

# 13. People in Positions of Trust (PiPoT)

If an organisation is in receipt of information that gives cause for concern about a person in a position of trust, then that organisation should give careful consideration whether they should share the information with the person's employers (or student body or voluntary organisation) to enable them to conduct an effective risk assessment. The receiving organisation becomes the data controller as defined by the [Data Protection Act 1998](#).

Tameside is in the process of revising their PiPoT policy. [The North West PiPoT Policy](#) can be used for guidance in the interim period.

Partner agencies and the service providers they commission are individually responsible for ensuring that information relating to PiPoT concerns are shared and escalated outside of their organisation in circumstances where this is required. Such sharing of information must be lawful, proportionate and appropriate. Organisations are responsible for making the judgment that this is the case in every instance when they are the data controller.

If, following an investigation a Person in a Position of Trust is removed by either dismissal or permanent redeployment to a non-regulated activity, because they pose a risk of harm to adults with care and support needs, (or would have, had the person not left first), then the employer (or student body or voluntary organisation) has a legal duty to refer the person to the Disclosure and Barring Service (DBS). It is an offence to fail to make a referral without good reason. In addition, where appropriate, employers should report workers to the statutory and other bodies responsible for professional regulation such as the Health and Care Professions Council, General Medical Council and the Nursing and Midwifery Council.

If a person subject to a PiPoT investigation attempts to leave employment by resigning in an effort to avoid the investigation or disciplinary process, the employer (or student body or voluntary organisation) is entitled not to accept that resignation and conclude whatever process has been utilised with the evidence before them. If the investigation outcome warrants it, the employer can dismiss the employee or volunteer instead and make a referral to the DBS. This would also be the case where the person intends to take up legitimate employment or a course of study.