

Managing Allegations against Person(s) in Positions of Trust (PIPOT) Policy V.1

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Safeguarding
Adults
in Stockport

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Legal Comment

This Policy has been drafted in conjunction with the council's Adult Social Care Legal team and approved by that team on behalf of the Council Solicitor. The relevant legislation and its impact has been explained further below within the document itself.

Introduction

The purpose of this guidance is to provide a framework for managing cases where allegations have been made against person(s) in positions of trust (PIPOT) and is focused on the management of risk based on an assessment of abuse or harm against an adult with care and support needs. It provides a framework to ensure appropriate actions are taken to manage allegations regardless of whether they are made in connection with the PIPOT's employment, in their private life or any other capacity.

There are occasions when concerns/incidents/allegations are reported that do not involve an adult at risk or with care and support needs but indicate that a risk may be posed to such an adult. On these occasions the PIPOT process should be followed.

The term "employer" refers to the organisation that has a working relationship with the adult against whom the allegations have been made. This includes employment agencies, voluntary organisations, etc.

This guidance applies to the Local Authority, all partner agencies, and commissioned Local Authorities' relevant partners and those providing care and support services. Employers should designate a named senior manager to whom allegations or concerns should be reported. Employers and voluntary organisations should also have clear PIPOT policies in place in line with those of Stockport Metropolitan Borough Council (SMBC)

Statutory Requirements and Exclusions

The Care Act requires that partner agencies and their commissioners of services should have clear recordings and information sharing guidance, set explicit timescales for action and are aware of the need to preserve evidence. This policy builds upon existing relevant statutory provision. The guidance for 'Managing allegations against people in a position of Trust' is contained within section 14 of the Care and Support Statutory Guidance of the Care Act 2014. Other relevant legislation includes the Data Protection Act 2018 (DPA 18), the United Kingdom General Data Protection Regulation 2018 (UK GDPR); the Human Rights Act 1998 and employment legislation.

As with all adult safeguarding work the **six principles** underpinning the Care Act 2014 should inform this area of activity:

- **Empowerment** – People being supported and encouraged to make their own decisions and obtaining informed consent.
- **Prevention** – It is better to take action before harm occurs.
- **Proportionality** – The least intrusive response appropriate to the risk presented.
- **Protection** – Support and representation for those in greatest need.
- **Partnership** – Local solutions through services working with their communities. Communities have a part to play in preventing, detecting, and reporting neglect and abuse.
- **Accountability** – Accountability and transparency in safeguarding practice.

This policy gives guidance about the following considerations: information sharing; employer responsibilities; risk assessments; employee rights etc. The legislation above and the Crime and Disorder Act 1998 must be taken into account within this process.

This guidance relates to instances where a relevant agency is alerted to information that may affect the suitability of a professional or volunteer to work with an adult(s) with care and support needs, where such information has originated from activity both within and outside of their professional or volunteer role and place of work. The alleged victim, in such circumstances, does not have to be an adult with care and support needs. For example, it could be a partner or child. This guidance refers to circumstances which do not directly involve an adult with care and support needs, but where there may be risk implications in relation to the employment or volunteer work of a person in a position of trust.

Examples of such concerns could include allegations that relate to a person who works with adults with care and support needs who has:

- behaved in a way that has harmed or may have harmed an adult or child possibly committed a criminal offence against, or related to, an adult or child.
- behaved towards an adult or child in a way that indicates that they may pose a risk of harm to adults with care and support needs.

The following are excluded from this Policy:

- If an allegation is made that does concern the actions of a professional or volunteer related to alleged abuse or neglect of a person with care and support needs and this amounts to a safeguarding adults enquiry, then this should be dealt with by following the SMBC safeguarding adult policy and s 42 procedures.
- Referrals from the employer themselves. If the employer is aware of concerns about a staff member, it is their responsibility to manage the risks around this unless it is a s42 referral. This policy however does provide some guidance about employers' responsibilities.
- Complaints about a care worker, professional or volunteer where concerns are raised about the quality of practice provided by the person in positions of trust, but these do not pose a specific risk to adults or children. Other relevant bodies and their procedures should be used to recognise, respond to, and resolve these issues, such as complaints processes or contract management processes. This may also include referral to CQC, NMC, GMC, Social Work England, or similar.

