



BEYOND LIMITS

Beyond the limits of conventional support

Allegations Policy

This policy provides clear instruction about what needs to be done when there is an allegation against a colleague, or an agency professional. The policy should be read in conjunction with our Safeguarding Policy and our Whistleblowing Policy.

May 2023

Review May 2024

INTRODUCTION

This policy is about how Beyond Limits manage allegations against colleagues (i.e. employees/staff) and agency staff (where used). It should be read in conjunction with our safeguarding and whistleblowing policies. For the avoidance of doubt, this policy applies to regulated and unregulated services and provisions.

The policy is designed to be accessible and concise. It provides essential information about what must be done in the event of an allegation or disclosure indicating that a colleague has harmed or potentially harmed an individual receiving care and/or support provided by Beyond Limits. For further details, please refer to the policies reference above.

Crucially, Beyond Limits aim to consistently promote a culture of openness and transparency that enables colleagues to 'SPEAK UP' when they witness or suspect an individual is experiencing harm or is a risk of experiencing harm. All colleagues need to be aware that they can – and must - 'SPEAK UP' if they have genuine concerns about those in our care, without fear or hesitation.

REGULATED SERVICES

REGULATION 13: SAFEGUARDING SERVICE USERS FROM ABUSE & 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.

IMPORTANT

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 if a person using the service is exposed to significant risk of harm.

Please note: the CQC do not have to serve a Warning Notice before prosecution. Additionally, CQC may also take any other [regulatory action](#). See the [offences section](#) of the CQC website for more detail.

CQC must refuse registration if providers cannot satisfy us that they can and will continue to comply with this regulation.

THE REGULATION

- 1) People supported must be protected from abuse and improper treatment in accordance with this regulation.
- 2) Systems and processes must be established and operated effectively to prevent abuse of people supported.
- 3) Systems and processes must be established and operated effectively to investigate, immediately upon becoming aware of, any allegation or evidence of such abuse.
- 4) Care or treatment for people supported must not be provided in a way that:
 - a) Includes discrimination against a person on the grounds of any protected characteristic (as defined in section 4 of the Equality Act 2010)
 - b) Includes acts intended to control or restrain a person that are not necessary to prevent, or not a proportionate response to, a risk of harm posed to the person or another individual if the person was not subject to control or restraint,
 - c) Is degrading for the person, or
 - d) Significantly disregards the needs of the person for care or treatment.
- 5) A person supported must not be deprived of their liberty for the purpose of receiving care or treatment without lawful authority.
- 6) For the purposes of this regulation —
'abuse' means —
 - a) Any behaviour towards a person that is an offence under the Sexual Offences Act 2003(a),
 - b) Ill-treatment (whether of a physical or psychological nature) of a person supported,
 - c) Theft, misuse or misappropriation of money or property belonging to a person supported,
or
 - d) Neglect of a person supported.
- 7) For the purposes of this regulation, a person controls or restrains a supported person if that person:
 - a) Uses, or threatens to use, force to secure the doing of an act which the person support resists, or

- b) Restricts the service user's liberty of movement, whether or not the service user resists, including by use of physical, mechanical, or chemical means.

SAFEGUARDING LEADS

THE NOMINATED SAFEGUARDING LEAD (NSL)

The overall safeguarding lead is Doreen Kelly (Managing Director). Doreen is the Nominated Safeguarding Lead (NSL) and has responsibility for ensuring that Beyond Limits practices are safe and effective.

You can email her using: doreen@beyondlimits-uk.org.

THE DESIGNATED SAFEGUARDING LEAD (DSL)

Kathleen Griffiths is the Designated Safeguarding Lead (DSL) and Registered Manager. The Designated Safeguarding Lead must be informed of all concerns, issues, or incidents regarding individuals receiving care and support.

Whilst the activities of the Designated Safeguarding Lead can be delegated to appropriately trained deputies, the ultimate lead responsibility for safeguarding individuals remains with Doreen Kelly as the Nominated Safeguarding Lead.

The Designated Safeguarding Lead has a duty to notify the Nominated Safeguarding Lead of any serious concerns. Doreen will then notify the Board of Directors to ensure that duties towards maintaining effective corporate governance are maintained, along with crisis management procedures as appropriate to the circumstances. The purpose will be to ensure that all reasonable measures are set in place to keep individuals safe from harm and/or abuse.

