

SAFEGUARDING AND PREVENT HANDBOOK

Version: 1

Approved by: Davies Learning Solutions Board

Last Approved: January 2020

Confidentiality level: None

Handbook reviewed yearly or to align to updates with legislation

Change History

| Version | Date | Author | Description of change |
|---------|------------|-------------|-----------------------|
| V1 | 04/02/2020 | J Miles | Creation |
| V2 | 07/06/2021 | Janet Miles | Review and update |
| V3 | 08/07/2021 | Janet Miles | Review COVID guidance |

Table of Content

| | |
|--|----|
| 1. Statuary Framework..... | 4 |
| 1.1 Context..... | 4 |
| 1.2 Safeguarding looked after children and young people..... | 6 |
| 1.3 What is safeguarding and welling..... | 7 |
| 1.4 What is Prevent..... | 7 |
| 1.5 The Prevent Duty refers to all staff, volunteers and contracted staff..... | 8 |
| 2. Responsibilities..... | 9 |
| 2.1 Professional boundaries..... | 9 |
| 2.2 Allegations of abuse against DLS training staff..... | 9 |
| 2.3 Compliance to the data protection act 2018..... | 10 |
| 2.4 Information sharing..... | 10 |
| 2.5 Training..... | 10 |
| 2.6 Teaching apprentices about safeguarding..... | 11 |
| 2.7 Monitoring and reviewing..... | 11 |
| 3. Training safeguarding guidance..... | 12 |
| 3.1 Introduction..... | 12 |
| 3.2 One to one situations..... | 12 |
| 4. Social contact..... | 13 |
| 4.1 guidance for engaging apprentices thought digital media..... | 13 |
| 4.2 Universal digital media guidelines..... | 14 |
| 4.3 SMS/Text messaging..... | 14 |
| 4.4 Email..... | 14 |
| 4.5 Social Networking..... | 14 |
| 4.6 Instant messaging..... | 15 |
| 4.7 Recording for marketing purposes..... | 15 |
| 5. Confidentiality..... | 15 |

| | |
|--|----|
| 6. Staffing..... | 17 |
| 7. Processes and Procedures..... | 17 |
| 7.1 concerns about apprentices..... | 17 |
| 8. Handling a disclosure of abuse made by an apprentice..... | 18 |
| 8.1 Handling concerns/information from third parties..... | 20 |
| 8.2 Handling allegations of abuse made against DLS staff..... | 20 |
| 9. Safeguarding from an inspection perspective..... | 24 |
| 10. Appendix A – Disclosure and reporting process..... | 27 |
| 11. Appendix B – Types of abuse and Possible signs of abuse/other..... | 30 |
| 12. Appendix C – Knife crime..... | 35 |
| 13. Appendix D – Guidance and sources of advice..... | 37 |
| 14. Appendix E – EDI policy..... | 38 |
| 15. Appendix F – Lone working policy and procedure..... | 42 |
| 16. Appendix G – Safer recruitment and selection policy and procedure..... | 45 |
| 17. Appendix H – DBS..... | 51 |
| 18. Appendix I – External speak policy..... | 52 |
| 19. Appendix J – Anti harassment and anti-bullying policy and procedure..... | 53 |
| 20. Appendix K – Suicide disclosure statement and policy..... | 61 |
| 21. Appendix L – Response to COVID and Roadmap out of COVID statement..... | 64 |
| 22. Appendix M – Social Justice Statement..... | 66 |
| 23. Appendix N – Gender Reassignment statement..... | 67 |

1. Statutory Framework

Davies Learning Solutions recognizes its duty to work with other agencies to protect vulnerable young people from harm and to respond to Safeguarding and Prevent concerns. In the management of its programme's, the discharge of its functions, and in implementing this Policy and Procedure, Davies Learning Solutions will remain mindful of its duty of care and other legal obligations such as those it owes under the Health and Safety at Work Act 1974, the General Data Protection Act 2018 the Safeguarding Vulnerable Groups Act 2006, the Equality Act 2010, the Protection of Freedoms Act 2012 and the Counter Terrorism and Security Act 2015.

This Policy has regard to the following guidance and advice:

- Keeping children safe in education (2021) (KCSIE);
- Working Together to Safeguard Children (2018);
- Disqualification under the Childcare Act 2006 (2018);
- Prevent Duty Guidance for England and Wales (2015);
- Channel Duty Guidance: Protecting vulnerable people from being drawn into terrorism (2015);
- Multi-agency statutory guidance on FGM (2016);
- What to do if you're worried a child is being abused: advice for practitioners (2015);
- Information sharing: advice for practitioners providing safeguarding services (2018);
- Child sexual exploitation: definition and a guide for practitioners local leaders and decision makers working to protect children from child sexual exploitation (2017)
- Sexual violence and sexual harassment between children in schools and colleges (2018)
- Knife Crime
- Sexual Offences Act 2003
- Mental Capacity Act 2005
- Safeguarding vulnerable Groups Act 2006
- The Care Act 2014

1.1 Context

Davies Learning Solutions is committed to maintaining the highest possible standards to meet its social, moral and legal responsibilities to safeguard the welfare of every child/young person or vulnerable adult and thereby ensuring a safe and friendly environment, where they feel safe – this includes from radicalisation and extremism. Davies Learning Solutions values freedom of speech and the expression of belief and ideology as fundamental rights of British society.

Davies Learning Solutions believes that:

- Every apprentice has the right to exist in a safe, caring and inclusive learning and working environment
- All apprentices should be valued and respected as individuals and treated with dignity at all times
- Bullying in any form is strictly unacceptable
- Racist, homophobic and sexist language or behaviour is strictly unacceptable

- Every apprentice has the right to learn and/or work in a democratic environment where any signs of radicalisation and extremism are promptly dealt with
- Any form of discrimination, abuse, harassment or victimisation are strictly unacceptable
- All apprentices have the right to expect an adult in a position of responsibility to listen to them when they need to express themselves

All staff must recognise that ignoring abuse is not an option and must report any concerns for the well-being of apprentices in accordance with this Policy and Guidance, which has the full commitment of Davies Learning Solutions Senior Management Team and Board of Directors.

This Safeguarding policy should be read in conjunction with the Safeguarding guidance section and the following's policies:

- Equality, Diversity and Inclusion Policy
- Disclosure and Barring Service (DBS) Policy (Group Policy)
- Health and Safety Policy (Group Policy)
- Anti-Harassment & Bullying Policy
- GDPR Policy (Group Policy)
- Freedom of Expression Policy (Group Policy)
- Information Technology Security Policy (Group Policy)
- Visiting Speaker Policy

All policies can be found on Davies Group Intranet along with further resources in the Safeguarding section of shared documents in SharePoint.

The following abbreviations are used throughout this document:

- DSL – Designated Safeguarding Lead
- DSO – Designated Safeguarding Officer
- LADO – Local Authority Designated Officer
- PL - Prevent Lead (Prevent Specialist)

Throughout this policy and guidance, reference is made to “children and young people” (hereinafter referred to as apprentices). This terminology is used to mean “those under the age of 18” or vulnerable adults. The definition of a vulnerable adult includes (but is not restricted to) individuals with any of the following:

- Learning Difficulties
- Disability (physical or mental)
- Physical Impairments
- Sensory Impairments
- Mental Health Needs
- Age Related Frailty
- Dementia
- Brain Injuries
- Drug, Alcohol or Substance Problems
- Someone at risk of abuse or harm

1.2 Safeguarding looked after children and young people

The term looked after refers to children and young people who are in the care of the Government or who are provided with accommodation for more than a continuous period. Children and young people who live away from home for other reasons whilst not being 'looked after' may still be vulnerable.

Working hours and rest breaks for workers aged 16 or 17

By law, workers aged 16 or 17 must not work more than 8 hours a day and 40 hours a week.

They must also have, as a minimum:

- a 30-minute break if their working day is longer than 4.5 hours
- 12 hours' rest in any 24-hour period in which they work (for example, between one working day and the next)
- 48 hours' (2 days) rest taken together, each week or – if there is a good business reason why this is not possible – at least 36 hours' rest, with the remaining 12 hours taken as soon as possible afterwards

Night working

Those aged 16 or 17 must not work after 10pm or before 7am.

They can work until midnight or from 4am onwards if it's necessary in the following types of work:

- advertising
- agriculture
- a bakery
- catering
- a hospital or similar
- a hotel, pub or restaurant
- post or newspaper delivery
- retail

But this is only if:

- there are no adult workers available to do the work
- working those hours will not have a negative effect on the young person's education or training

If they do need to work after 10pm or before 7am, the employer must make sure the young worker:

- is supervised by one or more adult workers where necessary for their protection
- has enough rest at another time if they need to work during their normal rest breaks or rest periods

It's against the law for anyone aged under 18 to work between midnight and 4am, even if they do one of the jobs above.

1.3 What is safeguarding and wellbeing?

The term 'Safeguarding' describes the broader preventative and precautionary approach to planning and procedures that are necessary to be in place to protect children and adults from potential harm or damage. Safeguarding vulnerable adults and young people delivers Preventive action and not just a reaction. Davies Learning Solutions believes that safer recruitment is an important aspect of Safeguarding.

'Well-being' is a general term for the condition of an individual or group, for example their social, economic, psychological, spiritual or medical state; high level and low-level happenings can be associated with positive or negative feelings.

There is a statutory and moral duty to ensure that Davies Learning Solutions safeguards all apprentices and promotes their welfare at all times.

Although preventative measures are never infallible, there remains a pressing responsibility to ensure that the most robust safety network possible is in place where young people and vulnerable adults are concerned.

The welfare of children and vulnerable adults is everyone's responsibility. Davies Learning Solutions employees are expected to follow the procedures in this policy to ensure that all allegations or suspicions of abuse or significant harm to a child or vulnerable adult are reported to the relevant statutory agency. We will share all relevant information with the respective statutory agencies (Social Services, Police and/or Channel).

1.4 What is Prevent?

The Government first set out the 'Prevent' Strategy in 2011. Under the Prevent duty, there is a greater awareness needed to safeguard all individuals from extremism, ideologies and radicalisation and from July 2015 also includes the active promotion of 'Fundamental British Values'. In respect of safeguarding individuals from radicalisation, the organisation works to the 'Prevent' element of the Government's Counter Terrorism Strategy. This includes links with and/or referral to the Channel Programme. This programme aims to work with the individual to address their specific vulnerabilities, Prevent them becoming further radicalised and possibly entering the criminal justice system as a result of their actions. It is recognised that radicalisation can occur in an individual from any section of society and is not particular to any racial, ethnic or social group. The organisation will take steps to challenge any views deemed to be extreme and report concerns through the Safeguarding reporting process.

We will assess the risk of people being drawn into terrorism, including support for extremist ideas that are part of terrorist ideology, and becoming radicalised. All Davies Learning Solutions Training staff receive regular training, raise awareness and actively promote the Prevent duty and fundamental British Values. We record and report on all concerns or issues relating to potential Prevent threats. If in the extreme case a serious Prevent incident occurs all staff are aware of the anti-terrorism **Hotline number 0800 789321**.

1.5 The Prevent duty refers to all staff, volunteers and contracted staff.

Davies Learning Solutions Training has zero tolerance of abuse and other harmful behaviours and recognises that safeguarding and the promotion of safe behaviour is part of our business as usual.

This handbook has been developed to:

- Ensure that all staff in contact with apprentices take all reasonable measures to assess and minimise the risk of harm to them
- Where there are concerns about the Safeguarding, Prevent or welfare of apprentices, to ensure prompt and appropriate action is taken to address these concerns
- Provide staff with guidance on procedures they should adopt if they suspect an apprentice may be experiencing, or be at risk of, harm or radicalisation
- Promote the opportunity for apprentices to voice their concerns and provide clear robust procedures and confidential help
- Protect and prevent abuse towards apprentices
- Set out steps to raise, record and monitor both Safeguarding and Prevent concerns
- Ensure that we are fully committed to educating apprentices and employer on the legal requirements towards the Prevent Duty
- To protect employee and apprentices from radicalising influences and through training and information sharing ensure that ensures that they are resilient to extreme narratives

This handbook which includes Safeguarding and Prevent will be promoted through:

- New staff inductions
- Availability on the Intranet and SharePoint shared Safeguarding folder
- Delivering staff updates and training sessions

To achieve this, Davies Learning Solutions will:

- Provide a safe environment for all apprentices and employees, by ensuring thorough risk assessment, safe working practices are put in place and by implementing a procedure for handling concerns or direct disclosures. To support this, Davies Learning Solutions will consider and act on a 'Notice, Check and Share' strategy and include this in all training relating to Safeguarding and Prevent
- Have a Designated Safeguarding Lead and Prevent Lead (Specialist) who will report to Board and will take the strategic lead in relation to Safeguarding Prevent/Apprentice Protection issues. They will provide the appropriate information, advice, guidance and support to Davies Learning Solutions staff and associates and work with other agencies when necessary. In addition, Davies Learning Solutions staff and apprentices are supported by a team of DSOs and Mental Health First Aiders.
- Ensure all staff operating procedures and apprentice information includes reference and information about this policy and these roles
- Raise issues relating to the Safeguarding, Prevent and welfare of apprentices with staff and senior managers, following the processes outlined in the guidance section of this document
- Provide clear and concise training for all staff that meet apprentices and provide regular updates on Safeguarding and Prevent
- Keep staff and managers up-to-date with legislation in relation to children, young people and vulnerable adults in respect of Safeguarding, welfare and Prevent

- Raise employee awareness of Safeguarding and Prevent issues such as minimising risk, recognising abuse, treating all apprentices with respect and understanding the signs that make people vulnerable to being drawn into terrorism and to challenge extremist ideas which are used by terrorist groups
- Take appropriate action to ensure that apprentices are kept safe and issues, concerns or disclosures are reported appropriately
- Identify and act wherever it is found that apprentices are suffering, or likely to suffer, significant harm
- Establish procedures for reporting and dealing with allegations of abuse and radicalisation
- Equip apprentices with the skills they need to keep themselves safe online and, in the workplace
- Listen to apprentices, encourage them to respect and care for others and take action to stop any inappropriate verbal or physical abuse taking place
- Operate safe recruitment of staff, ensuring that through risk assessment, appropriate questions and checks are undertaken at application, interview and throughout employment
- Ensure Davies Learning Solutions meets the requirements of the Disclosure and Barring Service
- Ensure all Line Managers carry out Safer Recruitment training to ensure a consistent approach to fairness of selection and compliance to equality, diversity and inclusion.