Responsibilities

Stockport Safeguarding Adults Partnership (SSAP)

SSAP is the local statutory multi-agency partnership established under Section 43 of the Care Act 2014. SSAP was formally called the Safeguarding Adults Board and referred to as such in the Care Act. The partnership consists of the three statutory safeguarding partners (Stockport Metropolitan Borough Council, Greater Manchester Police, and Stockport NHS Clinical Commissioning Group), as well as a number of other agencies and organisations working in the borough. A full list of partner agencies is provided in Appendix B.

The Partnership has three core functions, which are to:

- Develop and publish a strategic plan which sets out how we will prioritise our work.
- Write and publish an annual report assessing our effectiveness.
- Commission Safeguarding Adult Reviews for any cases meeting the criteria set out in Section 44 of The Care Act 2014.

Safeguarding Adults Boards are required to establish and agree a framework and process for how concerns and allegations against people working with adults with care and support needs (i.e., those in positions of trust) should be notified and responded to. Whilst the focus on safeguarding adults work is to safeguard one or more identified adults with care and support needs, there are occasions when incidents are reported that do not involve an adult at risk, but indicate, nevertheless, that a risk may be posed to adults at risk by a person in a position of trust.

Each partner agency, in their annual assurance statement to the SSAP is required to provide assurance that arrangements to deal with allegations against a person in a position of trust, within their organisation are adequate and are functioning effectively. The SSAP will, in turn, maintain oversight of whether these arrangements are considered to be working effectively between and across partner agencies in the

local authority area. Appropriate cross organisational challenge should be possible as it is an important part of this process.

Local Authority

The Local Authority relevant partners are set out in Sections 6-7 of the Care Act 2014 which creates a general duty to cooperate between the local authority and other organisations which have functions relevant to care and support. This includes a duty on the local authority itself to ensure cooperation between its adult care and support, housing, public health, and children's services and to establish and agree a framework and process for any organisation to respond to allegations against anyone, who works in either a paid or unpaid capacity with adults with care and support needs.

Partners

Employers, student bodies and voluntary organisations, should have clear and accessible policy and procedures in place setting out the PIPOT process. These should determine who should undertake an investigation and include timescales for investigation and include how support and advice will be made available to individuals against whom allegations have been made. Individuals should also be made aware of their rights under employment legislation and any internal disciplinary procedures.

Any allegations against people who work with adults, should be reported immediately to a senior manager within the organisation. Employers, student bodies and voluntary organisations should have their own source of advice (including legal advice) in place for dealing with such concerns.

Where such concerns are raised about someone who works with adults with care and support needs, it will be necessary for the employer (or student body or voluntary organisation) to assess any potential risk to adults with care and support needs who use their services and, if necessary, to take action to safeguarding those adults.

Examples of such concerns could include allegations that relate to a person who works with adults with care and support needs who has:

- behaved in a way that has harmed or may harm an adult or child.
- possibly committed a criminal offence against, or related to, an adult or child.
- behaved towards an adult or child in a way that indicates they may pose a risk of harm to adults with care and support needs.

Children

When a person's conduct towards an adult may impact on their suitability to work with, or continue to work with children, this must be referred to the Local Authority Designated Officer (LADO). Where concerns have been identified about their practice and they are a parent/carer for children, then consideration by the Data Controller should be given to whether a referral to Children's Services is required.

Concerns raised by local authority children's teams

Where a concern has arisen following an assessment by the local authority children's teams, they must decide through their assessment whether the employing organisation is required to be informed in order to manage any risks.

Legal Framework

Care Act 2014

Sections 42 to 46 of the Care Act 2014 covers adult safeguarding, what it is and why it matters, procedures and the local authority's roles, responsibilities and multi-agency working. Guidance on Sections 42 to 46 can be found in the Care Act – [Care and Support statutory guidance](#).

