advice) in place for dealing with such concerns.

**4.12** Appendix 1 demonstrates diagrammatically how PiPoT concerns should be managed.

## 5. Information sharing

**5.1** The default position should be that the owner of the information about a PiPoT should not share it without the PiPoT's knowledge and permission, so they are given the opportunity to share the information with their employer first. If the PiPoT declines to share it with their employer for whatever reason, this does not mean the information cannot be shared by the data controller. In deciding whether to nevertheless share the information with an employer or voluntary agency, the principles in this section (Section 5) should be followed.

**5.2** If the PiPoT asks the data controller not to share the information, a decision must be made by the data controller, in line with the principles contained within this Protocol, whether to agree. If it is agreed that information will not be shared, this must be qualified since it may be the case that more detail comes to light to change this decision. If a decision is made at a later date to share information, the PiPoT should be consulted again and given a further opportunity to disclose the information him or herself if it is appropriate to do so. Again, the data controller could, following the principles for disclosure in this section (Section 5) decide to share the information even if the PiPoT decides not to. All decisions to share or not share information, and their rationale should be clearly recorded.

**5.3** In each case involving an allegation against a PiPoT, a balance has to be struck between the duty to protect people with care and support needs from harm or abuse and the effect upon individuals of information about them being shared (for example, upon the person's Article 8 Human Rights (the right to private and family life)).

**5.4** For these reasons, each case must be considered on its own merits and personal data shall be processed in accordance with the principles contained in Part I of Schedule 1 of the Data Protection Act 2018 ("the DPA").

**5.5** Due regard must be had to Article 8 of the European Convention on Human Rights, which states that:

- a. *Everyone has the right to respect for his private and family life, his home and his correspondence and,*
- b. *There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.*

**5.6** When deciding whether to interfere with a person's Article 8 rights, each case must be judged on its own facts. The issue is essentially one of proportionality. Information is to be disclosed only if there is a "pressing need" for that disclosure. In considering proportionality, consideration must be given to the following general principles<sup>1</sup>:

- The legitimate aim in question must be sufficiently important to justify the interference;
- The measures taken to achieve the legitimate aim must be rationally connected to it;
- The means used to impair the right must be no more than is necessary to accomplish the objective;
- A fair balance must be struck between the rights of the individual and the interests of the community; this requires a careful assessment of the severity and consequences of the interference<sup>2</sup>.

**5.7** The sharing of information that may be of vital interest may be shared under the General Data

<sup>1</sup> R (on the application of H) v A City Council [2011] EWCA Civ 403

<sup>2</sup> Huang v Secretary of State for the Home Department, Kashmiri v Same [2007] UKHL 11, [2007] 2 AC 167, para [19]

Protection Regulations (GDPR) “processing is necessary in order to protect the vital interests of the data subject or of another natural person”<sup>3</sup>.

**5.8** Before actually disclosing information to a third party, there is a need to consult with the person whose information is to be disclosed and to give them an opportunity of making representations before the information is disclosed<sup>4</sup>. “The imposition of such a duty is a necessary ingredient of the process if it is to be fair and proportionate.”<sup>5</sup> Information may be shared by an individual or an agency in the expectation that it will not be shared with others, i.e., it will be kept confidential. Often, a person will preface the disclosure with ‘I am telling you this in confidence’ or, after making the disclosure, will say ‘you won’t tell anyone will you?’ However, no blanket agreement not to share information with others must be given. Confidential information can be shared if it is justified as being in the public’s interest (e.g., for the detection and prevention of crime and for the protection of vulnerable persons, i.e., children or adults with care and support need at risk of harm or neglect). It is a matter for professional judgment, acting in accordance with information sharing protocols and the principles of the DPA to decide whether breaching a PiPoT’s confidentiality is in the public’s interest.

**5.9** If after following the above principles, and weighing up the information available, a decision is made not to tell the PiPoT about the concern about them and ask their permission to share it with their employer, (because doing this would place any adults or children at increased risk of harm), then this decision and the reasons for it should be recorded. However, the PiPoT planning process must identify the earliest opportunity for them to be informed.

