



# Safeguarding Policy

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## Overview

The rationale of the policy is to contribute to the personal safety of all children and adults who engage with PAL, directly, or via webinars and video-conferencing, as well as accessing our on-line resources and platforms and portals by actively promoting awareness, good practice, and sound procedures. The organisation is committed to ensuring that all and specifically those that are at risk are kept safe from harm while they are involved with the organisation.

PAL is committed to ensuring all our activities and engagement is held to the highest standards of safeguarding practice; is compliant with current UK legislation; is child and adult centred; and that we are fully accountable. These standards are set out in our mission and values as contained in our Business Plan, available on request and available to PAL personnel, to include advisory group members, associates, and consultants/technical advisors via the PAL Padlet. Associated and relevant policies, along with this policy are available via PAL's policy tracker and the Safeguarding Policy is additionally available via PAL's policy page on our website.

We are invested in making sure our safeguarding practice places the views of all our stakeholders, at the centre of our policy planning and implementation processes. This approach ensures that their welfare remains paramount in all we do.

Establishing a culture of honesty and openness helps us to know and understand what issues our stakeholders consider likely to affect them and their safety. This is particularly important when working with diverse communities, those who are at risk and international learners.

### **Policy Scope**

This policy relates to all situations in both the UK and internationally, including online interaction, in which Professional Assessment Ltd (PAL) staff, associates, advisory group (AG) members, consultants/technical advisors and centres encounter children and adults at risk.

- A child is a person under the age of eighteen
- A young adult between the ages of 18-24 years with significant SEND needs or who have reduced capacity, should be classed as a vulnerable young adult
- An at-risk adult can be defined as an individual over the age of 18 who may need specialised services to assist them with their day-to-day lives and for these reasons the individual may need to be safeguarded against harm or exploitation

PAL acknowledges our responsibility to safeguard and promote the welfare and wellbeing of all young people, staff, Apprentices, customers, linked employers, associates, consultants/technical advisors, advisory group members, EPA review group members, and visitors (for the sake of this document known collectively as stakeholders). We also recognise and accept our 'duty of care' to our workforce (employees, associates, consultants/technical advisors).

### **Associated Policies and Protocols**

- Health and Safety Policy
- Bullying and Anti-Harassment Policy
- Prevent Strategy and Implementation Plan
- Disciplinary and Probationary Procedures and Policy
- Data Protection and Privacy Policy and Appropriate Policy for Processing Special Category Data
- Whistleblowing Policy
- Equality and Diversity Policy
- Fair Access Policy
- Special Considerations and Reasonable Adjustments Policy
- Training and Development Policy
- Recruitment Policy, to include Safer Recruitment and Recruiting individuals with a criminal conviction
- Appropriate Policy for Processing Special Category Data
- IT Policy
- Working from Home Policy and Code of Conduct
- Assessor Protocols

### **Who is this policy for?**

The Safeguarding Policy<sup>1</sup> is for all stakeholders who receive an allegation, disclosure or are concerned about the welfare or wellbeing of any stakeholder, with specific reference for PAL personnel in respect of what they should do in connection with Safeguarding concerns.

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<sup>1</sup> Well-being is covered in a range of policies to include PAL's Health and Safety Policy; Annual Leave Policy; Flexible working Policy and Working from Home and Code of Conduct Policy

## Purpose

The purpose of the policy is to:

- a) ensure individuals are clear about their safeguarding responsibility in terms of recognising, responding to and referring any reported allegations, disclosures, or concerns, in accordance with the child/adult protection process
- b) ensure all individuals are clear about their responsibility to protect all stakeholders from harm and to create a safe space

**Safeguarding has a meaning wider than child/adult protection; it is precautionary, initiative-taking, and preventative.** This policy aims to ensure that all PAL stakeholders, as previously described, apprentices, are safe from harm and abuse, harassment, and bullying. Harm and harassment have formal legal meanings within the civil and criminal law.

Safeguarding also advocates the importance of appropriate, professional, and responsible behaviours to avoid any false allegations of inappropriate behaviour being made about an individual's 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.

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

- The Health & Safety at Work Act
- Working together to safeguard children 2021
- Education & Training (Welfare of children) Act 2021
- Children Act 2006
- Children and Families Act 2014
- Digital Economy Act 2017
- The Care Act 2014
- The Mental capacity Act 2005
- United nations and the conventions of the rights of a child (UNCRC)
- Domestic Abuse Act 2021

The Equality Act 2010 and the Health & Safety at Work Act are also relevant to safeguarding. The safeguarding designated person maintains a safeguarding incident record on the Governance system, access to this entity is limited to name personnel only.

Group HR maintains a single record of DBS checks for all PAL employees and PAL's operational team maintains a record of DBS checks and clearances for associates.

## What People need to know

All personnel should be aware of PAL's approach to Safeguarding and all stakeholders should be aware of the PAL policy. PAL expects all approved apprenticeship Providers, subject to OFSTED regulation to have an appropriate

policy and procedures in place. PAL also expects all employers to have appropriate measures and procedures in place that safeguard their employees, which includes apprentices.

All PAL personnel, should be familiar with the policies, cited in this Safeguarding Policy, as noted in the associated policies and protocols section and available via the Policy Tracker and in the case of assessor protocols the Index of Resources and PAL's Induction Padlet.

All PAL personnel should receive appropriate safeguarding training (including online safety). Personnel are required to attend organised training events, and any updates, briefings and Padlet updates on the PAL Padlet or CPD Padlet are required reading.

All personnel should know what to do in respect of reporting safeguarding concerns or responding to a referral and be reassured that if in any doubt it is always best to raise a concern, even if that concern turns out not to be a safeguarding concern.

## Guidance

[Working Together to Safeguarding Children](#) and [Keeping Children Safe in Education](#) (KCSIE)

<https://www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice>

[https://ico.org.uk/media/for-organisations/documents/1064/the\\_employment\\_practices\\_code.pdf](https://ico.org.uk/media/for-organisations/documents/1064/the_employment_practices_code.pdf)

## Key Definitions

**Child** – Has a specific legal meaning of anyone below the age of 18 years.

**Young Person** – Has no specific legal definition. However, 12-18 years is the standard age associated with the term.

**Adult** – Has a specific legal meaning of anyone above the age of 18 years.

**Safeguarding** – For the purposes of this policy, we are using the terms 'safeguarding' and 'to safeguard' to describe the prevention and precautionary approach to planning and procedures needed to protect children, young people and adults from any potential harm.

**Child Protection** - Child protection is a process within the Safeguarding Policy and refers to the activity undertaken to protect children suffering from, or at risk of, significant harm (Working Together to Safeguard Children 2018)

**Adult Protection** - Adult protection is part of safeguarding and refers to the activity undertaken to protect adults suffering from, or at risk of significant harm.

**Adult at risk** – An adult, who is, or may be, in need of community care services i.e. adult social services, because of mental health, disability, age or illness, and/or who is unable to care for themselves or unable to protect themselves from significant harm or exploitation

**Safety** - Safety is about being protected from and not causing, danger, risk, injury, loss or harm. Safety can be a feeling, a physical object or place, and an action, and sometimes refers to the laws, rules, and principles that are intended to keep people safe. Safety is not just about what happens inside the meeting place, it is also about outside it, including days out, and may be about something that is happening at home.

**Wellbeing** - Wellbeing refers to a person's sense of contentment and satisfaction with their conditions in life and their current circumstances. It is closely linked to emotional balance and mental health, but it also affected by an individual's attitude, values and perspective.

**Grooming** – is the planned and deliberate act of manoeuvring an individual into a position of isolation to ensure they become a key influencer or ‘trusted person’.

**Radicalisation** - refers to the process by which a person comes to support terrorism and extremist ideologies associated with terrorist groups.

**Extremism** – In the UK this is defined as “vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs.

**LSCB** - Local Safeguarding Children’s Board. These have been replaced in most areas by a Safeguarding Partnership (Working Together to Safeguard Children rev 2023).

**LADO** – Local Designated Safeguarding Officer Not all areas have them however the function must be completed. They will be involved in the management of allegations against people who work with children and have oversight.

PALs and its parent company (HIT) have be defined as a Regulated Activity Provider we MUST therefore ensure that any concerns or allegations made about any staff member or young person/adult MUST go to the LADO.