Data Protection Act 2018

Information relevant to adult safeguarding will often be data that the Act categorises as "special category personal data," meaning it is sensitive and personal. Wherever possible, individuals and agencies should seek consent to share information, and be open and honest with the individual from the outset as to why, what, how and with whom, their information will be shared. If consent is not given or cannot be gained, the UK GDPR and Data Protection Act 2018 do not prevent, or limit, the sharing of information for the purposes of keeping adults with care and support needs safe.

The Data Protection Act 2018 allows for sharing of "special category personal data" without consent of the data subject for the purpose of safeguarding adults with care and support needs.

In particular, Schedule 1 Part 2 Paragraph 18 and 19 of the Data Protection Act 2018 provides the conditions to share information which can be shared legally without consent if a practitioner or agency is -

- unable to gain consent from the data subject,
- cannot be reasonably expected to gain consent from the data subject, or
- if gaining consent could place an adult with care and support needs (or child) at risk.

Individuals and agencies should consider the following information sharing principles to help when making decisions about sharing personal and sensitive information.

The Crime and Disorder Act 1998

The Crime and Disorder Act 1998 states any person may disclose information to a relevant authority under Section 115 of the Act: "Where disclosure is necessary or expedient for the purposes of the Act (reduction and prevention of crime and disorder)"

Courts and Criminal Justice Act 2015

The Courts and Criminal Justice Act 2015 which now includes the following criminal offences:

Section 20: Ill-treatment or wilful neglect: care worker offence and makes it an offence for an individual who has the care of another individual by virtue of being a care worker to ill-treat or wilfully neglect that individual.

Section 21: Ill-treatment or wilful neglect: care provider offence provides for a care provider to commit an offence if an individual employed or otherwise engaged by the care provider ill-treats or wilfully neglects someone to whom they are providing health care or adult social care and to whom the care provider owes a relevant duty of care; and the way in which the care provider manages or organises its activities amounts to a gross breach of that duty of care; and if that breach had not occurred, the ill-treatment or wilful neglect would not have happened, or would have been less likely to happen.

The Human Rights Act 1998

Human rights are freedoms which belong to all individuals regardless of their nationality and citizenship. They are fundamentally important in maintaining a fair and civilised society.

In cases of concern or allegations against people who care for adults with care and support needs the Act is relevant when decisions have to be made which consider balancing one right against another, or one person's right against the interest of society.

In cases of concern or allegations against people who care for adults with care and support needs the Act is relevant when decisions have to be made which consider balancing one right against another, or one person's right against the interest of society. These rights are fundamental and must also be taken into account within this framework in particular the following:

- **Article 6:** Right to a fair trial – A person has a right to a fair and public hearing within a reasonable amount of time. This applies both to criminal charges against them and to cases concerning their civil rights and obligations. If it is a criminal charge, the person is presumed innocent until proven guilty according to law and has certain guaranteed rights to defend themselves.
- **Article 7:** No punishment without the law – A person normally has the right not to be found guilty of an offence arising out of actions which at the time they committed them were not criminal. A person who claims that a public authority has acted or proposes to act in a way which is unlawful by section 6(1) may a) bring proceedings against the local authority under this act in the appropriate court or tribunal or b) rely on the convention rights or rights concerned in any legal proceedings.
- **Article 8:** Right to respect for private and family life - A person has the right to respect for their family life, their home, and their correspondence. This right can be restricted only in specified circumstances.

Raising PIPOT referrals

PIPOT referrals should be completed here - [Raise concerns about someone in a position of trust - Stockport Council](#)

On receipt of the referral, there will be a strategy discussion (within 1 working day) to decide on any further action or meetings required.

This discussion may involve all appropriate and relevant parties, e.g., social care, the police, the adult's employer, supervisor, line manager or HR manager, CQC, health agencies, children's services, commissioners, contract teams, the social worker of the adult with care and support needs. This list is not exhaustive and each referral should be considered on a case-by-case basis regarding who to discuss/share information with.