2. Responsibilities

2.1 Professional boundaries

Davies Learning Solutions Training expects staff to protect the professional integrity of themselves and the organisation. The Davies Learning Solutions Training sets staff expectations and professionalism from induction and it is clearly explained that if the professional boundaries and/or policies are breached this could result in disciplinary procedures or enactment of the allegation management procedures.

It is vital that all complaints, disclosures, allegations or suspicions of abuse to children under 18 or vulnerable adults are dealt with fairly, quickly and consistently.

There are three main strands to be considered:

- An investigation of an actual or potential criminal offence by the police
- Involvement of Social Services
- Investigation by Davies Learning Solutions Training and/or an employer and consideration of any disciplinary action on staff or apprentices

2.2 Allegations of abuse against training Staff

Allegations of abuse, or concerns raised against members of Davies Learning Solutions staff, will always be treated seriously. The allegation must always be referred to the DSL who will follow the Safeguarding procedure in the same way as for other Safeguarding allegations. The DSO will take the appropriate steps to ensure the safety of the apprentice, and any others who may be at risk. The DSO will also inform the DSL and will escalate to the Board of Directors in order that

Davies Learning Solutions procedures may be followed and an appropriate investigation is carried out.

Where there is a complaint against a member of staff, there may also be criminal (police) investigations and/or a child/vulnerable adult's protection investigation, carried out by Social Services. Actions should be taken both to protect the apprentice and the accused member of staff.

These may include ensuring that the member of staff is not placed in a vulnerable situation while investigations take place. If the allegation or concern is against a DSO, it should be reported directly to the DSL.

If an allegation is levelled against any member of Davies Learning Solutions staff, line management must be informed immediately; actions may require full and proper investigation in line with Davies Group disciplinary processes which may include:

- Giving the staff member leave of absence on full pay
- Suspending the staff member
- Ensuring that the staff member is not working alone with apprentices

2.3 Compliance to the Data Protection Act 2018

The Data Protection Act 2018 and General Data Protection Regulations regulates the processing of information relating to individuals. This includes the obtaining, holding, using or disclosing such information and covers computerised records as well as manual filing systems. Staff and apprentices are able to request access to it or ask for it to be deleted.

We only hold information that is required for our business to trade and to comply with regulatory obligations. For example, we hold names, addresses, contact information however we also could hold sensitive personal information, such as Disclosure and Barring Service checks. Davies Learning Solutions will only hold the minimum information necessary to enable us to perform our functions effectively.

2.4 Information Sharing

Davies Learning Solutions is committed to sharing information for the purposes of Safeguarding and promoting the welfare of children and young people in line with Working together to safeguard children (2018) and with respect for The General Data Protection Act 2018.

Any decision to break confidentiality should always be preceded by informing the apprentice of what is about to happen and the reason for the decision. There will be no breach of confidence if the person to whom a duty of confidence is owed consents to the disclosure. Staff should, in the first instance, seek the consent from the apprentice if considering sharing information with other agencies. It is therefore essential that members of staff understand what is meant by the above and for that reason do not promise absolute confidentiality to the apprentice.

2.5 Training

As part of the Davies Learning Solutions staff induction, there is a minimum requirement that each member of staff will undertake Safeguarding training and online Prevent Awareness Training and Equality, Diversity and Inclusion Training. Each member of Davies Learning

Solutions staff will also complete regular mandatory refresher training in relation to Safeguarding and Wellbeing, the Prevent Duty and fundamental British Values.

Teaching learning and assessment staff all receive specific training and coaching to practically apply the principles of Safeguarding and Prevent to their everyday life and working situations. Coaches are able to effectively provide apprentices with a wide range of safeguarding and prevent scenarios contextualised within the work setting and focusing on a variety of current topical incidents and cases.

Staff development training will also include training on online safety, additionally Davies Learning Solutions will make assessments of the appropriate levels of focus for staff training and responsiveness to specific safeguarding concerns such as radicalisation, harmful sexual behaviour, child sexual exploitation, forced marriages, female genital mutilation, cyberbullying and mental health to ensure that staff have the training they need to keep apprentices safe. DSOs and the DSL will attend mandatory standardisation training which will be deemed appropriate and commensurate in line with their roles and responsibilities. The DSL will maintain records of all Safeguarding and Prevent training for staff on centrally in a secure location.

2.6 Teaching apprentices about safeguarding

Davies Learning Solutions staff teaches all apprentices about safeguarding through their learning journey with us. This includes guidance on adjusting behaviour to reduce risks, particularly online, building resilience to protect themselves and their peers, fostering healthy and respectful relationships with others and providing information about who they should turn to for help.

All staff are directed to encourage all apprentices to respect other people with the protected characteristics set out in the Equality and Diversity Act 2010 and to challenge extremism and be aware of what Preventative actions to take. Apprentices are reminded about harmful sexual behaviours, including sexual violence and sexual harassment, through apprentice intervention.

Apprentices are provided with the opportunity to talk about safeguarding issues within the learning environment and on a 121 basis. They are made aware of the processes by which any concerns they have can be raised, including the processes for reporting a concern as well as how any report will be handled.

2.7 Monitoring and Review

The Davies Learning Solutions Board of Directors is responsible for implementing and monitoring the Safeguarding Policy. The number of Safeguarding cases will be reviewed annually by the DSL. Reports from monitoring and review activities will be reviewed by the Board and presented to on a monthly basis.

This policy and the associated guidance and procedures document will be reviewed annually by the DSL and the Board within four weeks of a review of any serious Safeguarding/Prevent incident.

This policy and the associated guidance and procedures document is to be made available to all staff and apprentices in various formats appropriate to Davies Learning Solutions audiences, e.g. in Apprentice Handbooks, on e- platforms, commitment statement and on Davies Learning Solutions Training's SharePoint platform.

3. Davies Learning Solutions Training Safeguarding Guidance

3.1 Introduction

Staff (in the context of this policy, 'staff' is taken to also apply to all Davies Learning Solutions partners and associates) should conduct themselves in such a way as to avoid compromising situations and to protect themselves against allegations of abuse. The following guidelines have been developed to support staff working in all settings to establish safe & responsible environments which safeguard apprentices and manage the risk of adults being unjustly accused of improper or unprofessional conduct.

3.2 One-to-One Situations

Guiding Principle

- Ensure that Davies Learning Solutions staff can work with apprentices without them feeling vulnerable, and to manage and reduce the likelihood of allegations being made against staff
- The following guidance is provided to ensure Davies Learning Solutions staff are aware of their responsibilities when conducting any one-to-one session

In certain situations, it may be unrealistic to state that one-to-one interactions should not take place. Where there is a need to work in one-to-one situations, the manager must be informed beforehand what the nature of the one to one session will be about.

When using the internet for learning activities staff should:

- Restrict access to illegal, harmful or inappropriate images and other content
- Educate apprentices in e-safety practice, e.g. not sharing personal information or inappropriate communication with strangers
- Ensure that apprentices know how and to whom e-safety incidents should be reported
- Undertake only professional related communication directly with apprentices

It is important the Davies Learning Solutions member of staff ensures that they:

- define and record the reason for the meeting
- identify the meeting location which should never be at the apprentices home address meetings should always occur in a public place
- conduct and agree a full risk assessment
- avoid conducting one-to-one meetings in remote/secluded areas
- always inform other line managers/colleagues/guardian(s) and assess the need to have them present or close by
- always report situations which are or could be interpreted as Safeguarding incidents

4. Social Contact

Staff should not work with young people 'unofficially' outside Davies Learning Solutions. This means:

- Staff must not take apprentices to their own homes or transport apprentices in their own vehicle
- Not having social contact with the apprentices or their families, unless the reason has been firmly established and agreed with their line manager
- If an apprentice or parent seeks to establish social contact or if this occurs coincidentally, the staff member(s) must exercise their professional judgement in making a response but should always discuss the situation with their line manager
- Staff should be aware that social contact in certain situations can be misconstrued as grooming. As such they should advise their manager or in their absence, the Quality Manager or DSL of any coincidental social contact they have with a young person or parent with who they work which may give rise to concern
- Staff should be aware that the sending of personal communications such as birthday or faith cards should always be recorded and/or discussed with their line manager
- Staff should record & report any situation which may place a young person at risk or which may compromise Davies Learning Solutions or their own professional standing.

(The above are provided as examples and are not intended to be exhaustive).

4.1 Guidance for Engaging Apprentices through Digital Media

Communicating effectively with apprentices in a variety of ways is an integral aspect of Davies Learning Solutions work. Telephone contact, texting, e-mail, face to face work and detached work are all vital tools for supporting apprentices' personal and professional development. Apprentices use electronic methods of communication as a primary vehicle, with much of their social interaction and peer education occurring in these spaces.

Given the pace of change in this area, the principles outlined in these guidelines should be seen as applying to emerging technologies and/or applications:

- Staff should ensure young people are using electronic methods of communication
- electronic communication methods provide opportunities for promoting services; they encourage apprentices to participate in positive activities, and to become involved in developing the service

However, electronic communication methods are also utilised by individual's intent on 'grooming' young people. To protect both individual staff members and Davies Learning Solutions from the consequences of allegations relating to the use of digital media, staff should co-operate fully with any requests or processes instigated to address these risks.

The following procedures have been prepared with the above principles in mind.

4.2 Universal Digital Media Guidelines

- Staff should apply the same rules and standards of best practice when communicating with apprentices via digital media as in face to face communication
- Extra diligence must be taken to ensure messages cannot be misinterpreted
- Staff should use messaging via new media as a method of communicating information and not as a primary communication tool to build relationships i.e. to inform of an event or a change of time
- If staff receive a message from an apprentice wishing to engage in a 'social conversation', they must send a message to explain that they cannot engage in social

messaging and direct them to an appropriate email address, telephone contact or website they can access for further help if they should need it

- If staff receives a verbally abusive or threatening message, or if they worry about the safety of the sender or someone else, they must contact their line manager and a Davies Learning Solutions Training DSO/DSL

4.3 SMS/Text Messaging

- Mobile phones are allocated to staff as an operational necessity
- Under no circumstances should staff give their personal mobile or home number to an apprentice
- Mobile telephones are issued for business use; any misuse of the phone may be a disciplinary issue
- If necessary, staff work mobile numbers can be publicly displayed i.e. on posters, clearly stating the staff members name

4.4 Email

- All staff will be given an email address on joining Davies Learning Solutions
- Under no circumstances should a staff member give their personal email address to an apprentice
- Emails should only be sent to apprentices during what could be perceived as 'reasonable hours' (e.g. 7am-8pm depending on apprentice workplace practices)
- Work email addresses can be given to apprentices who are engaging in personal and professional development activities with Davies Learning Solutions Training and have a need to receive information
- Materials sent will be unbiased and meet equal opportunities criteria in terms of ethnicity, sexual orientation, gender, disability, religion, and beliefs and age
- If necessary, staff email addresses can be publicly displayed i.e. on posters, clearly stating the staff members name

4.5 Social Networking

- Prior consent/sign-off should be sought from Davies Learning Solutions SMT before first use of Social Networking Sites to communicate with apprentices
- Staff intending to use Social Networking Sites in a work capacity should do so from a separate profile than their personal profile, should they have one
- In the event that a member of staff sets up a work profile, they must inform their line manager of the existence of this profile and the login details for it
- In order to protect themselves from risk of allegations, we recommend that staff using Social Networking Sites with a personal profile - in a private capacity - should set their privacy settings so only friends can view their profile
- Under no circumstances should a staff member with a personal profile add an apprentice they work with or have worked with within the last five years as a friend on a Social Networking Site
- Staff should not put photographs of work activities on their personal profiles
- Staff must familiarise themselves with the Davies Learning Solutions Training Social Media and Information Security Awareness Policy
- Messages sent via Social Networking Sites should only be sent to apprentices during

‘reasonable’ hours (as per email section above)

4.6 Instant Messaging

- Under no circumstances should staff communicate with an apprentice through an instant messaging site
- Under no circumstances should staff give their instant messaging address to an apprentice
- If a staff member receives an instant message from a apprentice, they must not engage and should inform their line manager and a Davies Learning Solutions DSO immediately

4.7 Recording for Marketing Purposes

- We are committed to capturing apprentice’s views and involving them in planning for the future. In order to do this, it is from time to time beneficial to record apprentices either individually or as a group. We also seek to record activities so we can showcase what we do and why it works. However, in all cases where recording is undertaken, whether audio, video or photographic, prior permission must always be obtained. Staff must ensure that where an apprentice is under 18, or is deemed vulnerable, that permission to record images or voice is obtained from a parent, or other person holding parental responsibility.
- Any restrictions stipulated by parents or other carers i.e. voice recording only, must be respected
- It is essential that all members of a group have valid permissions obtained before undertaking group recording
- Particular care must be taken to ensure that images and recordings are only used for legitimate purposes, and that they are not released to non-Davies Learning Solutions staff without specific agreement being obtained about how such images are to be used

5. Confidentiality

Davies Learning Solutions will operate on the premise that all information imparted to a member of staff will be treated in confidence. Confidentiality is a key issue in the lives of apprentices. They may trust a member of staff with issues of a personal nature and wherever possible their confidences should be respected. However, staff must not make promises on confidentiality which they may be unable to keep.