## 6. Roles and responsibilities

### 6.1 The Agency PiPoT lead will:

- Record PiPoT issues according to local arrangements. The record should include details of the person referring, the PiPoT, the allegation, how the allegation was followed up and resolved, the decisions reached and the action taken. The record should be kept in accordance with DPA principles and should only be shared in accordance with this Protocol.
- If not a Safeguarding Adult or Safeguarding Children enquiry (agency safeguarding policies should be followed in these cases), instigate suitable enquiries to ascertain the truth or otherwise of allegations and be responsible for deciding what information should be shared with whom and on what basis, bearing in mind the contents of this Protocol. This decision must be recorded in accordance with best practice.
- Liaise with the Police at the earliest opportunity if there is reason to suspect that a criminal offence has been committed. At the conclusion of any PiPoT enquiry, consider if the findings demonstrate evidence of a theme or pattern in the context of past and historic PiPoT concerns; identify potential themes or system wide issues within the agency; and ensure that appropriate action is taken by the agency so that learning from past events is applied to reduce the risk of harm to adults with care and support needs in the future.
- Each agency, in accordance to their own data protection and destruction policies, will ensure all records are protected, stored and destroyed accordingly
- Each agency will provide information to the Lincolnshire Safeguarding Adults Board regarding their application of this protocol and specific PiPoT concerns for the purposes of scrutiny and quality assurance when requested to do so.
- In the event that an organisation believes that another organisation is not following this protocol, this will be escalated to LSAB.

### 6.2 Police will:

- Report to their PiPoT Lead when they know a PiPoT has behaved in a way as described in Section

<sup>3</sup> Article 6(1)(d) provides a lawful basis for processing where:

<sup>4</sup> R (L) v Commissioner of Police of the Metropolis (SoS for the Home Department intervening) [2010] 1 AC 410

<sup>5</sup> Ibid per Lord Neuberger (para [84])



2.

- Where there is also a criminal matter, be responsible for deciding what information should be shared with whom and on what basis, bearing in mind the contents of this Protocol and their responsibilities under the Common Law Police Disclosure and / or non- conviction disclosure. This decision must be recorded in accordance with best practice.
- Request that the employer considers taking appropriate action in line with their own procedures to ensure adults at risk are protected from any potential abuse and harm.
- Where it is a Police led investigation, request that the employer carries out their own risk assessment(s) and consider referral to the Disclosure and Barring Services (DBS) and / or other registration bodies as appropriate.
- Where appropriate, liaise with the CQC (where the PiPoT is working or volunteering in a CQC regulated agency), statutory and other bodies responsible for professional regulation (such as the General Medical Council and the Nursing and Midwifery Council) and the DBS if there are concerns about the employer's fitness to operate and safeguard adults with care and support needs.
- Liaise with other Local Authority Safeguarding Adults and Children's Teams where there are out of area issues.
- Make a referral to the LADO if there are specific issues about the PiPoT's contact with children.

### **6.3 The service commissioner will:**

Where a Service Commissioner is aware that a service it commissions employs a PiPoT who is under investigation, the Service Commissioner will ensure the commissioned service does the following:

- Takes appropriate action in line with their own procedures to ensure adults with care and support needs are protected from abuse and harm
- Carries out appropriate risk management procedures, including consideration of referral to the DBS and other registration bodies
- Provides feedback at regular intervals to appropriate parties until case conclusion.
- Monitor the activities of commissioned services in their compliance of this Protocol.
- Where appropriate, liaise with the CQC (where the PiPoT is working or volunteering in a CQC regulated agency), statutory and other bodies responsible for professional regulation (such as the General Medical Council and the Nursing and Midwifery Council) and the DBS if there are concerns about the employer's fitness to operate and safeguard adults with care and support needs.
- Regularly update the Service Commissioner's PiPoT Lead until case conclusion.

### **6.4 Employers (statutory, voluntary and private) are expected to:**

- Take appropriate action in line with their own procedures to ensure adults with care and support needs are protected from abuse and harm.
- Carry out appropriate risk management procedures, including, where appropriate, liaising with the CQC (where the PiPoT is working or volunteering in a CQC regulated agency), Commissioning and Care Contracts, statutory and other bodies responsible for professional regulation (such as the General Medical Council and the Nursing and Midwifery Council) and the DBS (see 5.9 above).
- Ensure the protection of adults with care and support needs is central to their decision making.
- Ensure their agency has a range of policies and procedures that will support their decisions.
- Ensure all safeguarding concerns that result from a concern about a PiPoT are reported to the Local Authority in line with local policy and procedures.
- Share information in line with these procedures where it is known the PiPoT also has other employment or voluntary work with adults with care and support needs or children.
- At the conclusion of any PiPoT enquiry consider if the findings demonstrate evidence of a theme or pattern in the context of past and historic PiPoT concerns; identify potential themes or system wide

issues within the agency; and ensure that appropriate action is taken by their agency so that learning from past events is applied to reduce the risk of harm to adults.

## **6.5 The Local Authority will:**

- Ensure that their safeguarding information and advice services are clear about the responsibilities of employers, student bodies and voluntary organisations, in such cases, and signpost them to their own procedures and legal advice appropriately.
- Request that LSAB partners provide additional information regarding specific PiPoT concerns for the purposes of scrutiny and quality assurance.
- Agree with LSAB partner agencies a quality assurance process for all PiPoTs identified looking at themes, trends and patterns and to ensure that cases are dealt with as quickly as possible, consistent with a thorough and fair process.

