

Aims

The aims of the company safeguarding policy are to provide an environment where all can work safely; The Company will take every reasonable precaution to minimise risk while providing demanding, challenging and enjoyable training and development activities at our own premises and the premises of our employers and clients.

Rationale

The **rationale** of the policy is to contribute to the personal safety of all children and adults using our facilities and resources, through actively promoting awareness, good practice and sound procedures. The organisation is committed to ensure that all and specifically those that are vulnerable are kept safe from harm while they are involved with the organisation.

Principles

Safeguarding has a meaning wider than child protection. The policy aims to ensure that all learners, staff, customers, linked employers, freelance trainers' stakeholders and visitors are safe from harm and abuse, harassment and bullying. Harm and harassment have formal legal meanings within civil and criminal law.

Safeguarding also includes all staff acting in a responsible way to avoid any false allegations of inappropriate behaviour being made about their conduct that would give cause for concern.

This policy is based on the law and statutory guidance applicable in England only. The Safeguarding Vulnerable Groups Act 2006 and the Protection of Freedoms Act 2012 deal with aspects of regulated activity (see below).

The Equality Act 2010 and the Health & Safety at Work Act are also relevant to safeguarding. The Safeguarding officer (designated person) maintains a Safeguarding report and is supported by the HR function and deputy designated persons.

This policy is directly linked to the company disciplinary procedures. All company personnel have a legal duty to report instances of harm and abuse in regulated activities to the Disclosure & Barring Service (DBS) following action in accordance with staff disciplinary procedures where appropriate.

In addition to the legal aspects it is our policy to ensure that all persons learning and working with us respect each other and strive to help each other in a professional and caring manner.

Roles and Responsibilities

The legal situation is complex and therefore we have appointed **Safeguarding Officers (Designated persons)** who have received training in this specific duty and who is responsible for maintaining their professional development in this area and overseeing and co-ordinating the company's approach to Safeguarding. The safeguarding officers review all the key documents and policies and are able to consult the police and social services in respect of safeguarding matters. The safeguarding officers are not entitled to give formal legal advice but are able to obtain such advice from experts. In the absence of a Safeguarding Officer- the HR function or deputy safeguarding officers take on this function.

The Safeguarding Officers will liaise closely with police, the local safeguarding children's boards and multi-agency safeguarding hubs where appropriate.

All staff as stated above have a responsibility to work within the framework of this policy and to adhere to all relevant and current legislation- annex 1 provides specific guidance on reporting safeguarding issues.

Tutors/Trainer/Assessors/Traineeship Co-ordinators/Business Consultants/Employment Executives Administrators Managers and Quality Assurers all levels and all divisions.

All staff have a personal responsibility for safeguarding the welfare and wellbeing of all children and adults at risk of harm by protecting them from abuse which may be:

- Neglect
- Emotional or Psychological abuse
- Physical abuse
- Sexual abuse
- Financial or material abuse
- Discriminatory abuse
- Anti-radicalisation and prevent strategy (Appendix 2)

In addition to the above- all personnel have a responsibility to undertake the safeguarding training provided by the company or third parties. Staff should also ensure they review the appropriate Intranet safeguarding page and maintain currency of knowledge.

Line managers are accountable for managing safeguarding training for their line reports and ensuring relevant information in respect of Safeguarding is provided to individuals for whom they have line management accountabilities.

Managers undertaking recruitment are responsible for applying for appropriate DBS checks and advising selected applicants of this fact and advising such applicants of appropriate information to access the relevant DBS portal to satisfactorily complete a submission.

Development Team

The development team are responsible for providing or signposting company personnel to relevant safeguarding training and coaching resources. Safeguarding training includes

- Welcome email with safeguarding links
- 1 day safeguarding workshop – general safeguarding awareness
- HITranet updates
- Access to relevant sites click [here](#) for channel awareness training

All staff have a responsibility to participate in safeguarding training and maintain their professional development in this area.

HR Team

The HR team are responsible for ensuring that recruitment processes and employment offers are compatible with the safeguarding principles and meet legislative requirements in terms of relevant pre-employment checks via the DBS.