The purpose of the Designated Safeguarding Lead is to lead in ensuring that appropriate arrangements for keeping individuals safe from harm and/or abuse are in place, robust and effective.

RAISING CONCERNS & SPEAKING UP

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

- Any person's welfare and/or wellbeing who is accessing care and/or support provided by Beyond Limits.

- Any colleague or the practice of any colleague.
- Any other persons' visiting the home.
- Any other person who has contact with a person in the 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.

PARTNERSHIP WORKING

This policy is intended to provide colleagues with clear guidance and expectations around the need to respond robustly and effectively to concerns about abuse or harm. In all cases, the need to work with other relevant agencies is essential.

Beyond Limits will ensure we work openly and transparently with Plymouth Safeguarding Adults Partnership (PSAP) in the event of an allegation or disclosure, as well as other relevant Safeguarding Adults Boards/Partnerships.

Additionally, we must inform the CQC about allegations of abuse concerning a person using our services if any of the following applies:

- The person is affected by abuse
- They are affected by alleged abuse
- The person is an abuser
- They are an alleged abuser

The CQC provide the following ways to inform them of the notification:

- Providers with an account may use the [CQC Provider Portal](#) to send a notification online.
- A notification may be sent by email, using the CQC Statutory Notification Form, which should be emailed to HSCA_notifications@cqc.org.uk.

PLEASE NOTE:

The notification must be sent by either Doreen Kelly (NSL) or Kathleen Griffiths (DSL). In some cases, it may be appropriate for a suitably delegated senior colleague to submit the notification.

ALLEGATIONS & DISCLOSURES

There is some debate around what exactly a disclosure is, and the difference between a disclosure and an allegation. In the simplest of terms, a 'disclosure' is usually used within the context of responding from a position of belief. Therefore, a disclosure has "sufficient factual content and specificity."

In contrast, an allegation is a claim that someone has committed a crime or perpetrated wrongdoing, though the person making the claim has not submitted any proof of the assertion. For the avoidance of doubt, in both cases colleagues must take allegations and disclosures seriously and inform the DSL.

RESPONDING TO ALLEGATIONS & DISCLOSURE

Information which a colleague reasonably believes tends to show one or more of the above concerns (Raising Concerns & Speaking Up, on Page 3) should promptly be disclosed to a manager or, respectively, their manager.

The Designated Safeguarding Lead (DSL) must be informed, so that any appropriate action can be taken (unless the disclosure is about the DSL, in which case please refer to the table on Page 12).

Beyond Limits must 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 with the DSL or their line manager.

MANAGING DISCLOSURES & 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 individuals receiving care and/or support in their present position, or in any capacity. It should be used in respect of all cases in which it is alleged that a person employed by Beyond Limits 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 of 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+) must be referred to the relevant Safeguarding Adults Board/Partnership.

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 Designated Safeguarding Lead (DSL). The DSL is the registered manager of each setting. 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 Managing Director (Doreen Kelly) must be informed. Doreen is the Nominated Safeguarding Lead (NSL) for Beyond Limits. For clarification:

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 (Managing Director). 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 DSL
The NSL	The DSL, who must notify either Rob Finney (Tristone’s Chief Operating Officer) or Daryl Holkham (Tristone’s Director of Operational Corporate Governance).
The DSL & the NSL	Either Rob Finney (Tristone’s Chief Operating Officer) or Daryl Holkham (Tristone’s Director of Operational Corporate Governance).

Beyond Limits colleagues have the option of notifying either Rob Finney (Tristone’s Chief Operating Officer) or Daryl Holkham (Tristone’s Director of Operational Corporate Governance) if they feel unable to raise a whistleblowing concern with the DSL and NSL (as illustrated in the above table).

Rob and Daryl can be contacted when colleagues feel unable to raise the concern internally (i.e., within Beyond Limits) and/or where an allegation involves the DSL and/or NSL.

In all circumstances it is crucial that any allegation made against any colleague is escalated as a priority.

Rob can be contacted by phone on 07340 356371 or by email using rob@tristone.capital, and Daryl can be contacted on 07969 973920 or by using daryl@tristone.capital. Rob and Daryl have extensive experience of safeguarding vulnerable groups.