## **6.6 The LSAB will:**

- Establish and agree a framework and process for how allegations against people working with adults with care and support needs (for example, those in positions of trust) should be notified and responded to, after consultation with and in agreement with LSAB members.
- Provide assurance regarding their PiPoT Protocol application when requested to do so.

## **7. Recording of PiPoT issues**

Record-keeping is an integral part of all adult safeguarding processes to ensure that adults with care and support needs are safeguarded, and that agencies and individuals are accountable for their actions when responding to concerns about a PiPoT. All cases should be recorded in accordance with this Protocol.

Individuals with responsibility for the investigation and management of PiPoT concerns must, as far as is practicable, contemporaneously document a complete account of the events, actions and any decisions taken, together with their rationale. This is to enable any objective person to understand the basis of any decision that was made, together with any subsequent action taken.

Records of actions taken by the agency to investigate PiPoT concerns which have been found to be without substance must also be retained, in line with local policy and procedures, so as to build up any history and reported to the LSAB as agreed.

They might also be shared with any other relevant party to ensure the safety of adults with care and support needs (see Section 6 above).

A chronology or log of key events, decisions and actions taken should also be maintained to provide a ready overview of progress.

Individuals (including a PiPoT who is the subject of the recording) are entitled to have access to their personal records whether they are stored electronically or manually. It is therefore important that information recorded, is fair, accurate and balanced.

## **8. The purpose of the PiPoT record-keeping is to:**

- Enable accurate information to be given in response to any future request for a reference.
- Provide clarification in cases where a future DBS Disclosure reveals information from the police that an allegation was made but did not result in a prosecution or conviction.
- Prevent unnecessary re-investigation if an allegation resurfaces after a period of time
- Enable patterns of behaviour which may pose a risk to adults with care and support needs to be identified.

## **9. Complex cases**

Many PiPoT concerns will be proportionately dealt with through straightforward employment management processes. Other circumstances will be more complex and require appropriate planning



at each stage.

## 9.1 Identify key stakeholders

These could include:

- The Employer (supervisor/line manager/ HR manager)
- The Commissioner of a commissioned service contract
- The appropriate service regulator (e.g., CQC, Ofsted)
- The Police where there is a criminal concern
- The social worker of an adult with care and support needs
- Children's Services if children are involved
- Other case specific (e.g., University representative if a student)

## 9.2 PiPoT planning discussion/meetings

The relevant PiPoT Lead will need to decide on the grounds of urgency and risk the best way to share information, risk assess and plan the lines of enquiry. The options would be a discussion, conference calls or a formal meeting. More complex cases and / or those with many stakeholders are likely to require a meeting. Appropriate records should be kept, and Appendices 4 - 7 give agenda and minute templates.

The planning discussion / meeting should cover the following areas and be clearly recorded:

- Confidentiality agreement
- Sharing the PiPoT concern and purpose of the meeting
- Information from data controller and attendees
- Risk assessment
- Whether a crime has been committed
- Agree lines of enquiry (who is doing what and by when)
- Identify actions to be taken in respect of adults with care and support needs
- Identify who will support the PiPoT
- Timescales for actions and feedback
- Agree next step and actions.

## 9.3 Progress monitoring and timescales

It is important that PiPoT concerns are managed in a timely way. This is the role of the appropriate PiPoT Lead overseeing the PiPoT enquiry. Timescales should be identified at the planning stage. Regular monitoring is essential to ensure procedures are kept on track and risks are managed. Additional meetings can take place at any time as deemed necessary.

## 9.4 Evaluation and conclusion

It is important these cases have a robust evaluation and conclusion.

