



# BEYOND LIMITS

Beyond the limits of conventional support

## Anti-Bullying Policy

This policy provides guidance and direction for colleagues on preventing and countering any instances of bullying towards individuals in our care.

February 2023

Review February 2024

## INTRODUCTION

Beyond Limits provide supported living services to people living in their own homes. We specialise in providing 'bespoke' packages of care for individuals with learning disabilities, autistic spectrum disorders, mental illness, or physical disabilities.

This policy provides clarification of what must be done to ensure individuals receiving care and support are not subject to bullying, in whatever form it may take. It is crucial that colleagues understand that bullying is not only unacceptable, but it could also amount to a serious safeguarding concern.

The policy relates to the bullying of individuals in our care. Colleagues should refer to our Bullying and Harassment Policy for guidance and information relating to bullying in the workplace.

Whether relating to an individual or a colleague, all must be clear that Beyond Limits will not tolerate any form of bullying.



## REGULATED SERVICES

### REGULATION 13: SAFEGUARDING SERVICE USERS FROM ABUSE & IMPROPER TREATMENT

The intention of this regulation is to safeguard individuals from suffering any form of abuse or improper treatment while receiving care and support. 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, Beyond Limits must maintain a zero-tolerance approach to abuse, unlawful discrimination, and restraint. For the purposes of this policy, the specific requirement relates to:

- Subjecting people to degrading treatment.

'Abuse and improper treatment' includes care or support that is degrading for individuals. Colleagues should be clear from the onset that bullying is abuse.

### PLEASE NOTE

Where any form of abuse is suspected, occurs, is discovered, or reported by a third party, Beyond Limits must take appropriate action without delay. This means there must be an investigation and/or referral to the

appropriate body. This applies whether the third party reporting an occurrence is internal or external to Beyond Limits.

## **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 an individual or an individual using the service is exposed to significant risk of harm. We do not have to serve a Warning Notice before prosecution.

## **THE REGULATION**

1. People using services 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 who use services.
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 who use services 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 who uses services was not subject to control or restraint,
  - c. is degrading for the person who uses services, or
  - d. significantly disregards the needs of the person for care or treatment.
5. A person who uses services 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 who uses services that is an offence under the Sexual Offences Act 2003(a)
  - b. ill-treatment (whether of a physical or psychological nature) of a person who uses services
  - c. theft, misuse or misappropriation of money or property belonging to a person who uses services  
or
  - d. neglect of a person who uses services.

## BEYOND LIMITS POLICY STATEMENT

This policy should be read in conjunction with our safeguarding policy.

We recognise and accept responsibility across our services, and at all levels of the organisation, to deal effectively with bullying of individuals receiving care and support. We consider that bullying individuals is a form of abuse. As such, any colleague found to be engaging in the bullying of individuals, in whatever form that bullying may take, will be subject to robust and decisive action. Where criminality is suspected, matters will be referred to the Police.

Beyond Limits will work with other agencies to ensure that individuals in our care are safe from harm, and this includes where we have concerns about the behaviour and conduct of colleagues.

Everyone has a right to be treated with respect and dignity. This must never be compromised.

## WHAT IS BULLYING?

There is no legal definition of bullying, but according to anti-bullying charity 'Ditch the Label' bullying is "an imbalance of power which is used to either defame, harass, intimidate or upset another person".

The Department for Education define bullying as:

Repeated behaviour which is intended to hurt someone either emotionally or physically and is often aimed at certain people because of their race, religion, gender or sexual orientation or any other aspect such as appearance or disability'.

However, perhaps the most helpful definition of bullying is that defined by the Australian Government:

Bullying is an ongoing and deliberate misuse of power in relationships through repeated verbal, physical and/or social behaviour that intends to cause physical, social and/or psychological harm. It can involve an individual or a group misusing their power, or perceived power, over one or more persons who feel unable to stop it from happening.

Bullying can happen in person or online, via various digital platforms and devices and it can be obvious (overt) or hidden (covert). Bullying behaviour is repeated, or has the potential to be repeated, over time (for example, through sharing of digital records).