After initial discussion and sharing of information if a formal meeting is required it will be decided on a case-by-case basis what further actions/investigations are required.

Information should only be disclosed if there is a "pressing need" and essentially relates to proportionality and balance. In each case, a balance should be struck between the duty to protect people with care and support needs from harm or abuse and the effect on the individual regarding information about them being shared (for example, respecting the person's Article 8 Human Rights – the right to private and family life).

Employers have a duty of care to their employees and should act to minimise the stress inherent in the PIPOT allegation process. An employer should ensure they provide effective support for anyone facing an allegation.

Each case will be considered on its own merit in deciding which agency will take the lead. Identifying and agreeing actions, timescales, etc. if a formal meeting is required we will identify whom actions are designated to. (Please see [PIPOT Meeting Agenda - Template v 13 March 2024.docx \(sharepoint.com\)](#))

The PIPOT should be informed of allegations as soon as possible and be informed of the likely course of action unless there is an objection by the Police or Adult Social Care. Objections to sharing information with the PIPOT should be recorded by the employer and the SMBC Safeguarding Team with the justification and rationale being clear.

The initial sharing of information may lead to a decision that no further action is to be taken in relation to the PIPOT facing the allegation or concern; in which case this decision should be recorded by the employer and the SMBC Safeguarding Team. It should also be agreed what information will be shared in writing with the PIPOT and by whom.

In some cases, the PIPOT may be suspended from duty or other arrangements will need to be made to ensure the PIPOT is removed from contact with adults with care and support needs.

The employer must consider carefully whether the circumstances warrant suspension and seek advice from their HR team. Suspension should not be an automatic response when an allegation is reported; all options should be considered and recorded before suspending the PIPOT.

Suspension should be considered only when:

There is cause to suspect an adult/s with care and support needs are at risk of harm; or the allegation is so serious that it may be grounds for dismissal.

Depending on the nature of the allegation, the employer should also consider the potential for professional reputational damage to the PIPOT that can result from suspension if an allegation is found to be unsubstantiated or of a malicious nature.

If immediate suspension is considered necessary, the rationale and justification for taking this action should be recorded and include what alternatives to suspension had been considered and why they were not appropriate. The PIPOT should be given written confirmation of suspension within 1 working day, giving as much detail as possible for the suspension. The PIPOT should also be informed at this time who their named contact within the organisation will be.

The power to suspend lies with the employer. Adult Social Care (or the police) cannot require or make the decision on behalf of the employer to suspend the PIPOT.

The following must also be established:

- a) If the adult is aware of the allegations against them and has had the opportunity to share the information with their employer and make any appropriate representations.
- b) If the individual has declined to share this information, this does not mean this cannot be shared. A decision will be made in discussions or meetings regarding who will share all relevant information about the adult who is the subject of the allegation and any alleged victim. Decisions will be made on a case-by-case basis and should be proportionate and shared in a timely and transparent manner. It should also be clarified what support is available to the adult.

The scope and timescales of any further enquiries/investigations/meetings should be agreed. Also, consider whether any other people are affected by the allegation and agree any further action, timescales and who will undertake agreed actions.

- Record how the individual who is the subject of the allegation is kept informed and supported.
- Record how the adult with care and support needs and their representatives will be kept informed.
- Agree how parallel process will work together to avoid confusion/disruption of the processes (police investigation, s42 enquiry, organisation/HR investigation, contracts/commissioning teams)
- A refusal by the adult who is the subject of the allegation to engage with the investigation/enquiries does not prevent the processes from proceeding.

The following areas will be addressed in a PIPOT meeting – the purpose of the meeting and confidentiality agreement – sharing the detail of the allegation – consider if a crime has been committed – confirm all appropriate immediate actions were taken to protect adults with care and support needs and are risk assessments

required – agree who is doing what, when and how – identify how the PIPOT will be supported – agree further actions

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 organisations and individuals are accountable for their actions when responding to concerns about a PIPOT. All cases should be recorded in accordance with this Policy.