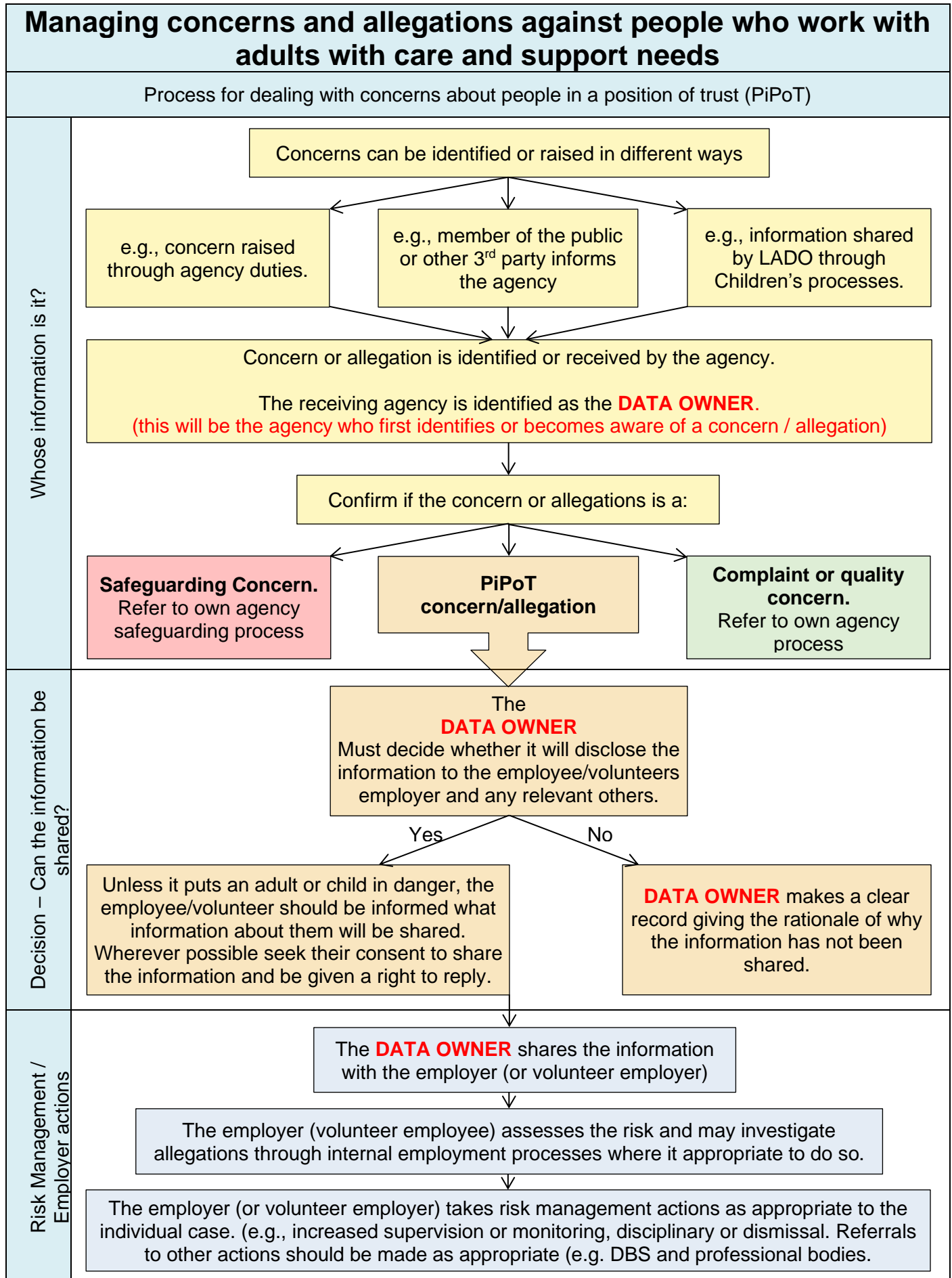
This should include the following areas:

- Share the results of enquiries (e.g., results of disciplinary processes) and assess if they are adequate or if further work is required.
- Risk assess, including transferable risk (e.g., child protection risk to adults with care and support needs).
- Make recommendations for required actions.
- Feedback mechanisms (to whom, by whom).

- Determine if further work is required or case closure.

## Appendices

- Appendix 1 Managing concerns and allegations against people who work with adults with care and support needs
- Appendix 2 Factors to consider on relation to PiPoT notifications
- Appendix 3 Referral Form
- Appendix 4 Position of Trust Planning Meeting Agenda Template
- Appendix 5 Position of Trust Case Closure Agenda Template
- Appendix 6 Position of Trust Planning Meeting Minutes Template
- Appendix 7 Position of Trust Case Closure Minutes Template
- Appendix 8 Suggested database



## Appendix 2

### Factors to consider on relation to PiPoT notifications

| Questions   | No cause for concern                | Some cause for concern requiring investigation                       | Cause for concern                                |
|---|-------------------------------------|--|--|
| The person has behaved in a way that has harmed or may have harmed an Adult with care & support needs?  | No harm or potential harm           | Some harm or potential harm  | Serious harm or potential harm                   |
| Possibly committed criminal offence against or related to adults at risk?   | No                                  | Not to an Adult with care & support needs but the offence is serious | Yes  |
| Otherwise behaved towards an adult/s at risk or in a way that indicates s/he is unsuitable to work with adults with care and support needs.   | No                                  | Yes  |  |
| Has the person behaved in a way that has harmed children or may have harmed children which means their ability to provide a service to adults with care and support needs must be reviewed?                                 | No                                  | Yes  |  |
| May be subject to abuse themselves which means their ability to provide a service to adults with care and support needs must be reviewed  | No                                  | Yes  |  |
| Behaved in a way which questions their ability to provide a service to adults with care and support needs which must be reviewed – e.g., conviction for grievous bodily harm who is not an Adult with care & support needs. | No                                  | Yes  |  |
|   | All green not safeguarding or PiPoT | More than two amber - follow PiPoT procedure                         | One or more red - follow safeguarding procedures |

