

Beyond Limits Dumfries & Galloway provides policies and procedures to promote safe and consistent practice across the Organisation. The framework laid down within our policies and procedures lets everyone know how we work and reflects our values and mission statement. Our policies and procedures are written to help us, employees of Beyond Limits Dumfries & Galloway, to make good, safe decisions.

Beyond Limits Dumfries & Galloway expects all employees to be familiar with the contents of all policies and procedures relevant to their role and to understand how to apply them within their daily work.

None of these documents stand alone, all fit within the larger framework of the way we work and any associated policies which are particularly relevant will be directly referenced.

# Duty of Care Policy

---

This policy should be read in conjunction with the General Health and Safety policy, Whistle Blowing policy, Equality and Diversity Policy, Duty of Candour and the Code of Conduct.

## Duty of Care policy – what this means to Beyond Limits Dumfries & Galloway

Beyond Limits Dumfries & Galloway as an Employer and you as an Employee have a duty of care to the people we support and to each other. Duty of care contributes to safe practice and promotes health and wellbeing. Duty of care is part of the Code of Conduct for healthcare support workers and adult social care workers.

Our duty of care is a general legal duty that applies to us all, to avoid carelessly causing injury to people.

It requires we do everything ‘**reasonably practicable**’ to protect the health and safety of others at the workplace. This duty is placed on:

- All employers/organisations
- Employees/Volunteers

- Anyone who may have an influence on the potential hazards in a workplace (contractors etc.)

### **Beyond Limits Dumfries & Galloway Duty of Care**

Our Duty of Care means we will:

- Act in the best interests of the people we support
- Provide a safe working environment
- Do our utmost to prevent risks to health by implementing safe working practices
- Provide adequate first aid equipment
- Provide adequate training and support to undertake your role
- Provide you with information and instruction to enable you to undertake your role safely
- Provide health and safety advice
- Listen to and investigate complaints
- Set up emergency plans
- Check that equipment is provided and regularly maintained
- Provide COSHH information and guidance
- Ensure manual handling dangers are minimised
- Provide protective personal equipment (PPE)
- Monitor the conditions of the working environment
- Monitor the quality of service provision
- Report certain accidents, injuries, diseases and dangerous occurrences to the appropriate regulatory body.

**We will ensure that:**

- Activities are risk assessed to identify hazards, identify risks and put in place control measures
- Each person supported by Beyond Limits Dumfries & Galloway will have a Service Design and Working Policy
- There is a comprehensive Health & Safety Policy
- People supported, employees and relevant others know the complaints procedure
- We carry out Wellbeing checks for all new employees
- Carry out Welfare checks for the people being supported

- Promote Employee Assistance Programme (EAP)
- There is sufficient insurance in place to cover employees and the people we support and the public.

### **Employees Duty of Care:**

Employees Duty of Care means you must:

- Aim to provide high quality care to the best of your ability and say if there are any reasons why you may be unable to do so
- Keep your knowledge and skills up to date
- Safeguard the person you support
- Adhere to all Codes of Conduct and Standards relating to you as a social care worker
- Provide a service of no less a quality than that to be expected based on the skills, responsibilities, and range of activities within your particular role
- Be in a position to know what must be done to ensure that the service is provided safely
- Keep accurate and contemporaneous records of your work
- Not delegate work to others if it is clear that the person to whom the work is delegated to is not competent (trained) to carry it out safely
- Or accept delegated work in the knowledge that you are not competent (not trained) to carry it out safely
- Protect confidential information except where the wider duty of care or the public interest must justify disclosure
- Adhere to all Beyond Limits Dumfries & Galloway policies, procedures and contractual terms and conditions

### **Conflicts with employees Duty of Care**

There may be times when either instructions from your line manager, or other professionals' conflicts with what you believe is in the best interests of the person you support, the health of colleagues or yourself, or the wider public interest. You may also experience conflicts with the rights and choices of the person you support.

Examples might be:

- Being asked to work excess hours

- Instructions that breach statutory obligations and rights
- Choices made by the person being supported conflicting with your legal and professional obligations
- Insufficient instruction has been given
- Being harassed or bullied at work
- Being asked to collude in inappropriate ways or in the reductions of resources that are not in the best interests of the person you support

There are a number of statutory duties that, alongside the contractual terms and conditions of employment that may help you in these situations:

- **Whistle Blowing (Public Interest Disclosure Act 1998)** Beyond Limits Dumfries & Galloway has a Whistle Blowing Policy. You will be safeguarded by it if you make a whistle blowing disclosure in good faith and you believe that, either;
  - A criminal offence has been or is likely to be committed
  - That someone is failing, or will fail to comply with legal obligation
  - That a miscarriage of justice will occur or has occurred
  - That there is a health and safety risk
  - That information about these issues has been, or is likely to be deliberately concealed
- **Equality Legislation (Equality Act 2010)** If you believe discrimination has occurred under any of the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex and sexual orientation.
- **Health and Safety Legislation (The Management of Health and Safety at Work Regulations 1999 and the Health and Safety at Work Act 1974)** If you believe Beyond Limits Dumfries & Galloway or others have acted, or attempted to make you act in ways that put the health and safety of yourself, work colleagues, the people we support or the public at risk.
- **Professional Codes of Conduct** As a professional social care worker you have a professional responsibility to adhere to the codes of conduct laid down by the Scottish Social Services Council (SSSC). They provide the standards to which you must adhere.
- **The Working Times Regulations 1998** If you believe Beyond Limits Dumfries & Galloway is not adhering to legislation about working hours and rest periods.
- **Health and Social Care Legislation, The Public Health (Scotland) Act 2008.** If you believe Beyond Limits Dumfries & Galloway is not adhering to the regulations and standards set out to protect the people we support or you as a social care worker.

**Things you can do to maintain and support your Duty of Care**

These are things you can do and have in place to maintain your Duty of Care:

- Develop a good knowledge of the policies and standards you are expected to uphold
- Monitor any problems that may impact on your duty of care
- Don't take on work or responsibilities you are not trained or competent to do
- Keep accurate records
- Don't wait until it is too late to either question, or challenge an instruction or request
- Ask for support from your line manager, any other senior manager or the Director of Beyond Limits Dumfries & Galloway.