The HR team are responsible for the provision of information and guidance in terms of appropriate practice in the recruitment selection process.

It should be noted at all times the onus is on the applicant or where freelance trainer/tutors are engaged to reveal any conviction, caution, bind-over, probation order, or pending prosecution, whether imposed prior to or within the period the applicant works on work activities.

The applicant shall produce proof of identity, preferably passport or photographic driving license, and additionally provide proof of residence, which should be checked by the recruiting manager and the appropriate documents (108 and 109 should be completed

Senior Management team and Directors and the Safeguarding Officer

The senior management team and Directors are accountable for the execution of this policy throughout the organisation. The Safeguarding officers (Designated persons) are responsible for providing the Board with information pertaining to Safeguarding and such notifications will be addressed where required, under the health and safety agenda item of all Board meetings.

The Safeguarding Officers shall ensure active compliance with this policy by all staff, learners, stakeholders' freelance trainers and linked employers. All staff will actively endeavour to implement this policy.

The aim of safeguarding actions with regard to personnel is to ensure as far as is possible that **anyone**, who seeks to work with children and young people (or vulnerable adults where appropriate) through the companies' activities and who gains substantial access to them thereby (whether within activity hours and/or beyond) is as safe to do so in safeguarding protection terms as can be guaranteed.

Further guidance for senior management can be found by clicking [here](#).

The Safeguarding Officers are accountable for the following checks being carried out on all prospective employees whose work may create a situation of substantial access to children and young people (or adults):

- DBS criminal records check at enhanced level including barring and police disclosure where legal and appropriate (without breaching the Rehabilitation of Offenders Act) but complying with regulated activity safeguarding requirements.
- References are sought and checked as, nominated by the applicant. Such references must come from a person who is not related to the applicant and who preferably knows of the applicant's character, trustworthiness, any previous experience of working with/looking after children and young people.

The Safeguarding Officers will, in liaison with the Board, define if the post is in regulated activity, with guidance to be sought from the HR Manager. In that case they shall give to the applicant, and get the applicant to give written confirmation of receipt a letter/notice stating the checks are required as a condition of working in our company with children and young people (or adults where appropriate).

No applicant may start work unsupervised without the above enquiries being completed. However, the Safeguarding Officers may, in consultation with the managing director and HR Manager authorise an applicant to commence supervised (one-to-one basis) work where it is absolutely clear there will be no problems arising from the checks. This supervision must meet the Secretary of State for Education's definition.

The Safeguarding Officers and HR team will not accept any previous reference, police check, social services endorsements provided by an applicant in substitution for the above enquiry process. At all times the initiative must lie with our company to make its own, completely independent enquiries in line with the latest legislation and codes available.

Record keeping shall be in accordance **with our personnel policies and will comply with the Data Protection Act.**

It is the responsibility of senior management and the designated persons to ensure all staff participate in recommended safeguarding training.

Management of policy

Regulated Activity

The legal definition of regulated activity covers – in certain circumstances - teaching, training, advising, instructing, website moderation and driving, for example. The Safeguarding Officer and HR team should be able to provide clarification and full definitions in respect of what constitutes regulated activities. These activities are related to children (all persons under 18) and adults who may or may not have disabilities but who do have certain care requirements because of their vulnerability. In order to define the activities, the HR team with feedback from the Safeguarding officer review every staff post and determine if particular staff are engaged in regulated activities – and if so they must be cleared to work here by virtue of an acceptable DBS report.

DBS reports contain a record of previous offences (if any). Some of these offences may have been placed on the person's record by the DBS and some may be placed there by one of the 54 Chief Constables. A person may appeal against the DBS items to the DBS, but they will have to appeal to the Chief Constable of the county where an offence occurred to discover if they consider that a 'police offence' is to be removed from their record.