## Appendix 3

### Suggested forms for recording PiPoT cases

Partner Agencies of LSAB and Providers the commission may choose to use these forms or those of their own design or other recording systems. However, each is required to meet the recording requirements set out in Section 8 of this Protocol.

**CONFIDENTIAL AND RESTRICTED**

**ALLEGATIONS AGAINST PEOPLE WHO  
WORK IN POSITIONS OF TRUST (PiPoT) WITH  
ADULTS WITH CARE AND SUPPORT NEEDS  
REFERRAL FORM**

Ref No:

|                           |  |                                 |  |
|---------------------------|--|---------------------------------|--|
| <b>Date referral Sent</b> |  | <b>Date of alleged incident</b> |  |
| <b>Referrer Details</b>   |  |                                 |  |
| <b>Family Name</b>        |  | <b>Fist Name/s</b>              |  |
| <b>Position</b>           |  | <b>Email Address</b>            |  |
| <b>Agency</b>             |  | <b>Tel No./Mobile</b>           |  |
| <b>Address</b>            |  |                                 |  |

This referral applies to allegations or concerns raised about a person, whether an employee, volunteer or student, paid or unpaid who works with or cares for adults with care and support needs. These individuals are known as People in Position of Trust (PiPoT) and the process is the Position of Trust (PoT) process.

#### Criteria for PiPoT:

Tick those which apply:

|  |  |
|--|--|
|  | The PiPoT's own work/voluntary activity (with Adults and/or Children) (for example where a worker or volunteer has been accused of the abuse or neglect of an adult with care and support needs or child)  |
|  | The PiPoT's life outside work i.e., concerning adults with care and support needs in the family, social circle (for example where a son is accused of abusing his older mother and he also works as a domiciliary care worker with adults with care and support needs. Or where a woman is convicted of grievous bodily harm and also works in a residential home for people with learning disabilities) |
|  | The PiPoT's life outside work i.e., concerning risks to children, the individual's own children or other children (for example where a woman who works in a host authority with women who suffer domestic abuse and lives in the neighboring authority is subject to child protection procedures involving her own children due to domestic abuse by her husband)  |

And the person has:



|  |   |
|--|---|
|  | Behaved in a way that has harmed or may have harmed an adult with care and support needs.   |
|  | Possibly committed a criminal offence against or related to an adult/s with care and support needs.   |
|  | Otherwise behaved towards an adult with care and support needs or in a way that indicates s/he is unsuitable to work with adults with care and support needs.   |
|  | Behaved in a way that has harmed children or may have harmed children which means their ability to provide a service to adults with care and support needs must be reviewed.  |
|  | May be subject to abuse themselves which means their ability to provide a service to adults with care and support needs must be reviewed.   |
|  | Behaved in a way which questions their ability to provide a service to an adult with care and support needs which must be reviewed e.g., conviction for grievous bodily harm against someone who is not an adult with care and support needs. |

| Personal details of the employee/volunteer being referred for position of trust |     |           |    |                                    |                |                         |    |
|---|-----|-----------|----|------------------------------------|----------------|-------------------------|----|
| Family Name   |     |           |    | First Names                        |                |                         |    |
| DOB   |     |           |    | Gender                             |                |                         |    |
| Home Address  |     |           |    |                                    |                |                         |    |
| ID Number   |     |           |    | Tel. No                            |                |                         |    |
| Current Address (if different)  |     |           |    |                                    |                |                         |    |
| Race  |     | Religion  |    |                                    | Language       |                         |    |
| Gender  |     | Sexuality |    |                                    | Disability     |                         |    |
| Other household Members (including non-Family members)                          |     |           |    |                                    |                |                         |    |
| Name  | M/F | DoB       | ID | Relationship to Child/Young Person | First Language | Parental Responsibility |    |
|   |     |           |    |                                    |                | Yes                     | No |
|   |     |           |    |                                    |                |                         |    |
|   |     |           |    |                                    |                |                         |    |
|   |     |           |    |                                    |                |                         |    |
|   |     |           |    |                                    |                |                         |    |