**MASH** – Multi Agency Support/Safeguarding Hubs are structures designed to facilitate information sharing and decision-making on a multi-agency basis, commonly through co-locating staff from the local authority, health agencies and the police in one facility.

**Safeguarding Partnership**- A Safeguarding Partnership with the Local Authority, Police and Health. They hold all the money, set the strategy, and are tasked with leading safeguarding in the area. This makes them more accountable and streamlines decision making protocols.

**Information Sharing Protocol** - An Information Sharing Protocol (ISP) assures safe and lawful information sharing. They are also called Data Sharing Agreements (DSA) and Information Sharing Agreements (ISA). The protocol details how and what data partners share.

**Position of Trust** - “An individual in a position of trust may be seen to have the power to advance or fail a young person. The relationship may also be distorted by fear or favour. It is therefore vital for all those in such positions of trust to understand the power this gives them over those they care for and the responsibility they must exercise as a consequence.” A position of trust can be described as one in which “one party is in a position of power or influence over the other by virtue of their work or the nature of their activity.” Some examples of how a position of trust might be abused are:

- Using their position to gain access to information for their own advantage and or a learner’s or to the detriment of the learner or their family.
- Using their own position of power to intimidate, threaten, coerce or undermine a learner.
- Using their status or standing to form or promote relationships with a learner which are of a sexual nature, or which may become so.

## **PAL’s approach to Safeguarding**

The Safeguarding Designated Persons review all the key documents and policies and can consult the police and social services in respect of safeguarding matters. The Safeguarding Designated Persons are not entitled to give formal legal advice but can obtain such advice from experts.

The Safeguarding Designated Person managing a referral will consult closely with police, the local safeguarding children’s boards, and multiagency safeguarding hubs where appropriate.

## **KCSIE Updates**

### **Shortlisting of Candidates and Online checks**

Last year, a notable update to KCSIE was the recommendation that schools should consider doing online searches on shortlisted job candidates. The guidance stated that in addition to other checks, as part of the shortlisting process

schools and colleges should consider carrying out an online search as part of their due diligence on the **shortlisted candidates**. This was recommended to try and identify any incidents or issues that are publicly available online and which the school or college might want to explore with the applicant at interview.

See Appendix Five for PAL's interpretation of online due diligence checks.

### **Filtering and monitoring**

**Three notable changes** come in the form of new instructions and recommendations regarding online filtering and monitoring software used by organisations to help the management of safeguarding online.

**Please note that PAL notes we need to be aware of the KCSIE guidance, as we are an assessment centre and IT software is used in closed book assessments, no apprentice will have access to any other platform beyond the appropriate assessment platform and they will be prohibited from undertaking any searches.**

KCSIE makes clear that the designated safeguarding lead (DSL) and Senior Management has responsibility for "understanding the filtering and monitoring systems and processes in place" as part of their remit and that there should be: "an understanding of the expectations, applicable roles and responsibilities in relation to filtering and monitoring" should be included in safeguarding training. This training should be regularly updated and shared with staff.

KCSIE also states organisation such as a school, college or education and training provider should include how appropriate filtering and monitoring technology on their devices and their networks form part of its work in this area. In March 2023, the Department for Education updated its guidance *Filtering and monitoring standards for schools and colleges* which is a useful reference (DfE, 2022). Note this aspect of filtering and monitoring is not specifically relevant to PAL as an EPAO or AO, but it is important that personnel are aware of the need to protect our stakeholders when they are communicating with us or undertaking assessments, via our platforms.

IT support has the responsibility for ensuring the senior management team are furnished with the information about how secure PAL's IT provision is and to note any reasonable improvements and updates and plan and schedule with relevant PAL personnel, how these should be undertaken.

<https://www.gov.uk/guidance/meeting-digital-and-technology-standards-in-schools-and-colleges/filtering-and-monitoring-standards-for-schools-and-colleges>

### **Allegations against agencies and individuals clarified**

The guidance details how relevant organisations should handle any allegations made against an outside organisation or individual contractors. The statutory guidance states: "As with any safeguarding allegation, organisations should follow their safeguarding policies and procedures, including informing the LADO (local authority designated officer)." Another useful document to look at in relation to this is the code of practice for keeping children safe in out-of-school settings (DfE, 2020).

PAL has made available on its CPD Padlet a range of Safeguarding resources, which includes safe online practices.

### **DBS documents: More confirmation**

There has been a small change introduced to avoid confusion which states: "Schools and colleges (organisations) do not have to keep copies of DBS certificates in order to fulfil the duty of maintaining the Single Central Record."

DBS certificates and records of criminal information disclosed by the candidate are covered by UK GDPR/Data Protection Act 2018 (Article 10).

### **New standards references**

Guidance suggests organisations should work to meet the cyber-security standards for schools and colleges (DfE, 2022). Note PAL will review such requirements, however as we do not meet the definition of a school, college, or Provider not all provisions as detailed in these standards are practical or relevant for PAL.



## Other important changes

- **Terminology:** The guidance now talks about “children absent from education” rather than “children missing education”. The guidance highlights that there is a robust response needed for those children that are persistently absent from education.
- **Law:** The section on forced marriage (page 155) now includes information on the Marriage and Civil Partnership (minimum age) Act 2022 that came into force in February this year. This means that no child before their 18<sup>th</sup> birthday can be allowed to marry or enter civil partnerships.

## Roles and Responsibilities

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 / Acts of omission
- Sexual harassment / harassment
- Domestic abuse/ Violence/VAWG (Violence Against Women and Girls)
- Organisational/Institutional abuse
- Self-neglect/Self harm
- FGM Female Genital Mutilation
- So called 'Honour Based' violence (Forced marriage/Faith abuse)
- Emotional or psychological abuse
- Physical abuse
- Sexual abuse, including Sexting and Up skirting
- Controlling and Coercive behaviour
- Child on Child abuse including initiation /hazing type violence and rituals, including Sexting and Up skirting
- Financial or material abuse (adults as well as young parents)
- Discriminatory abuse/hate crime
- Bullying/ Cyber bullying
- CSE (Child Sexual Exploitation)
- PACE (Parent Against Child Exploitation)
- Exploitation abuse/Grooming/County lines
- Human trafficking and slavery
- Gender based violence - LGBTQ
- Anti-radicalisation and prevent strategy
- Institutional abuse



All staff should refer to PAL's health and safety policy, the lone working section to make themselves aware of the lone working guidance and how to protect themselves from safeguarding allegations and ensure personal safety; and the Working from Home Policy and Code of Conduct policy (available via the PAL Policy Tracker, located in the PAL Padlet),

In addition to the above- all personnel have a responsibility to undertake the safeguarding training provided by PAL or agreed third parties. Staff should also ensure they review and maintain the currency of knowledge for safeguarding/Prevent/British Values as part of their CPD.

Line managers are accountable for managing safeguarding training for their line reports, in line with PAL's Training and Development Policy and ensuring the relevant information in respect of safeguarding is provided to individuals for whom they have line management accountabilities.

Personnel undertaking recruitment are responsible for the implementation of appropriate vetting checks, in accordance with PAL's recruitment Policies and advising selected applicants of this fact and advising such applicants of appropriate information to access the relevant DBS portal to complete a submission satisfactorily.

All company personnel<sup>2</sup> have a legal duty to report instances of harm and abuse in regulated activities to the Disclosure & Barring Service (DBS).

It is essential that everybody associated with PAL and working with apprentices understands their safeguarding responsibilities.

The PAL Directors, supported by the Advisory Group should ensure that as a minimum all PAL personnel are familiar with this policy, have access to appropriate training and guidance and feel able to report any legitimate concerns.

The PAL Directors are responsible for ensuring mechanisms are in place to assist personnel and stakeholders to understand and discharge their safeguarding responsibilities.

The PAL Managers have a responsibility in addition to knowing and following this policy to ensure the teams they manage are appraised of this policy and any relevant policy and legislative updates.

Safeguarding is **everyone's** responsibility and as no signal practitioner can have a full picture of another person's needs and circumstances, it is essential if people are to receive the right support at the right time, everyone has a part to play in identifying concerns, sharing information, and taking prompt action.

Anyone (PAL personnel or a stakeholder) who has any concerns about another's welfare should follow the procedure for reporting such concerns.

PAL has a legal duty to report instances of harm and abuse in regulated activities to the Disclosure & Barring Service (DBS), in addition to reporting to other agencies where appropriate and required.