Furthermore, staff should always make an apprentice fully aware of any situation where a duty of care deems that confidentiality cannot and must not be maintained. This would be the case in child and vulnerable adult protection situations. Apprentices may disclose information that is difficult for the member of staff to deal with without further advice/support. In such cases, the apprentice should be told that the situation will be discussed with another colleague with a speciality in that area, but confidentiality will be maintained if possible.

Members of staff may have access to confidential information about apprentices in order to undertake their everyday responsibilities. In some circumstances staff may be given highly sensitive or private information. They should never use confidential or personal information

about an apprentice for their own, or others' advantage (including that of partners, friends, relatives or other services).

Information must never be used to intimidate, humiliate, or embarrass the apprentice.

Confidential information about an apprentice should never be used casually in conversation or shared with any person other than on a need-to-know basis. In circumstances where the apprentice's identity does not need to be disclosed the information should be used anonymously.

Personal information about apprentices is treated with respect and confidentiality. Consent will be sought to share personal information. However, information can be shared without consent when:

- Asking for consent will increase the risk of harm to a child or vulnerable adult or;
- A delay in sharing information may increase the risk of harm to a child or vulnerable adult

More information can be found at:

HM Government (2015) Information sharing: advice for practitioners providing safeguarding services to children, young people, parents and carers

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419628/Information_sharing_advice_safeguarding_practitioners.pdf

Davies Learning Solutions staff are expected to treat any information they receive about an apprentice in a discreet and sensitive manner.

If a member of staff is in any doubt about whether to share information or keep it confidential, they should seek guidance from Davies Learning Solutions DSO or the DSL. Any media or legal enquiries should be passed to their line manager and SMT.

A confidential record will be kept of all cases referred to the Designated Safeguarding Team, including details of cases referred to the Local Authority or the police. These written records will be kept securely for a period of six years via a restricted site on Davies Learning Solutions SharePoint with any paper information held securely, in a locked cabinet by the DSL.

The storing and processing of personal information about an apprentice is governed by GDPR. The Government booklet "What to Do If You're Worried a Child Is Being Abused" contains further guidance on sharing information to protect children.

<https://www.gov.uk/government/publications/what-to-do-if-youre-worried-a-child-is-being-abused--2>

More information regarding Davies Learning Solutions Training privacy notice can be found on our website.

6. Staffing

Staff Recruitment

(To include the recruitment of permanent and fixed-term staff; sessional, associate workers)

- All appointments are made following a face-to-face interview that explores attitudes, motivation, temperament and personal qualities as well as skills and experience relevant to the role
- All offers of employment/work are made conditional to satisfactory references and a DBS check dependent on the nature and responsibilities of the post
- All appointments are subject to Davies Group Recruitment Policy and process
- All staff/workers are subject to a DBS check at the relevant level. For all staff working directly with apprentices, this will be at the enhanced level.
- If it is necessary for someone to start work at short notice, before checks are completed, a risk assessment is carried out, documented, and kept confidentially. Until their DBS disclosure is received by Davies Learning Solutions, the individual is supervised by a DBS-checked member of staff and a risk assessment will be carried out.
- Where candidates are recruited from overseas, extra care is taken in pursuing references and carrying out the relevant checks. Where appropriate, advice from the DBS Overseas Information Service is obtained
- All staff/workers are made aware of Davies Learning Solutions Safeguarding Policy and procedures, and their obligations regarding child protection, as part of their induction. Staff/workers with face-to-face access to apprentices will receive additional on-going training as appropriate
- Staff have access to a counselling service and other wellbeing services on Perkbox & Perkbox medical

7. Processes and Procedures

This section covers the processes and procedures to follow in response to key Safeguarding and/or Prevent incidents, i.e.

- Concerns about apprentices
- Disclosure of abuse made by apprentices
- Flowchart of disclosure procedures
- Allegations of abuse against Davies Learning Solutions Training staff
- Handling information from third parties
- Flowchart of third-party procedures

7.1 Concerns about apprentices

If a staff member has any concern regarding an apprentice's safety and welfare, they must take the following action (please also see Appendix A: Disclosure):

1. The staff member must inform their DSO of the situation as soon as possible. If they are unavailable within office hours, staff should use the Safeguarding email or call the office. If no-one in the line-management chain is available, they should go directly to the DSL and Delivery Director.
2. If the DSO agrees that there is a concern regarding an apprentice's safety and welfare, they should make a referral to the DSL. The DSL will make appropriate referrals without delay. In most situations, it will be appropriate to inform the apprentice that a referral is going to be made, to explain the reasons for this and to offer to support the apprentice through the resulting investigation. If the staff member remains concerned regarding

their apprentice, they are entitled to make a referral to the relevant authorities regardless of whether the DSO, DSL and/or the line manager shares this concern.

3. The only exceptions to 2. is if that in the view of the DSO & DSL, informing the apprentice that a referral was going to be made would:
 - impede the investigation
 - place the apprentice at greater risk or place the member of staff concerned at risk
4. If such exceptions apply and the apprentice is under the age of 18, a referral should be made directly to the relevant Children's Services Department without informing the apprentice first.

Davies Learning Solutions staff should not investigate the matter. That is for Children's Services and perhaps the Police. Davies Learning Solutions staff must only gather sufficient information to establish and record that there is concern about risk of harm to a child or vulnerable adult.

If the apprentice has a named social worker, they should be contacted with the referral. If the named worker is not available, or if there is no named worker, the DSL should ask to speak to the Children's Services Duty Manager, explaining that they wish to make a child protection referral.

When making the referral, the Davies Learning Solutions staff member should note the name of the person in Children's Services who they have contacted and the date and time when the referral was made. They will also need to clarify what action Children's Services are proposing to take and the timescale for this. Any referral made by telephone will need to be followed up with a written referral.

If the DSO and DSL have not already been informed of the situation, the staff member should do this as soon as possible. There will need to be a discussion as to how the young person or vulnerable adult and all the staff directly involved in the situation can best be supported for the duration of the investigation.

All incidents, concerns and referrals in relation to apprentices and the action that results from these should be recorded and kept confidential.

8. Handling a Disclosure of Abuse made by an Apprentice

Staff may observe signs that leads them to suspect that an apprentice may have been physically, emotionally, or sexually abused, or suffer severe neglect, or are becoming radicalised; or in addition, in the case of a vulnerable adult, they may be experiencing financial, discriminatory or institutional abuse. Please read with Appendix A: Disclosure.

Lists of possible signs of abuse are included in Appendix B for further information.

In addition to these, a person may be being abused by virtue of their race, gender, age, disability or sexual orientation which would indicate discriminatory abuse. Similarly, any of the examples listed may be an indication of institutional abuse if the individual is in receipt of organised care.

If an apprentice, with whom Davies Learning Solutions is working, discloses abuse, or risk of abuse, to a member of staff or volunteer, he or she must take the following action. In the first instance it should be established whether the apprentice is legally a child (someone under 18 years old) or a young adult.

It is not the staff member's responsibility to investigate what has happened or to establish whether or not abuse has taken place, however, the following approach should be adopted:

If the Person is legally a child, the staff member should:

- Listen carefully to what the apprentice is saying
- Explain that because this is a serious matter, it cannot remain confidential between the staff member and the apprentice. The staff member should inform the young person that she/he will need to inform their line manager and to talk to a DSO. They must do this before they can decide on what action may be necessary to ensure that the apprentice is safe in the future and ensure the safety of any other apprentice who may be in contact with the alleged abuser
- Undertake to keep the apprentice informed as to any action that is proposed and to support the apprentice through this

Staff can also email the Safeguarding inbox safeguarding@davies-group.com If in the extreme case a serious Prevent incident occurs, all staff are aware of the **anti-terrorism hotline number: 0800 789321**. The Davies Learning Solutions Senior Management team will decide whether or not to make a referral to local Children's Services or the Police. All serious allegations of abuse should be referred to Children's Services, however if in any doubt, a consultation should take place with the relevant Children's Services duty team. This is not only to protect the young person themselves but also any other children or young people that the alleged abuser may be in contact with.

If the situation arises out of office hours, the Davies Learning Solutions staff member should contact the DSL and appropriate steps of escalation must be taken.

If the concern arises out of office hours and it is not possible to contact any appropriate Davies Learning Solutions Senior Manager or safeguarding team, and where an apprentice has disclosed serious abuse, then a referral should be made directly to local Children's Services or the Police. Rather than placing an apprentice at risk by unreasonable delay in the making of a referral, and it proves difficult to get hold of the contact details of the relevant Children's Services, then contact with the Police locally (ideally via a non-emergency number) should be made. Contact with the duty officer of the Child Protection Team should be requested.

When making the referral, the referee should note the name of the person in Children's Services who they have contacted, and the time and date when the referral was made. They will also need to clarify what action Children's Services are proposing to take and the timescale for this. They should also establish how the child/young person's immediate safety is to be ensured.

All telephone referrals should be followed up in writing within 2 working days. All incidents, concerns and referrals in relation to children and young people and the action that results from these should be recorded.

If the Person is a vulnerable adult, the staff member should:

- Listen carefully to what the apprentice is saying
- Explain that because this is a serious matter, it cannot remain confidential between the staff member and the apprentice. The staff member should inform the apprentice that she/he will need inform their line manager and to talk to a DSO. They must do this before they can decide on what action may be necessary to ensure that the apprentice is safe in the future; and ensure the safety of any other apprentice who may be in contact with the alleged abuser
- Undertake to keep the apprentice informed as to any action that is proposed and to support the apprentice through this

The staff member must inform a DSO as soon as possible. If a DSO is unavailable, then the DSL should be contacted as soon as possible. In the event the DSL is not available a member of the Davies Learning Solutions Training Senior Management Team should be contacted.

At this stage any disclosure that may or does constitute a criminal offence should be referred by the DSO/DSL to the Police. If necessary, the DSO/DSL should inform and liaise with the relevant LADO. If the apprentice is at immediate risk then the Staff Member, DSO, DSL or Davies Learning Solutions senior manager should contact the Police immediately

8.1 Handling concerns/ information from third parties

Third party information is when anyone (other than those directly involved with Davies Learning Solutions) passes on information or expresses their concerns.

Information from a third party regarding suspicions of child abuse cannot be ignored. If the person imparting the information has concerns, they should be encouraged to contact their local Children's Services themselves, in order to discuss their concerns with a qualified social worker. If they do not wish to do so, it should be explained to them that Davies Learning Solutions Training is obligated to. The concerns should be logged as confidential and any action taken recorded fully.

- In the first instance, it should be established whether the young person is legally a child (someone under 18) or a vulnerable adult

If the Person is legally a Child or a Vulnerable Adult, the worker should clarify with the third party and record the following:

- The nature of their concerns
- How and why their concerns have arisen
- Whether they wish to remain anonymous
- What involvement they are having or have had with the apprentice

The Davies Learning Solutions staff member should ask to speak to the Children's Services Duty Manager within the Local Authority, explaining that they wish to make a child protection referral. If the situation arises out of office hours, the Davies Learning Solutions staff member should contact the local out of hours/emergency social worker. If for any reason the emergency social worker is not available, then the duty officer in the local police child protection team should be contacted.

When making the referral, the Davies Learning Solutions DSO/DSL should note the name of the person in Children's Services who they have contacted and the time and date when the referral was made. The line manager will also need to clarify what action Children's Services are proposing to take and the timescale for this, and also how the child/young person's immediate safety is to be ensured.