Although dependent upon individual circumstances, the DSL will likely co-ordinate a referral to the relevant Safeguarding Adults Board/Partnership.

WHISTLEBLOWING

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

Email: enquiries@cqc.org.uk or call 03000 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.

The Public Interest Disclosure Act 1998 (PIDA) protects workers by providing a remedy if they suffer a workplace reprisal for raising a concern which they believe to be genuine.

Disclosures could be about the safety of patients or 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.

WHAT HAPPENS IF AN ALLEGATION OR DISCLOSURE IS MADE AGAINST A COLLEAGUE?

Colleagues must inform the DSL (or another suitable senior colleague; See page 12) as soon as they are informed of an allegation or disclosure of suspected harm or abuse by another colleague, or if they witness or suspected harm or abuse to an individual by another colleague.

Upon being made aware of an allegation or a disclosure against a colleague, the DSL will:

- Seek to ensure that the immediate needs of the alleged victim are fully met and that they are safe from further potential harm or abuse. This includes ensuring that medical attention is provided if required. In both cases, it is the responsibility of the colleague sharing the information to ensure that the individual is suitably safeguarded.
- Make a referral to PSAP (or the relevant SAB) will ensure that it is investigated appropriately. To report a concern, the Designated Safeguarding Lead (DSL) or suitably delegated colleague should call Plymouth City Council on 01752 668000 and choose the Adult Social Care option. *
- Notify the Police if criminality is suspected, alleged, or disclosed.
- Suspend the colleague pending an investigation, subject to advice from other agencies and Human Resources.
- Act in strict accordance with advice from the relevant Safeguarding Adults Board/Partnership

PLEASE NOTE: Concerns may also be reported using PSAP's online form by clicking or tapping

[HERE](#)

DUTY OF CARE

Beyond Limits have a duty of care to all colleagues. We are expected to manage and minimise the stress inherent in the allegations process. Support for the individual is vital to fulfilling this duty.

Colleagues should be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action unless there is an objection by the social care services or the Police.

The colleague who is the subject of the allegation should be advised to contact their trade union representative, if they have one, or a colleague for support. They should also be given access to welfare counselling or medical advice where this is provided.

The DSL, in collaboration with HR/management should appoint a named representative to keep the colleague who is the subject of the allegation informed of the progress of the case. There must be consideration for what other support is appropriate for the individual.

RESIGNATIONS & “SETTLEMENT AGREEMENTS”

If the accused person resigns, or ceases to provide their services, this will not prevent an allegation being followed up and investigated.

If the accused person resigns or their services cease to be used, and the threshold criteria for making a DBS referral is met, it will not be appropriate to reach a settlement or compromise agreement. This is because not complying with a legal duty to make a referral is a criminal offence.

Where safeguarding concerns relating to harm or abuse are substantiated, a DBS referral will be made regardless of whether the individual concerned is an existing or former colleague.

LEARNING LESSONS

Kathleen Griffiths as the Designated Safeguarding lead (DSL) should review the circumstances of the issue or incident with the case manager (as appropriate) and SMT 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.

The overriding emphasis is about how we actively engage with opportunities to improve practice to keep patients safe from actual harm, and the potential for harm.

SUMMARY OF THE RESPONSIBILITIES OF ALL COLLEAGUES

The following provides a summary of every colleague’s responsibilities. Colleagues must:

- Follow the safeguarding policies and procedures at all times, particularly if concerns arise about the safety or welfare of an individual in our care.

- Participate in safeguarding adults training and maintain high standards of practice.
- Be familiar with local arrangements for safeguarding adults (i.e., SAB/SAP)
- Discuss any concerns about the welfare of an individual with the DSL or a senior colleague.
- Contribute to actions required including information sharing and attending meetings.
- Work collaboratively with other agencies to safeguard and protect the welfare of individuals.
- Remain alert at all times to the possibility of abuse.
- Recognise and accommodate diversity, beliefs, and values of all individuals.
- Ensure they understand whistleblowing requirements and act accordingly.
- Ensure no individual is subjected to any form of abuse or neglect.
- Raise any concerns with management about their ability to provide planned care and/or support, and in doing so expect that management will respond appropriately and without delay.