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

The role of the Designated Safeguarding Lead and Deputies is detailed in Appendix Four.

### ***PALs Safeguarding Framework of Roles and Responsibilities***

#### **Safeguarding Designated Persons'**

The Safeguarding Designated Persons are responsible for providing or signposting PALs personnel to relevant safeguarding training and coaching resources. All personnel have a responsibility to participate in safeguarding training and maintain their professional development in this area.

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<sup>2</sup> Company personnel includes employed and engaged personnel

The Safeguarding Designated Person(s) shall ensure active compliance with this policy by all PAL personnel. Stakeholders will have access to this policy and in accordance with their working practices, apprenticeship agreements and in respect of Providers, the requirements for being on the approved apprenticeship register and meeting OFSTED requirements are expected to meet the requires of this policy and associated legislation.

The aim of safeguarding actions regarding personnel is to ensure as far as is possible that anyone, who seeks to work with children and young people (or adults at risk where appropriate) through the PAL's 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.

The Safeguarding Designated Person(s) have contributed to PAL's Recruitment Policies and endorsed the following checks being conducted on all prospective employees and associates by the assigned recruiting panel on individuals whose work may create a situation of substantial access to children and young people (or adults). The following checks are in line with PAL's recruitment policy:

- 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.
- Social Media accounts can also be checked in compliance with PAL's Recruitment Policy
- Appropriate level of interviews using behavioural question techniques

The Safeguarding Designated Persons in PAL, in conjunction with the PAL Board will define if the post is in a regulated activity- see appendix one for clarification regarding regulated activity and where there is any uncertainty, PAL will request an enhanced DBS check

All PAL personnel are subject to the checks as stated in PAL's recruitment policy, prior to any deployment of their services, contracts or service level agreements and declarations further endorse the level of probity and professionalism PAL requires from all personnel.

**There is no official expiry date for a criminal record check issued by DBS.** Any information revealed on a DBS certificate will be accurate at the time the certificate was issued. PAL will check the 'date of issue' on a certificate to decide whether to request a newer one.

PAL understand the initiative must lie with our company to make its own, completely independent enquiries in line with the latest legislation and codes available.

See appendix four for further information regarding the Designated persons responsibilities.

### **Directors and HR Function**

The Board of Directors are accountable for the execution of this policy throughout the organisation. The Safeguarding Designated Persons are responsible for collecting and sharing information about Safeguarding, and such notifications will be addressed where required, under the health and safety agenda item at all Directors meetings.

The Lead Designated Person is the Managing Director, a trained Safeguarding Practitioner and the Deputy Designated Person is the Business Operations Director. PAL's Board has access to a Safeguarding Specialist, who can

advise the PAL Board of best practice in this area, as well as signposting PAL to relevant Safeguarding updates and training resources.

PAL ensures that recruitment processes and employment or service level agreement offers are compatible with the safeguarding principles and meet legislative requirements regarding relevant pre-employment checks via the DBS.

## Recruitment

It should be always noted the onus is on the applicant (whether employed status or engaged on a freelance basis) to reveal any conviction, caution, bind-over, probation order, or pending prosecution, whether imposed before or within the period the applicant works on work activities, where time is not spent. PAL's recruitment and safer recruitment policies details PAL's recruitment and selection procedures.

Applicants for all roles shall produce proof of identity, preferably passport or photographic driving license, and additionally provide proof of residence, which should be checked as part of the recruitment process along with reference checking. **Record keeping will comply with the Data Protection Act and GDPR, as stipulated and referenced in PAL's pertinent policies, available via PAL's policy tracker for PAL personnel and for all other stakeholders, via PAL's website.**

### Single Central Record

Group HR maintains the single central record for all salaried PAL staff. For associates, the relevant Director makes the appropriate checks

The record will confirm the following:

- Applicant provided appropriate proof of ID
- Applicant completed declarations as requested
- Applicant demonstrated their right to work in the UK
- Applicant demonstrated and provided evidence of experience and professional qualifications compatible with the job role they applied for
- DBS check undertaken

PAL records pre-vetting checks for associates.

### DBS Certificates

It is not required to keep copies of DBS certificates, and if PAL chooses to retain a copy, this will be done by consent and PAL will provide a valid reason for making such a request. Where a copy is requested, the record will not be retained beyond six months.

Copies of DBS certificates and records of criminal information disclosed by candidates are covered by the UK GDPR/2018 Article 10. Copies of other documents used to verify successful candidates identity and right to work and qualifications will be kept on their personnel file, in accordance with Group HR procedures.

### Safeguarding Records

Safeguarding records will be kept for seven years, after PAL's last contact with the person subject to the Safeguarding incident. f Safeguarding records relate to the behaviour of PAL personnel (employed or engaged), these records will be retained until the individual reaches retirement age, or ten years whichever is the longer.

### Destruction of Records

When the retention period finishes, Safeguarding confidential records will be shredded in the presence of a PAL Director, or entrusted to a firm specialising in the destruction of confidential material.

### On-going vigilance

In addition to DBS checks, PAL monitors individuals conduct through codes of conduct and a range of PAL policies. Training and access to information are made available to all personnel through PAL's Company and CPD Padlet.

### **Legal Requirements**

PAL has a legal requirement to make a referral to the DBS where an individual is removed from a regulated activity, or PAL would have removed the individual, had they not left PAL, and we believe the individual has:

- Engaged in relevant conduct in relation to children, and/or adults, and/or
- Satisfied the harm test in relation to children, and/or adults, and/or
- Been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence

Referrals will be made as soon as possible where an individual is removed from regulated activities. This can include where an individual is suspended, redeployed to work that is not a regulated activity, dismissed or when they resign.

See appendix one for further information on the management of this policy.

## **Procedure for Responding to an Allegation of Abuse or Harm**

### **Recognition**

This procedure must be followed whenever an allegation is made that a child or adult at risk has been abused or when there is a suspicion that a child or adult at risk has been abused or such information has been disclosed. Where it is identified a child or vulnerable adult has been harmed, or that individual is at immediate risk of harm, or the situation is an emergency, PAL will contact the Police, followed by the relevant local authority.

### **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 one of the Safeguarding Designated Persons. The safeguarding designated person will, where possible, respect the wishes of the individual; however, information will be shared with external agencies<sup>3</sup> where it is judged that: a person is at risk of suffering significant harm; where a crime has potentially been committed; or they are not able to make a decision (mental capacity/coercion).

### **Report**

The respective Designated Person should be advised of any matter that could be regarded as a safeguarding or welfare issue. The Designated Person should be contacted as soon as possible by phone or e-mail. If using email, please mark the email as urgent and sensitive and request a read and receipt response.

### **Record**

A record of the incident or concern should be made in writing. If the complainant is the child or adult at risk themselves, 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 Designated Person or Designated/Deputy Person 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 Group HR department should be advised of this. The Designated persons can also seek advice from external agencies regarding whether a referral should be made.

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<sup>3</sup> Dependent on the circumstances, third parties such as the apprentice's training provider can be involved and may be better placed to handle the allegation, unless the allegation involves representatives from the training provider organisation. The designated person will take advice regarding third parties involvement

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. If it is believed the child or adult has been harmed or is at risk of immediate harm, then the Police should be called before Social services.

A written record of the report will be retained by PAL and be kept for the appropriate time, as detailed in this policy, and noted in PAL's archiving, anonymisation and retention schedule, available via the PAL policy tracker for PAL personnel and available on request for others.

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 was reported. The Safeguarding Designated Persons should discuss with the social services department what action will be taken to inform the parents/guardian of the child or adult at risk and a note of that conversation should be made, where the incident has been referred.

In addressing any referrals, in terms, or response, actions taken, and records made, PAL will adhere to the following principles:

- Actions will be necessary and proportionate
- Actions and records will be relevant
- Actions and records will be adequate and aligned to guidance, regulations, and legislation as appropriate
- Reviews of the incident and record keeping will be accurate and timely and any information will be stored securely

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.

Reporting a safeguarding issue should include using the appropriate SVG disclosure form, but PAL will accept verbal reports if required. All disclosures under safeguarding will be logged on the safeguarding report held in PAL's governance portal- with named access.