|   |  |   |  |
|---|--|---|--|
| Agency & Address Person in Position of Trust Works/Volunteers for:  |  |   |  |
| Is the agency named above CQC Registered?   |  | Yes / No  |  |
| Job Title & Role:   |  |   |  |
| Does the Person in Position of Trust have a Professional Registration?  |  | Yes / No<br>State: NMC / HCPC / GMC / (specify) |  |
| Manager Contact Details at Employing agency:  |  | Name:<br>Address:<br>Email:<br>Telephone        |  |
| Current employment status:  |  |   |  |
| Has this person been referred to the PiPoT Lead before?   |  | Yes / No  |  |
| When and what were the concerns and the outcome?<br>(e.g. managed as an advice issue or went to a POT meeting)                            |  |   |  |
| Does the Person in Position of Trust know you are making this referral?   |  | Yes / No  |  |
| If not, why not? (Please note there may be situations where the adult may be placed at greater risk if the PiPoT is informed immediately) |  |   |  |
| Alleged Victim's details  |  |   |  |
| No. of alleged victims  |  |   |  |
| 1 <sup>st</sup> Adult /young person / child   |  | ID no. if applicable                            |  |
| Full name   |  |   |  |
| Gender  |  | DoB:  |  |
| Current / past LA involvement   |  |   |  |
| Child in need / child protection  |  |   |  |
| (If a child) parents Name and DoB   |  |   |  |

|  |  |                      |  |
|--|--|----------------------|--|
| Adult / Child's relationship to the alleged PiPoT: |  |                      |  |
| 2 <sup>nd</sup> Adult /young person / child        |  | ID no. if applicable |  |
| Full name  |  |                      |  |
| Gender   |  | DoB:                 |  |
| Current / past LA involvement                      |  |                      |  |
| Child in need / child protection                   |  |                      |  |
| (If a child) parents Name and DoB                  |  |                      |  |
| Adult / Child's relationship to the alleged PiPoT: |  |                      |  |
| 3 <sup>rd</sup> Adult /young person / child        |  | ID no. if applicable |  |
| Full name  |  |                      |  |
| Gender   |  | DoB:                 |  |
| Current / past LA involvement                      |  |                      |  |
| Child in need / child protection                   |  |                      |  |
| (If a child) parents Name and DoB                  |  |                      |  |
| Adult / Child's relationship to the alleged PiPoT: |  |                      |  |

~copy and paste here victims information if more than 3 victims~

| Please provide names of key individuals connected to the alleged PiPoT as the PiPoTLead will need to consider who to invite to the PiPoT meeting: |                   |        |                  |               |
|---|-------------------|--------|------------------|---------------|
| Job role/title  | Name and Job role | Agency | Telephone Number | Email Address |
| Supervisor / Line manager   |                   |        |                  |               |

|   |  |  |  |  |
|---|--|--|--|--|
| HR/Personnel                                    |  |  |  |  |
| Provider Manager                                |  |  |  |  |
| Police contact                                  |  |  |  |  |
| Contract and Commissioning contact for provider |  |  |  |  |
| CQC for provider                                |  |  |  |  |
| Health Professional                             |  |  |  |  |
| Others  |  |  |  |  |
|   |  |  |  |  |
|   |  |  |  |  |

Please provide names of key individuals connected to the alleged Victim(s) as the PiPoT Lead will need to consider who to invite to the PiPoT meeting:

| Job role/title                                  | Name and job role | Agency | Telephone Number | Email Address |
|---|-------------------|--------|------------------|---------------|
| Social Worker                                   |                   |        |                  |               |
| Health Professional                             |                   |        |                  |               |
| Advocate  |                   |        |                  |               |
| Provider  |                   |        |                  |               |
| Voluntary Agency                                |                   |        |                  |               |
| Contract and Commissioning contact for provider |                   |        |                  |               |
| Others  |                   |        |                  |               |
|   |                   |        |                  |               |

| For Completion by PiPoT– PiPoT Case Recording (record name after each entry or group of entries).      |           |                           |   |  |
|--|-----------|---------------------------|---|--|
| PiPoT Lead <b>ADVCE</b>  |           | PiPoT Lead <b>ACTIONS</b> |   |  |
|  |           |                           |   |  |
|  |           |                           |   |  |
| Date referral received   |           |                           |   |  |
| PiPoT Lead <b>DECISION</b>   |           |                           |   |  |
| Not Adult PiPoT. Referred to another process/ procedure (specify):                                     |           |                           | Initiate PiPoT procedures   |  |
| Request further information from referrer (Referrertoaction)   |           |                           | Request further information from other resources (PiPoT Lead to action) |  |
| Refer to other PiPoT Lead for management   |           |                           | Refer to LADO if appropriate  |  |
| PiPoT Lead <b>DECISION DATE:</b>   |           |                           |   |  |
| For Completion by PiPoT Lead - PiPoT Case Recording (record name after each entry or group of entries) |           |                           |   |  |
| Date/Time  | Recording | Outcome/Actions           | Contact Details   |  |
|  |           |                           |   |  |
|  |           |                           |   |  |
|  |           |                           |   |  |