All Telephone referrals should be followed up in writing within 48 hours (2 working days).

If the DSL has not already been informed of the situation, they should be contacted as soon as possible (in the absence of the DSL, any member of the Davies Learning Solutions Training Senior Management team should be contacted). There will need to be a discussion as to how the child or young person and all the staff directly involved in the situation can best be supported for the duration of the investigation.

All incidents, concerns and referrals in relation to young people and vulnerable adults and the action that results from these should be recorded and stored in a confidential location.

Davies Learning Solutions staff should not investigate the matter. That is for Children's Services and perhaps the Police. Davies Learning Solutions staff must only gather sufficient information to establish that there is concern about risk of harm to a child / vulnerable adult.

If the person is neither a child nor a vulnerable adult, this is not a safeguarding issue. However, consider other lines of support / referral e.g. the Police.

Appendix A provides the reporting process to be taken in the event that a third party discloses abuse or risk of abuse to a member of staff.

8.2 Handling allegations of abuse made against Davies Learning Solutions staff

1. Any allegation of abuse against a Davies Learning Solutions member of staff must be taken seriously, both for the sake of the child/young person involved and the member of staff themselves. Allegations of abuse by a member of staff include:
 - Behaving in a way that has harmed a child, or may have harmed a child/young person
 - Committing a criminal offence against or related to a child/young person
 - Behaving towards a child/young person in a way that indicates she or he is unsuitable to work with young people
2. If it is an apprentice making the allegation, the member of staff receiving the allegation should remain calm and inform the apprentice that:
 - It is a serious matter and will need to be discussed with the appropriate manager in order to decide how the matter will be investigated
 - The apprentice will be kept informed about the progress of the investigation
3. The member of staff receiving the allegation should immediately contact the manager of the worker against whom the allegation has been made and the DSL.

The worker who is the subject of the investigation must NOT be informed of the allegation at this point.

4. The manager of the worker against whom the allegation has been made and the DSL should refer the matter immediately to the Delivery Director or in their absence the Managing Director. This 'responsible senior manager' will decide:
 - Whether there are sufficient grounds for taking further action
 - If there are sufficient grounds for taking further action, the decision as to whether the incident is serious enough to be considered as potential child abuse will be informed by a consultation with the relevant LADO
 - Whether or not to contact Social Services the police and/or Channel.

The LADO will be kept informed of all decisions taken by Davies Learning Solutions in relation to the allegation and the person/s subject to the allegation. If following this consultation with the LADO the allegation does not amount to child abuse, the 'responsible senior manager' in consultation with the DSL will consider whether the case should be dealt with under Davies Learning Solutions Training's disciplinary policy.

5. In cases where there is insufficient information to make this decision, the 'responsible senior manager' will need to decide, as a matter of urgency, what information is needed and how this should be obtained, so that a decision can then be taken as to whether or not this situation should be considered as a matter of potential child abuse.
6. If the 'responsible senior manager,' in consultation with the LADO, decides that the situation should be considered as potential child abuse, she or he should refer the matter to the relevant Children's Services department and request that an emergency planning/strategy meeting be convened to plan the process of the investigation including the interviewing of the member of staff who is the subject of the allegations.
7. The 'responsible senior manager' will also need to decide whether for the duration of the investigation the member of staff should continue in their work, be moved to other duties, or be suspended in accordance with the Davies Learning Solutions disciplinary policy and procedures.

In making this decision the 'responsible senior manager' will need to take into account:

- The need to avoid further contact between the apprentice and the named member of staff
 - The feasibility of the named member of staff continuing to work in their post whilst a child abuse investigation is under way
 - The potential risk to other apprentices
 - The possibility of the member of staff seeking to interfere with the investigation
8. The suspension or moving of the member of staff does not indicate an assumption of guilt. The purpose is to facilitate an effective investigation. If the worker is subsequently cleared, there can then be no allegation of a 'cover up'. If a staff member requests to be suspended during the investigation, this should be considered.

9. At this point the 'responsible senior manager' will need to inform the named member of staff that an allegation has been made against him/her and that this matter has been referred to Children's Services to be formally investigated, and that Children's Services (and possibly the police) will be interviewing the member of staff in the near future.
10. To avoid prejudicing the investigation, the details of the allegation should not be discussed prior to the Children's Services interview and the member of staff should be instructed not to discuss this with other colleagues.
11. There should be no contact between the alleged perpetrator and the apprentice making the allegation and, if appropriate, no contact with any apprentice linked to Davies Learning Solutions.
12. A named manager from Davies Learning Solutions, who is not involved in the line management of the member of staff and who will not be involved in the investigation, should be appointed to offer general support over the period of the investigation.
13. This information should always be given to the member of staff in writing, in addition to any verbal communication. In the event of a suspension from work, these discussions and the written communication, must also comply with the procedure for suspension set out in the disciplinary Policy and Procedures, and HR advice must be sought.
14. The 'responsible senior manager' will, in consultation with the member of staff's line manager, decide what should be said to:
 - The apprentice making the allegation
 - The other staff in Davies Learning Solutions and any other apprentices linked to Davies Learning Solutions
15. Any details of the allegation should only be provided on a strict 'need to know' basis.
16. Once the Children's Services investigation has been completed, the 'responsible senior manager' should decide whether any further action is needed in relation to the information arising from the investigation. Depending on the outcome or the investigation, it may or may not be appropriate at this point to institute Davies Learning Solutions disciplinary procedures. This decision should be conveyed to the member of staff within seven days of the completion of the investigation.
17. Any contact from the media concerning any allegation of abuse should immediately be redirected to the Managing Director of Davies Learning Solutions.

9. Safeguarding from an Inspection perspective (taken from the Ofsted 2019 Education Inspection Framework September 2019)

Inspectors will always take into account how well providers help and protect young people and learners so that they are kept safe.¹ Although inspectors will not provide a separate numerical

¹ Inspectors should also take into account the provider's safeguarding of any young people

grade for this, they will always make a written judgement in the leadership and management section of the inspection report about whether the arrangements for safeguarding young people and learners are effective.

If safeguarding is ineffective, this is likely to lead to a judgement of inadequate leadership and management. The following are examples of what ineffective safeguarding might include:

- learners' behaviour towards each other is unsafe, putting learners at risk of harm
- incidents of bullying or prejudiced and discriminatory behaviour, either direct or indirect, are common
- learners have little confidence that the provider will address concerns about their safety, including concerns about the risk of abuse
- learners or particular groups of learners do not feel safe in the provider, the workplace or in a subcontractor's premises
- leaders and managers do not handle safeguarding allegations about staff members and learners appropriately
- leaders and managers do not have suitable arrangements for learners to raise concerns, for identifying vulnerable adults or for managing safe recruitment
- Leaders fail to protect learners from the dangers of radicalisation and extremism in accordance with the 'Prevent' duty guidance.²

However, there may be circumstances when it is appropriate to judge a provider as requires improvement, rather than inadequate, when there are minor weaknesses in safeguarding arrangements that are easy to put right.

'Inspecting safeguarding in early years, education and skills settings'³ sets out the approach inspectors should take to inspecting safeguarding in providers covered by the EIF. This should be read alongside the framework and this handbook.

In addition, inspectors should be familiar with relevant, including statutory, guidance on safeguarding:

- 'Keeping children safe in education: statutory guidance for schools and colleges'⁴
- 'Working together to safeguard children'.⁵
- 'Positive environments where children can flourish'.⁶

below the age of 16 who may be on the premises of a provider, even when the quality of their education is not within the scope of inspection.

² www.gov.uk/government/publications/Prevent-duty-guidance.

³ 'Inspecting safeguarding in early years, education and skills settings', Ofsted, 2015; www.gov.uk/government/publications/inspecting-safeguarding-in-early-years-education-and-skills-from-september-2015.

⁴ 'Keeping children safe in education', Department for Education, 2018; www.gov.uk/government/publications/keeping-children-safe-in-education--2.

⁵ 'Working together to safeguard children', Department for Education, July 2018; www.gov.uk/government/publications/working-together-to-safeguard-children--2.

⁶ 'Positive environments where children can flourish: a guide for inspectors about physical intervention and restrictions of liberty', Ofsted, March 2018;

10. Appendix A

1.1 Disclosure and Reporting Process

Someone has confided in you...

If someone informs you directly that they are concerned about an individual's behaviour towards them; this is known as a disclosure.

The person receiving the disclosure should:

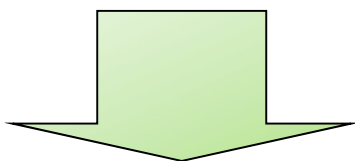
- React calmly so as not to frighten the apprentice
- Tell the apprentice that he or she is not to blame and that he or she was right to tell
- Take what the apprentice says seriously
- If the apprentice is in immediate risk of significant harm, telephone for ambulance and police, inform them of concerns and ensure that they are aware that this is a safeguarding issue
- Ensure the immediate safety of the apprentice
- Avoid leading the apprentice and keep any questions to the absolute minimum. Ask only what is necessary to ensure a clear understanding of what has been said, seen or heard
- Re-assure the apprentice but do not make promises of confidentiality or outcome, which might not be feasible in the light of subsequent developments. You must tell the apprentice you will have to inform the local DSO
- Contact your local DSO
- If there is a Safeguarding, welfare or Prevent concern, refer all concerns/allegations/disclosures that may or do constitute a criminal offence to the police
- If applicable, parents/carers will need to be informed as soon as possible but this must be from an appropriate source (Children's Social Care/police)
- DSO will advise on the most appropriate next steps
- DSO will report to the DSL before any decisions are taken regarding referring to the police, Social Services or any other external agency
- Inform the apprentice's line manager (employer)

If you receive a disclosure, or need to record a concern, remember to always include the following:

- Names of all involved, date, time, and venue/location – record the conversation/observations as accurately as possible using the Apprentice Incident Report Form
- DSO to scan and email ensuring that this the document is password protected completed Apprentice Incident Report to DSO. DSO to update with action taken then scan and email to DSL on the same day as the incident/concern
- DSL to record summary of incident/concern
- It is not your responsibility to investigate what has happened or to establish whether or not abuse has taken place
- All Disclosures should be noted in confidence and Guidance on record keeping is set out in Retention of Records and Documents Policy, which can be found on SharePoint.

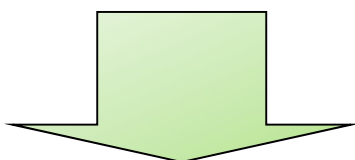
1.2 Reporting Process

Safeguarding/Wellbeing or Prevent query/incident received

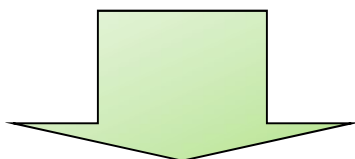


Recipient completes a Safeguarding Incident Form and email securely to the appropriate Designated Safeguarding Officer (DSO) cc'ing in the DSL.

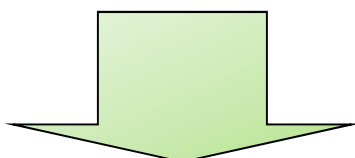
If related to Prevent, or considered urgent, to be immediately followed up with a phone call to the DSO to confirm receipt of form and action required. If DSO cannot be contacted, escalate to DSL or another member of the safeguarding team



DSO to establish what action is required according to the Safeguarding processes and completes their section of the Safeguarding Form



DSO sends completed form to the DSL within 24 hours regardless of the outcome



DSL logs the incident, arranges follow up if required and updates the Safeguarding, Prevent and Welfare Log on SharePoint

11. Appendix B

Types of Abuse and Possible Signs of Abuse/Other

1.1 A child or young person- the legislation specifically refers to any person who is under the age of 18 years.

Abuse is a form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to Prevent harm. Children may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others. Abuse can take place wholly online, or technology may be used to facilitate offline abuse. They may be abused by an adult or adults or another child or children.

Part one of KCSIE 2021 defines the following types of abuse, Davies Learning Solutions staff should be aware that abuse, neglect and safeguarding issues are rarely standalone events that can be covered by one definition or label and in most cases, multiple issues will overlap with one another.

1.2 Vulnerable adults aged 18 or over.

A vulnerable adult is defined by the Safeguarding Vulnerable Groups Act 2006 as a person who is aged 18 years or over:

- Who is or may be in need of community care services by reason of mental or other disability, age or illness
- Who is or may be unable to take care of him or herself or unable to protect him or herself against significant harm or serious exploitation

1.3 Abuse

A form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to Prevent harm. Children may be abused in a family or in an institutional or community setting, by those known to them or, more rarely, by others (e.g. via the internet). They may be abused by an adult or adults, or another child or children.

It is important to note that abuse can:

- Consist of a single act or repeated acts
- Be intentional or unintentional or result from a lack of knowledge
- Be an act of neglect, an omission or a failure to act
- Cause harm temporarily or over a period of time
- Occur in any relationship
- Be perpetrated by anyone, individually or as part of a group or organisation
- Often constitute a crime, i.e. physical, sexual abuse, e.g. downloading or using pornographic
- images of children and/or storing them on company computers or equipment

1.4 Neglect

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development.

Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to:

- provide adequate food, clothing and shelter (including exclusion from home or abandonment)
- protect a child from physical and emotional harm or danger
- ensure adequate supervision (including the use of inadequate care-givers)
- ensure access to appropriate medical care or treatment

It may also include neglect of, or unresponsiveness to, a child's basic emotional needs. Neglect and acts of omission Includes ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating.

Possible signs of neglect include:

- Constant hunger
- Poor personal hygiene
- Inappropriate clothing
- Frequent lateness or non-attendance
- Low self-esteem
- Poor social relationships
- Untreated medical problems
- Compulsive stealing or scrounging

1.5

Physical Abuse

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces illness in a child.

Includes hitting, slapping, and pushing, kicking, misuse of medication, restraint, or inappropriate sanctions.

Possible signs of physical abuse include:

- Unexplained injuries or burns – particularly if they are recurrent
- Refusal to discuss injuries
- Improbable explanations for injuries
- Aggression/bullying
- Fear of medical help
- Over compliant behaviour or a 'watchful' attitude
- Untreated injuries or lingering illness not attended to
- Admission of punishment which appears excessive
- Shrinking from physical contact
- Fear from returning home or of parents being contacted

Emotional Abuse

Emotional abuse is the persistent emotional maltreatment of a child such as to cause severe and adverse effects on the child's emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond a child's developmental capability as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyberbullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, although it may occur alone.

Possible signs of emotional abuse include:

- Continual self-deprecation
- Fear of new situations
- Inappropriate emotional response to painful situations

- Compulsive stealing/scrounging
- Drug/solvent abuse
- Neurotic' behaviour – obsessive rocking, thumb-sucking, and so on
- Air of detachment – 'don't care' attitude
- Social isolation – does not join in and has new friends
- Desperate attention-seeking behaviour
- Eating problems, including overeating
- Lack of appetite

1.7 Sexual Abuse and Sexual Harassment

Sexual Abuse involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse. Sexual abuse can take place online, and technology can be used to facilitate offline abuse. Sexual abuse is not solely perpetrated by adult males. The sexual abuse of children by other children is a specific safeguarding issue in education.

Possible signs of sexual abuse include:

- Bruises, scratches, burns or bite marks on the body
- Scratches, abrasions or persistent
- Infections in the anal or genital regions
- Sexual awareness inappropriate to the person's age, shown for example in a drawings, games and vocabulary games and so on
- Frequent public masturbation
- Attempts to teach others about sexual activity
- Refusing to stay with certain people or to go to places or with aggressive, anger, anxiety or tearfulness, withdrawal from friends
- Promiscuity, prostitution, provocative sexual behaviour
- Self-injury, self-destructive behaviour, suicide attempts
- Pregnancy – particularly in the case of young adolescents who are evasive
- Tiredness, lethargy, listlessness
- Genital discharge/irritation
- Sleep disturbance
-

What is Sexual Harassment?

Harassment is any unwanted behaviour of a sexual nature that makes you feel distressed, intimidated or humiliated. It can take lots of different forms. It can include or be called sexualised bullying.

You don't have to have objected to a certain kind of behaviour in the past for it to be unwanted and constitute harassment.

Sexual harassment can include:

- someone making sexually degrading comments or gestures
- your body being stared or leered at
- being subjected to sexual jokes or propositions
- e-mails or text messages with sexual content
- physical behaviour, including unwelcome sexual advances and touching
- someone displaying sexually explicit pictures in your space or a shared space, like at work
- offers of rewards in return for sexual favours

Although sexual harassment happens everywhere, it is common at work and more recently in schools and universities. It can cause stress and hostility in the workplace, and over time, it can lead to physical and emotional problems, like headaches, nausea, cystitis, depression, anxiety, problems sleeping and eating, and loss of self-confidence. Many women end up leaving their job rather than have to carry on enduring sexual harassment.

1.8 Financial Abuse

The misappropriation of an individual's funds, and/or any other actions that are against their best interests. For example:

- Theft of money, possessions, property or other material goods
- Misuse of money
- Fraud or extortion of material assets

1.9 Discriminatory Abuse

This includes discrimination on the grounds of race, faith or religion, age, disability, gender, sexual orientation and political views, along with racist, sexist, homophobic or ageist comments or jokes, or comments and jokes based on a person's disability or any other form of harassment, slur or similar treatment. Hate crime can be viewed as a form of discriminatory abuse, although will often involve other types of abuse as well. It also includes not responding to dietary needs and not providing appropriate spiritual support. Excluding a person from activities on the basis they are 'not liked' is also discriminatory abuse.

1.10 Child Sexual Exploitation

The nature of child sexual exploitation is that it is a course of conduct rather than an isolated incident leading to a series of serious sexual and other offences.

It is best described as a process of involving children in sexual activities through means such as deceit, manipulation, coercion, use of violence and threats of force with cumulative effect on

children, families, social systems and the community as a whole. The sexual exploitation of children and young people is a form of child abuse and must be reported.

The National Working Group (NWG) for Sexually Exploited Children and Young People define child sexual exploitation as follows: (<http://www.nwgnetwork.org>) "Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology."

What to do if you are concerned that a young person is being sexually exploited.
Given that child sexual exploitation is a form of child abuse, any staff member with concerns that a young person is being exploited should follow the Safeguarding reporting procedures.

1.11 Grooming

Grooming is a phased, gradual process used by perpetrators to sexually exploit children and young people. It can take place over varying periods of time - from a few days to several years. It can also take different forms, and be more or less violent. Although it is talked about as having stages, this doesn't necessarily mean that it will always develop in the same way. Typically, grooming involves a number of stages:

1. Initial contact
2. Befriending; this can include non-coercive behaviour such as buying gifts, and coercive behaviour such as threats, intimidation and the use of violence
3. Exchange of favours
4. Control
5. Exploitation

The process of grooming affects children and young people in different ways. It is not easy to recognise the signs because many could be regarded as 'normal' teenage behaviour.

The following list of warning signs is not exhaustive but if you spot them it could indicate that a young person is at risk of sexual exploitation.

- Low level indicators include: overtly sexualised dress; going missing unaccounted-for monies or goods; associated with unknown adults; experimenting with drugs and alcohol; reduced contact with family & friends; poor self-image
- Medium level indicators include: getting into cars with unknown adults; disclosure of sexual assault which is then withdrawn; having a much older boyfriend/girlfriend; staying out overnight without reasonable explanation; self-harming
- High level indicators include: serious self-harming; being taken to clubs and hotels by adults; chronic alcohol or drug use; removed from a known 'red light' district; abduction; disclosure of serious sexual assault which is then withdrawn

1.12 Radicalisation

Radicalisation is the process by which individuals come to support terrorism or violent extremism. Young people may express extremist ideas, be in possession of extremist literature or express extremist views. They may associate with known extremists or seek to recruit others to an extremist ideology. Concerns that an apprentice's behaviour indicates involvement with extremist ideas should be considered a safeguarding issue and reported as such.

Possible signs of radicalisation include:

- The individual's views become increasingly extreme regarding another section of society or government policy
- The individual becomes increasingly intolerant of more moderate views
- The individual expresses a desire/intent to take part in or support extremist activity
- They are observed downloading, viewing or sharing extremist propaganda from the web
- They become withdrawn and focused on one ideology

The individual may change their appearance, their health may suffer (including mental health) they may become isolated from family, friends, peers or social group

1.13 There are a number of possible factors that make individuals more likely to be vulnerable to exploitation by extremist, sexual exploitation or other forms of exploitation. Factors that may contribute to vulnerability include:

- Being rejected by peer(s), faith or a social group/family
- Pressure from persons linked to extremism
- Victim or witness to race or religious hate crime
- Conflict with family over religious beliefs/lifestyle/politics
- Identity confusion
- Recent religious conversion
- Under-achievement
- May possess literature related to extreme views
- Experience poverty, disadvantage or social exclusion
- Extremist influences
- A series of traumatic events - global, national or personal

1.14 Sexual Violence and Harassment

Sexual violence and sexual harassment can occur between two or more children/adult of any age or sex. They can occur through a group of children/adults sexually assaulting or sexually harassing a single child/adults or group of children/adults.

Anyone who is the victims of sexual violence and sexual harassment are likely to find the experience stressful and distressing. This will, in all likelihood, adversely affect their educational attainment. Sexual violence and sexual harassment exist on a continuum and may overlap, they can occur online and offline (both physical and verbal) and are never acceptable. Davies Learning Solutions Training will respond to allegations seriously and all victims will be offered appropriate support.

Davies Learning Solutions Training is aware of the importance of:

(a) making it clear to apprentices that sexual violence and sexual harassment is not acceptable, will never be tolerated and is not an inevitable part of growing up;

(b) not tolerating or dismissing sexual violence or sexual harassment as "banter", "part of growing up", "just having a laugh" or "boys being boys"; and
(c) challenging behaviours (which are potentially criminal in nature), such as grabbing bottoms, breasts and genitalia, flicking bras and lifting up skirts. Dismissing or tolerating such behaviours risks normalising them.

References to sexual violence are references to sexual offences under the Sexual Offences Act 2003, specifically rape, assault by penetration and sexual assault.

References to sexual harassment mean "unwanted conduct of a sexual nature" that can occur online and offline.

In the context of child on child sexual harassment, it is likely to: violate a child's dignity; and / or make them feel intimidated, degraded or humiliated; and / or create a hostile, offensive or sexualised environment.

1.15 Peer-on-Peer Abuse

Harmful sexual behaviour is an umbrella term that includes sexual violence and sexual harassment. Davies Learning Solutions Training recognises that problematic, abusive and violent sexual behaviours are inappropriate and may cause developmental damage. Harmful sexual behaviour can occur online and offline (both physical and verbal)

Allegations against apprentices should be reported as per Appendix A (Disclosure and Reporting) If harmful sexual behaviour is alleged to have occurred, the DSO/DSL will have regard to Part 5 KCSIE and take into account the local response of the police and children's social care to these issues. The views of the alleged victim will be taken into account but will not be determinative.

All those involved in such allegations will be treated as being at risk and in need to support and the safeguarding procedures in accordance with this Policy will be followed.

1.16 Children/Young person missing education

Apprentices going missing, particularly repeatedly, can act as a vital warning sign of a range of safeguarding possibilities. It is important that staff carefully monitored and liaise with apprentices' line manager to identify any trends of attendance that perhaps could lead to a concern about their welfare. Staff should speak to the DSO/DSL if they have any concerns.

1.17 Honour Based Violence

All forms of so-called honour-based violence are abuse (regardless of motivation) and should be handled and escalated as such. Abuse committed in the context of preserving "honour" often involves additional risk factors such as a wider network of family or community pressure and the possibility of multiple perpetrators which should be taken into account when deciding what safeguarding action to take. Staff should speak to the DSO/DSL if they have any doubts.

1.18 County Line, Cross Borders, Gangs, Trafficking and Cuckooing

These are police terms for urban gangs supplying drugs to suburban areas and market/or coastal towns using dedicated mobile or 'deal lines'. Gangs use children and vulnerable people to move drugs and money. Often they take over the homes of vulnerable adults and children by force or coercion in a practice referred to as cuckooing. Getting involved in gang culture can have serious and potentially devastating consequences, with dealers/offenders/members not afraid to use violence. There are people themselves vulnerable and at risk of exploitation by gang members from outside the county. Any activity that seems to be suspicious, or involve drug

dealing/crime/exploitation should be passed to the police on 101. Should young people thought to be involved the early help assessment is a useful tool. A request for involvement to CSC/police is needed if the child is at immediate risk of harm.

1.19 Female Genital Mutilation (FGM)

Although most cases of FGM are thought to take places between the ages of 5 and 8 years, it should be recognised that FGM can occur at any time, for example on reaching adulthood or before marriage.

FGM comprises all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs. It is illegal in the UK and a form of child abuse with long-lasting harmful consequences.

There is a range of potential indicators that a child or young person may be at risk of FGM. Guidance on the warning signs that FGM may be about to take place, or may have already taken place, can be found on pages 38-41 of the Multi-agency statutory guidance on FGM (pages 59-61 focus on the role of how to report this). All reports of FGM should be reported directly to local authorities. All reports of FGM should be reported directly to DSO who may in turn speak to the local authorities via fmu@fco.gov.uk for advice and information.

1.20 Forced Marriage

Forced marriage is a marriage in which one or both partners do not consent to the marriage and are coerced into it. Coercion can be physical, emotional or financial. It also applies to vulnerable adults who may not have the capacity to consent to the marriage. People who are forced to marry or fear they might be forced to marry can go missing from education.

In addition to definitions provided above, in the context of vulnerable adults the following outlines the main forms of abuse:

Guidance on the warning signs that forced marriage may be about to take place, or may have already taken place, can be found on pages 13-14 of the Multi-agency guidelines: Handling case of forced marriage.