The Designated Person or Deputy Designated Person will decide if there is a requirement to advise the regulator of an incident of a safeguarding nature, as such reporting may prejudice any investigations or inquiries undertaken by the police or other statutory bodies.

The Lead Designated Safeguarding Person is PAL's Managing Director. Contact details  
linda.martin@professionalassessment.co.uk

The Deputy Lead Safeguarding Safeguarding Person is the Business Operations Director. Contact details  
ioana.dincu@professionalassessment.co.uk

See appendix two for further information on responding to an allegation of abuse or harm.

## Safeguarding Concerns

**Any** allegations regarding Safeguarding will always be taken seriously and PAL encourages people to raise genuine concerns without delay. Safeguarding allegations are categorised as follows:

1. Allegations that may meet the harm threshold
2. Allegations and/or concerns that do not meet the harm threshold 'low-level concerns'

## Allegations that may meet the harm threshold

In meeting the harm threshold an individual may have:

- Behaved in a way that has harmed a child and/or individual at risk, or may have harmed a child or individual considered to be at risk
- Possibly committed a criminal offence against or related to a child, and /or individual considered to be at risk
- Behaved towards a child or children, or person or persons at risk in a way that indicates the individual concerned may pose a risk of harm to children or persons considered at risk
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children, or persons at risk

Allegations should be reported to one of the designated persons. If either of these individuals are the subject of an allegation, then representation should be made either to the PAL Qualifications Director or the Director of Audit and Compliance.

The person receiving the allegation for employed personnel will also advise group HR, in accordance with PAL's disciplinary and suspension and sanctions policies. For associates, unless the subject of the allegation, the Business Operations Director will be informed of any allegations in connection with an associate.

The person receiving the allegation, will function as a **case manager**.

## Information Sharing

Information sharing is vital in identifying and tackling all forms of abuse and neglect. PAL in accordance with our responsibilities as detailed in our Data Protection and Privacy Policy and Appropriate Policy for Processing Special Category Data, PAL will be proactive in sharing information as early as possible to help identify, assess, and respond to risks or concerns about an individual's safety or welfare.

PAL's Board of Directors are aware that among other obligations, the Data Protection Act 2018; and the UK GDPR places duties on organisations and individuals to process personal information fairly and lawfully, and to keep the information we hold safe.

The PAL Directors' and specifically the DPO will ensure relevant staff have due regard to the relevant principles, which allow them to share (and withhold) personal information, as provided by the DPA (2018) and the UK GDPR.

This includes:

- Knowledge of the processing conditions which allows PAL to store and share information for safeguarding purposes, which includes personal and sensitive data "special category data"
- Understanding that "safeguarding" is a processing condition that allows practitioners to share special category data. This includes at risk, or greater risks sharing information without consent, where there is good reason to do so, and it is in the best interests of the individual who is the subject of harm or abuse. It would be legitimate to share information without consent where it is not possible to gain consent; it cannot be reasonably expected that a PAL representative gains consent and if to gain consent, places the individual or individuals concerned in harm's way
- All PAL personnel should always act in the best interest of the child or individual at risk

- If PAL personnel have any concerns about a child and/or individual at risk, welfare they should act on them immediately
- If PAL personnel have a concern about PAL's Safeguarding Policy or Safeguarding arrangements, they should speak to the designated safeguarding lead or safeguarding deputy

Options will then include:

- Managing any support for the individual who is the subject of harm, or neglect, or potential harm or neglect, via PAL's and/or the relevant training provider pastoral support processes<sup>4</sup>
- Undertaking an early help assessment, where appropriate, dependent on the circumstances this is something the learner's (apprentice) training provider may be better suited to provide
- Making a referral to statutory services

The designated safeguarding lead or deputy should always be available to discuss safeguarding concerns. If the lead or deputy lead are not available, this should not delay the appropriate action being taken. PAL personnel should consider speaking to another PAL Director, and/or take advice from the relevant personnel at the respective local authority.<sup>5</sup>

### **Record Keeping**

All concerns, discussions, decisions made and the reasons for those decisions should be recorded in writing. Information should be kept confidential and stored securely. Access to the records will be controlled by the designated persons.

Records related to Safeguarding will include:

- Clear and comprehensive summary of the concern
- Details of how the concern was followed up and resolved
- A note of any action taken, decisions reached and the outcome.

If in any doubt about the Safeguarding recording requirements, PAL personnel should discuss with the designated safeguarding persons.

### **Early help assessment**

If early help is appropriate, the assigned designated person will generally lead on liaising with other agencies and setting up an inter-agency assessment, where it is appropriate for PAL to do so. Based on PAL's work and contact with third parties and learners, if a safeguarding concern involves for example an apprentice, it more likely PAL will refer to the relevant Training Provider the apprentice is registered with, (unless there are concerns regarding the Training Provider) to undertake early help assessments.

### **Statutory Care Assessments and Services**

Where an individual is suffering, or is likely to suffer from harm, it is important a referral is made to the appropriate police and local authority immediately, as appropriate.

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<sup>4</sup> The nature of PAL's work and relationships with third parties and learners means that PAL will need to include Training Providers, as part of the information sharing, unless the Training Provider is the subject of concern. For apprentices typically the relevant Training Provider would be the organisation to support the apprentice and make any referrals, unless the apprentice raised this as a concern. Regarding Centres, in most cases PAL would expect the Centre to apply and follow their SVG policy and procedures and if a SVG disclosure came from a learner or Centre personnel, based on the information received PAL will either advise the individual to disclose to the Centre, share information with the Centre, or make a referral directly to appropriate bodies

<sup>5</sup> The relevant local authority will be the authority that covers the geographical location of the individual who is the subject of the safeguarding concern



### **What PAL personnel should do if they have a safeguarding concern or an allegation about a PAL colleague, that meets the harm threshold?**

PAL expects the safeguarding principles and procedures to be followed in all cases, which includes reports about PAL personnel (employed or engaged personnel).

If an individual working with PAL has safeguarding concerns or an allegation is made about a colleague, posing a risk of harm then:

1. This should be referred to one of the designated persons. If the concerns relate to the Lead Designated person, any allegation should be referred to the Deputy Lead. If the allegation relates to the Deputy Lead, the Lead should receive notification of any concern or allegation. If neither the lead or deputy lead are available, the options are to inform the Director of Audit and Compliance, contact Group HR and if the concern is serious, then the person reporting the concern or allegation can go to the relevant agency and/or Police
2. If for any reason an individual believes that PAL will not deal with the safeguarding matter in an adequate and suitable manner, group HR can be contacted- this should be done at the earliest opportunity
3. If the individual making a referral believes or perceives there to be a conflict of interest within PAL, or the wider group, they can report directly to the appropriate LADO. PAL's head office address is registered in Surrey, so it would be the Surrey LADO that such notifications should be addressed.

### **What personnel should do if they have concerns about Safeguarding Practices within PAL**

All personnel should feel able to raise concerns about poor or unsafe practice and potential failures in PAL's Safeguarding regime. Equally if PAL personnel raise concerns about third parties regarding activities that give rise to safeguarding concerns, all PAL personnel should feel assured their concerns will be listened to and appropriate action taken.

In raising concerns, in addition to the Safeguarding policy, PAL personnel should be guided by PAL's Whistleblowing Policy and procedure.

Where a staff member feels unable to raise a Safeguarding issue directly with PAL, they have the option to report to the Group HR team. Additionally, the NSPCC's 'What you can do to report abuse dedicated helpline' is available as an alternative route for personnel who do not feel able to raise concerns with PAL regarding **child protection**<sup>6</sup>.

Personnel can call 0800 028 0285, the line is available from 8.00am-8.00pm, or alternatively email

[help@nspcc.org.uk](mailto:help@nspcc.org.uk)

If personnel do not feel they discuss safeguarding concerns regarding adults within PAL or the Group, Social services, the adults services department can provide advice and support on safeguarding and protecting vulnerable adults.

The Care Quality Commission (CQC) can also take whistleblowing concerns

### **Suspension and PAL Personnel**

In cases of safeguarding allegations involving PAL personnel, PAL will follow this policy, PAL's disciplinary policy and suspension and sanction policy.

Suspension will not necessarily be an automatic response to an allegation (dependent on the category of the allegation) and the assigned case manager will consider carefully whether the circumstances warrant a suspension from their role, and PAL will take advice from the Group HR team and the relevant Local Authority Designated Officer (LADO), where required.

