



BEYOND LIMITS

Beyond the limits of conventional support

Whistleblowing Policy

This policy clarifies our approach to ensuring that we have robust processes in place to respond to concerns about practice that could result in harm or potential harm to a person or possible criminal activity.

January 2024

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Introduction

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

The purpose of this policy is to ensure that robust whistleblowing arrangements are in place to safeguard the interests of people accessing our services. All colleagues need to be aware that they can – *and must* – make whistleblowing disclosures if they have genuine concerns about those in our care, without fear or hesitation.

Relevant Regulations

REGULATION 13: SAFEGUARDING PEOPLE WE SUPPORT FROM ABUSE AND IMPROPER TREATMENT

The intention of this regulation is to safeguard people who use services from suffering any form of abuse or improper treatment while receiving care and treatment. Improper treatment includes discrimination or unlawful restraint, which includes inappropriate deprivation of liberty under the terms of the Mental Capacity Act 2005.

To meet the requirements of this regulation, providers must have a zero-tolerance approach to abuse, unlawful discrimination and restraint. This includes:

- Neglect
- Subjecting people to degrading treatment
- Unnecessary or disproportionate restraint
- Deprivation of liberty

Where any form of abuse is suspected, occurs, is discovered, or reported by a third party, the provider must take appropriate action without delay. The action they must take includes investigation and/or referral to the appropriate body. This applies whether the third party reporting an occurrence is internal or external to the provider.

The Care Quality Commission (CQC) can prosecute for a breach of some parts of this regulation (13(1) to (13(4) if a failure to meet those parts results in avoidable harm to a person using the service or a



person using the service is exposed to significant risk of harm. We do not have a serve a Warning Notice before prosecution. Additionally, CQC may also take any other regulatory action.

See the offences section for more details.

Clearly Defined Expectations

We expect that:

- Colleagues can voice concerns without fear of victimisation, subsequent discrimination, or disadvantage. Whistleblowing is intended to encourage and enable people to raise serious concerns rather than overlooking a problem, which can have terrible consequences.
- This applies to all colleagues. In addition, it applies equally to those designated as casual, temporary, agency, authorised volunteers or work experience (for example agency staff, students etc.) It also covers suppliers and those providing services under a contract with Beyond Limits in their own premises.

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 and supported to feel safe.

Legal Context

Colleagues will, when 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 employees to make a 'protected disclosure' of certain information. To be 'protected' a disclosure must related 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, an employee becomes aware of information which they reasonably believe tends to show one or more of the following (below), they must use the disclosure and relay their concerns to a senior manager.

- 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 and 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 is likely to be deliberately concealed.

Safeguarding Allegations

This part refers to managing cases of allegations that might indicate a person would pose a risk of harm if they continue to work in regular or close contact with the individuals in our care 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 a person.
- Possibly committed a criminal offence against or related to a person; or
- Behaved towards a person in a way that indicates s/he would pose a risk or harm.

An allegation against a colleague regarding an individual under 18 years should be referred to the Local Authority Designated Officer (LADO). An allegation against a colleague regarding an individual (aged 18+) should be referred to the Multi Agency Safeguarding Hub (MASH) with an explanation that this is an enquiry for the Safeguarding Adults Board.

In all cases, the Police must be called if illegal activity is suspected, or it is an emergency.

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 the Registered Manager Kathleen Griffiths. If out of hours, colleagues must contact the manager on call, who will in turn notify the Registered Manager 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 Director (Doreen Kelly) must be informed. In the absence of the Director, colleagues should contact Senior Service Leader, Rebecca Chadwick.

If colleagues are in any way concerned about raising a whistleblowing concern using any of the above options, they can raise a concern in confidence with the CQC:

Email: enquiries@cqc.org.uk or call 0300 616161

You can also write directly to:

CQC National Correspondence
Citygate, Gallowgate
Newcastle-Upon-Tyne, NE1 4PA

Whistleblowing guidance for people who work for CQC registered providers:

www.cqc.org.uk/whistleblowing

Please note that all colleagues have a duty to raise concerns internally (i.e. within Beyond Limits) first. If they feel unsatisfied or they do not feel they are being listened to, only then should they use the options provided above.

For clarity, CQC guidance states:

Ideally such concerns should be dealt with by the employer. However, if the management have not dealt with those concerns by responding appropriately to them, perhaps by using the employer's own whistleblowing policy, or the worker does not feel confident that the management will deal with those concerns properly, they can instead make a disclosure to a 'prescribed body' such as a regulator like CQC.

Disclosures could be about the safety of people who use services, the failure of a provider to comply with the law or the national standards of quality and safety, financial malpractice or risks to staff or other people.



Raising Concerns and Speaking Up

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

- Any persons welfare and/or wellbeing who is being support by Beyond Limits
- Any colleague or the practice of any colleague
- Any other person's visiting the home of a person supported
- Any other person who has contact with the person supported in their home
- 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.

Disclosures

Information which a colleague reasonably believes tends to show one or more of the above concerns (*Raising Concerns and Speaking Up*, above) should promptly be disclosed to a manager or, respectively, their manager. The Registered Manager must be informed, so that any appropriate action can be taken (unless the disclosure is about the Registered Manager, in which case please refer to the table below).

Beyond Limits will ensure that no person will suffer detriment of any sort for making such a disclosure in accordance with this procedure. However, failure to follow this procedure may result in the disclosure of information losing its 'protected status'. Crucially, a failure to speak up could be regarded as a form of complicity in any substantiated wrongdoing.

For further guidance in relation to this matter or concerning the use of the disclosure procedure generally, colleagues should speak to the Registered Manager or their line manager.

Learning Lessons

The Registered Manager should review the circumstances of the issue or incident with the case manager (as appropriate) to determine whether there are any improvements to be made to existing procedures or practice. To capture lessons learned. Beyond Limits must keep a record of the following:

- A concise summary of what happened, and any action required.
- The proposed/actual impact of completing the actions, and how this will improve practice.