1.21 Cyber Bullying

Cyber bullying is when one person or a group of people try to threaten, tease or embarrass someone else by using a mobile phone or the internet. Cyber bullying is just as harmful as bullying in the real world. Click on [No Bullying](#) and [NSPCC Bullying](#).

Cyber bullying can be perpetrated through the use of modern communication technologies (e.g. internet, text or video messaging, email, chatrooms, social media networking sites) to embarrass, humiliate, threaten, intimidate or bully an individual in an attempt to gain power and control over them.

1.22 Significant Harm

Significant harm is the threshold that provides for intervention by other agencies.

12. Appendix C

Knife Crime

1.1 Context with references from Ofsted 2019 knife crime report

Knife crime is a term used commonly in the media to refer, primarily, to street- based knife assaults and knife-carrying. However, there are many different criminal offences relating to knives. For example:

- it is an offence to threaten or cause harm to a person with a bladed weapon
- some bladed weapons are prohibited from being sold or purchased, including to anyone under the age of 18
- offences such as robbery or assault can be aggravated if a knife is involved
- it is also an offence to carry a knife in a public place without good reason
- Knife crime refers both to the use of knives against children, young people and adults either to threaten or to wound with intent
- In the 12 months to September 2018, knife crime had increased by 68.4% across England and Wales (excluding the Greater Manchester Police area) compared with 12 months up to September 2014 and by 55.5% across the Metropolitan Police Service area of London over the same period. Public perception of knife crime being a problem in London has increased and 26% of respondents to the London Public Attitude Survey 2018 felt that knife crime was a problem compared with 20% a year earlier. The number of sharp instruments found on school property has increased. Data from 21 police forces in England and Wales obtained through a freedom of information request showed that 363 sharp instruments were found on school property in 2017–18.

1.2 Knife crime with young people under the age of 28 and vulnerable adults

- It is clear that knife crime is an increasing safeguarding risk to local communities. While we have not sought to answer the question of the causes of knife crime, leaders told us that, in their experience, there are in three categories of risk of knife-carrying:
- The highest level of risk is for those children young people who have been groomed into gangs, for the purposes of criminal exploitation.
- Underneath this lies a group of children, young people and vulnerable adults who have witnessed other children and young people carrying knives, have been the victim of knife crime or know someone who has carried a knife for protection or status-acquisition or who are encouraged to believe knife-carrying is normal through the glamorisation of gangs and knives on social media.
- Then there are children, young people and vulnerable adults who carry knives to school as an isolated incident. For example, they may carry a penknife that a grandparent has gifted them.
- Knife crime is just one issue among many faced by children, young people and vulnerable adults that leaders have to understand and manage on a daily basis. As one designated safeguarding leader put it:
- It is important to remember that knife crime does not exist in a vacuum and victims or perpetrators may also be experiencing multiple vulnerabilities.

The common denominator of who are found carrying bladed objects into educational institutions and independent training providers is vulnerability. Leaders were clear that, almost invariably, a significant number of children and young people who have experienced poverty, abuse or neglect or are living within troubled families resort to knife crime, either willingly or are coerced into committing a crime. They may also experience social exclusion due to factors such as their race or socio-economic background. Any concerns with regard to an apprentice who might be somehow engaged in knife crime must immediately be reported to the Davies Learning Solutions DSL.

1.3 Reports and legislation to refer to:

- Prevention of Crime Act 1953; www.legislation.gov.uk/ukpga/Eliz2/1-2/14/contents.
- Restriction of Offensive Weapons Act 1959; www.legislation.gov.uk/ukpga/Eliz2/7-8/37/contents. Criminal Justice Act 1988; www.legislation.gov.uk/ukpga/1988/33/contents.
- Offensive Weapons Act 1996; www.legislation.gov.uk/ukpga/1996/26/contents. Knives Act 1997; www.legislation.gov.uk/ukpga/1997/21/contents.
- Police recorded crime and outcomes open data tables to September 2018 – Knife crime open data; www.gov.uk/government/statistics/police-recorded-crime-open-data-tables.
- MOPAC weapon enabled crime dashboard; www.london.gov.uk/what-we-do/mayors-office-policing-

13. Appendix D

1.1 Guidance and Advice Sources

This Policy has regard to the following guidance and advice:

- Keeping children safe in education (2021) (KCSIE);
- Working Together to Safeguard Children (2018);
- Disqualification under the Childcare Act 2006 (2018);
- Prevent Duty Guidance for England and Wales (2015);
- Channel Duty Guidance: Protecting vulnerable people from being drawn into terrorism (2015);
- Multi-agency statutory guidance on FGM (2016);
- What to do if you're worried a child is being abused: advice for practitioners (2015);
- Information sharing: advice for practitioners providing safeguarding services (2018);
- Care Act 2014
- Children missing education (2016);
- Child sexual exploitation: definition and a guide for practitioners local leaders and decision makers working to protect children from child sexual exploitation (2017)
- Sexual violence and sexual harassment between children in schools and colleges (2018)

The most important relevant guidance arising from the legislation is:

- Working Together to Safeguard Children (HM Government 2018)
- What to do if you're worried a child is being abused (HM Government 2015)

An additional important convention is:

The United Nations Convention on the Rights of the Child

In relation to safe recruitment of staff the following report is important:

Choosing with Care (HM Government 1992)

In relation to Fraser guidelines relating to contraception etc., NSPCC have further information which can be found by following the link to [NSPCC](#)

The Ofsted Education Inspection Framework

Safeguarding continues to be an integral part of the Education Inspection Framework (EIF). The role of management in safeguarding all apprentices is clearly articulated. To make this judgement, inspectors will evaluate the extent to which:

- Safeguarding arrangements are in place and regularly reviewed to keep all apprentices aged 14 – 18 safe
- There is a clear approach to implementing the Prevent duty and keeping children and apprentices safe from the dangers of radicalisation and extremism
- Staff, leaders and managers understand the risks posed by adults or young people who use the internet to bully, groom or abuse children, young people and vulnerable adults; there are well-developed strategies in place to keep apprentices safe and to support them in learning how to keep themselves safe
- Staff, leaders and managers oversee the safe use of electronic and social media by staff and apprentices and take action immediately if they are concerned about bullying or risky behaviours
- Appropriate arrangements are made with regards to health and safety to protect staff and apprentices from harm
- Staff, leaders, governors and supervisory bodies (where appropriate) and volunteers receive appropriate training on safeguarding, which is updated regularly
- Leaders, governors and supervisory bodies (where appropriate) fulfil legislative requirements, such as those for disability, Safeguarding, and health and safety
- Appropriate arrangements are in place for health and safety and protect staff and apprentices from harm to those in need, or at risk of significant harm, and appropriate action is taken

Counter Terrorism Act 2015 <https://www.gov.uk/government/collections/counter-terrorism-and-security-bill> (Working in line with Channel Awareness_ Government Prevent Strategy)

14. Appendix E

1.1 Equality, Diversity and Inclusion Policy

1. Introduction

Davies Learning Solutions (DLS) wishes to secure genuine equality of opportunity, whether required by legislation or not, in all aspects of its activities as an employer, training provider and a funding partner to our Subcontractor. To this end , DLS will take all reasonable practicable steps to ensure that there is no discrimination against any individual or individuals, including colleagues, directors, beneficiaries, apprentices , sub- contractors and customers, on account of their disability, age, sex, sexual orientation, race, religion or belief, gender reassignment, marital status and civil partnership, pregnancy and maternity .

This policy is approved by the Board and Senior Leaders and required actions are embedded into the Equality and Diversity Development Plan and Quality Improvement Plans. The policy will be monitored, reviewed at least biannually, and updated accordingly in line with any legislative changes and approved by The Board.

The policy can be made available in alternative formats on request.

2. Reason for policy

The overall purpose of this policy is to abide by the Equality Act 2010 and to ensure that Davies Learning Solutions is a place where learning and work exists in an environment that promotes equality of opportunity, celebrates diversity and allows everyone to achieve their potential.

Our commitment is that every:

- Employee is entitled to a working environment which promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated.
- Individual is entitled to receive a service from Davies Learning Solutions and its Subcontracting Partner that is free from bias and all unreasonable barriers.
- Employee, customer, and supplier is entitled to expect equality of opportunity in all aspects of their employment, training and engagement with us, including its terms and conditions.
- Potential employee and learner is entitled to expect the recruitment process to be free from all unreasonable barriers.
- Apprentices will be supported in their learning to allow them to succeed in line with peers and progression to new opportunities.
- Employee will be provided training and development opportunities to support their understanding and commitment to the policy.
- Manager will be committed to monitoring progress towards targets set for representation and performance of different groups

3. Policy

The Company Values will embed equality and diversity in their implementation, namely:

- Do the right thing – we endeavor to be open, honest, and fair in our dealings with apprentices, employers, partners and stakeholders.
- Apprentices are at the center of everything we do, and we are driven by the desire to provide life- changing opportunities for each and every one of them.
- Continuous improvement – we are committed to continually exploring ways to improve the services we offer for the benefit of our apprentices, partners and employers.
- Develop and empower our staff – we are passionate about supporting staff at all levels so that they can realise their full potential and progress.

The Company actively promotes British Values throughout delivery, using the following key themes:

- Democracy
- The rule of law
- Individual liberty
- Respect and tolerance

As well as actively promoting British Values we would also actively challenge apprentices, employers, staff or parents expressing opinions contrary to fundamental British Values, including 'extremist' views of any variety.

Objective of the policy are to:

- Regularly report to the Board and Senior team on equality and diversity matters and the performance and participation of different groups of apprentices
- Regularly review the policy and procedures that promote and protect equality and diversity
- Make Subcontractor Partners aware of their personal obligations to avoid discrimination, in accordance to the policy
- Organise or access opportunities that foster a culture of equality for all
- Monitor procedures and activities to ensure the effectiveness of Davies Learning Solutions 's approach
- Take into account the needs of all, particularly those with protected characteristics
- Take positive action to redress unjustified disparities in training and / or employment.

4. Statutory Acts

There are a number of statutory and other provisions relating to Equality & Diversity and these are enveloped in one Single Equality Bill (October 2010). These include:

- Equal Pay Act 1970
- Sex Discrimination Act 1975
- Race Religion Act 1976
- Disability Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Age) Regulations 2006
- Equality Act 2006, Part 2
- Equality Act (Sexual Orientation) Regulations 2007

5. Equal Opportunities Statement

Davies Learning Solutions is committed to being an equal opportunities employer and training provider, promoting and developing equality and diversity for staff, customers and suppliers across all of our services.

It will seek to do this by:

- communicating our commitment to equality and diversity to all
- creating an environment where there is mutual respect and equality of opportunity providing relevant training for all staff and Subcontract Partners
- implementing mechanisms for implementation, monitoring, evaluation, and review
- treating acts of discrimination as a disciplinary offence dealing with harassment and bullying timely and effectively
- engaging staff and stakeholders in the development, implementation and execution of our policies
- ensuring our Subcontract partners promote equality and diversity in line with legal requirements
- Embed, inform and follow of the five main principles of social justice - access to resources, equity, participation, diversity, and human rights.

All employees, suppliers and customers will receive equal treatment regardless of sex, marital or civil partnership status, race, disability, age, sexual orientation, gender realignment, pregnancy, maternity, religion or belief.

The Directors and Management Team recognise that they have responsibility for ensuring that the company operates within the legal framework for equality and for implementing the policy throughout the business. All employees and apprentices of DLS are responsible for trying to prevent discrimination that is within their control to prevent or challenge.

6. Definitions

Direct Discrimination

Direct discrimination occurs when someone is treated less favorably in relation to any of the protected characteristics.

Indirect Discrimination

Indirect discrimination is a discrete type of discrimination that involves a policy, rule or procedure that is applied to everyone in a certain area but, ultimately, puts some individuals or groups at a disadvantage. Just like direct discrimination, indirect discrimination can be posed as a formal or informal rule, practice or policy that may control behavior or set standards in the workplace.

Discrimination by Association

Discrimination by association is direct discrimination against someone because they associate with another person who possesses a protected characteristic. Perceptive discrimination is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

Harassment

Harassment is recognised and means that employees will be able to complain with regards to behavior that they find offensive, even if it is not directed at them, and the complainant need not possess the relevant characteristics themselves.

Bullying

Bullying is not a natural behavior and should not be seen as such. It typically can be when someone uses superior strength or influence to intimidate.

Victimisation

Victimisation is the action of singling someone out for cruel or unjust treatment.

All matters of discrimination, bullying and harassment will be dealt with effectively and efficiently, using the following processes where applicable:

- Complaints Procedure
- Grievance Procedure
- Staff Discipline Policy
- Apprentice Learner Journey
- Safeguarding and Prevent Handbook

7. Implementation

All colleagues have the responsibility to uphold the policy, comply the law and support the company in fulfilling its duties and commitments.