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<sup>6</sup> Note child protection so safeguarding concerns regarding adults will not typically be addressed by the NSPCC.

For any associate who is the subject of an allegation, PAL under the terms and conditions of our associate service level agreements will review what action we will take, and PAL reserves the right to suspend their services, during any review or investigation.

Decisions regarding suspensions, or the halting of a service level agreement will be recorded, such records will be treated in confidence.

The case manager will consider the potential of permanent professional reputational damage to a member of the PAL personnel (employed and/or engaged) that can result from a suspension or withdrawal of work, notably where an allegation is later found to be unfounded, unsubstantiated, malicious, or false.

If immediate suspension is considered necessary, the case manager should record the rationale and justification for such a course of action. The record will also include what alternatives to suspension have been considered, and why they were rejected. For associates the opportunities for alternative work will be limited and as such a temporary cessation on their service level agreement will be in most cases, the only viable option. PAL will provide reasons for such a course of action.

Where it has been deemed appropriate to suspend an employed member of PAL, PAL will be guided by our disciplinary policy and procedure and suspension and sanction policy and provide the subject of the suspension with a reason or reasons for the suspension and the conditions of the suspension.

In planning to suspend or temporarily terminate a service level agreement, the case manager will advise and inform the PAL Board and ensure that the Board is satisfied that the necessary procedures and checks have been implemented. If a suspension involves a Director, the remaining Directors will confirm with the case manager the reasons and conditions of any suspension.

### **Supporting those involved in a Safeguarding Concern**

The welfare of the person who is the subject of the Safeguarding concern is of paramount importance, and this will be the prime concern in terms of investigating an allegation against a person. However, when an allegation or safeguarding concern is being investigated it is likely that it will be an incredibly stressful experience for the individual who is the subject of the investigation, and this can extend to their family members and working colleagues.

For PAL personnel PAL will provide appropriate support, for non-PAL personnel who are the subject of an allegation, this will be for other parties to address.

PAL in conjunction with Group HR, will offer appropriate welfare support, which recognises the sensitivity of the situation and is commensurate with the safeguarding scenario. Information in these circumstances should not be ordinarily shared with anyone who is not directly involved with this Safeguarding case.

PAL under our duty for PAL personnel of care will look to:

- Manage and minimise the stress caused by the allegation
- Signpost the individual to appropriate support
- Appoint a named PAL representative to keep the person informed about the specific case. For associates this is likely to be one of the EPA Managers, for employed personnel, this will be either a Line Manager or a member of Group HR
- Inform the individual of external agency involvement where required, explaining the course of action, as far as information provided to PAL permits this

### **Allegation Outcomes**

The definitions PAL will use to describe the outcome of an allegation are:

- **Substantiated**-there is sufficient evidence to prove the allegation

- **Malicious**-there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive or cause harm and reputational damage to the person subject of the allegation
- **False**- there is sufficient evidence to disprove the allegation
- **Unsubstantiated**-there is insufficient evidence to either prove or disprove the allegation. The term therefore does not imply guilt or innocence
- **Unfounded**-to reflect cases where there is no evidence or proper basis which supports the allegations made

**If the allegation is substantiated and**

- The person is dismissed or otherwise ceases to provide his or her services, or
- PAL ceases to use the person’s services

**There is a legal requirement for PAL to make a referral to the DBS where PAL considers an individual has engaged in conduct that harmed (or is likely to harm) a child, or individual considered at risk and vulnerable.**

Where PAL personnel make a false or malicious allegation against another individual, they will be subject to PAL’s disciplinary policy and procedure.

**Managing exit arrangements**

Settlement agreements or compromise agreements will not be used where allegation outcomes indicate that the individual is a risk or poses a risk of harm to others or is deemed as not suitable to work in an organisation such as an end-point assessment organisation, where working in settings that includes schools, colleges, residential and care institutions is a feature of assessment delivery.

**Record Keeping**

Details of allegations following an investigation that are found to have been malicious or false will be removed from an individual’s personnel records unless the individual gives their consent to retain such information. For allegations that are substantiated, unfounded and unsubstantiated, the following information will be kept on the file of the person accused:

- A clear and comprehensive summary of the allegation
- Allegation Outcome
- Details of how the allegation was followed up and addressed
- Details regarding actions taken and rationale for such decisions.

A copy of the report will be made to the individual concerned, where this is agreed by the PAL Board, Group HR, and relevant agencies, i.e., those agencies that have been involved in the investigation. The report will also include a declaration on whether the information recorded will be referred to in any future reference.

The purpose of the record is to enable accurate information to be given in any future request for a reference. It will provide clarification in cases where future DBS checks reveal information from the Police about an allegation that did not result in a criminal conviction, and it will help to prevent any unnecessary re-investigation if an allegation re-surfaces after a period of time.

**Confidentiality and Information Sharing- PAL Personnel**

PAL will make every effort to maintain confidentiality and guard against unwanted publicity, while an allegation is being investigated or considered.

**Such reporting restrictions will apply until:**

- **The point that the accused person is charged with a relevant offence**

The reporting restrictions are disapplied if the individual to whom the restrictions or suspension apply effectively waives their right to anonymity by going public themselves or by their written consent for another to do so, or if a court lifts the reporting restrictions in response to a request to do so.

Legislation prevents the 'publication' of material by any person that may lead to the identification of the person who is subject of an allegation.

PAL will abide by such legislation for all safeguarding incidents, for any alleged person, whether they are a member of the PAL company or not. For alleged incidents involving third parties and stakeholders, PAL will be guided by legislation, the relevant agencies, it is for the involved third parties to manage data information and sharing and confidentiality of information, according to their own policies and procedures.

PAL will take advice from the relevant agencies to agree on the following:

- Who needs to know and what information can exactly be shared
- How to manage speculation, leaks, and gossip
- What if any information can be given to the wider community to reduce the speculation
- How to manage press interest, if, and when it should arise

### **Returning to work**

Where it is decided on the conclusion of a case that a person who has been suspended, as part of the investigation, can return to work, the PAL Board supported by Group HR and where relevant, appropriate agencies will consider how best to facilitate such a return, in a way that supports the individual and their colleagues and allows the individual to re-engage with their work role as efficiently and quickly as possible.

## **Low-Level Concerns**

### **What is a low-level concern?**

The term 'low-level' concern does not mean the concern is insignificant.

A low-level concern is any concern, that causes a sense of unease, or introduces a level of doubt, due to an individual demonstrating such practices that:

- Is inconsistent with PAL's codes of conduct and protocols and established channels and lines of communication
- Does not meet the harm threshold or is not considered serious enough to consider a referral to an external agency in connection with Safeguarding concerns

PAL addresses what behaviour is expected from all PAL personnel (employed and engaged) through contracts, service level agreements, job descriptions and additionally for EPA assessors, assessment protocols.

### **Examples of such behaviour could include but is not limited to:**

- Being overfriendly with 'apprentices/learners', or service users or other stakeholders but not limited to inappropriate use of language, over-familiarity
- Having 'favourite' assessment locations
- Taking photographic evidence of individuals, where there is no requirement or justification for such action
- Contacting stakeholders, out of hours, or making contact for non-assessment, work reasons
- Visiting specific sites/locations where assessments have taken place on a regular basis for non-work reasons
- Undertaking meetings or visits that are not planned or documented
- Engaging in unprofessional conduct, in face-to-face or remote settings or in email, social media or chat communications. Such conduct could include, but not limited to inappropriate use of language or emoticons; discussions of a personal nature which are not compatible with business conduct or holding meetings at locations or times that are not ideal for business or assessment activities, undertaking work engagements inappropriately attired, this can be for F2F and remote engagements

Low-level concerns may arise in several ways from several sources. For example, a suspicion, complaint, or disclosure can be made by a PAL colleague, a stakeholder representative or because of vetting, or monitoring checks. Low level concerns must be shared responsibly.

If the PAL designated persons have any uncertainty regarding establishing the level of risk in connection to safeguarding, they will seek advice, from the relevant LADO.

### **Addressing Low-Level Concerns**

In addressing low level concerns, the assigned designated officer in conjunction with the individual's line manager will decide on any approach or interventions. The designated person can also seek additional guidance from Group HR and other agencies and bodies that are set up to provide such information and guidance.