## Appendix 4

| Position of Trust Planning Meeting Agenda Template  |   |                   |  |
|---|---|-------------------|--|
| Chair   |   | Date              |  |
| Start time  |   | Finish Time       |  |
| Venue   |   | Minute Taker      |  |
| Person in Position of Trust   |   | Employer and role |  |
| <b>Confidentiality Statement</b>  |   |                   |  |
| <p>Those present are reminded that this meeting is strictly confidential. Discussions should not be shared outside of the meeting. All agencies should develop procedures to ensure that the minutes are retained in a confidential and appropriately restricted manner. The minutes will aim to reflect that all individuals who are discussed at the meetings should be treated fairly, with respect and without discrimination. All decisions undertaken at the meetings will be informed by a commitment to equal opportunities and effective practice issues in relation to race, gender, sexuality and disability.</p> <p>Minutes of this meeting could be shared as part of criminal, civil or disciplinary proceedings, or as part of investigations concerning whether an individual should be barred from working with children or adults with care and support needs.</p> <p>If further disclosure is considered to be appropriate, permission must be sought from the Chair.</p> <p>The minutes should not be photocopied or shared without the agreement of the Chair.</p> |   |                   |  |
| <b>Purpose of the meeting</b>   |   |                   |  |
| <p>This meeting is held under the LSAB Position of Trust Guidance Protocol (2017) to:</p> <ul style="list-style-type: none"> <li>• Share information</li> <li>• Agree actions to be taken, by whom and by when</li> <li>• Risk assess</li> </ul>  |   |                   |  |
| <b>Agenda</b>   |   |                   |  |
| 1   | Introductions and confidentiality statement   |                   |  |
| 2   | Detail of the allegations (to include current and previous allegations, details to whom the allegation relates)   |                   |  |
| 3   | How this is relevant to their employment with adults with care and support needs  |                   |  |
| 4   | Relevant information from attendees   |                   |  |
| 5   | Risk assessment <ul style="list-style-type: none"> <li>• To consider the safety of adult/s concerned</li> <li>• To consider the safety of other adults or children</li> </ul> |                   |  |
| 6   | Agree support to person in position of trust  |                   |  |
| 7   | Agree feedback mechanism to the referrer (who, what, when)  |                   |  |
| 8   | Planning the management of the allegation   |                   |  |
| 9   | Consider strategy for media enquiries (if relevant)   |                   |  |



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|    |  |
|----|--|
| 10 | Next steps including details of further meetings |
| 11 | AOB  |

## Appendix 5

| Position of Trust Case Closure Agenda Template  |   |                   |  |
|---|---|-------------------|--|
| Chair   |   | Date              |  |
| Start time  |   | Finish Time       |  |
| Venue   |   | Minute Taker      |  |
| Person in Position of Trust   |   | Employer and role |  |
| <b>Confidentiality Statement</b>  |   |                   |  |
| <p>Those present are reminded that this meeting is strictly confidential. Discussions should not be shared outside of the meeting. All agencies should develop procedures to ensure that the minutes are retained in a confidential and appropriately restricted manner. The minutes will aim to reflect that all individuals who are discussed at the meetings should be treated fairly, with respect and without discrimination. All decisions undertaken at the meetings will be informed by a commitment to equal opportunities and effective practice issues in relation to race, gender, sexuality and disability.</p> <p>Minutes of this meeting could be shared as part of criminal, civil or disciplinary proceedings, or as part of investigations concerning whether an individual should be barred from working with children or adults with care and support needs.</p> <p>If further disclosure is considered to be appropriate, permission must be sought from the Chair.</p> <p>The minutes should not be photocopied or shared without the agreement of the Chair.</p> |   |                   |  |
| <b>Purpose of the meeting</b>   |   |                   |  |
| <p>This meeting is held under the LSAB Position of Trust Guidance Protocol (2017) to:</p> <ul style="list-style-type: none"> <li>• Gain feedback from agreed actions from the PiPoT planning meeting or discussions</li> <li>• Reach a formal determination of the case</li> <li>• Further risk assess</li> </ul>   |   |                   |  |
| <b>Agenda</b>   |   |                   |  |
| 1   | Introductions and confidentiality statement   |                   |  |
| 2   | Summary of original allegations   |                   |  |
| 3   | Feedback of agreed actions from planning meeting or discussion  |                   |  |
| 4   | Risk assessment <ul style="list-style-type: none"> <li>• To consider the safety of adult/s concerned</li> <li>• To consider the safety of other adults or children</li> </ul> |                   |  |
| 5   | Agree formal determination of the case  |                   |  |
| 6   | Agree actions (includes disciplinary action. Referral to regulator and professional bodies (e.g. HCPC, NMC), Disclosure & Barring Service, criminal prosecution etc.)         |                   |  |
| 7   | Consider strategy for media enquiries (if relevant)   |                   |  |

