

Safeguarding and the Management of allegations against staff who hold a position of trust

October 2025



**Hartlepool
Borough Council**

Background

The management of allegations of staff who work with children is clearly defined in Statutory Guidance, the functions of the Local Authority Designated Officer (LADO) is recognised and has a consistent national meaning. Any concerns relating to Children should be referred to the Children's Safeguarding Hub.

This guidance is to reflect the approach taken where an allegation is made against a Person in a Position of Trust and their relationship with adults who may have or appear to present with eligible support needs.

Managing allegations against adults in a position of trust is set out in Section 6 (7) of the Care Act 2014, and suggests those providing universal care and support services should have clear policies in line with those from the safeguarding adults board for dealing with allegations against people who work, in either a paid or unpaid capacity, with adults with care and support needs.

Safeguarding Boards may refer to People in a Position of Trust (PIPOT) or Person Alleged to have Caused Harm (PATCH).

1. Guidance Statement

- 1.1 The purpose of this guidance is to ensure that all allegations of abuse made against staff or volunteers working with adults are dealt with in a fair, consistent and timely manner.
- 1.2 This guidance deals with any paid or unpaid members of staff in a position of trust working with:
 - an adult or adults who have needs for care and support, whether the local authority is meeting any of those needs or not, and who are experiencing, or are at risk of, abuse and neglect
 - unable to protect themselves from either the risk of, or the experience of abuse or neglect

The adult experiencing, or at risk of abuse or neglect will be referred to as '*adult*' for the rest of this guidance.

THIS GUDIANCE SHOULD BE READ IN CONJUNCTION WITH THE CLEVELAND POLICE ADULT AT RISK POLICE REFERAL CRITERIA AND THE TSAB DECSSION SUPPORT GUIDANCE.

Note: there is separate national guidance for those where concerns are raised working with Children. Should there be concerns about any individual who may work with both children and vulnerable adult's consideration should be given as to the respective statutory guidance.

2. Scope

2.1 This guidance should be used in respect of all circumstances where there are concerns regarding staff members:

- behaviour or conduct in their personal life that might indicate their unsuitability to work with adults
- behaved in a way that has harmed or may have harmed an adult
- possibly committed a criminal offence against or related to an adult
- behaved in a way that indicates they are unsuitable to work with adults

2.2 This guidance deals with any paid or unpaid member of staff in a position of trust working with adults. This includes staff who:

- work directly with adults
- work in a setting where adults regard them as safe and trustworthy
- have access to sensitive information regarding adults
- are senior managers who have responsibility for appointing people to work with adults

2.3 Types, patterns and different circumstances of abuse and neglect should be considered within the categories identified in the Care Act 2014 such as, physical abuse, domestic violence, sexual abuse, psychological abuse, financial or material abuse, modern slavery, discriminatory abuse, organisational abuse, neglect and acts of omission and self-neglect. These include concerns relating to inappropriate relationship(s) between members of staff and adults in their care, for example:

- having a sexual relationship with an adult in a position of trust even if the relationship appears consensual
- sending inappropriate text or email messages, including images
- possession of indecent photographs or pseudo-photographs of vulnerable adults

2.4 A failure to report an allegation or concern in accordance with this guidance is potentially a disciplinary matter.

2.5 Staff and volunteers are strongly advised to report any incident involving themselves that could give rise to concern, including the potential for misinterpretation by others.

3. Children

3.1 Children's Services must be informed if the allegation is such that the person may also pose a risk to children. 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. Allegations about children should be referred to Children's Services.

3.2 This protocol does not cover complaints or concerns raised about the quality of the care or professional practice provided by the Person in a Position of Trust (PiPoT). Concerns or complaints about quality of care or practice should be dealt with under the relevant agency or individual complaint, competence, or representations processes.

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4. Adult referral

4.1 A referral should only be undertaken where there has been an allegation made against a member of staff which may affect their role working with adults. Where Children are concerned for example, a School or Children's Home setting, the LADO (Children's) should be notified and a Police referral considered.