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 to investigate PIPOT concerns which have been found to be without substance must also be retained so as to build up any history.

Records may be used to prepare reports to the SSAP (for example to identify trends and patterns or give assurance that adults with care and support needs have been protected).

They might also be shared with any other relevant party to ensure the safety of adults with care and support needs.

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.

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.
- To assure the Safeguarding Adults Board that adults with care and support needs are protected from harm.

When Concerns are Raised

When concerns are raised, the employer/voluntary organisation/student body should assess any immediate potential risk to adults with care and support needs who use

their services, and, if necessary, take action to safeguard those adults. This may include a referral to the police if it is believed a crime has been committed.

The employer should not ask the PIPOT any questions that will interfere with any criminal investigation. However, the PIPOT should be informed of concerns or allegations as soon as possible. Employers/voluntary organisations/student bodies should have clear procedures in place setting out the process, including timescales, for investigation and what support and advice will be available to the individual whom allegations have been made against.

It is expected that an allegation will be reported immediately to the named senior manager within the organisation and organisations should have access to their own sources of advice (including legal advice) in place to deal with such concerns. Any disciplinary investigation should be conducted alongside Adult Safeguarding policy and procedure and/or any police investigation. A police investigation will have priority over other investigations, but internal investigations and safeguarding enquiries can run concurrently.

Learning lessons

At the conclusion of a PIPOT case, the Safeguarding Service Manager should discuss with the employer and any other appropriate partners whether there are any improvements / changes that could be made to their policy and practice to prevent similar future events. Any significant concerns will be shared with the SSAP and any learning will be shared.

Following the investigation, which will be carried out by the most appropriate agencies decided on a case-by-case basis. A decision will be made about conclusion/outcome.

- **False / Unfounded** - there is sufficient evidence to disprove the allegation or no evidence or basis to support the allegation made.
- **Unsubstantiated** - there is insufficient evidence to prove or disprove the allegation. The term does not imply guilt or innocence.
- **Malicious** – there is clear evidence that the allegation is entirely false and there has been a deliberate act to deceive.
- **Substantiated** – there is sufficient identifiable evidence to prove the allegation/s.

If the allegation is substantiated and the adult is dismissed or resigns before dismissal, employers are required by law to complete a referral to the Disclosure and Barring Service and any professional body the adult is registered with. The employer should inform the Safeguarding Service Manager of the date of the referral to the DBS.

‘Settlement agreements,’ between the adult and employer where the individual may agree to resign, and the employer agree not to pursue disciplinary action and both parties agree content of future references are not an appropriate response and should not be agreed. If the PIPOT does resign this should not prevent the allegation being investigated.

- If the individual is to return to work, it should be agreed and recorded how this will be managed to support all parties.

- Liaise with CQC, CCG, Commissioning and Contracts, Police, DCHS, LADO Officer, etc., as appropriate.
- Outcomes of investigations, enquiries, disciplinary process shared appropriately and proportionally.

Police should inform the employer and the Safeguarding Service Manager when a criminal investigation or trial is complete, or if it decided to close the investigation without charge, or not prosecute after the PIPOT has been charged. This information from the police should inform if any further actions are necessary including any disciplinary action (e.g., misconduct, dismissal, transfer to alternative duties, increased supervision, training).

The employer should always take advice from their HR and/or Legal Department. If allegations are found to have been malicious details of the allegation should be removed from HR records. Allegations which are proven to be malicious, false, or unsubstantiated should not be included in any employer references.

If the PIPOT is self-employed it should be considered how the PIPOT's activity can be monitored or restricted through working with professional or regulatory bodies; e.g., Police, HCPC, CQC, DBS, GMC, and that appropriate information is included on any future DBS checks.

The PIPOT should be informed of a referral to any professional or regulatory body, and it should be recorded who will do this.