|    |  |
|----|--|
| 8  | Agree feedback to person in position of trust                                  |
| 9  | Agree feedback mechanism to the referrer (who, what, when) and relevant others |
| 10 | AOB  |

## Appendix 6

| Position of Trust Planning Meeting Minutes Template        |                |                   |                |
|--|----------------|-------------------|----------------|
| Chair  |                | Date              |                |
| Start time   |                | Finish Time       |                |
| Venue  |                | Minute Taker      |                |
| Person in Position of Trust                                |                | Employer and role |                |
| Present  |                |                   |                |
| Apologies  |                |                   |                |
| Non-Attendees  |                |                   |                |
| Confidentiality statement read out                         |                |                   |                |
| Detail of the allegations                                  |                |                   |                |
| How this is relevant to their employment                   |                |                   |                |
| Agree feedback mechanism to the referrer (who, what, when) |                |                   |                |
| Risk Assessment  |                |                   |                |
| Agree support to person in position of trust               |                |                   |                |
| Agree feedback mechanism to the referrer (who, what, when) |                |                   |                |
| Planning the management of the allegation                  |                |                   |                |
|  | <b>Actions</b> | <b>By Whom</b>    | <b>By when</b> |
| 1  |                |                   |                |
| 2  |                |                   |                |
| 3  |                |                   |                |

|                               |  |  |  |
|-------------------------------|--|--|--|
| 4                             |  |  |  |
| Strategy for media enquiries  |  |  |  |
| Next steps / further meetings |  |  |  |
| A.O. B                        |  |  |  |

This record is issued in the belief that it accurately reflects the meeting. Please contact the chair within 7 days of receipt to record any inaccuracies or omissions. This record is confidential and is not to be reproduced or copied to others without the chair's approval

## Appendix 7

### Position of Trust Case Closure Minutes Template

| Position of Trust Planning Meeting Minutes Template            |         |                   |         |
|--|---------|-------------------|---------|
| Chair  |         | Date              |         |
| Start time   |         | Finish Time       |         |
| Venue  |         | Minute Taker      |         |
| Person in Position of Trust                                    |         | Employer and role |         |
| Present  |         |                   |         |
| Apologies  |         |                   |         |
| Non-Attendees  |         |                   |         |
| Summary of the allegations                                     |         |                   |         |
| Feedback of agreed actions from planning meeting or discussion |         |                   |         |
| Risk assessment  |         |                   |         |
| Formal determination of the cases                              |         |                   |         |
|  | Actions | By Whom           | By when |
| 1  |         |                   |         |
| 2  |         |                   |         |
| 3  |         |                   |         |
| 4  |         |                   |         |
| Strategy for media enquiries                                   |         |                   |         |
| Agree feedback to person in position of trust                  |         |                   |         |
| Agree feedback mechanism to the referrer and relevant others   |         |                   |         |



|        |  |
|--------|--|
| A.O.B. |  |
|--------|--|

This record is issued in the belief that it accurately reflects the meeting. Please contact the chair within 7 days of receipt to record any inaccuracies or omissions. This record is confidential and is not to be reproduced or copied to others without the chair's approval.

## Version Control

| Date     | Version  |
|----------|--|
| 22.02.22 | Draft V15 Approved at LSAB Executive Board subject to amending wording of 2., bullet 5.  |
| 30.03.22 | Draft V15 circulated electronically to LSAB Partnership Board on 22.03.22 following meeting. No comments received.   |
| 28.06.22 | Amendments proposed at Partnership Board: <ul style="list-style-type: none"> <li>• 6.1, bullet 5 that each agency reports their data to LSAB rather than LA and that the data is concerning allegations concerning individuals from another organisation.</li> </ul> |
| 14.07.22 | Email to Partnership Board requesting approval for amendments above with deadline of 28.07.22.   |
| 03.05.23 | LSAB Partnership Board 28.02.23 action to arrange a meeting regarding the Protocol. Meeting took place on 03.05.23 between ACCW, ICB, LPFT and ULHT proposing to remove requirement to provide LSAB with quarterly data.   |