4.2 The case or incident should be referred by the designated Senior Manager to the Integrated Single Point of Access (ISPA) or directly to the Adult Safeguarding team if in a Care Quality Commission (CQC) regulated setting (by completing the TSAB concerns form). A decision will be made within 4 hours as to whether the case will be considered to follow the LADO (children's) process, submitted to the Police, falls within the statutory adult safeguarding framework and / or is considered a disciplinary matter.

5. Roles and Responsibilities

5.1 The Safeguarding Team Manager (Adults) has specific responsibility for:

- being involved in the management and oversight of individual cases
- providing advice and guidance on managing allegations to employers and voluntary organisations
- liaising with Police and other agencies, where necessary
- monitoring the progress of cases to ensure they are dealt with as quickly as possible, using a consistent, thorough and fair process

5.2 The Safeguarding Manager and Head of Service in Adult Social Care cover the functions for Adults. (In this case managing allegations against adults in a position of trust is set out in Section 6 (7) of the Care Act 2014)

6. Recognising and Responding to an Allegation

6.1 There are a number of sources from which a complaint or allegation might arise, including those from:

- an adult
- a parent or carer
- a member of the public, including a friend or relative
- a colleague - also known as whistle blowing
- a disciplinary investigation

7. Initial Action by Person Receiving or Identifying an Allegation or Concern

7.1 The person to whom an allegation is first reported should treat the matter seriously and keep an open mind. They should not:

- instigate an investigation
- investigate or ask leading questions, if seeking clarification
- make assumptions or offer alternative explanations
- promise confidentiality or give assurance that the information will only be shared on a need to know basis

7.2 They should:

- make a written record of the information, where possible in the informants own words, including the time, date and place of the incident, persons present and what was said and done
- sign and date the written record
- immediately report the matter to the designated Senior Manager, or Deputy in their absence, or where the Senior Manager is the subject of the allegation
- refer the allegation to the ISPA, Duty Team or the Emergency Duty Team, if the concerns arise outside of office hours
- if there is an adult or child at risk of suffering significant harm, make a referral to Adult or Children's Social Care
- before referring on to external agencies please have regard to the Data Protection Act 2018, General Data Protection Regulations, the Care Act 2014 safeguarding adult principles
- consider if it is necessary to refer to Cleveland Police by phoning 101 and follow the Adult at risk Police referral criteria on the TSAB website

8. Sharing and disclosure of information

8.1 To ensure staff understand when and how to share personal information to safeguard children and adults at risk, in accordance with the Care Act 2014, Children Act 1989/2004, and the General Data Protection Regulations the following considerations are noted:

8.2 Staff may share personal information without consent when:

- an individual is at risk of significant harm, abuse, or neglect
- seeking consent would increase the risk to the individual
- the individual lacks mental capacity to consent
- sharing is necessary to fulfil a legal obligation or public task

8.3 Legal Bases for Sharing (UK GDPR)

- information sharing must be underpinned by a lawful basis, including
- vital interests – to protect life
- legal obligation – required by safeguarding legislation
- public task – necessary for official duties
- consent – only where freely given and appropriate

8.4 Seven Golden Rules of Information Sharing

1. protection overrides confidentiality where risk is present
2. be open and honest, unless doing so increases risk
3. seek advice if unsure
4. share with consent if safe and appropriate
5. be proportionate – share only what is necessary
6. record decisions and rationale
7. share securely and appropriately

8.5 Good Practice

- follow local safeguarding protocols and multi-agency frameworks
- document who information was shared with, what was shared, and why
- ensure all staff are trained in information governance and safeguarding duties
- if agreement cannot be reached on whether there is a justifiable reason for disclosure officers will have regard to the TSAB professional curiosity and professional challenge guidance

9. Initial Action by the Designated Senior Manager

9.1 When informed of a concern or allegation the designated Senior Manager should not attempt to investigate the matter or interview the member of staff, victim or any potential witnesses. They should:

- obtain written details of the concern or allegation - signed and dated by the person receiving the allegation
- acknowledge receipt of and date the written details
- record any information about times, dates and location of the incident(s) and the name of any potential witnesses
- record discussions about the victim and/or member of staff, any decisions made and the reasons for those decisions
- report the allegation to the LADO and/or Adult Safeguarding Lead within one working day
- if an adult/child has suffered, or is at risk of suffering, significant harm, ensure that a referral to Adult/Children's Social Care has been made.