8. Related Policies and Links

Equality Act 2010: www.legislation.gov.uk/ukpga/2010/15/contents

- Complaints Procedure
- Grievance Procedure
- Disciplinary Policy
- Apprentice Learner Journey
- Safeguarding and Prevent Handbook
- DLS 20/21 Business Plan
- 20/21 Curriculum Strategy
- Performance, Quality & Standards Handbook

9. Undertaking Equality Impact Assessments

We have developed a toolkit to carry out equality impact assessments. The toolkit involves a two-stage process:

1. An initial screening to assess whether the proposed policy, procedure, plan or practice has potential equality implications for different groups; if necessary
2. A full assessment with detailed evidence analysis, stakeholder engagement and consideration of alternative approaches.

All our policies and procedures are scheduled for review; generally, on a three year cycle. At each review or change the impact assessment process is repeated. Any underlining issues that are identified are addressed in a timely manner.

The Equality and Diversity Steering Group is a subsection of the Safeguarding Team which monitors the use of impact assessments in terms of accurate completion. All Equality Impact Assessments outcomes are available on request.

15. Appendix F

Lone Working Policy and Procedure

1.1 Background

The Davies Group, known as 'the Group', hereafter, recognises that some staff are required to work by themselves without close or direct supervision, sometimes in isolated work areas or out of office hours. Working alone is not in itself against the law and will often be safe to do so.

The Group has a duty of care to advise and assess risk for workers when they work by themselves in these circumstances. However, employees have responsibilities to take reasonable care of themselves and other people affected by their work.

1.2 Definition

A 'lone worker' is defined as someone who is isolated from other human contact in the immediate vicinity.

1.3 Purpose, Scope and Users

This policy serves to:

- Increase employee awareness of safety issues relating to lone working
- Ensure that the risk of lone working is assessed in a systematic and ongoing way, and that safe systems and methods of work are put in place to reduce the risk so far is reasonably practicable

- Ensure that appropriate support and training is available to all employees that equips them to recognise risk and provides practical advice on safety when working alone
- Encourage full reporting and recording of all adverse incidents relating to lone working
- Reduce the number of incidents and injuries to staff related to lone working

1.4 'Lone Workers' include:

Those working at Davies Group Offices:

- Only one person is working in the entire premises
- People work separately from each other, e.g. in different geographical locations
- People working outside normal office hours, e.g. cleaners

1.5 Those working away from Davie Group Offices, on site or within client premises etc:

- Employees working within commercial locations on their own
- Employees undertaking visits to commercial locations or sites

This policy applies to all situations involving lone working arising in connection with the duties and activities of Davies Group employees.

Users of this policy are Davies Group employees.

Responsibilities

1.1 Head of Division are responsible for:

- Ensuring that there are arrangements for identifying, evaluating and managing risk associated with lone working
- Providing resources for putting the policy into practice
- Ensuring that there are arrangements for monitoring incidents linked to lone working and that the effectiveness of this policy is regularly reviewed.

1.2 Managers are responsible for:

- Ensuring that all staff are aware of the policy
- Taking all possible steps to ensure that lone workers are at no greater risk than other employees
- Identifying situations where people work alone and decide whether systems can be adopted to avoid workers carrying out tasks on their own
- Ensuring that risk assessments are carried out and reviewed regularly
- Putting procedures and safe systems of work into practice which are designed to eliminate or reduce the risks associated with working alone
- Ensuring that employees identified as being at risk are given appropriate information, instruction and training, including training at induction, updating and refreshing this training as necessary
- Managing the effectiveness of Preventative measures through an effective system of reporting, investigating and recording incidents
- Ensuring that appropriate support is given to staff involved in any incident

- Providing a mobile phone and other personal safety equipment, where this is felt to be desirable.

1.3 Employees are responsible for:

- Taking reasonable care of themselves and others affected by their actions
- Following guidance and procedures designed for safe working
- Reporting all incidents that may affect the health and safety of themselves or others and asking for guidance as appropriate
- Taking part in training designed to meet the requirements of the policy
- Reporting any dangers or potential dangers they identify or any concerns they might have in respect of working alone

Guidance

1.1 Risk Assessments for Lone Working

- Is the person medically fit and suitable to work alone?
- Are there adequate channels of communication in an emergency?
- Does the workplace or task present a special risk to the lone worker?
- Is there a risk of violence?
- Is any known risk attached to a client(s)?
- Has an alternative to visit the location been considered?
- Has safe travelling between appointments been arranged?
- Have reporting and recording arrangements been made where appropriate?
- Can the whereabouts of the lone worker be traced?

1.2 Good Practice for Lone Workers

- During their working hours, all employees leaving their office location or directly from home should provide details of their intended destination to their Line Manager if this information is not held in a diary or other scheduling software. An expected time of arrival back at the Office or home should also be identified.
- At all times, employees should observe absence reporting protocols as set out in the Group's HR Policies and Procedures.
- If, in the course of a trip away from the office that would be known about plans change significantly, this should be communicated back to the office. Difficulties encountered en-route that may present a risk to the employees, should be telephoned through to their Manager without delay – observing the Driver Policy and Use of Handheld Communications at all times.
- Arrangements should be made with a manager or colleague to check that a lone worker has returned to the Office or home on completion of a task on time. This could be a call, voice message, email, text or other electronic notification by way of a report submission etc.
- Telephone contact between the lone worker and a colleague, may also be advisable. In some circumstances where there is a possible risk to that employee.
- Lone working should not be undertaken when working at height which presents a significant risk, working with or near dangerous pieces of plant or equipment,

working near electrical or gas systems. A buddy should be identified for attendance at such jobs.

- Lone working should not be undertaken within premises or on site where the building structure is unstable, there are open edges/excavations, potential falls from height, etc. The advice of the Fire Service or other trained professional must always be taken where building structures are or could be unsafe.
- Lone workers should have access to adequate first-aid facilities and mobile workers should carry a first-aid kit suitable for treating minor injuries.
- Lone workers may need to be provided with a mobile phone and other personal safety equipment where this is necessary following a Risk Assessment
- Lone workers will be issued with a full first aid kit and it is their responsibility to notify HR if replenishment of stock is required
- Employees should not enter within clients' premises if they consider there is a safety or health risk. Their concerns must be reported to their Line Manager who should take advice from the HR Team.

Monitoring Safety Issues

1.1 Lone Workers

- Must report incidents such as accidents and near misses to their Line Manager, including all incidents where they feel threatened. This includes incidents of verbal abuse.
- Are encouraged to seek help and advice if any safety concerns arise. During performance development reviews, managers will ask people working on their own whether there are any safety concerns that aren't being addressed.

16. Appendix G

Safer Recruitment and Selection Policy and Procedures

1.1 Purpose and Scope

Davies Learning Solutions ("the company") is committed to be an employer of choice, attracting candidates within the local community and across South London. Prior to recruiting to any vacancies the company carefully identifies the roles it requires to meet the challenges associated with delivering both a high quality learner experience and a high performing service to enable our learners to succeed.

The company is committed to equal opportunities and positively encourages applications from candidates of all ages, genders, sexualities, religions, nationalities and cultures and to support its commitment, routinely monitors equality and diversity as part of its standard recruitment and selection activities.

The company seeks to ensure that the recruitment and selection process is conducted in compliance with current immigration and safeguarding legislation.

This policy has been prepared taking account of prevailing legislation and new legislative requirements and follows best practice by enabling the company to demonstrate

recruitment and select process which is fair, equitable and transparent.

This Procedure applies to all appointments to the company's staffing establishment, including fixed term, hourly paid appointments and agency engagements.

1.2 Recruitment and Selection Procedure

There are a number of key stages in recruiting and selecting for a post. This procedure outlines the key stages.

The following selection processes would typically be used as part of the recruitment process.

1.3 Identification of a Vacancy

The occurrence of a vacancy is an opportunity to review the necessity for the post and its duties, responsibilities and grade. If the responsibilities or the status of the post has changed, a revised Job Description and Person Specification will need to be drafted/modified and agreed, along with confirmation of any changes to the Pay Spine point / range.

Consideration should also be given to staff seeking redeployment within the company to determine whether they have the necessary skill set and experience to meet the minimum criteria of the vacancy.

Where a potential vacancy occurs e.g. someone within the department is leaving/retiring, it is necessary to consider the following in respect of the short to long term requirements of the role:

- Is the post essential e.g. can the work be redistributed amongst colleagues or could cover be facilitated through other adjustments within the team e.g. changing work patterns?
- Is the current job description and person specification a true reflection of the role responsibilities and duties?
- Is there sufficient funding within the department budget to cover any additional costs?

1.4 Recruitment Campaign Plan

The interview and selection process is organised by the directors and any other appropriate managers. To facilitate this, a Job Description (which should include generic duties applicable to all posts e.g. Health and Safety) and a Person Specification (which must contain specific skills, experience and qualifications essential to fulfil the role and should contain clarification of how these criteria will be assessed) must be provided.

1.5 Advertising

All vacancies, including temporary posts, are normally advertised internally and externally, using appropriate media.

The company's vacancies, which are advertised externally, are also sent to all staff for consideration.

1.6 Shortlisting

Shortlisting is the stage in the selection process during which applicants are considered against the requirements of the post which are detailed in the Person Specification.

Candidates for interview should be shortlisted against the criteria set out in the Person Specification for the vacancy.

The company is part of the "positive about disability two-ticks accreditation scheme", which means that the company will guarantee an interview to applicants with a disability; provided they meet the minimum criteria for the role, as contained in the Person Specification.

Shortlisting should be carried out by at least two members of staff who will form part, or in some cases all of the interview panel, in accordance with agreed shortlisting criteria together with weightings (if applicable). Decisions about shortlisting should be recorded and signed off by a director.

Once the shortlisting has been completed, selection arrangements will be made by the directors.

1.7 Selection Arrangements

Candidates will be contacted as soon as possible, so as to provide them with sufficient notice to enable the candidates to fully prepare for the selection process.

The selection process may encompass one or more of the following:

- A panel Interview which takes place for all roles.
- Presentation which takes place for management and senior management roles.
- Written assessments and in tray tests which may be required for any roles.

All candidates selected for interview will be required to bring evidence of their right to live and work in the UK e.g. an identification document together with evidence of qualifications as contained in the Person Specification, including professional qualifications (originals), so that certified copies can be made at an early stage in the recruitment process.

1.8 Selection Process

The interview process is intended to give an opportunity for the panel to assess the shortlisted candidates against the Job Description and Person Specification and explore their skills, experience etc. to establish which candidate is most suitable for the job.

Once the interviews and various selection processes have concluded, the Panel members should complete their scoring sheets and all tests should be marked. The candidate securing the highest combined scores is identified as the company's preferred candidate.

The panel's decision to appoint should be confirmed on the Interview Sheet, which should be fully completed and returned, together with all other interview paperwork.

1.9 Offer of employment

The director/office manager should contact the preferred candidate to confirm that they are the preferred candidate and will outline the provisional and conditional offer the job to them subject to the preferred candidate successfully meeting the requirements of the pre-employment checks:

- Satisfactory medical clearance
- Evidence of the right to work in the UK
- References satisfactory to the company
- Evidence of qualifications (including professional qualifications)
- DBS clearance (Disclosure and Barring Service)

1.10 Record Keeping

The panel should each keep a record of the interviews to assist in reaching a decision and to be clear about the reasons for selecting the successful candidate.

For unsuccessful candidates the recruitment documents will be retained for 6 months and then confidentially destroyed.

1.11 Procedure for the Engagement of Temporary Workers (Agency)

The company recognises the need to engage temporary staff, (often on an immediate basis), who possess the required skills, knowledge and experience essential to ensure the continued and seamless delivery of the service.

The recruitment agencies used by the company are reviewed on a regular basis to determine that they continue to offer a quality service to the company.

An Agency Staff Form should be completed for each temporary assignment. This is to ensure that all the necessary information regarding the temporary role and the individual is accurately recorded onto the HR database.

1.12 Start of Assignment

The agency will be required to provide evidence to the company relating to the individual's right to reside and work in the UK together with evidence of police clearance, following a recent DBS check, which should not be more than 3 years old.

1.13 Agency Timesheets

It is expected that the line manager and their temporary member of staff will take

responsibility for the administration involved with the agency timesheet. This is to include the completion, authorisation and return of the timesheet to the Agency. This may include electronic timesheets.

The directors have responsibility to electronically authorise the invoices received by the company from the agency and payment will only be authorised upon evidence of hours worked e.g. timesheets signed off by the line manager

1.14 Extension of Assignment

Should there be a need to extend the assignment, the Line Manager will need to gain authorisation from a director prior to the extension being confirmed to both the agency worker and the respective agency.

Further to authorisation, the HR database should be updated with the revised assignment end date.

1.15 End of temporary assignment

At the stated end of a temporary assignment, it is the responsibility of the Line Manager to inform the directors that the temporary worker is no longer with the company.

The directors should also ensure that the company ID badge is returned, together with any Car Parking Permit, Keys and any other company property.

The HR database should be updated to reflect that the assignment has ended.

1.16 Pre-employment checks

The company is required to carry out pre-employment checks on all new staff prior to them commencing employment with the company. The level of pre-employment vetting will differ depending on whether the individual is contracted to work directly for the company or is a temporary/agency worker/consultant etc.