It is an offence punishable by a fine and term of imprisonment for the Regulated Activity Provider (RAP) to knowingly employ a banned person in a regulated activity. It is illegal to fail to report harm which breaches staff disciplinary procedures. It is the responsibility of prospective staff to complete the DBS check as initiated by the company. The company should have notification of a satisfactory check before employment commences for all regulated roles: For some roles and in specific circumstances where supervision can be maintained, employment may commence prior to the DBS notification being received.

In the event of a DBS notification indicating barriers to the employee taking up or continuing in their current role, the HR team should hold discussions with the Line Manager and Safeguarding Officer before any decision is made in respect of on-going employment with the company.

Records

The safeguarding officers are to keep records¹ of all incidents of harm, abuse, harassment, bullying and 'prevent' referrals and not to destroy those records where relevant to harm or abuse. The Data Protection Act applies to the safekeeping of the records which are to be kept locked away with a clean desk policy applied.

However, the Data Protection Act's normal destruction requirement do not apply to records of harm and abuse by staff since police and the DBS may require these documents at a later date. These records can and should contain any information proven at the time or unproven in order to develop a track record of events which may be relevant to a subsequent inquiry.

¹ The records can be held at Head Office with the HR team
This policy was reviewed on the 24th October 2015

Disciplinary Procedures in Relation to Regulated Activity

If a person is accused of an act of harm, or thought to have committed one as defined by law, they can be suspended and requested to remain away from work while an investigation takes place into the incident. This is called 'neutral ground'. Staff may not visit the person in neutral ground to give information about the progress of the disciplinary inquiry without the formal permission of the HR Manager and Safeguarding Officer. It is not a disciplinary matter at that point because no offence has been proven.

If no offence can be proven then following advice from HR and the Safeguarding Officer and relevant services where appropriate, the person may be reinstated. If a police officer notifies the company that the disciplinary procedure or any subsequent reporting to DBS should be halted pending a police investigation that instruction will be complied with by all staff members involved. False accusations against staff or learners will be reported to the police as potential criminal offences as well as disciplinary offences.

If the person is found to have committed harm, they may be moved to another post or dismissed in accordance with disciplinary procedures. At this point the managing director or the disciplinary manager will instruct the safeguarding officer to complete the DBS reporting form and send full details of the case including previous notes of other relevant incidents or concerns to the DBS for investigation by a senior case officer.

If the staff member resigns, retires or flees at any point during 'neutral ground' or disciplinary procedures thus making it impossible for the procedures to be completed, then the law requires that the managing director shall instruct the safeguarding officer to report that staff member to the DBS for further investigation regardless of their location and status.

Harassment

No learner or staff member shall be harassed. No learner or staff member shall harass any visitor, client customer or employer. Harassment can be of two kinds – civil harassment linked to discrimination under the Equality Act 2010 and criminal harassment linked to the Protection from Harassment Act 1997 or racial harassment under a range of Police laws. Learners have the right to complain about harassment. Staff also have this right. Staff have the same rights to protection as learners.

Bullying

Although bullying is not precisely defined in law, any physical or mental duress which makes a person feel as though they are being forced against their will to act in an inappropriate way or to feel unduly stressed, or to be alarmed at the thought of coming to work, will be deemed to be bullying and may also be harassment.

However, the reasonable requests of Line Managers for staff to do their work to the required quality and for learners to actively take part in learning cannot be misconstrued as bullying. In respect of all learners/clients all staff, will act in an understanding way taking into account any disability, learning difficulty or personal circumstances that could impact on an individual's sense of vulnerability.

Children and Adults

Safeguarding law deals very differently with these two categories of people. ***Anyone under 18 in regulated activity has to be safeguarded*** as a child in accordance with the law and the statutory guidance set out by the Secretary of State for Education in two documents: (1) Regulated Activity (2) Supervision.

However, safeguarding for adults no longer concentrates on disability but on the activity they are taking part in – like washing, dressing, being fed and so on. Education for adults is not a regulated activity. ***Staff who teach train or instruct adults exclusively for education do not have to be DBS checked.*** However, ***if they also work with children they will need to be checked.*** The activities which require adults to be DBS checked for regulated activity are defined by statutory guidance issued by the Secretary of State for Health. The regularity and frequency of regulated activity is defined both for children and for adults in the Supervision document issued by the department (DfE).