PIPOT activity data will be reported to the SSAP on a quarterly basis.

The conclusion of the PIPOT should consider if the outcomes demonstrate any evidence or themes or patterns relating to historical PIPOT concerns with an individual or within an organisation and ensure that learning from past concerns is applied as necessary to reduce risks to adults with care and support needs.

Any information shared will be in line with current 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.

APPENDIX A - DATA PROTECTION ACT 2018 AND UK GDPR OVERVIEW

WHAT IS PERSONAL DATA?

Personal data means data which relate to an identifiable natural person who can be identified from those data, such as name, an identification number, location data, online identifiers or data relating to physical, physiological, genetic, mental, economic, cultural, or social identity.

The UK GDPR singles out some types of personal data as likely to be more sensitive, and gives them extra protection such as special category data, in Article 9 of the UK GDPR data means personal data consisting of information as to:

- personal data revealing **racial or ethnic origin**;
- personal data revealing **political opinions**;
- personal data revealing **religious or philosophical beliefs**;
- personal data revealing **trade union membership**;
- **genetic data**;
- **biometric data** (where used for identification purposes);
- data concerning **health**;
- data concerning a person's **sex life**; and
- data concerning a person's **sexual orientation**.

The Act regulates the “processing” of personal data. Processing in relation to information or data, means obtaining, recording, or holding the information or data or carrying out any operation or set of operations on the information or data, including –

- organisation, adaptation or alteration of the information or data
- retrieval, consultation or use of the information or data disclosure of the information or data by transmission, dissemination or otherwise making available.
- alignment, combination, blocking, erasure or destruction of the information or data

Data Protection Principles

Article 5 of the UK GDPR lists the data protection principles in the following terms:

When processing personal data everyone must follow strict rules that are set out under Article 5 of the UK GDPR which provides seven key principles which lie at the heart of the general data protection regime and requires that personal data is:

- used fairly, lawfully, and transparently.
- used for specified, explicit purposes.
- used in a way that is adequate, relevant, and limited to only what is necessary.
- accurate and, where necessary, kept up to date.
- kept for no longer than is necessary.
- handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction, or damage.

Additionally, the accountability principle requires that you take responsibility for what you do with personal data and how it complies with the other principles. You must

have appropriate measures and records in place to be able to demonstrate compliance.

Data Controller

Controllers are the main decision-makers – they exercise overall control over the purposes and means of the processing of personal data. If two or more controllers jointly determine the purposes and means of the processing of the same personal data, they are joint controllers. However, they are not joint controllers if they are processing the same data for different purposes.

Processors act on behalf of, and only on the instructions of, the relevant controller.

Controllers shoulder the highest level of compliance responsibility – you must comply with, and demonstrate compliance with, all the data protection principles described above as well as the other UK GDPR requirements and are also responsible for the compliance of processor(s).

To determine whether you are a data controller you need to ascertain which organisation decides:

- to collect the personal data in the first place and the legal basis (contained in underlying legislation and other lawful purposes) for doing so,
- which items of personal data to collect, i.e., the content of the data,
- the purpose or purposes the data are to be used for,
- which individuals to collect data about,
- whether to disclose the data, and if so, who to,
- whether subject access and other individuals' rights apply i.e., the application of exemptions and
- how long to retain the data or whether to make non-routine amendments to the data.

These are all decisions that can only be taken by the data controller as part of its overall control of the data processing operation.

The Information Commissioners Office (ICO) upholds information rights in the public interest. For further information about the law relating to data use/control can be found on their website

Confidentiality

The rules on confidentiality, privacy, and the need to safeguard personal information arise from both legislation and case law. These enshrine the need for fair and ethical treatment of information where there is a duty of confidence, issues of privacy or where personal information is involved.

