



# BEYOND LIMITS

Beyond the limits of conventional support

## WHISTLEBLOWING POLICY

Our Whistleblowing Policy aims to provide clear direction and assurance about the need to speak up. It states clearly that if colleagues speak up and their concerns are not addressed, they must blow the whistle on poor practice.

## INTRODUCTION

People working with vulnerable individuals are often the first to realise that there may be something seriously wrong. Beyond Limits expect colleagues who have serious concerns about any aspect of the support provided, in whatever capacity, to come forward and voice those concerns.

This policy clarifies that should those concerns be raised without a satisfactory response, colleagues must ensure that they blow the whistle on poor practice.

Nobody should ever turn a blind eye to poor practice.



## PURPOSE

In all cases, Beyond Limits expect that:

- Colleagues can voice concerns without fear of victimisation, subsequent discrimination, or disadvantage. This applies equally to those designated as casual, temporary, agency, authorised volunteers, or work experience, as well as those contractors working for the company or on company premises (for example: agency staff, builders, drivers, etc.). It also covers suppliers and those providing services under a contract with Beyond Limits in their own premises.
- Whistleblowing must be used when concerns have been raised and there is a reasonable belief that they have not been taken seriously, ignored, or brushed over. It may also be used when colleagues feel unable to raise concerns internally (i.e., within Beyond Limits), but it should be noted that reasonable justification for not raising the concern within Beyond Limits may be required.

Whistleblowing is intended to encourage and enable people to raise serious concerns rather than overlooking a problem, which can have terrible consequences. Beyond Limits aim to promote an open and safe culture, where colleagues are empowered to speak up about any concerns they may have. We aim to ensure that:

- Colleagues are confident in raising serious concerns and to question and act upon concerns about practice, particularly if it relates to a welfare or safeguarding concern.
- A formal response is provided to any concerns and the means to pursue them is documented.
- Colleagues will be protected from reprisals or victimisation if any disclosure was made in good faith.

## LEGAL CONTEXT

Colleagues will, in properly carrying out their duties, have access to, or encounter information of a confidential nature. Their terms and conditions provide that except in the proper performance of their duties, colleagues are forbidden from disclosing or making use of (in any form whatsoever) such confidential information.

However, the law allows colleagues (i.e., employees/staff) to make a ‘protected disclosure’ of certain information. To be ‘protected,’ a disclosure must relate to a specific subject matter (listed below) and be made in an appropriate way. The disclosure must also be made in good faith and in the public interest.

If whilst in employment, a colleague becomes aware of information which they reasonably believe tends to show one or more of the following, they must use the disclosure procedure set out in this policy:

- That a criminal offence has been committed, is being committed or is likely to be committed.
- That a person has failed, is failing or is likely to fail to comply with any legal obligation to which the individual is subject.
- That a miscarriage of justice has occurred, is occurring, or is likely to occur.
- That the health or safety of any individual has been, is being, or is likely to be, endangered.
- That the environment, has been, is being, or is likely to be, damaged.
- That information tending to show any of the above is being or likely to be deliberately concealed.

## RAISING CONCERNS & SPEAKING UP

There may arise situation(s) where colleagues have concerns about:

- An individuals’ welfare and/or wellbeing.
- Any colleague or the practice of any colleague.
- Any other persons’ visiting the setting or service.
- Any other person who has contact with an individual in the setting or service.
- Any other concerns.

If so, you must **SPEAK UP**. Failure to speak up regarding concerns identified or witnessed will necessitate disciplinary action as appropriate to the circumstances.

**IMPORTANT:** This includes colleagues working with family members or where close friendships have been forged through working together as colleagues. In all cases, any suspicions of harm – regardless of whom the concern relates to - must be raised be raised using the process detailed in this policy. A failure to speak up can be seen as a form of complicity with the subject of the concern and “protecting them”

from concerns about their practice will likely lead to disciplinary measures being invoked. Please refer to the final bullet-point in the previous section.

## **SAFEGUARDING ALLEGATIONS**

The below provides a summary of the initial allegations protocol. For full details, please refer to our Allegations Policy, which should be read in conjunction with this policy.

This part refers to managing cases of allegations that might indicate a person would pose a risk of harm if they continued to work in regular or close contact with vulnerable individuals in their present position, or in any capacity. It should be used in respect of all cases in which it is alleged that a colleague or volunteer has:

- Behaved in a way that has harmed or may have harmed an individual or individuals.
- Possibly committed a criminal offence against or related to a vulnerable individual.
- Behaved towards an individual in a way that indicates they would pose a risk of harm.

Allegations or suspicions that a colleague, including managers and directors, has caused significant harm to an individual or may pose a risk of harm to an individual (or individuals), will be investigated thoroughly, speedily, and sensitively.

We rely upon colleagues to raise such concerns and speak up about suspicions or concerns around poor practice. In all cases, and at all stages, honest and open communication is imperative. Beyond Limits aim to promote and maintain a psychologically safe environment where colleagues are encouraged and able to share concerns about the behaviour of any person whose conduct is questionable or inappropriate.

## **MANAGING ALLEGATIONS**

Where speaking up amounts to an allegation against a colleague regarding an individual accessing our services, this will be referred to the Safeguarding Adults Board (SAB).

### **THE POLICE MUST BE CALLED IF ILLEGAL ACTIVITY IS SUSPECTED OR IN AN EMERGENCY.**

Please note that allegations against a former colleague (i.e., previously employed person) should be referred to the Police. Historical allegations of abuse should also be referred to the Police.