Reporting & Confidentiality

It is the duty of all staff to report incidents of concern whether they affect regulated activity or not. It is also the duty of staff to protect and assist learners when they wish to report. Our company has an open style of management and we wish to support anyone who feels concerned about their treatment. Although any reported incident will be kept confidentially in line with policy and data protection, ***staff cannot – and must not - promise confidentiality when harm is reported since the law requires that police and social services and the DBS are told.*** The person reporting and the person harmed will be protected. It is their legal right to remain anonymous to other staff and the public. However, the safeguarding officer has a duty to pass on the names and details of any child or adult who has been harmed to relevant authorities.

Harm

Staff are to carefully note the following. Any queries or request for additional information should be addressed to the safeguarding officer. Although adults will understand the general meaning of harm and abuse in normal parlance, it is not possible to say that a person has 'harmed' a child or adult in a legal sense unless we understand what legal harm is. The government has conducted research into harm and this is found here:

<https://www.gov.uk/government/publications/systematic-review-of-models-of-analysing-significant-harm>

Section 47 of the Children Act 1989 places a duty on local authorities to make enquiries where it is suspected that a child is suffering, or is likely to suffer, significant harm, to enable it to decide whether it should take any action to safeguard and promote the welfare of the child. The framework for assessing such children is set out in chapter 5 of Working Together to Safeguard Children – the key document for defining the role and actions of Safeguarding Officers. Our Safeguarding Officer is to liaise with the local authority on these matters.

Disclosure and Barring Service definition of harm

Has a person:

- **Harmed a child or vulnerable adult through their actions or inaction**

Harm should be considered in a wider context than just physical and can take numerous forms. Types of harm relating to children can include (but are not limited to):

- Emotional / Psychological - Action or inaction by others that causes mental anguish.
- Physical - Any intentional physical contact that results in discomfort, pain or injury.
- Sexual - Any form of sexual activity with a child under the age of consent.
- Neglect - Failure to identify and/or meet care needs.

Types of harm relating to vulnerable adults can include (but are not limited to):

- Emotional / Psychological - Action or inaction by others that causes mental anguish.
- Financial – Usually associated with the misuse of money, valuables or property.
- Physical - Any intentional physical contact that results in discomfort, pain or injury.
- Sexual – Coercion or force to take part in sexual acts.
- Neglect - Failure to identify and / or meet care needs.
- Verbal – Any remark or comment by others that causes distress.

Represented a risk of harm to a child or vulnerable adult (satisfied the harm test) .

To satisfy the harm test there needs to be credible evidence of a risk of harm to vulnerable groups including children such as statements made by an individual regarding conduct/behaviour, etc.

For a case to be considered as a risk of harm, relevant conduct would not have occurred but there must be tangible evidence rather than a “feeling” that a person represents a risk to children and / or vulnerable adults.

Have received a caution or conviction for a relevant offence

A relevant offence for the purposes of referrals to DBS is an automatic inclusion offence as set out in the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2009.

A list of relevant offences is detailed here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/249429/dbs-factsheet-relevant-offences.pdf. The list includes a range of offences and should be reviewed before making any decision as to the relevance in respect of safeguarding.

Legal requirements

Regulated activity providers and personnel suppliers are required by law to refer a person (to the DBS using the correct form) where they have:

- Harmed a child or vulnerable adult (engaged in relevant conduct)
- Represent a risk of harm to vulnerable groups including children (satisfied the harm test)
- Received a caution or conviction for a relevant offence

The Safeguarding Officer is required to provide information relating to the person's conduct, (including copies of relevant documents), namely:

- a) A summary of the conduct including details of the setting and location in which such conduct occurred.
- b) Details of any harm suffered by any child or vulnerable adult resulting from or arising from the conduct or any risk of harm that a child or vulnerable adult was, or may have been, exposed to as a result of such conduct.
- c) Whether the person you are referring has accepted responsibility for or admitted the conduct or any part of it.
- d) Any explanation offered by the person you are referring for the conduct or any remorse or insight demonstrated by them in relation to the conduct.
- e) Any information other than that relating to the person's conduct which is likely to, or may, be relevant in considering whether they should be included in or removed from a barred list including information relating to any previous offences, allegations, incidents, behaviour or other acts or omissions.