Bullying of any form or for any reason can have immediate, medium, and long-term effects on those involved, including bystanders. Single incidents and conflict or fights between equals, whether in person or online, are not defined as bullying.

Additionally, behaviours that do not constitute bullying are clarified as:

- 1) Mutual arguments and disagreements (with no power imbalance)
- 2) Not liking someone or a single act of social rejection
- 3) One-off acts of meanness or spite
- 4) Isolated incidents of aggression, intimidation, or violence.

**PLEASE NOTE:** Colleagues must be clear that although the above list may not constitute a formal definition of bullying, any behaviours exhibited by colleagues (specifically regarding points 3 and 4) towards individuals will be treated with the utmost seriousness and regarded as a serious safeguarding concern. Where criminality is suspected, the Police will be informed.

## TYPES OF BULLYING

### BROAD DESCRIPTORS

- **PHYSICAL** – Kicking or hitting; prodding, pushing, or spitting; offensive gestures or intimidating behaviour; damaging or removing property; invasion of personal space; extortion; coercion; other forms of persistent physical assault
- **VERBAL** – Threats or taunts; shunning/ostracism; name-calling/verbal abuse; innuendo; spreading of rumours; glaring; making inappropriate comments in relation to appearance.

### SPECIFIC EXAMPLES OF BULLYING

- **CYBER** – Abuse on-line or via text message; interfering with electronic files; setting up inappropriate websites; inappropriate sharing of images, etc.; interfering with e-mail accounts
- **FAITH-BASED** – Negative stereotyping; name-calling/ridiculing based upon religious persuasion/identity
- **GIFTED & TALENTED** – Name-calling, innuendo or negative peer pressure based on high levels of ability or effort; ostracism resulting from perceptions of high levels of ability
- **HOMOPHOBIC OR TRANSGENDER** – Name-calling, innuendo or negative stereotyping based on sexual orientation or perceived sexual orientation, use of homophobic language
- **RACIST** – Physical, verbal, written, on-line or text abuse; ridicule based on differences of race, colour, ethnicity, nationality, culture or language; refusal to co-operate with others on the basis of any of the above differences; stereotyping on the basis of colour, race, ethnicity etc.; promoting offensive materials such as racist leaflets, magazines or computer software
- **SEXIST** – Use of sexist language; negative stereotyping based on gender
- **SEXUAL** – Unwanted/inappropriate physical contact; sexual innuendo; suggestive propositioning; distribution/display of pornographic material aimed at an individual; graffiti

with sexual content aimed at an individual. Putting pressure upon someone to act in a sexual way

- **SPECIAL EDUCATIONAL NEEDS OR DISABILITY** – Name-calling, innuendo or negative stereotyping based on disability or learning difficulties, excluding from activity on the basis of disability or learning difficulty.

## **BULLYING: COLLEAGUES**

Please note that this policy is specifically in place to protect individuals who receive care and support from bullying.

Colleagues should refer to our Bullying and Harassment Policy for guidance and information relating to bullying in the workplace.

Beyond Limits are committed to ensuring that our services and organisation maintain a culture of zero tolerance to bullying. Everyone has a right to be safe.

Colleagues must remain alert to the following indicators of potential bullying. Individuals may:

- Appear to be presenting with a change in usual behaviour and activities.
- Become withdrawn.
- Become distressed (i.e., crying, frustration, rocking).
- Self-harming behaviours.
- Exhibit a change in eating patterns.
- Experience nightmares and/or change in sleep patterns.
- Have unexplained bruises or suspicious marks.
- Have belongings go missing.
- Ask for money.
- Refuse to say what's wrong.

### **PLEASE NOTE:**

- It is not uncommon for individuals to give excuses to explain any of the above. Colleagues need to be vigilant to the fact that victims may try to appease the bully by siding with them if bullying behaviour is challenged.
- The impact of bullying can be aligned with one, some, or all of the above.
- The above list is far from exhaustive.

## TACKLING BULLYING

It is crucial that all individuals, colleagues and other relevant stakeholders are clear that no form of bullying is acceptable.