9.2 Any organisation that receives information regarding a complaint, concern or allegation (including the Police and Social Care Staff) must report it within one working day. Reporting should not be delayed in order to gather information. If an allegation is received out of hours and requires immediate attention, the designated Senior Manager should consult Hartlepool Borough Council's Emergency Duty Team or the Police by phoning 101 and inform the LADO / Safeguarding Lead as soon as possible.

9.3 Where the local Authority receives a complaint or an allegation from sources other than the employer, the Local Authority should consider what information, if any, should be disclosed to the employer and the pressing need to share information.

10. Initial Consideration by the Safeguarding Manager / Head of Service

10.1 There are 3 strands in the consideration of an allegation:

- a Police investigation of a criminal offence
- social care enquiries and/or an assessment of whether a vulnerable adult or child is in need of protection or services
- consideration of an investigation under the disciplinary procedures

10.2 The Lead and designated Senior Manager/Deputy must consider whether further details are needed to instigate a police referral (without impeding on a potential police investigation) and whether there is evidence or information that establishes that the allegation is false or unfounded. If the allegation is not demonstrably false and there is a cause to suspect that a vulnerable adult is suffering or likely to suffer significant harm, the Senior Manager should make enquires with Cleveland Police by phoning 101 and a referral to the respective Adult Safeguarding Team to request an initial enquiry meeting be convened.

10.3 The Police must be consulted about any case in which a crime may have been committed. In circumstances where the criteria for an adult protection referral is not met, but a Police investigation may be needed, the safeguarding Lead should immediately inform the Police.

10.4 Where there are concerns regarding the conduct or behaviour of an individual which raises concerns about their suitability to work with vulnerable adults an initial meeting should be convened. In some circumstances when the action needed to be taken is evident, a discussion between the relevant parties may be appropriate instead of convening a meeting.

10.5 The Employer has a responsibility to inform the Adult Safeguarding Lead immediately if an allegation is made. The employer should seek advice from the Safeguarding Lead and the Police about how much information should be disclosed to the accused. Subject to the restrictions on the information that can be shared, the employer should, as soon as possible, inform the accused about the nature of the allegation, how enquiries will be conducted and the possible outcome.

10.6 The accused member of staff should

- be treated fairly and honestly and helped to understand the concerns expressed and processes involved
- be kept informed of the progress and outcome of any investigation and the implications for any disciplinary process
- if suspended, be kept up to date about events in the workplace and provided with a named contact in the council

10.7 The employer also has a duty to consider what support and advice they will make available to their staff or volunteers against whom allegations have been made.

10.8 Any PiPoT about whom there are allegations should be treated fairly and honestly. Their employer has a duty of care towards them. The employer should ensure that the employee or volunteer subject to the allegation is made aware of the allegation as soon as is reasonable and kept informed of the progress of the investigation. The employee

or volunteer who has had allegation made against them can nominate a trade union representative or a work colleague to support them during the process. Similarly, any witnesses who are involved can also nominate a trade union representative or work colleague for support. The nominated work colleague must maintain and respect the sensitive and confidential nature of the process and any information which may be shared with them.

11. Informing the Care Quality Commission

11.1 The Care Quality Commission (CQC) is the independent regulator of health and social care services. The CQC has a range of statutory enforcement actions to use where care does not meet the essential standards of quality and safety. The CQC will ensure that it responds to adult safeguarding issues in accordance with the regulatory framework requirements working with commissioners and providers to respond to all adult safeguarding issues in accordance with local policy and procedures. Consideration should be given to reporting to other regulatory bodies and commissioners, for example Ofsted or CCG.

12. The Initial Enquiry Meeting

12.1 An initial meeting should be chaired by the Safeguarding Lead (Adults) and should focus on the individual against whom the allegation has been made. The following is a list of potential participants:

- relevant member of staff and their Designated Senior Manager/Deputy
- police vulnerability unit; or equivalent team
- HR representative from the employing organisation or agency
- representative from commissioning when an allegation has been made against a service provider
- those responsible for regulation and inspection, where applicable, for example CQC or Ofsted.

12.2 The meeting should:

- consider the allegation and whether any investigation under disciplinary procedure is required
- discuss any previous allegations or concerns
- decide whether or not a Police investigation is necessary
- plan enquiries if needed, allocate tasks and set timescales
- decide what information can be shared, with whom and when
- consider what support should be made available to the member of staff and anyone who may be affected
- ensure that investigations are sufficiently independent
- make recommendations where appropriate regarding suspension or alternatives to suspension
- identify a lead contact manager within each agency
- agree procedures for reviewing investigations and monitoring progress, having regard to target timescales

- consider any issues for the attention of senior management, such as, media interest or resource implications
- consider if a referral to the DBS or other regulatory bodies or professional bodies should be made and by whom
- consider risk assessments to inform the employer's safeguarding arrangements
- where applicable consider the individual's own children or those within their family and any other children or vulnerable adults they have contact with, and whether a referral to Social Services should be made regarding their safety
- agree dates for any future meetings necessary

12.3 If necessary, a subsequent meeting should be held to ensure that all tasks have been completed and where appropriate agree an action plan for future practice based on lessons learned.

12.4 The meeting should decide whether the concern justifies:

- approaching the member of staff's employer for further information, in order to assess the level of harm
- inviting the employer to the meeting

12.5 If the member of staff lives outside the authority area they work in, liaison should take place between the relevant agencies in both areas.

12.6 If the allegation will affect the individual's work with vulnerable adults the meeting should consider:

- the ability and/or willingness of the member of staff to adequately protect the vulnerable adults
- if measures need to be put in place to ensure their protection
- if the role of the staff member has been compromised

13. Whistle Blowing

13.1 All staff should be made aware of their employer's whistle blowing policy and feel confident to voice concerns about their actions or the attitude of colleagues. If a member of staff believes that a reported allegation or concern is not being dealt with appropriately by their organisation, they should report the matter to the Safeguarding Lead.

14. Cross Boundary Considerations

14.1 Allegations may be raised about individuals who work within more than one authority. When this occurs, the person receiving the information should contact the Lead in the area(s) where the individual is also known to work or have contact with vulnerable adults. The person receiving the information should offer to attend a meeting in the area(s) to share information and agree any necessary action.

15. Confidentiality

- 15.1 Every effort should be made to maintain confidentiality and guard against publicity whilst an allegation is being investigated or considered. Information should be restricted to those who have a need to know to protect vulnerable adults, facilitate enquiries and manage disciplinary processes.
- 15.2 The Police will not provide identifying information to the press or media, until a person is convicted, other than in exceptional circumstances. In such cases, the reason should be documented and partner agencies consulted beforehand.

16. Information Sharing

- 16.1 The Information Sharing Agreement for Adults supports lawful information sharing between agencies to protect adults at risk from abuse by setting out an agreed framework. It contains best practice and standards which staff from partner agencies need to meet to fulfil their duty of care in relation to the sharing of information for the purposes of responding to or preventing abuse or neglect of adults at risk.
- 16.2 The PiPoT should be informed about the allegation as soon as possible. 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.

If the PiPoT asks the Information Owner 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, the rationale for this must be recorded. It may need to be qualified should more detail come to light to change this decision. The PiPoT should be made aware if a decision is made later to share information. All decisions to share or not share information, and their rationale should be clearly recorded.

- 16.3 A decision as to whether to disclose information must be made with the support of a peer and/or legal where appropriate. Particular care should be given to third party information to ensure this is shared in accordance with the requirements under section 8 of this guidance.

Please Note: all data must be treated sensitively, and the data handler must have regard for any data that may cause harm (see flowchart – appendix 1)

17. Support

- 17.1 As soon as practicable after the allegation has been received, the accused should be advised to contact their union or professional association. The employing organisation should alert their HR Advisors in order that support can be offered via the organisation's occupational health or wellbeing arrangements and so that procedures can be adhered to.

17.2 The employing organisation, together with Adult Social Care and/or the Police, where involved, should consider the impact on any vulnerable adults or children involved in the allegation and provide appropriate support. Liaison between agencies should consider how the vulnerable adults or children's needs are addressed.

18. Unsubstantiated and False Allegations

- 18.1 Following the initial meeting, if an allegation is determined to be unsubstantiated, the Safeguarding Lead should prepare a separate report of the enquiry and forward it to the designated Senior Manager/Deputy of the employer to enable them to consider what further action, if any, should be taken.
- 18.2 If it is established that an allegation has been deliberately invented, the Police should be asked to consider if it is appropriate to take action against the person responsible.
- 18.3 At the conclusion of a case in which the allegation is unsubstantiated, the employer should review the circumstances of the case to determine whether there are any improvements to be made to the organisation's procedures or practice to prevent similar events occurring in the future.

19. Disciplinary Process and Investigation

- 19.1 In all cases, the Adult Safeguarding Lead, designated Senior Manager/Deputy and the employer's HR representative should discuss if an investigation under disciplinary procedures is necessary. The discussion should consider any potential misconduct or gross misconduct and take into account:
 - information provided by the Police and/or Adult Social Care
 - the result of any investigation
 - the different standard of proof in disciplinary and criminal proceedings
- 19.2 In the case of supply, casual or volunteer workers the normal disciplinary process may not apply. In these circumstances, the Safeguarding Lead and employer should act jointly with the providing agency, if any, in deciding whether to continue to use the person's services, provide future work with vulnerable adults, or whether to make a report for consideration for barring via the DBS/professional body or other action.
- 19.3 If formal disciplinary action is not required the employer should implement any agreed actions arising from the meeting within 5 working days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 10 working days. The timescales detailed will be adhered to wherever possible. However, where there are good reasons, for example the lack of availability of the trade union representative, officers or witnesses, each party can request that the other agrees to an extension of the recommended timescales.
- 19.4 If further investigation is needed to decide upon disciplinary action, the employer and the safeguarding lead should discuss if the employer has appropriate resources or if the employer should commission an independent investigation because of the nature

or complexity of the case or to ensure objectivity. The investigation should not be conducted by a relative or friend of the accused.

- 19.5 The aim of the investigation is to obtain, as far as possible, a fair, balanced and accurate record in order to consider the appropriateness of disciplinary action and/or the individual's suitability to work with vulnerable adults. Its purpose is not to prove or disprove the allegation. The investigating officer should aim to provide a report as soon as possible.
- 19.6 On receipt of the report the employer should decide, within 2 working days whether a disciplinary hearing is needed. If a hearing is required, it should be held within 10 working days. The timescales detailed will be adhered to wherever possible. However, where there are good reasons, for example, the lack of availability of the trade union representatives, officer or witnesses, each party can request that the other agrees to an extension of the recommended timescale.
- 19.7 If at any stage of the investigation, new information emerges that requires a Safeguarding referral, the investigation should run alongside the Safeguarding. Consideration should be given as to whether suspension is appropriate in light of the new information.

20. Suspension

- 20.1 The possible risk to vulnerable adults posed by the accused needs to be evaluated and managed effectively. In some cases, this requires the employer to consider suspending the member of staff. Suspension is a neutral act and not automatic. This is a matter for the employer to decide. It should be considered where:
 - there is cause to suspect a vulnerable adult or child are or may be at risk of significant harm if the accused continues in their employment
 - the allegation warrants investigation by the Police
 - the allegation is so serious that it might be grounds for dismissal
 - there is cause to suspect that the individual has the potential to intimidate the person(s) whom they know or believe to be involved
 - there is cause to suspect that the individual may have the potential to destroy or contaminate evidence related to the investigation, whilst at work
 - other circumstances particular to the case that warrant suspension
- 20.2 The Safeguarding lead should canvass their views on the risks posed and inform the employer. Only the employer has the power to suspend the accused employee, and they cannot be required to do so by Hartlepool Borough Council or the Police.
- 20.3 If a suspended person is to return to work, the employer should consider what help or support might be appropriate, for example, a phased return to work or the provision of a mentor and also how to best manage the member of staff's contact with vulnerable adults.