Upon receipt of an allegation, colleagues must report all details to Kathleen Griffiths, the Designated Safeguarding Lead (DSL) and Registered Manager.

If “out-of-hours,” colleagues must inform the manager on call, who will in turn notify the DSL at the first available opportunity.

In all cases where it is alleged that a colleague has potentially harmed, actually harmed, or presented in a way that indicates a risk of harm, the Operations Director (Rebecca Chadwick) must be informed. In their absence, contact the Registered Manager Kathleen Griffiths or the senior manager on-call. For clarification:

NAME	ROLE	TELEPHONE	EMAIL
Rebecca Chadwick	NSL & Managing Director	07834 520579	rebecca.chadwick@beyondlimits-uk.org
Kathleen Griffiths	DSL & Registered Manager	07845 643279	Kathleen.griffiths@beyondlimits-uk.org
Senior Manager	On-Call	071752 546449	info@beyondlimits-uk.org

## CLARIFICATION OF WHO SHOULD BE NOTIFIED (APPLIED TO ALLEGATIONS)

As confirmed above, in all cases where it is alleged that a colleague has potentially harmed, actually harmed, or presented in a way that indicates a risk of harm, the NSL must be informed.

IF THE ALLEGATION INVOLVES:	YOU MUST IMMEDIATELY NOTIFY:
A colleague or an agency professional	The DSL or On-Call Manager. The On-Call Manager will notify the DSL at the first available opportunity, handing over “case responsibility” to them.
The DSL	The On-Call Manager, who will inform the NSL. N.B. If the DSL is on rota as the On-Call Manager, you should go directly to the NSL.
The On-call Manager	The relevant DSL
The NSL	The DSL, who must notify either Rob Finney (Tristone’s Chief Operating Officer) or Daryl Holkham (Tristone’s Director of Corporate Governance).
The DSL & the NSL	Either Dawn Lundergan (Tristone’s Director of Safeguarding) or Daryl Holkham (Tristone’s Director of Operational Corporate Governance).

If colleagues have reasonable grounds to suspect or believe that the DSL and NSL will not manage the concern effectively, they have a further option of contacting Dawn Lundergan (Director of Safeguarding for Tristone Healthcare) or Daryl Holkham (Director of Corporate Governance for Tristone Healthcare).

- Dawn can be contacted by phone: 07961 767979 or email: [dawn.lundergan@tristonegroup.co.uk](mailto:dawn.lundergan@tristonegroup.co.uk).
- Daryl can be contacted by phone: 07969 973920 or email: [daryl.holkham@tristone.healthcare](mailto:daryl.holkham@tristone.healthcare).

## BLOWING THE WHISTLE

Colleagues are actively encouraged to report allegations or suspicions that a colleague, including managers and directors, have caused significant harm to an individual or may pose a risk of harm to a vulnerable individual.

We need to know if colleagues have any such concerns to ensure that individuals in our care are protected from harm, which is paramount. Any resulting notifications will be investigated thoroughly, speedily, and sensitively.

We expect and rely upon colleagues to raise such concerns and speak up about suspicions or concerns around poor or harmful practice. In all cases, and at all stages, honest and open communication is imperative.

## IF YOU ARE NOT BEING LISTENED TO

If you think Beyond Limits are putting an individual at risk of harm and you are not being listened to, even if you're not certain, you must blow the whistle.

## CQC GUIDANCE

The Whistleblowing Helpline offers free advice to both workers and employers in the NHS and social care; you can call the helpline on **08000 724 725**.

The charity **PROTECT** offers advice to employers as well as workers. You can get advice by telephoning **020 3117 2520** or visit the **PROTECT WEBSITE**.

## **IMPORTANT: ALL COLLEAGUES**

As a whistleblower you are protected by law. You should not be treated unfairly or lose your job because you ‘blow the whistle.’

You’re protected if you’re a worker, for example you’re:

- An employee.
- A trainee.
- An agency worker.
- People whose employment has ended.

## **INDEPENDENT ADVICE & GUIDANCE**

Get independent advice if you’re not sure you’re protected, for example from Citizens’ Advice.

Central government have clarified that the following complaints that count as whistleblowing and you are protected by law if you report any of the following:

- A criminal offence, for example fraud.
- Someone’s health and safety is in danger.
- Risk or actual damage to the environment.
- A miscarriage of justice.
- The company is breaking the law.
- You believe someone is covering up wrongdoing.

**FLOWCHART SUMMARISING RAISING A CONCERN & WHISTLEBLOWING**

**IF YOU HAVE ANY CONCERNS ABOUT THE CONDUCT OR BEHAVIOUR OF A COLLEAGUE, IT IS IMPERATIVE THAT IT IS RAISED – WITHOUT DELAY.**

**COLLEAGUES HAVE SEVERAL REPORTING OPTIONS:**  
**THE DESIGNATED SAFEGUARDING LEAD (DSL) FOR EACH SERVICE**  
**THE NOMINATED SAFEGUARDING LEAD (NSL) FOR BEYOND LIMITS**  
**EXTERNAL REPORTING TO DESIGNATED TRISTONE PROFESSIONALS**

**IF YOU HAVE RAISED A CONCERN &**  
**YOU ARE NOT SATISFIED WITH BEYOND LIMITS' RESPONSE**

**YOU CAN CALL THE NUMBERS BELOW TO TALK THROUGH YOUR CONCERNS**

**CALL 08000 724 725 (CQC) OR 020 3117 2520 (PROTECT)**

**IF AN INDIVIDUAL IS IN IMMEDIATE DANGER - CALL 999.**