**To counter the potential for bullying, Beyond Limits will:**

- Promote a culture of treating everyone with respect.
- Promote and protect the right of every individual to live in a safe place.
- Take bullying seriously and will not accept bullying by anyone.
- We will actively listen to all individuals and be sensitive to the signs of bullying, especially in those who have disabilities and communication difficulties.
- Ensure resources are available to try to prevent bullying and support those affected by bullying.
- Ensure that all individuals understand that colleagues will take bullying or the potential for bullying seriously and that something will be done if it does happen.
- Provide relevant training and guidance to colleagues to develop and bolster their understanding of how to recognise bullying, and what to do about it.

**If we suspect an individual is being bullied, we will:**

- Do everything we can to protect and support them.
- Work with any individual who is found to be or suspected to be bullying another individual to help them recognise and understand their own needs and learn from the experience.
- Aim to manage incidents of bullying robustly and sensitively.
- Encourage and facilitate advocacy services as requested or required.

**If an individual is subject to bullying by a colleague, or if there are allegations or disclosures relating bullying by a colleague, we will:**

- Do everything we can to protect and support anyone who is being bullied.
- Ensure that the Designated Safeguarding Lead (Kathleen Griffiths) is fully informed and takes robust action (which includes informing the Nominated Safeguarding Lead, Doreen Kelly).
- Alert the relevant Safeguarding Adults Board (SAB) and report a concern. This should ordinarily be completed by the DSL, but in their absence a senior colleague should make the referral. The relevant SAB will be determined by the location of the individual concerned. Beyond Limits are based in Plymouth, and the Plymouth Safeguarding Adults Partnership (PSAP) will be used as a relevant point of reference in this policy.
- Follow any guidance or direction provided by the PSAP (or the relevant SAB).
- Launch an investigation and disciplinary procedures, as appropriate.

- **Notify the Police if criminality is suspected.**

**In addition to the above, the NSL is required to notify the Board of Directors of any serious incident.**

## **REPORTING CONCERNS ABOUT BULLYING**

**Plymouth Safeguarding Adults Partnership (PSAP) provide anything from straightforward information and advice about the abuse and the safety of adults in Plymouth, to handling a disclosure of a specific concern about the safety of an individual or individuals. All reported concerns of maltreatment or harm will be taken seriously and 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.**

**Concerns may also be reported using PSAP's online form by clicking or tapping [HERE](#)**

**In an emergency, for example when a crime is being committed, or someone's life is at risk due to violence, serious illness or injury, the Police must be informed.**

## **REPORTING CONCERNS ABOUT BULLYING**

**This part refers to managing cases of allegations that might indicate a person will pose a risk of harm if they continue to work in regular or close contact with 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 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+) should be referred the MASH, with an explanation that this is an enquiry for the Safeguarding Adults Board or 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 Kathleen Griffiths. If “out-of-hours,” colleagues must inform the Service Leader 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 concern with the DSL and NSL (as illustrated in the above table, P.7).

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](mailto:rob@tristone.capital), and Daryl can be contacted on 07969 973920 or by using [daryl@tristone.capital](mailto:daryl@tristone.capital). Rob and Daryl have extensive experience of safeguarding vulnerable groups.

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

**Email:** [enquiries@cqc.org.uk](mailto: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](http://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 the 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 individuals 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 colleagues or other people.

## **RAISING CONCERNS & SPEAKING UP**

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

- Any individual's welfare who is accessing care and support provided by Beyond Limits
- Any colleague or the practice of any colleague
- Any other persons' visiting an individual's home
- Any other person who has contact with an individual 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 & Speaking Up, above) should promptly be disclosed to a manager or, respectively, their manager. The Designated Safeguarding Lead (DSL) must be informed, so appropriate action can be taken (unless the disclosure is about the DSL, in which case please refer to the table on Page 7).

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.

## LEARNING LESSONS

The Designated Safeguarding lead (DSL) should review the circumstances of the issue or incident with the case manager (as appropriate) and the senior management team to determine whether there are any improvements to be made to existing procedures or practice. To capture lessons learned, Beyond Limits will 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 individuals safe from harm or abuse, and the potential for harm or abuse.