The common law duty of confidentiality is not a written Act of Parliament. It is “common” law. This means that it has been established over a period of time through the Courts. It recognises that some information has a quality of confidence, which means that the individual or organisation that provided the information has an expectation that it will not be shared with or disclosed to others. For information to have a quality of confidentiality it is generally accepted that:

- It is not “trivial” in its nature,
- It is not in the public domain or easily available from another source,

It has a degree of sensitivity,
It has been communicated for a limited purpose and in circumstances where the individual or organisation is likely to assume an obligation of confidence.
For example, information shared between a solicitor/client, health practitioner/patient. In such circumstances the information should only be disclosed:

With the permission of the provider of the information; or,
If the confidentiality requirement is overridden by legislation; or,
If an effective case 'that it is the public interest' can be made.
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.

When sharing information about adults, children, and young people at risk between agencies it should only be shared:

- Where relevant and necessary, not simply all the information held,
With the relevant people who need all or some of the information,
• When there is a specific need for the information to be shared at that time.

Information Sharing

In all cases the sharing of information must be legal, 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.

When sharing information about adults, children, and young people at risk between agencies it should only be shared:

- Where there is a legal justification for doing so.
where relevant and necessary – not always sharing all the information held.
with the relevant people who need all or some of the information;
when there is a specific need for the information to be shared at that time;
Considering the above – 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., adults with care and support needs at risk of harm or neglect (and children).

Information Sharing Principles

When taking decisions about what information to share, you should consider how much information you need to release. Not sharing more data than is necessary to be of use is a key element of the UK GDPR and Data Protection Act 2018, and you should consider the impact of disclosing information on the information subject and any third parties. Information must be proportionate to the need and level of risk.

Relevant - Only information that is relevant to the purposes should be shared with those who need it. This allows others to do their job effectively and make informed decisions.

Adequate - Information should be adequate for its purpose. Information should be of the right quality to ensure that it can be understood and relied upon.

Accurate - Information should be accurate and up to date and should clearly distinguish between fact and opinion. If the information is historical then this should be explained.

Timely - Information should be shared in a timely fashion to reduce the risk of missed opportunities to offer support and protection to adults with care and support needs. Timeliness is key in emergency situations, and it may not be appropriate to seek consent for information sharing if it could cause delays and therefore place an adult with care and support needs at increased risk of harm. Practitioners should ensure that sufficient information is shared, as well as consider the urgency with which to share it.

Secure - Wherever possible, information should be shared in an appropriate, secure way. Practitioners must always follow their organisation's policy on security for handling personal information.

Record - Information sharing decisions should be recorded, whether or not the decision is taken to share. If the decision is to share, reasons should be cited including what information has been shared and with whom, in line with organisational procedures. If the decision is not to share, it is good practice to record the reasons for this decision and discuss them with the requester. In line with each organisation's own retention policy, the information should not be kept any longer than is necessary. In some rare circumstances, this may be indefinitely, but if this is the case, there should be a review process scheduled at regular intervals to ensure data is not retained where it is unnecessary to do so.

The seven golden rules to information sharing

- 1. Remember that the UK General Data Protection Regulation (UK GDPR), Data Protection Act 2018 and human rights law are not barriers to justified information sharing** but provide a framework to ensure that personal information about living individuals is shared appropriately.
- 2. Be open and honest with the individual** (and/or their family/representatives where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
- 3. Seek advice from other practitioners, or the Information Governance Team**, if you are in any doubt about sharing the information concerned, without disclosing the identity of the individual where possible.
- 4. Where possible, share information with consent**, and where possible, respect the wishes of those who do not consent to having their information shared. Under the UK GDPR and Data Protection Act 2018 you may share information without consent if, in your judgement, there is a lawful basis to do so, such as where safety may be at risk. You will need to base your judgement on the facts of the case. When you are sharing or requesting personal information from someone, be clear of the basis upon which you are doing so. Where you do not have consent, be mindful that an individual might not expect information to be shared.

5. **Consider safety and well-being:** base your information sharing decisions on considerations of the safety and well-being of the individual and others who may be affected by their actions.
6. **Necessary, proportionate, relevant, adequate, accurate, timely and secure:** ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those individuals who need to have it, is accurate and up to date, is shared in a timely fashion, and is shared securely (see information sharing principles above).
7. **Keep a record of your decision and the reasons for it** – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.