1.17 References

References are used as part of the recruitment process. The purpose of a reference is to obtain information from a third party to provide a factual check on a potential member of staff's suitability for a new role as well as obtaining confirmation of their employment history, experience, general work performance and sickness absence data which should be used to confirm the employer's assessment.

There is no legal obligation on the part of an employer to provide a reference, unless such a requirement is contained in the individual's contract of employment and unless there is a particular statutory requirement, for example if an individual has previously worked within

the Financial Services, or where it has been agreed as part of a Settlement Agreement.

Refusal to provide a reference can be interpreted as negative by a prospective employer and may be perceived as victimisation by the individual. There may be a risk of a personal claim if an employer refuses to provide a reference.

It is standard practice for the company to both provide and request employment references, which must be factual and provide the following information:

- Job Title
- Dates employed
- Key Responsibilities/Duties
- Any significant achievements
- Additional information may also be requested e.g. sickness absence records, safeguarding concerns, disciplinary records etc.

References are recommended as an appropriate pre-employment vetting check for safeguarding purposes. Therefore, the company requires receipt of two references which are satisfactory to the company before an offer of employment can be confirmed. One of the references must be from either an existing or their most recent employer. The company reserves the right to contact any other organisation identified by the individual as a former employer, where the company deems this necessary.

The company follows the recommendations of the Equality and Human Rights Commission (EHRC) and will not request references until after a preferred candidate has been identified.

When directors provide references for any former company employee, they should exercise reasonable care as the company could be held liable for any loss which the employee occurs as a direct result of any inaccurate statements, negative opinions, or impressions which cannot be substantiated through appropriate documentation e.g. disciplinary outcome letters. All requests received for references should be directed to the directors in the first instance who will determine whether any agreed reference is on file and if not, will work to ensure that the reference is both factual and accurate particularly in respect of service dates and that it contains the company's legal disclaimer in all cases.

A standard reference will be completed on an employee's termination (as part of the exit process) and the directors will provide a template and guidance on what areas to make reference to in order to ensure the reference is objective and not based on assumption of future performance.

17. Appendix H

1.1 Disclosure Barring Checks (DBS)

As the company supports a number of children and vulnerable adults, all staff are exempt from Section 4(2) of the Rehabilitation of Offenders Act 1974. Accordingly, all staff will be subject to an 'Enhanced' DBS check.

In carrying out its safeguarding responsibilities, the company complies fully with the relevant regulations and Code of Practice regarding the correct handling, use, storage, retention and disposal of disclosure information. It also complies fully with its obligations under Data Protection legislation.

1.2 Right to reside and work in the UK

In order to confirm eligibility to reside and work in the UK, newly appointed staff are required to provide either a UK/EU.EEA passport or other evidence which confirms this right.

The company will retain a copy of this document for a period of at least 7 years post termination of the individual's employment with the company. This is in line with legislation under the Data Protection Act (1998).

1.3 Verification of Qualifications

All preferred candidates as part of their conditional offer of employment, are required to evidence their qualifications and/or professional membership(s) by bringing in original certificates and/or evidence of professional membership(s) which will be photocopied and retained on their personal file. This includes all professional, teaching, academic qualifications and professional memberships which have been identified as being an Essential requirement within the Person Specification for the role.

1.4 Pending Risk Assessment

As per our Safeguarding Policy, all employees should not continue to work until the new or renewal of the DBS has been returned.

This Pending Risk Assessment is to be completed if Davies Learning Solutions Training is considering allowing an existing/newly appointed employee to continue working. Davies Learning Solutions Training policy is a renewal date of 3 years after their initial DBS check their Disclosure and Barring Service (previously CRB). If the DBS is in process, this form will still need to be completed.

If the results have highlighted a conviction, caution, reprimand or warning – Davies Learning Solutions Training DBS Risk Assessment Form will need to be completed.

This should only be considered in exceptional circumstances subject to ALL other pre-employment checks being satisfactorily completed (such as Davies Learning Solutions Training Vetting and Screening results, references, medical form, qualification checks, etc.)

A Risk Assessment must be completed, in order to ensure that the decision-making process is clear and consistent.

Once the DBS confirmation is completed, if the appointment is confirmed, the form should be kept in the employee's personal file.

18. Appendix I

1.1 External Speakers Policy

Davies Learning Solutions occasionally invite speakers from our wider community to give talks to enrich our apprentice's experience of the working environment, providing them with information that helps them make decisions at different phases of their development, widening their understanding of world and global issues and providing motivational inspiration through the sharing of a speaker's experience.

Our responsibility to our apprentices is to ensure that they can critically assess the information they receive as to its value to themselves, and that the information is aligned to the ethos and values of Davies Learning Solutions and British Values of democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs.

The purpose of this policy is to set out Davies Learning Solutions legal obligations when using Visiting Speakers and to set out the standards of behaviour expected from Visiting Speakers. This policy was therefore drawn up having had regard to the Government's Prevent Duty guidance and the organisations wider safeguarding obligations. The "Prevent" statutory guidance (The Prevent Duty: Departmental advice for schools and childcare providers", DfE, June 2015) (<https://www.gov.uk/government/publications/Prevent-duty-guidance>) requires training providers to have clear protocols for ensuring that any visiting speakers whether invited by staff, learners or employers, are suitable and appropriately supervised.

The protocols are:

- All visiting speakers to have a nominated point of contact at DAVIES LEARNING SOLUTIONS (the Organiser)
- The organiser at Davies Learning Solutions must gain written permission from SMT well in advance of the visit.
- The Organiser must send a copy of the Guidelines for Visiting Speakers to the speaker in advance of their visit.
- The Organiser must conduct research on the person/organisation to establish whether they have demonstrated extreme views/actions – a biographical internet search will usually be suitable, this to be submitted to the Compliance Manager
- Staff must refuse to allow people/organisations to use organisations premises if they have links to extreme groups or movements. Justification of the Boards decision will be provided to the person/organisation in writing

- The Compliance Manager will keep a formal register of all visiting speakers. Any information gathered will be kept in accordance with Davies Group GDPR/Data Protection Policy.
- Visitors to provide photo ID upon arrival at the event and the organiser should check this and verify the Speaker's identity.
- Visiting speakers are to be accompanied at all times and are not to be left unsupervised.

19. Appendix J

Anti-harassment and anti-bullying policy and procedure

1.1 Policy Statement

We are committed to the principles of equal opportunities and respect for individuals in creating and maintaining an inclusive environment. We value and celebrate diversity, seeing this as critical to achieving our strategic aims and long-term success. We work to recruit and develop staff and students from a wide range of backgrounds and promote an inclusive culture where:

- We provide a supportive and inclusive learning, working and social environment in which everyone feels that they are valued and can work to achieve their potential.
- We treat all staff and students fairly and equally, and with dignity and respect; and
- The opportunities we provide are open to everyone, and decisions are based on merit and not on people's personal circumstances.

We will not tolerate bullying or harassment of one member of the Davies Learning Solutions community by another, and aim to provide an environment where people know that we take such allegations seriously and we all have the confidence to report harassment or bullying without fear of victimisation.

This policy applies to employees, students and anyone else directly working on our behalf.

1.2 Guiding Principles

If you believe that you, or someone else, are being harassed or bullied by another employee, student, visitor or contractor, we will provide support to investigate the allegations and deal with any behavior we find to be unacceptable.

We use the following guiding principles to help us provide an appropriate solution as soon as possible.

We will provide access to support to try to allow early action and an informal solution to the problem wherever possible. Where this is not effective or appropriate, it may be necessary to take formal action.

- Witnesses, as well as people who are the victims of harassment or bullying, can raise a concern under this policy.
- Our procedures have been developed to try to avoid people feeling that they have no course of action other than to make a formal complaint, and to make sure people are not asked to repeat information unnecessarily.
- As well as the internal Davies Learning Solutions procedures and remedies for dealing with any harassment and bullying, people responsible for such behaviour may be breaking the law and may be prosecuted in the courts.
- We will consider the severity of cases of harassment and bullying and decide whether to refer the matter to the police in line with the [Protection from Harassment Act 1997](#).
- If a case is being investigated by the police, we will suspend any internal proceedings until after the outcome of their investigations.
- When dealing with cases of alleged harassment or bullying, we will keep to the [Data Protection Act 2018](#). We will handle information sensitively and discreetly, and only reveal it to those who need it for the purposes of considering the case. If we decide to take formal action, we will reveal it to the person (or people) responsible for the behaviour the complaint is about.

We can take disciplinary action against people who are found to have made complaints based on information they knew to be false, or with malicious intent. This action could include dismissing employees or expelling students. We will not take this action against anyone who makes a complaint in good faith, even if that complaint is not upheld.

1.3 Applying this Policy

This policy applies to Davies Learning Solutions employees and apprentices and affects the working, learning and social environment of our organization. It can include the way employees and students behave towards each other outside Davies Learning Solutions. It can also include behavior towards people who are not members of the Davies Learning Solutions, such as applicants, contractors, and members of the public who visit our sites or use our services.

As part of our procurement processes, we will draw this policy to the attention of consultants and contractors and make it clear that we will not tolerate harassment of our staff or students. We expect organisations providing work and study placements for our students to make sure that they are aware of our policies, and that they make students aware of any specific policy of their own that they expect students to keep to while working or studying with them.

1.4 Responsibilities

All members of the Davies Learning Solutions , employees, students and anyone working on our behalf have a duty to make sure that people do not suffer any form of harassment or bullying and that, if they do, they are supported in trying to stop it through informal or formal resolution procedures.

On a day-to-day basis, people who hold positions of authority over others are expected to:

- Make sure that the people they are responsible for, including students and visitors, are aware of this policy and the procedures to follow and to take immediate action if they suspect or identify harassment or bullying, whether or not a formal complaint has been made;
- Work to promote a positive and inclusive work and study environment through setting a good example to others and doing their best to treat everyone with dignity and respect; and
- Complete any specific extra training they need to help them to follow this policy effectively.

All employees and students are expected to:

- Encourage a person who says they have been bullied or harassed to contact a safeguarding officer or other suggested point of contact;
- Be sensitive to the feelings of that person; and
- Not take part in, and actively discourage other people from taking part in, gossip about cases of alleged or actual harassment or bullying.

Definitions of harassment and bullying and victimisation

1.1 Harassment

The Equality Act 2010 defines harassment as being ‘unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual’.

The Equality Act 2010 bans three types of harassment. These are:

- a) Harassment related to the ‘protected characteristics’ (as defined by the Equality Act 2010);
- b) Sexual harassment; and
- c) Treating an employee or student less favorably because he or she rejects sexual harassment related to sex or gender reassignment or submits to it (tolerates it or allows it to happen).

1.2 Bullying

Bullying can be described as threatening, abusive, intimidating, undermining or insulting behaviour that may be an abuse of power, position or knowledge. What one person may consider as bullying behaviour may be viewed as no more than firm management or strong personality by another, and so may sometimes be difficult to define. However, inappropriate behaviour that leads to other people becoming stressed, demotivated or frightened is unacceptable.

1.3 Victimisation

Victimisation is when a person is mistreated because they have made, or intend to make, a complaint of discrimination (including harassment or bullying) or have helped another person to make a complaint under the Equality Act 2010 by providing evidence or information. Victimisation can count as unlawful discrimination and result in disciplinary action, regardless of the outcome of the original complaint.

1.4 Hate-crime incidents and reporting

We will not tolerate homophobic, biphobic, transphobic, racist or disablist hate incidents. This includes racial hatred, encouraging racial hatred, and any form of violence or encouraging violence. We have separate procedures for reporting and responding to any alleged hate incidents or hate crime related to racism, biphobia, transphobia and homophobia (this is not an exhaustive list) whether this takes place.

If you are the victim or a witness of hate crime, we encourage you to report the incident using the online form which is available for employees and students on our website. You do not have to give your name. Printed copies of the form are also available from our Head Offices. You may also want to contact the Senior Management Team, or the Safeguarding Officer.

1.5 Reporting and Monitoring

Senior Management monitor informal complaints and their outcomes confidentially and anonymously. They never record any information on the monitoring forms which would allow any individual to be identified. The DSL will analyse the monitoring forms to monitor the success of the informal complaints procedure and identify any areas of particular concern. This means that, even if a complaint of harassment or bullying is not taken further, the complaint will still have been recorded in a way which makes sure your details are kept confidential. In circumstances where bullying and harassment claims are dealt with through other procedures and methods, we will record the details in line with the relevant procedure. We will work with other organisations, such as the police, to support people to report hate crime.

1.6 Further information and contact details

If you need more information or advice about this policy, please contact the Designated Safeguarding Lead on:

Phone: 0208 304 3666

Email: safeguarding@davies-group.com

Further information on the definitions of harassment and bullying and associated behaviour

1.1 Harassment

The Equality Act 2010 defines harassment as being ‘unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual’.

The Equality Act 2010 bans the following three types of harassment.

- a) Harassment related to the following ‘protected characteristics’ (as defined by the Equality Act 2010):
 - Age;
 - Disability;
 - Race;
 - Sex;
 - Sexual orientation
 - Gender reassignment;
 - