



North Yorkshire
Safeguarding Adults Board

Managing Concerns around People in Positions of Trust

Title	Managing Concerns around People in Positions of Trust
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1. Purpose

This policy is based upon existing relevant statutory provisions for sharing information and managing concerns about a Person in a Position of Trust (PiPoT); and includes employer responsibilities; risk assessments and employee rights.

2. Scope

This policy applies to all partner organisations.

3.Guidance and procedures

This document should be read in conjunction with the Joint Multi-Agency Safeguarding Adults Policy and Procedures, West Yorkshire, North Yorkshire and City of York.

4. Legislation and guidance

4.1 Care Act 2014 and Care and Support statutory guidance

[The Care Act 2014](#) and the [Care and Support statutory guidance](#) requires local authorities to have in place a framework and process for the management of allegations against “people in a position of trust.”

4.2 Person in a position of trust

Care and Support Statutory Guidance (Care Act 2014), Chapter 14 – Safeguarding, paragraph 14.120 states:

“People in a position of trust are those who work, in either a paid or unpaid capacity, with adults with care and support needs.”

Celebrities may fall within the definition of a person in a position of trust (PiPoT) where their role brings them into contact with adults with care and support needs. It does not apply solely on the basis of public profile but on the nature of the role and the expectation of trust.

Care and Support Statutory guidance states that safeguarding is not a substitute for:

- providers’ responsibilities to provide safe and high-quality care and support
- commissioners regularly assuring themselves of the safety and effectiveness of commissioned services
- the Care Quality Commission (CQC) ensuring that regulated providers comply with the fundamental standards of care or by taking enforcement action
- the core duties of the police to prevent and detect crime and protect life and property.

4.3 Data Protection Act 2018, UK General Data Protection Regulation 2018 (UK GDPR) and Information Sharing

Decisions made about sharing information must be justifiable and proportionate, based on the risk of harm. Information will only be shared between agencies when.

- where there is a clear legal basis and public interest justification
- where sharing is necessary and proportionate to the identified risk
- with those who need the information to manage risk or fulfil statutory responsibilities
- limited to the minimum information required and shared at the appropriate time

4.4 Human Rights Act 1998 (ECHR)

The principles set out in the Human Rights Act must also be considered within this framework, in particular the following articles:

Article 3 - Freedom from torture and inhuman or degrading treatment or punishment

No one shall be subjected to torture or to inhuman or degrading treatment or punishment. Article 3 is most likely to be relevant in a PiPoT context because agencies and employers must ensure that:

- actions taken to manage risk (e.g., restrictions, suspension, information-sharing decisions, and meeting arrangements) do not amount to inhuman or degrading treatment.
- the process does not create a foreseeable risk of serious harm to the individual (for example, severe deterioration in mental health) without appropriate safeguards and support.

Article 6 - The 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 the law and have certain guaranteed rights to defend themselves.

Article 7 - No punishment without law

This protects individuals from arbitrary prosecution, conviction, or punishment. It provides that no one shall be held guilty of a criminal offence on account of any act or omission which did not constitute a criminal offence at the time it was committed, nor be subjected to a heavier penalty than the one that was applicable at the time the offence was committed. Under **section 7 of the Human Rights Act 1998**, a

person who claims that a public authority has acted, or proposes to act, unlawfully under **section 6(1)** may bring proceedings against the public authority under the Act in the appropriate court or tribunal or rely on the Convention right concerned in any legal proceedings.

Article 8 - The right to respect for private and family life

Article 8 gives everyone the right to respect his private and family life, home and correspondence.

4.5 Crime and Disorder Act 1998

The Act states that 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).

4.6 If a person has been arrested

If a person has been arrested and are employed and/or undertake voluntary work the person will receive information in relation to [Common Law Police Disclosure](#) (CLPD) when they are given their Rights and Entitlements. This is information regarding the possibility that the police may disclose information about the individual to an employer, regulator, or voluntary organisation. The CLPD provisions relate to the circumstances in which the police use common law powers to disclose police information regarding an individual to enable a third party to consider risk mitigation measures in respect of an employment or voluntary role believed to be undertaken by that individual.

5. Equality, Diversity and Inclusion

Partner organisations are committed to ensuring that safeguarding activity and partnership decision making is inclusive, fair and responsive to the diverse needs of individuals and communities. Safeguarding activity should promote equitable access and outcomes, recognising that different people may require different support.

All safeguarding adults work should be underpinned by:

- Equity, equality, diversity and inclusion
- Anti-discriminatory and anti-oppressive practice
- Dignity and respect
- Respect for human rights

6. Adopting a Trauma-Informed Approach

A trauma-informed approach supports fairness and proportionality for all parties involved.

This means recognising that:

- The PiPoT process itself can be experienced as stressful or traumatic
- Individuals may respond with anxiety, withdrawal, anger, or distress
- Clear communication, transparency, and consistency can reduce harm.

7. Children

7.1 Making a referral to Local Authority Designated Officer (LADO)

In accordance with [Working Together to Safeguard Children](#) (2026), where an organisation has received an allegation that a volunteer or member of staff who works with children has:

- behaved in a way that has harmed a child or may have harmed a child;
- possibly committed a criminal offence against or related to a child; or
- behaved or may have behaved in a way that indicates they may not be suitable

to work with children; or

- behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

Refer to the [Managing Allegations Against those who work or volunteer with Children Practice Guidance](#). This procedure outlines key roles and responsibilities to be undertaken when responding to allegations against staff or volunteers who work with children.

A LADO notification form should be sent within one working day, using secure mail to lado@northyorks.gov.uk . If you do not have a secure email address, contact 01609 798005 within office hours.

If there is an immediate threat to a child, contact the Emergency Duty Team (if outside office hours) on 0300 131 2 131.

7.2 Making a referral to the Children and Families Service

Where a concern has been identified about a PiPoT and they are a parent or carer for a child or children, consideration should be given as to whether a referral to Children and Families Service is required. If you are concerned about a child or a young person under 18 years of age, refer to the children and families' service.

Contact 0300 131 2 131 to speak to an advisor at the Customer Service Centre. If you are worried about a child, click on this link here for further guidance: [worried-about-a-child](#)

8. Criteria for a Person in a Position of Trust (PiPoT) referral

A PiPoT referral should be made when something has occurred in PiPoT's private life and they work in a paid or unpaid capacity, with adults with care and support needs, and there is a transferable risk to their role at work and meets the criteria below.

A PiPoT has:

- behaved in a way that has harmed, or may have harmed an adult or child, or,
- 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.

This applies whether the alleged incident is current or historical.

8.1 When a PiPoT referral is not required

A PiPoT referral is not required in the following circumstances.

- If there is a concern that has occurred in the PiPoT's working role, whether they work in a paid or unpaid capacity; the employer, student body or voluntary organisation need to be notified directly and on the same working day.
- If the employer, student body or voluntary organisation, is already aware of the concern(s) and if the PiPoT is not working anywhere else with adults with care and support needs.
- A safeguarding concern should be reported about an adult at risk, where there is a reasonable belief that first 2 criteria of the safeguarding duty apply, as follows:
 - The adult has need for care and support (regardless of whether these have been assessed or are being met by the local authority); and
 - They are experiencing, or at risk of experiencing abuse or neglect.

A safeguarding concern should be raised in accordance with the **Joint Multi-Agency Safeguarding Adults Policy and Procedures**. Report a safeguarding concern to North Yorkshire Council [here](#).

9. Responsibilities of partner organisations and service providers sharing information about PiPoT concerns

Partner organisations and service providers are responsible for ensuring that information relating to a PiPoT concern is shared and escalated outside of their organisation in circumstances where this is required. Such sharing of information must be lawful, proportionate, and appropriate. As a Data Controller, it is the recipient organisation's responsibility to consider whether the concern meets the criteria for referral under these procedures, as detailed above.

10. Responsibilities of partner organisations and service providers managing concerns within employment

Employers, student bodies and voluntary organisations should have clear procedures for managing concerns about PiPoT in place, setting out a process that states who should undertake an investigation, and what sources of support and advice will be available to individuals against whom allegations have been made. This should be in accordance with UK Employment Law.

- Employers, student bodies and voluntary organisations should have their own Human Resources (HR) policy, and source of HR advice or 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 Designated 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 relevant Professional Body or Bodies.

11. PiPoT Process

11.2 How to make a PiPoT referral

Where a relevant partner organisation wishes to raise a PiPoT concern, notify the Designated Safeguarding Lead for their organisation and make a PiPoT referral to the local authority in whose area the PiPoT works, and follow the local guidance.

11.3 If the PiPoT works in North Yorkshire

If the PiPoT works in North Yorkshire a referral should be made to Adult Social Care using the [PiPoT referral form](#). Send the completed form by secure email to:

pipots@northyorks.gov.uk

If you require advice, contact the Customer Service Centre during office hours, or the Emergency Duty Team out of hours, on 0300 131 2 131.

11.4 Adult Social Care will screen the PiPoT referral and identify the lead agency

Adult Social Care will receive and screen the referral to determine whether the PiPoT criteria is met.

11.5 When the criteria is not met

When the criteria is not met, Adult Social Care will provide feedback and advice to the referrer on what action they need to take, if any. See Appendix 1, for PiPoT process map.

11.6 When the criteria is met

When the criteria is met, a decision is made by Adult Social Care who will lead the PiPoT enquiry:

- the Police will lead PiPoT enquiries when the PiPoT is employed by North Yorkshire Police. When they have completed their enquiry, they will notify Adult Social Care of the outcome.
- Adult Social Care will lead on all other PiPoT enquiries.

11.7 Involving the Integrated Care Board ICB when the PiPoT criteria is met

Where there is an allegation or concern that a member of staff in an ICB, primary care service, or health provider has abused or neglected an adult and meets the PiPoT criteria in Section 8, the designated professional for safeguarding adults in the ICB should be informed.

Adult Social Care would take the lead on enquiry, but the ICB would be involved in the multi-agency decision making regarding a disclosure to PiPoT's employer and a multi-agency risk assessment.

11.8 A Managing Concerns meeting

Where necessary, a Managing Concerns meeting may be convened to consider the concern. The purpose of the meeting is to:

- assess and manage risk
- agree what necessary actions are required by whom and within what timescales.
- determine what information can be shared, with whom and at what stage, and
- clarify responsibilities for communication with the person in a Position of Trust and their employer.

Representatives from the following organisations may be invited.

- the Police,
- Care Quality Commission (CQC),

- Local Authority Designated Officer (LADO),
- Health Commissioner (Integrated Care Board) Or
- Social Care Commissioner, and
- any other relevant parties.

The PiPoT will not attend the Managing Concerns Meeting.

12. Advising the PiPoT that a decision has been made to share information with their employer, student body or organisation

When a decision has been made to share information with the PiPoT's employer, student body or volunteer organisation, the PiPoT should be:

- informed that the allegation against them will be shared with their employer or student body or voluntary organisation, unless it puts anyone in danger, including the PiPoT themselves.
- offered a right to reply to the allegation or concern raised about them.
- advised what information will be shared about them, how the information will be shared and with whom.
- given the opportunity to tell their employer, student body or voluntary organisation themselves, unless the immediacy and nature of the risk do not allow for this. The lead agency will need to be assured that appropriate information has been shared by following up with the employer, student body, or voluntary organisation.

13. The welfare of the PiPoT and impact of the PiPoT enquiry on their wellbeing

The Lead Agency (Adult Social Care or the Police) must consider the welfare of the PiPoT and the impact the PiPoT enquiry may have on their wellbeing. Consider the following:

- does the PiPoT have someone they can speak to for emotional support, during this time for example, a trusted friend or family member.
- if there are concerns regarding their emotional or physical health, signposting them to their GP or other relevant health services.
- communicate in a respectful, trauma-informed and non-judgmental manner, recognising the potential impact on their wellbeing, reputation and relationships

14. Sharing information with the PiPoT's employer, student body or voluntary organisation

Careful consideration is required as to whether the Lead Agency should share information with the person's employer, student body or voluntary organisation, to enable them to undertake a risk assessment.

The lead agency will need to contact the employer, student body or voluntary organisation to share information and any relevant parties.

Ensure the following:

- sharing of information is justifiable and proportionate.
- request details of any actions taken and seek assurance that they have carried out a risk assessment.
- record the rationale for all decision-making, and ensure it is timely.
- make it clear whether the information relates to a criminal or civil enquiry.

Employers, student bodies and voluntary organisations should ensure that appropriate welfare and emotional support is available to the PiPoT, while maintaining the integrity of any safeguarding, regulatory, criminal or disciplinary enquiries.

15. Notifications to other parties

15.1 Referring to the Disclosure and Barring Service (DBS).

If someone is removed from their role providing Regulated activity following a safeguarding incident the Regulated Activity Provider (or if the person has been provided by an agency or personnel supplier) has a legal duty to refer them to the DBS.

[For more information, see Regulated activity with adults in England and Wales.](#)

The Regulated Activity Provider has a duty to refer to the DBS, which applies where a person leaves their role before a disciplinary hearing has taken place following a safeguarding incident and the employer or volunteer organisation feels they would or might have dismissed the person based upon the information they hold. Refer to the [DBS Guidance](#) on how to make a referral.

15.2 Reporting to the Regulator and other bodies responsible for professional regulation

Where appropriate, the employer should report the PiPoT to the relevant Statutory Regulator and other bodies responsible for professional regulation. Access the list of [UK regulated professions and their regulators - GOV.UK](#)

15.3 Notifying the Care Quality Commission

Where appropriate, if the PiPoT is a Registered Manager, then the CQC should be notified if there is an identified risk. CQC can take action as deemed appropriate to ensure the service has appropriate standards of practice to prevent and respond to any future risk of harm. This includes the employer's 'fitness' to operate and responsibility to safeguard adults at risk.

Appendix 1: PiPoT Process Map