21. Record Keeping

21.1 Employers should keep a clear and comprehensive summary of the case. The record should include details of:

- allegations made
- details of how the allegation was followed up and resolved
- actions taken
- decisions reached
- there must be regard for GDPR and regard to working in a trauma informed manner

21.2 The outcome letter should be retained on the employee's personal file and in accordance with the organisations policy on retention. The purpose of the record is to enable accurate information to be given in response to any future request for a reference. It will provide a 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. It also prevents unnecessary re-investigation if, as sometimes happens, allegations resurface after a period.

21.3 A central record of allegations will be maintained and stored securely by the Local Authority. The records will assist in the monitoring and evaluate the effectiveness of managing allegations and provide statistical information to central government, if required.

22. Monitoring Process

22.1 The Safeguarding Lead should monitor and record the progress of each case. This could be by way of review meetings or by direct communication with the Police, Adult Social Care or the employer. Where target timescales cannot be met, the Lead should record the reasons.

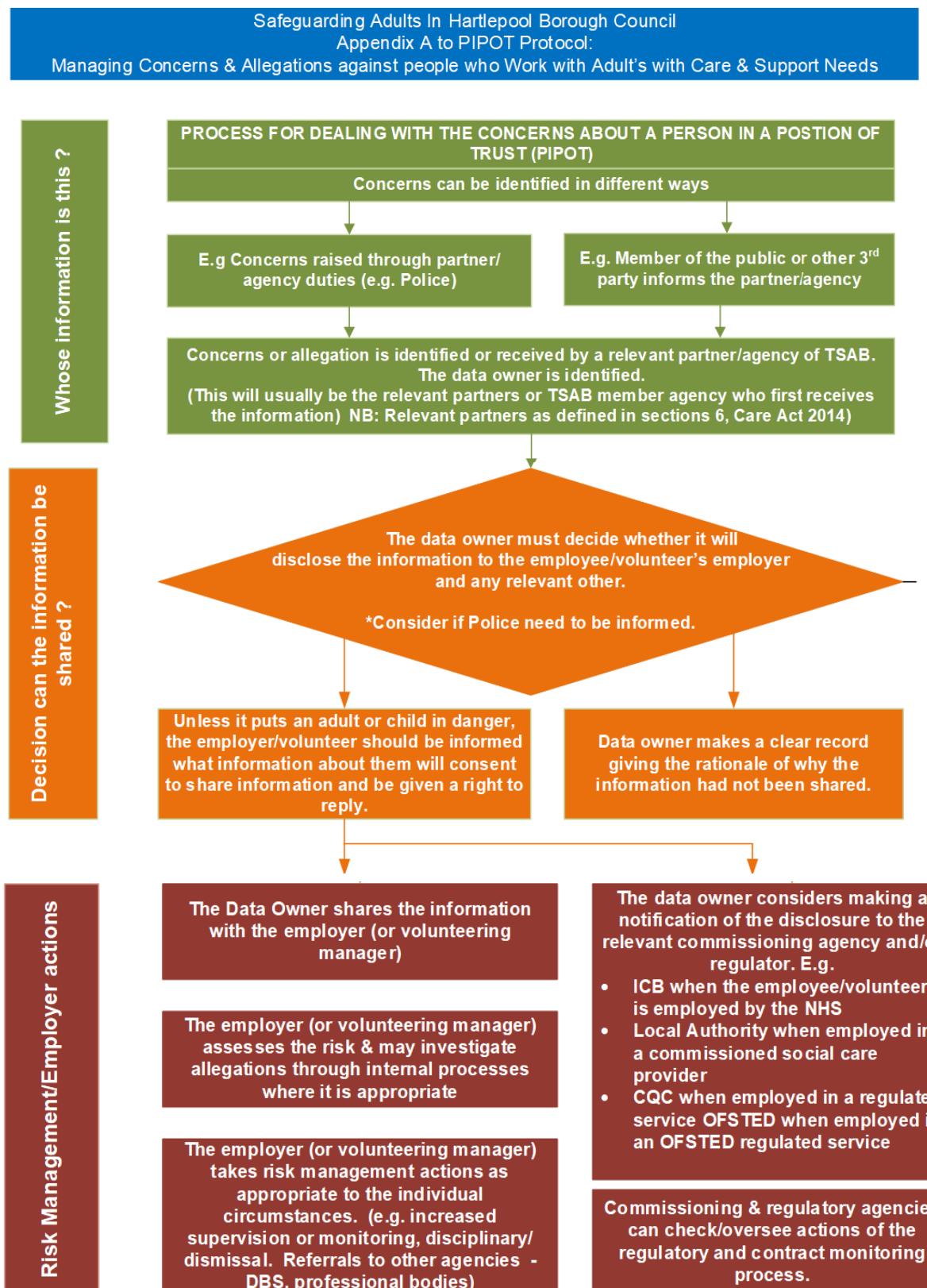
22.2 If a Police investigation is to be conducted, the Police should set a date for reviewing its progress and consulting with the CPS. Wherever possible this should be no later than 4 weeks after the initial meeting. Dates for any further reviews should be agreed either fortnightly or monthly.