Timescales

This policy applies whether the allegation or incident is current or historical.

Retention Schedule

Information relating to referrals that do not progress will be subject to a retention period of three years from the date of decision. Information to those referrals that progress to disclosure will be subject to a retention period of 10 years from date of decision.

Records will be kept about the allegation, investigation, and outcome until the PIPOT is aged 70 or for a period of 10 years from the date of the allegation if that is longer.

Record keeping

Good quality record keeping is an integral part of ALL adult safeguarding processes. Recording should give an accurate and complete account of actions, events, defensible decisions, and outcomes. A record or chronology of key issues should always be completed and maintained.

Accurate record keeping is essential in all PIPOT cases.

PIPOT issues and outcomes should be recorded in a secured folder. Role based access controls should be applied.

Details to include referrer, PIPOT, concern, actions taken, and decisions taken, all records to be kept in accordance with the UK GDPR

APPENDIX B - STOCKPORT SAFEGUARDING ADULTS PARTNERSHIP

List of partner agencies

- Age UK
- Greater Manchester Fire and Rescue
- Greater Manchester Police
- HealthWatch Stockport
- Northwest Ambulance Service
- Pennine Care NHS Foundation Trust
- Stockport Metropolitan Borough Council
- Cabinet Member for Health & Adult Social Care
- Corporate Director People and Integration
- Director of Adult Social Care
- Head of Safeguarding and Learning
- Head of Commissioning and Infrastructure
- Principal Social Worker and Head of Safeguarding
- Senior Service Manager Workforce Development
- Service Lead, Aspire Complex Safeguarding
- Lead for Substance Misuse and Public Health Representative
- Strategic Head of Place Management
- Strategic Housing Lead
- NHS Stockport Clinical Commissioning Group
- Stockport NHS Foundation Trust
- The Probation Service

APPENDIX C – Example of PIPO Types

The examples set out below demonstrate incidents which may indicate that a risk may be posed by a person in a position of trust. Please note that this is not an exhaustive list:

- An individual has been accused of abusing their mother and is also employed as a domiciliary care worker with adults who have care and support needs.
- An individual is accused of GBH/ABH and is a care worker in a home for adults with learning disabilities
- An individual is accused of theft and is employed as a support worker.
- An individual has children subject to child protection procedures as a result of emotional abuse and neglect and is employed in a day centre for adults with dementia.

Or the person has:

- Behaved in a way that has harmed or may harm an adult with care and support needs.
- Possibly committed a criminal offence against or related to an adult with care and support needs.
- Behaved in a way which has harmed children or may harm 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 as a consequence means their ability to provide a safe service to adults with care and support needs must be reviewed.
- Allegations may relate to the individual's behaviour at work, home or in another setting.

APPENDIX D - Summary of Process

1. CONCERN RAISED via SMBC portal - Raise concerns about someone in a position of trust - Stockport Council by partner agency, LADO, whistle-blower, member of public – this list not exhaustive. On submission of a referral, an auto email response is generated. List of information requested by referral.
2. A response will be made within 1 day of receipt of referral (Monday-Friday).
3. Decision made regarding who to share initial information with, discussions and/or meeting with appropriate partner agencies and employer. Is the PIPOT aware of the allegations? If not the discussions/meetings should decide what and how information will be shared with them. Risk assessments completed, further actions agreed, e.g. potential preliminary referral to DBS, HCPC etc.
4. Rationale should be clearly recorded regarding who/how information will be shared and record if information is not to be shared with specific partners.
5. Outcome of investigation, enquiries, disciplinary process shared appropriately and proportionately with one of the following outcomes clearly recorded. <ul style="list-style-type: none">– False– Unsubstantiated– Malicious– Substantiated
6. Learning lessons/further actions.
7. PIPOT activity data reported to SSAP on a quarterly basis.

APPENDIX E - PIPOT – Decision Tree