Low-level concerns regarding engaged personnel will be reviewed and responded to in the same fashion as employed personnel.

### **Responding to Low level Concerns**

The assigned designated person will respond to concerns and /or allegations, this can where an informant has provided their contact details include a recorded discussion with the person making the notification. The designated person will also collect evidence from the individual involved and any pertinent witnesses.

The information collected by the designated person will help them to categorise the type of behaviour and determine what further action may need to be taken.

All low level concerns will be recorded in writing. The record will include:

- Details of the Concern
- The context in which the concern arose
- Action taken
- The name of the individual sharing the concerns should be noted, however in line with PAL's Whistleblowing Policy, if the individual wishes to remain anonymous then PAL will respect this, as far as reasonably possible

In addressing low level concerns, the designated persons will review relevant options, to include training, coaching, a invocation of the disciplinary and or suspension and sanctions policy.

### **What PAL personnel should do if they have a safeguarding concern (that meets the definition of a low level concern) about a colleague?**

If PAL personnel have a safeguarding concern or an allegation about a PAL colleague (employed or engaged) that meets the low level concern, then this should be shared in accordance with this policy and dependent on the nature of the concern, PAL's whistleblowing policy; suspension and sanction policy and grievance policy may have a bearing on the approach and outcomes of any actions taken. In no circumstances should the person raising the concern, approach the subject of the concern directly, and if the initial report is made to the subject's line manager, it is the duty of the line manager to escalate the information to a designated person.

### **References**

A substantiated or proven allegation of a safeguarding incident or event is reportable, and PAL will take advice regarding in addition to reporting to the LADO and where required the DBS, which other agencies should or need to be informed. In respect of references, PAL will be guided by Group HR.

Low-level concerns should not be included in references unless they relate to issues which would normally be included in a reference, for example, professional misconduct or poor performance. It follows that a low-level concern which relates exclusively to safeguarding (and not to misconduct or poor performance) should not be referred to in a reference.

However, where a low-level concern (or group of concerns) meets the harm threshold for referral and is found to be substantiated, it should be referred to in a reference.

## Online Safety

The breadth of issues classified with online safety is considerable and ever evolving, but it can be categorised into four areas of risk.

- Content-being exposed to illegal, inappropriate, or harmful content, for example fake news, racism, self-harm, radicalisation, pornography, misogyny, antisemitism, extremism<sup>7</sup>
- Contact-being subject to harmful online interaction with other users, e.g., peer to peer/child to child pressure, adults passing as children or young adults to groom or exploit a child or adult for sexual, criminal, financial or other purposes
- Conduct-online behaviour that increases the likelihood of, or causes harm, for example making or sending and receiving explicit images (consensual or non-consensual), sharing of pornography and bullying
- Commerce- risks such as online gambling, inappropriate advertising, and various online scams such as phishing or financial scams

PAL through its policies, training, protocols, and guidance provides guidance regarding online conduct.

PAL as part of its IT and Data Protection Policy annual policy review will consider the risks presented by online activities and update and update policies and procedures accordingly.

The Business Operations Director and the Director of Audit and Compliance have specific responsibilities in the areas of IT and data security.

## Monitoring and Review

This policy will be reviewed as a minimum on an annual basis.

## Regulatory References

PAL is required to establish and maintain compliance with regulatory conditions and criteria. This policy relates to OFQUAL General Conditions of Recognition, ensuring the suitability of senior officers A1.4; management of incidents A7; arrangements with third parties C1; arrangements with Centres C2

Date Created: 06/07/2017

Last Review: 15/12/2024

Next Review 15/12/2025

Persons Responsible for review: PAL Board

This Policy has been agreed by Linda Martin, Managing Director.

### Useful website links in reference to this policy

[Equality and Human Rights commission](#)

Home Office - [Prevent guidance](#)

Education Training Foundation - [Prevent and British Values](#)

Anne Craft Trust - [Safeguarding Adults](#)

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<sup>7</sup> See appendix three for further information regarding PREVENT

## **Appendix One Management of the Policy**

### **Regulated Activity**

The legal definition of regulated activity covers – in certain circumstances - teaching, training, advising, instructing, website moderation and driving, for example, and in the context of end-point assessment, we include assessment and quality assurance activities in specific locations such as schools, colleges, providers (Centres) residential and care settings, and online assessment, where the apprentice/learner is located at a non-workplace or public area, i.e., their home.

The Safeguarding Designated Persons can 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 specific care requirements because of their vulnerability. To define the activities, PAL reviews every post and determines the level of DBS clearance required in discussion with Group HR for employed personnel.

PAL recognises the assessment and quality assurance and Centre monitoring activities, in many cases would not be defined, as a regulated activity, or working in a regulated occupation. However, EPA Independent assessors (IAs) could be called to assess in residential settings and schools for example and be assessing apprentices under the age of eighteen. Equally EQA personnel can be involved in delivery observations and interviews with learners, which can be at the Centre location or a third-party location of the Centre where young people or vulnerable adults may be present.

The company has decided that all full-time personnel and associates associated with assessment delivery and quality assurance (internal and external) are subject to an enhanced DBS check, For Consultant/Technical Advisors, a decision regarding DBS level of checks, will be determined by their commission. In most cases the consultants/TAs will not have access to personal data, or be working in a situation where they will be in contact with either under-18 year olds, or at risk adults.

It is an offence punishable by a fine and term of imprisonment for a Regulated Activity Provider (RAP) to knowingly employ a banned person in a regulated activity. In the event of a DBS, notification indicating barriers to an individual taking up or continuing in their current PAL role, PAL's Board of Directors will review the case and where required take specialist legal advice or consult with the relevant LADO, before deciding regarding the person's status with PAL.

All PAL full-time staff are subject to DBS checks with their line manager, checking appropriate ID for initial registration and subsequent updates. For all associates, involved in assessment delivery, they are required by the commissioning manager/Director to provide suitable evidence and documentation, to confirm DBS clearance. PAL reserves the right to request an updated check, and the associate is expected to pay the fee for this check.

### **Records**

The Safeguarding Designated Persons are to keep records of all incidents of harm, abuse, harassment, bullying and 'prevent' referrals, allegations or concerns raised and not to destroy those records where harm or abuse has been cited. The Data Protection Act and GDPR regulations apply to the safekeeping of the documents which are to be kept locked away.

However, the Data Protection Act's usual destruction requirement does not apply to records of harm and abuse by staff since police and the DBS may require these documents later, the main policy details document retention timescales. These records can and should contain any information proven at the time or unproven to develop a track record of events which may be relevant to a subsequent inquiry.



Safeguarding reports will be logged on the relevant log, and this will record near misses and welfare issues, where a disclosure does not constitute a safeguarding issue i.e., low level concern. Access to such a log is limited to named people

Reports will be held in a secure folder, only the designated persons will have access to this folder.

### **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'. PAL personnel may not visit the person on the neutral ground to give information about the progress of the inquiry without the formal permission of the Safeguarding Designated Person, who is acting as the case manager. Prior to the initial outcome of any investigation a safeguarding claim is not a disciplinary matter at that point because no offence has been proven, unless the circumstances have provided evidence of other conduct that meets the threshold for a disciplinary hearing.

Where there are concerns with an individual that works for other EPAOs/AOs PAL will take advice regarding reporting concerns to other organisations.

If no offence can be proven then following advice from the Safeguarding Designated Person 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 will be reported to the police as potential criminal offences as well as disciplinary offences. Please see the main body of the policy for the range of outcomes that can be attributed to a safeguarding investigation of an individual.

If the person is found to have committed harm, they may be moved to another post or dismissed in accordance with disciplinary procedures. The Safeguarding Designated Person acting as the case manager will send full details of the case including pertinent notes and records. Records will be made available to Police, prosecution service and the relevant safeguarding bodies and the company will fully co-operate and comply with any formal external investigation.

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 the Safeguarding Designated Person to report that staff member to the DBS for further investigation regardless of their location and status. The disciplinary investigation, or hearing will be undertaken in the person's absence.