23. Actions or Conclusions of a Case

23.1 If the allegation is substantiated and the person is dismissed, or the employer ceases to use the person's services, for example an agency or casual worker, or if the person resigns, the Lead should discuss with the employer if a referral should be made to the DBS and/or the HCPC. Consideration will then be given by the professional body as to whether or not the individual should be barred from, or have conditions imposed in respect of, working with vulnerable adults. If a referral is to be made, a named person should be identified to make the referral.

- 23.2 If a referral is made, it should be submitted within 1 month of the allegation being substantiated.
- 23.3 The employer and the Lead should review the circumstances of each case to determine whether there are any improvements to be made to the organisation's procedures and practice.
- 23.4 It is in everyone's best interests to resolve cases as quickly as possible, consistently and with a thorough investigation. Every effort should be made to avoid any unnecessary delay. It is expected that most cases are resolved within 1 month, although cases which require a criminal prosecution or complex Police investigation are likely to take longer than 3 month.

APPENDIX 1: PIPOT FLOWCHART



Factors to consider in relation to PiPoT notifications

The following applies to all cases where current or historical concerns, suspicion or allegation arises in connection with:

1.	The person in a PiPoT's own work/voluntary activity (Adult and Children)
2.	The person in a PiPoT's life outside work i.e. concerning adults at risk in the family, social circle.
3.	The person in a PiPoT's life outside work i.e. concerning risks to children, the individual's own children or other children.

Questions	No cause for concern	Some cause for concern	Cause for concern
The person has behaved in a way that has harmed or may	No harm or potential harm	Some harm or potential harm	Serious harm or potential harm
Possibly committed criminal offence against or related to an adult/s with care and support needs or a child?	No	Not to an Adult with care and support needs but the offence is serious	Yes
Otherwise 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	No	Yes	
May be subject to abuse themselves which means their ability to provide a service to adults at risk must be reviewed	No	Yes	

Appendix 3: Position of Trust Referral Form



PIPOT%20Referral%20form.docx

Appendix 4: PiPoT Planning Meeting – Agenda and Template



PIPOT%20Agenda%20for%20Planning%20

Appendix 5: PiPoT Case Closure – Agenda and Meeting Template



PIPOT%20Agenda%20for%20Closure%20

Appendix 6: Agency good practice checklist

Good Practice Checklist – Person in a Position of Trust (PiPoT)		
Does your organisation have an Adult PiPoT lead?	✓	✗
Does your organisation have an Adult PiPoT record system to record allegations, the steps taken, the decisions made on actions or no action taken and the basis for taking this position?	✓	✗
Does your organisation include reference to how Adult PiPoT issues have been dealt with in your assurance report to SAB?	✓	✗
Does your organisation consider what support is offered to a person if an Adult PiPoT alleged to have caused harm?	✓	✗
Has your organisation established sources of advice (including, where necessary, legal advice)	✓	✗