It is a legal requirement to supply information relating to the reason why you consider that the harm test is satisfied in relation to the person you are referring. You are also required to provide details of any investigation undertaken by any person in relation to the person's conduct including:

- a) The evidence and information obtained and considered in any such investigation.
- b) The outcome of the investigation, if known.
- c) The contact details (including a name, address, telephone number and e-mail address) of any person responsible for the investigation.

Safeguarding Officer/Designated person- Sandra Grant – Human Resources Manager – contact Sandra.grant@hittraining.co.uk

Or

Deputy Designated persons Mike Worley; Director of Hospitality; Email contact mike.worley@hittraining.co.uk

Or

Lindsey Appleby-Flynn, Regional Quality Manager North East; Email contact lindsey.appleby-flynn@hittraining.co.uk

Annex 1 What do you do if someone makes a disclosure to you?

If someone confides in you:

- Remain calm, approachable and receptive
- Explain that you cannot offer confidentiality and based on what you hear, you may need to report this to your company Safeguarding Officer/designated person
- Listen carefully without interrupting
- Make it clear that you're taking what is being said seriously
- Acknowledge you understand how difficult this may be
- Reassure them they've done the right thing in telling
- Let them know that you'll do everything you can to help them

Then you must

- Record carefully using their words and sign, date and time your notes(only record what has been said, and what you observed)- use document 314
- Continue to be caring and supportive for them

Best working practice for handling a disclosure

- Be friendly, courteous and kind- a good role model
- Treat all with dignity and respect regardless of age, sex, ethnicity, disability or sexuality
- Be available to listen and ready to refer to someone more experienced- in this case the safeguarding officer or the deputy designated personnel
- Respect personal privacy but recognise the difference between privacy and offering confidentiality
- Be sensitive to the needs and preferences of others
- Never make belittling or discouraging remarks
- Do not use inappropriate language and subject matter. Be careful not to do or say anything that could be misunderstood or be interpreted as innuendo
- Avoid any questionable behaviour /communication in face to face: telephone: email and social media activities
- Challenge unacceptable behaviour and report any allegations or suspicions of abuse
- Be firm and fair with children- avoid favouritism and singling out those who cause trouble
- Remember it is the bad behaviour that is blameworthy not the individual
- Never ignore or trivialise bullying. Refer to the HIT safeguarding and anti-bullying policies and if further guidance is required contact HR
- Take every reasonable precaution to minimise risk while providing demanding, challenging and enjoyable activities
- Ensure that all, and especially those who are vulnerable are kept safe from harm whilst they are involved in and with the organisation
- Follow this policy and contact the Safeguarding officer or designated personnel if you are not sure about what to do

Professional values and attributes

In line with the Education Training Foundation professional standards all company personnel involved in the delivery of any company offered programme/training are required to adhere to the standards below:

- 1 Reflect on what works best in your teaching and learning to meet the diverse needs of learners
- 2 Evaluate and challenge your practice, values and beliefs
- 3 Inspire, motivate and raise aspirations of learners through your enthusiasm and knowledge
- 4 Be creative and innovative in selecting and adapting strategies to help learners to learn
- 5 Value and promote social and cultural diversity, equality of opportunity and inclusion
- 6 Build positive and collaborative relationships with colleagues and learners

Procedure for responding to an allegation of abuse

Recognition

This procedure must be followed whenever an **allegation** is made that a child or vulnerable adult has been abused or when there is a **suspicion** that a child or vulnerable adult has been abused or such information has been disclosed

Respond

Do not make promises regarding confidentiality. Explain to the person **at the outset** that you will need to report the disclosure and share the information with respective Line Manager and one of the safeguarding officers. The safeguarding officer will, where possible, respect the wishes of the individual; however, information will be shared with external agencies where it is judged that a person is at risk of suffering significant harm.