If after external investigation the individual receives a No Further Action statement from the Police or LADO then it must be up to PAL's internal HR procedures, with guidance from the DSL, to decide whether the individual can return to work, if they have not retired, resigned, or gone absent without notification. This may require a full risk assessment dependant on the nature of the role and the potential for direct contact with a child or adult. **NB: No Further Action does not mean the individual is cleared of all concerns; it means the individual is not subject to criminal procedures.**

### **Harassment**

No staff member shall be harassed. No staff member or person representing PAL in the capacity of an associate or consultant/technical advisor shall harass any apprentice, visitor, client customer or employer. Harassment can be of two kinds – civil harassment linked to discrimination under the Equality Act 2010 and criminal harassment related to the Protection from Harassment Act 1997 or racial harassment under a range of Police laws. All staff have the right to complain about harassment.

Apprentices contracted with an employer and training provider will be covered by their safeguarding policies; however, the EPA/AO organisation contracting with all parties has a duty to safeguard and report actions that constitute harassment, bullying or abuse, where seen or disclosed while undertaking independent assessment activities.

### **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 inappropriately 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 managers for staff to do their work to the required quality and for apprentices to undertake end-point assessment, as a condition of their programme OR THE Head of Centre to respond to an identified case of malpractice that contravenes their Centre recognition as conferred by PAL cannot be misconstrued as bullying.

A provider or employer, deliberately preventing or making unnecessary demands and requirements, that prohibit an apprentice going for end-point assessment at the end of their programme, where the apprentice has fulfilled their responsibilities under the apprentice agreement and can justify their readiness, could be regarded as bullying, along with malpractice. Likewise threatening to withhold certification or not record results with an AO could also be regarded as bullying, in addition to being a case of malpractice

In respect of all apprentices, learners, clients and suppliers all PAL personnel will act in an understanding way considering any disability, learning difficulty or personal circumstances that could impact on an individual's sense of vulnerability.

### **Lockdown**

In the event of a serious security risk (e.g., violent, or armed intruder) a lockdown is implemented. The initiating threat can be either internal or external to the building. A lockdown procedure is available and can be accessed via the policy tracker.

### **Regulated Activity**

Safeguarding law deals very differently with these two categories of people. Anyone under 18 in regulated activity must 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. Working Together to Safeguarding Children and Keeping Children Safe in Education (KCSIE)

Regulated activity is work that a barred person must not do. It is defined in the Safeguarding Vulnerable Groups Act 2006 (SVGA) which has been amended by the Protection of Freedoms Act 2012 (PoFA).

Safeguarding for adults concentrates on the activities the job holder takes part in – like washing, dressing, being fed and so on.

Education and assessment 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 government. The regularity and frequency of regulated activity are determined both for children and for adults in the supervision document issued by the department (DfE). The main policy provides information regarding the frequency of checks.

As previously noted, we have decided to request enhanced checks, where PAL personnel can come into contact with persons under 18, or persons considered at risk.

## Reporting & Confidentiality

All staff must report incidents of concern whether they affect regulated activity or not. Staff also must protect and assist apprentices/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 a safeguarding disclosure is made since the law requires that police and social services and the DBS are told. The person reporting and the person making the disclosure will be protected. It is their legal right to remain anonymous to other staff and the public. However, the Safeguarding Designated Person must pass on the names and details of any child or adult who has made a validated safeguarding disclosure to relevant authorities.

## Harm

Staff are to note the following carefully. Any queries or request for additional information should be addressed to the Safeguarding Designated Persons. Although adults will understand the general meaning of harm and abuse in ordinary 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.

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, enabling 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 Working Together to Safeguard Children.

## Disclosure and Barring Service Definition of Harm

Has a person:

Harmed a child or vulnerable (at risk) adult through their actions or inaction.

Harm should be considered in a broader 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 Adult at Risk (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, there must be tangible evidence rather than a “feeling” that a person represents a risk to children and/or adults at Risk.

If a person has a previous caution or conviction for a relevant offence, and a relevant offence for 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, such a situation can satisfy the harm test.

#### Legal requirements

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

- Harmed a child or vulnerable adult (engaged in inappropriate conduct)
- Represent a risk of harm to vulnerable groups including children (satisfied the harm test) <sup>2</sup>
- Received a caution or conviction for a relevant offence

The Safeguarding Designated Person, acting as the case manager 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 because 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 behaviour or any remorse or insight demonstrated by them about 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 about 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

## Appendix Two- Handling a Disclosure

What do you do if someone discloses 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 Designated Person, who based on the information provided may need to contact a range of agencies to support the individual making the disclosure
- 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).
- Continue to be caring and supportive of 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 Designated Person, or the Deputy Designated Person. If they are unavailable, you can contact Group HR or if you believe the harm test has been met, you can go to the appropriate agencies
  - 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
  - Follow this policy and contact the Safeguarding Designated Person or Deputy Designated Personnel if you are not sure about what to do

## **Appendix 3: 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 PAL we are fully committed to safeguarding and promoting the welfare of all apprentices, associates, and staff. We recognise that safeguarding against radicalisation is no different from safeguarding against any other vulnerability.

### **Responsibility**

At PAL all personnel 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.

Prevent is about safeguarding our apprentices, learners, employers, colleagues, personnel in Centres, third parties to keep them both safe and within the law. The Prevent Duty is not about preventing people 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 PAL personnel are fully engaged in being vigilant about radicalisation and ensure that we work alongside other professional bodies and agencies to ensure that individuals to include apprentices are safe from harm.

As with other aspects of Safeguarding, regarding apprentices (learners) in most cases any PREVENT concerns will typically be referred to the Training Provider, who will work to their PREVENT policy and procedure, unless there are concerns about the involvement of the Provider, or doubts that the Provider will not handle any case appropriately.

- 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 on 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, or the Director of Audit and Compliance who is PAL's single point of contact (SPOC) for Prevent.**

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

As an organisation we will:

- Ensure that PREVENT and Safeguarding are at the forefront of our leadership and management
- Ensure staff have been trained in safeguarding and PREVENT as part of any new staff induction and on-going throughout their time with PAL
- Share any intelligence we gather from apprentices or other associates, partners we work with or work for with these partners in accordance with the PREVENT policy
- Ensure that we have the proper checks in place for any speakers, guests etc. which we have invited to our organisation before we let them deliver any training or speeches to our staff.
- Link PREVENT to safeguarding

PAL personnel will ensure that:

- They are keeping themselves, colleagues, clients, apprentices, and employers as safe as it is reasonably practical to do so
- They are looking for naturally occurring conversations if they arise within sessions and that apprentices have an awareness of PREVENT

Please read PREVENT policies and action for further information.



## **Appendix Four- The Role of the Designated Safeguarding Persons**

### **Responsibility**

The Designated Safeguarding Persons should have the appropriate status and authority within the organisation to carry out the duties of the post. The role of the designated safeguarding lead carries a significant level of responsibility, and they should be given the additional time, funding, training, resources and support they need to carry out the role effectively. Their additional responsibilities include providing advice and support to others on welfare, safeguarding and child protection matters, taking part in strategy discussions and inter-agency meetings, and/or supporting others to do so, as required and the organisation of training.

### **Availability**

One of the designated persons should be available during normal working hours, if for any reason neither person are available, personnel can go to group HR, or an event indicates an individual is at risk of harm, they can go directly to the appropriate agencies.

### **Manage referrals**

The designated safeguarding persons are expected to refer cases:

- Of suspected abuse and neglect to the relevant local authorities, and agencies
- To the Channel programme where there is a radicalisation concern as required
- Where a person is dismissed or left due to risk/harm to a child or any individual at risk to the Disclosure and Barring Service as required, and
- Where a crime may have been committed to the Police as required. NPCC - When to call the police guidance should help understand when to consider calling the police and what to expect when working with the police. Where the Police are called and involved, any investigation undertaken by PAL will cease and the investigation will revert to the relevant police force

### **Working with others**

The designated safeguarding persons are expected to:

- act as a source of support, advice, and expertise for all staff- or know how to access such support and from whom
- act as a point of contact with the relevant stakeholders, this can include employer representatives, the Lead Designated Safeguarding Person at a Training Provider/College/Centre or apprentices/learners and PAL personnel
- liaise with other PAL Directors and Managers as required, especially for ongoing enquiries under section 47 of the Children Act 1989 and police investigations. This should include being aware of the requirement for children to have an Appropriate Adult with them, when being questioned. Further information can be found in the Statutory guidance - PACE Code C (2019).
- as required, liaise with the local authority designated officer(s) (LADO) for child protection concerns in cases which concern a staff member
- as required liaise with appropriate authorities and agencies for safeguarding issues, to include a range of agencies, where the needs of an individual may require a diverse support network

## **Information sharing**

The designated safeguarding persons are responsible for ensuring that safeguarding records are kept up to date. Information should be kept confidential and stored securely.