CONFIDENTIALITY & INFORMATION SHARING

‘No Secrets’ [DH 2000] states that the government expects organisations to share information about individuals who may be at risk from abuse. It is important to identify an abusive situation as early as possible so that the individual can be protected.

Withholding information may lead to abuse not being dealt with in a timely manner. Confidentiality must never be confused with secrecy. Colleagues have a duty to share information relating to suspected abuse with local authority social care colleagues and the Police.

Consent is not required to breach confidentiality (capacity issues must be considered) and make a safeguarding referral where:

- A serious crime has been committed
- Where the alleged perpetrator may go on to abuse other adults
- Other vulnerable adults are at risk in some way
- The vulnerable adult is deemed to be in serious risk
- There is a statutory requirement
- The public interest overrides the interest of the individual
- When a member of staff of a statutory service, a private or voluntary service or a volunteer is the person accused of abuse, malpractice, or poor professional standards.

If a worker has any doubt about the legality of sharing information, they must in the first instance consult their manager or the Data Protection Officer (DPO). In all cases, colleagues will be mindful of the need to comply with the General Data Protection Regulations (GDPR) 2018.

RELEVANT CONDITIONS OF PRACTICE APPLIED TO SAFEGUARDING INDIVIDUALS

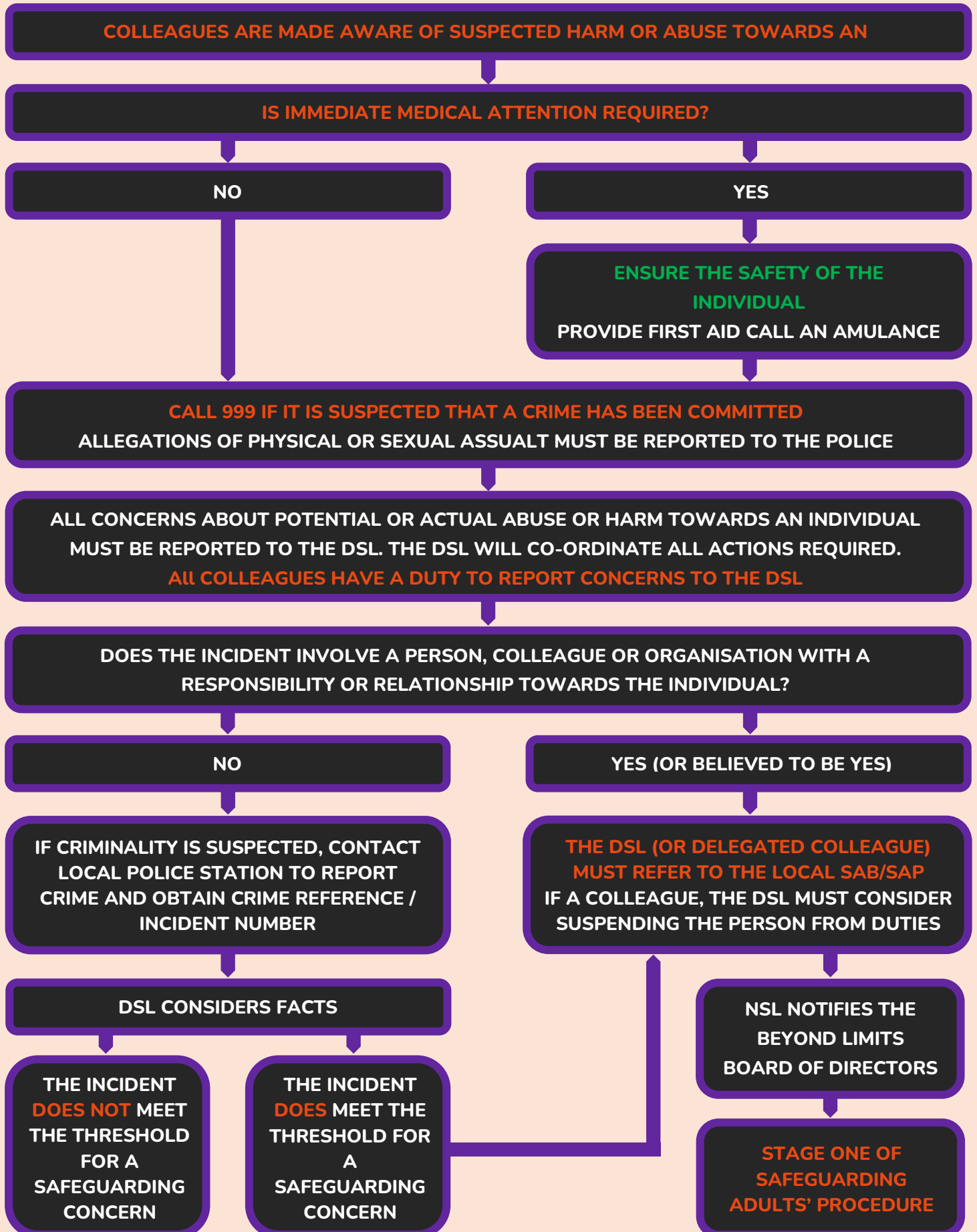
The following guidance is provided by the CQC in relation to meeting the requirements of Regulation 13 in relation to allegations.