Report

The respective Line Manager and Designated person should be advised of any matter that could be regarded as a Safeguarding issue. The Line Manager should be advised either in person or by phone as soon as possible. The designated person should also be contacted by phone; e-mails to communicate such information should be avoided

Record

A record of the incident or concern should be made in writing. If the complainant is the child or vulnerable adult him/herself, questions should be kept to the minimum necessary to understand what is being alleged and leading questions should be avoided. The use of leading questions can cause problems for the subsequent investigation and court proceedings. The record should focus on the facts.

Refer

The Safeguarding Officers or Designated/Deputy designated persons will decide if the matter needs to be reported to an external agency (Adult or Children Safeguarding Boards or the Local Authority). In circumstances where no designated or deputy designated person is available and it is judged that an external referral is required the HR department should be advised of this and they should make the decision if a referral is required. The Designated persons can also seek advice from external agencies in terms of whether a referral should be made.

External referrals will be undertaken over the telephone to the duty social worker (or such other person as required by the local Area Child Protection Committee (ACPC) procedures or the Adult equivalent). In the unlikely event that social services cannot be reached the designated person can contact the relevant police child protection team for the area.

A written record of the report will be retained by the Safeguarding officers/Designated persons. The written record will note the date and time of the report and must include the name and position of the person to whom the matter is reported. The Safeguarding Officers should discuss with the Social Services Department what action will be taken to inform the parents/guardian of the child or vulnerable adult and a note of that conversation should be made.

In any inter-agency meeting, the designated persons will also retain a record of the meetings and any agreed actions and all correspondence will be securely maintained.

Annex 2 Anti-Radicalisation and Prevent Actions:

Anti-Radicalisation

Radicalisation is defined as the act or process of making a person more radical or favouring of extreme or fundamental changes in political, economic or social conditions, institutions or habits of the mind.

Extremism is defined as the holding of extreme political or religious views. AT HIT Training we are fully committed to safeguarding and promoting the welfare of all learners and staff. We recognise that safeguarding against radicalisation is no different from safeguarding against any other vulnerability.

Responsibility

At HIT Training all staff members are expected to uphold and promote the fundamental principles of British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs.

All FE/training providers have a duty to safeguard their students, Prevent is about safeguarding our learners to keep them both safe and within the law. The Prevent Duty is not about preventing learners from having political and religious views and concerns but about supporting them to use those concerns or act on them in non-extremist ways.

The main aims are to ensure that staff are fully engaged in being vigilant about radicalisation and ensure that we work alongside other professional bodies and agencies to ensure that our learner are safe from harm.

Example indicators that an individual is engaged with an extremist group, cause or ideology include:

- spending increasing time in the company of other suspected extremists;
- changing their style of dress or personal appearance to accord with the group;
- their day-to-day behaviour becoming increasingly centred around an extremist ideology, group or cause;
- loss of interest in other friends and activities not associated with the extremist ideology, group or cause;
- possession of material or symbols associated with an extremist cause (e.g. the swastika for far right groups)
- communications with others that suggest identification with a group/cause/ideology

Example indicators that an individual has an intention to use violence or other illegal means include:

- clearly identifying another group as threatening what they stand for and blaming that group for all social or political ills;
- using insulting or derogatory names or labels for another group;
- speaking about the imminence of harm from the other group and the importance of action now;
- expressing attitudes that justify offending on behalf of the group, cause or ideology;
- condoning or supporting violence or harm towards others; or plotting or conspiring with others.

Prevent Actions:

Report concerns to the safeguarding designated person.

Designated person will report to external parties, mainly 'Channel'. There is a police practitioner responsible for coordinating delivery of Channel in all areas. Some areas have a dedicated police Channel coordinator; these are closely aligned to the Prevent priority areas.

To view a flowchart on the prevent procedure click [here](#).

For further information about prevent for further education and training click [here](#).