Please see the main content of this policy regarding information sharing.

## **Raising Awareness**

The designated safeguarding persons should:

- Ensure PAL personnel have access to, and understands, PAL's Safeguarding and associated Policies
- Ensure the Safeguarding policy is reviewed annually (as a minimum) and the procedures and implementation are updated and reviewed regularly, and work with the relevant advisory group members regarding Safeguarding matters
- Ensure the policy is available publicly, via the PAL website
- Review access to training resources and guidance

## **Training, knowledge, and skills**

The designated safeguarding lead (and any deputies) should undergo training to provide them with the knowledge and skills required to carry out the role. This training should be updated at least every two years. The designated safeguarding lead should undertake Prevent awareness training. Training should provide designated safeguarding leads with a good understanding of their own role, how to identify, understand and respond to specific needs that can increase the vulnerability of individuals, as well as specific harms that can put individuals at risk, and the processes, procedures and for dealing with Safeguarding incidents.

## **Appendix Five- Online Due Diligence Checks for Shortlisted Candidates**

### **Why are they needed?**

Essentially, this further step forms part of an organisation's wider safeguarding due diligence which aims to prevent and/or deter individuals who may be unsuitable to work with children or vulnerable adults. Any online searches will be used to identify "... any incidents or issues" that are publicly available online.

The focus of any online search should be "incidents or issues" that may cause concern regarding a candidate's suitability to work with at risk persons (children and vulnerable adults). This may include, for example, offensive or inappropriate behaviour or language, drug or alcohol misuse, inappropriate images, discriminatory behaviour, and any other information that may raise concern as to an applicant's suitability to work with children.

### **When should the online search be conducted?**

**The guidance is very clear that online searches should only be carried out as part of the shortlisting process – i.e., on shortlisted applicants;** not on all applicants that apply for a position. It is also clear that the searches should be carried out in advance of interview so that any identified issues or incidents can be raised with the applicant during the interview, if felt necessary.

### **Who should carry out the search?**

This is not specified within the guidance. However, to minimise the risk of discrimination and/or unconscious bias (see below), PAL will, where possible, ensure the search is carried out by a member of staff not directly involved in the decision-making process, or at least the interview panel. For employed roles, PAL may be able to enlist the help of Group HR to undertake online screening.

It is important that the individual carrying out the search understands its purpose and the associated parameters.

For instance, the parameters of searches should be clearly defined so that they do not go beyond the requirements of KCSIE. This means only publicly available sources should be searched. PAL will need to review any report provided and decide how to proceed keeping in mind the risks outlined below.

### **Where should employers look and how far back should they go?**

There is currently no clear guidance in this respect, save that employers should look for information that is "publicly available online". This suggests that the information should be freely available to the public as part of a simple online search – for example, using a web browser, website, or social media platform.

The starting point is likely to be a search of the applicant's name on a recognised search engine (e.g., Google), followed by a review of the most prominent social media and video networking sites (e.g., Facebook, Instagram, LinkedIn, Twitter, Tik Tok and YouTube).

Where a number of individuals appear in a name search, PAL will need to combine their name with key words such as the name of their current or previous employer and the city or town in which they are (or have) resided. This may result in multiple searches being carried out particularly for common names. As a rule of thumb, search criteria and the number of searches carried out should be limited to what is necessary to identify the correct individual (if possible) and locate the relevant data (if any). PAL will avoid searches which may be considered excessive in terms of time spent and/or search results and sources reviewed.

### **How should the information be used?**

The member of staff carrying out the search, if not involved in the decision-making process, can share any relevant information (related to suitability) with the individuals who will be interviewing. In this way, the decision makers will

have only the relevant information that may need to be addressed at interview and will not be exposed to other irrelevant information that may increase the risk of discrimination and/or unconscious bias.

Search results should be used in the same way as any other information collated as part of the recruitment process – it should be reviewed and, if appropriate (for example, if any incidents or issues come to light), explored with the applicant at interview.

### **Do the results of online searches need to be recorded on the Single Central Record (SCR)?**

**The ISI Commentary is clear that online searches do not have to be recorded on the SCR.** Employers may, however, choose to include these checks on the SCR in order to have a record of all checks in one place. PAL will report by and record by exception, so a null return or no record will indicate there was nothing of concern as suggested by the search.

### **What information should be kept, and how should it be stored? For how long should the information be retained?**

PAL will report by and record by exception, so a null return or no record will indicate there was nothing of concern as suggested by the search.

Where relevant information is retrieved, this should also be retained on the candidate's file along with records of discussions and decisions made with respect to it. Data relating to online search criteria, results of searches and decisions relating to this data should be held securely and confidentially with other data collected during the recruitment process.

It should only be accessible to a limited number of staff as necessary and should only be held for as long as it is needed. The retention period for this data will depend on whether the candidate is ultimately successful and joins PAL; it is likely to mirror the retention periods for criminal records data.

### **What are the risks?**

Whilst online searches can be a valuable tool; they can also create a degree of risk for employers, particularly from a discrimination and data protection perspective.

#### **Discrimination**

Screening candidates online is likely to reveal information that is not strictly relevant to the recruitment process, for example regarding the candidate's age, gender, ethnicity, sexual orientation, religion, etc, (characteristics which are protected under the Equality Act 2010). Having prior knowledge of this information may increase an employer's vulnerability to accusations of discrimination (conscious or unconscious) in the recruitment process.

Consistency may also be problematic. Generally speaking, recruiters should ensure that all candidates are assessed in the same way. This may be difficult when not all applicants will have an accessible online profile (and they certainly will not have the same online profile) and so they cannot be assessed in the same way. Again, this may increase the likelihood of a candidate challenging recruitment decisions and alleging, for example, that they have been treated less favourably as a result of a protected characteristic.

#### **Data protection**

Data protection law aims to strike a balance between an employer's need for information, and a candidate's right to maintain the privacy of their personal data. Under the Data Protection Act 2018 and the UK General Data Protection Regulation (GDPR), employers must give job applicants certain information about how their personal data is collected and used (commonly this is done via a privacy notice).

PAL notes in its recruitment policies what checks we undertake, and at the screening process will reiterate what checks we will undertake and why. In this context, the legal basis is because it is necessary to enter into a contract;

comply with a legal obligation; or for the employer's legitimate interests – e.g., to select suitable employees, workers, or contractors.

While online checks can provide an abundance of information about a candidate, PAL is cautious about the accuracy of the information. Information may be out of date or incorrect which could result in PAL potentially passing over a valuable candidate. Crucially, it may be difficult to confirm a search result as relating to the candidate and not to another individual with, for instance, the same name.

It is also worth remembering that a disappointed applicant can make a subject access request under data protection law to get hold of any documents or records relating to their application which may shed light on why they were unsuccessful. This is likely to result in PAL disclosing to requestors online searches carried out and decisions made with respect to search results. Candidates also have other rights under data protection law relating to, for example, the erasure or correction of their data which schools would need to respond to and action if required under data protection law.

### **Spent convictions**

It is possible that online searches may reveal details of a candidate's spent convictions, in which case the requirements of the Rehabilitation of Offenders Act 1974 will need to be considered- see safer recruitment and recruitment of persons with criminal convictions.

How to minimise the risks

- **Transparency:** Inform applicants from the outset that online searches will form part for the recruitment process and outline the reasons for this. The school's recruitment policy should make this clear.
- **Training:** Ensure that staff receive appropriate training on the purpose of online searches and their responsibilities from an equality and data protection perspective.
- **Record-keeping:** Keep records of the information collated during a search and clearly document the reason(s) for not progressing a candidate's application, where applicable, which you would be prepared to disclose to the candidate if requested.
- **Set internal parameters for the searches:** To ensure consistency and avoid unnecessary processing of personal data, set parameters in respect of the location of online searches; the information to be searched for (i.e., by the use of keywords) and how far back to search.
- **Ensure that, where possible, only relevant information is passed to the decision makers:** As noted above, to minimise the risk of discrimination, the person carrying out the online search should not, ideally, be involved in the decision-making process and should ensure that only information that is relevant and of concern is shared with the decision makers.