It is essential that all colleagues, in whatever capacity, read and familiarise themselves with each applied condition in the What Needs to Be Done? column. If colleagues have any doubts or require further clarification, they have a responsibility to seek clarification from a senior colleague without delay.

Regulation	What needs to be done?
<p>13. (1) People who use services must be protected from abuse and improper treatment in accordance with this regulation.</p>	<ul style="list-style-type: none"> • Beyond Limits will consistently aim to ensure that robust procedures and processes that have been implemented are maintained without compromise. All colleagues will know that they have a duty and a responsibility to ensure that individuals are protected from harm or the potential for harm. • Safeguarding responsibilities will be subject to a high level of scrutiny level of scrutiny and oversight, with overall responsibility held at board level. For clarification, the manager of each service or setting is the Designated Safeguarding Lead (DSL), and the Managing Director holds overall responsibility as the Nominated Safeguarding Lead (NSL).
<p>13. (3) Systems and processes must be established and operated effectively to investigate, immediately upon becoming aware of any allegation or evidence of such abuse.</p>	<ul style="list-style-type: none"> • Beyond Limits must - and will - take effective action as soon as we are alerted to suspected, alleged or actual abuse, or the risk of abuse. • Where appropriate, action will be in line with the procedures agreed by local Safeguarding Adults or Children Boards (if appropriate). • Beyond Limits will employ reasonable and practicable measures and strategies to ensure that colleagues know and understand the local safeguarding policy and procedures, and the actions they need to take in response to suspicions and allegations of abuse, no matter who raises the concern or who the alleged abuser may be. These include timescales for action and the local arrangements for investigation. • Colleagues will be aware of, and have access to, current procedures and guidance for raising and responding to concerns of abuse. Colleagues have access to support from the DSL when considering how to respond to concerns of abuse or concerns that indicate a potential for harm. • Beyond Limits will employ reasonable and practicable measures that seek to ensure that colleagues understand their individual responsibilities to respond to concerns about abuse when providing care and/or support, including investigating concerns. As such, colleagues must understand their roles and associated responsibilities in supporting the actions Beyond Limits takes in responding to allegations and concerns about abuse. Colleagues should note that if they have any doubts or queries regarding their duties and obligations. They must raise these concerns with a senior colleague or the DSL without delay. • Beyond Limits will seek to ensure that colleagues are kept up to date about changes to National and local safeguarding arrangements.

Regulation	What needs to be done?
13. (3) Cont.	<ul style="list-style-type: none"> • Where appropriate, colleagues will follow local safeguarding arrangements to make sure that allegations are investigated internally or externally. Beyond Limits will ensure that responses are provided without delay to the findings of any investigations. • Beyond Limits will ensure that if an individual makes an allegation or a disclosure indicating abuse or suspicions of abuse, or they actually experience abuse, they must and will receive the support and care they need. • Where allegations of abuse are substantiated, Beyond Limits will take action to redress the abuse and take necessary steps to ensure the abuse is not repeated. This may involve seeking specialist advice or support. In all cases, there will be full regard to the need to learn any lessons that will inform and improve practice. • When required to, Beyond Limits will participate in serious case reviews, noting that any changes to practice and/or recommendations relating to the provider must be implemented.

ACTION REQUIRED FOLLOWING A DISCLOSURE OR ALLEGATION



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