## BULLYING IN THE COMMUNITY

Individuals have a right to be safe and feel safe. This applies not only in their own homes, but also in the wider community. People with disabilities and those with additional needs are said to be significantly more likely to experience bullying or targeting in the community. Colleagues must be alert to this fact.

Any reported instances of alleged bullying outside individual's homes will be taken seriously and colleagues must be prepared to support and advocate for individuals as necessary and appropriate:

- If the bullying occurs at a work placement, educational setting or activity centre, colleagues

must inform the lead safeguarding person and support their processes for tackling bullying.

- Notify the Designated Safeguarding Lead who will ensure that appropriate action is taken.

**If the bullying takes place within the community where the individual lives, colleagues should:**

- Politely challenge the abusive individual/s, where it is safe to do so.
- Inform the Police if an abusive individual/s becomes aggressive or threatening towards an individual or a colleague (or both).
- Inform the Police if the abuser/s are presenting/behaving in a way that is consistent with Disability Hate Crime (see below)
- Notify the DSL, who will ensure that appropriate action is taken.

## COMMON FACTORS IN DISABILITY HATE CRIME

The following information has been published by the Crown Prosecution Service (CPS). It confirms that any crime can be prosecuted as a hate crime if the offender has either:

- Demonstrated hostility based on race, religion, disability, sexual orientation, or transgender identity; or
- Been motivated by hostility based on race, religion, disability, sexual orientation, or transgender identity.

Hate crimes are covered by legislation (Crime and Disorder Act 1998 and section 66 of the Sentencing Act 2020) which allows prosecutors to apply for an uplift in sentence for those convicted of a hate crime.

The Police and the CPS have agreed the following definition for identifying and flagging hate crimes:

"Any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity."

## PREVALENCE & TRENDS

The following information has been extracted from 'Hate Crime, England and Wales, 2021 to 2022' published by the Home Office on 6<sup>th</sup> October 2022. It shows a concerning trend indicating that the prevalence of hate crime has increased significantly regarding people with disabilities, with recorded crimes rising from 9,945 during 2020/21 to 14,242 during 2021/22. This means that recorded hate crimes towards disabled people rose by 4,297 incidents, which represents a 43% increase on the

previous year. This represents the largest percentage annual increase in such offences since year ending March 2017, which was 53%.

All strands of recorded hate crime have risen in the year ending March 2022, with transgender people suffering the highest increase in recorded hate crimes, rising by 56% on the previous year.

The table below provides a summary of hate crimes recorded by the Police in England and Wales. The final column clarifies the percentage change from 2020/21 to 2021/22.

Hate Crime Strand	2017/18	2018/19	2019/20	2020/21	2021/22	% Change
Race	71,264	78,906	[x]	92,063	109,843	19%
Religion	8,339	8,559	[x]	6,383	8,730	37%
Sexual Orientation	11,592	14,472	[x]	18,596	26,152	41%
Disability	7,221	8,250	[x]	9,945	14,242	43%
Transgender	1,703	2,329	[x]	2,799	4,355	56%
<b>Total Number of Offences</b>	<b>94,115</b>	<b>106,458</b>	<b>114,421</b>	<b>124,104</b>	<b>155,841</b>	<b>26%</b>

Please note that the total number of offences in year ending March 2020 includes estimated figures for Greater Manchester Police as they were unable to supply data for year ending March 2020.

It is worth considering that the above table refers to recorded crimes and therefore does not take account of unreported incidents of hate crime. Arguably, this is particularly pertinent to people with learning difficulties, who may be subject to intimidation and abuse that is not being recognised as such or they are subject to intimidation or coercion that prevents them from seeking help.

Colleagues must remain mindful of the above when visiting individuals and never dismiss a sign or indicator on face value. All concerns must be addressed supportively and sensitively. Where appropriate risk assessments should include clear direction and guidance about what to do if an individual is vulnerable to any form of hate crime.

Colleagues should also note that someone can be a victim of more than one type of hate crime.

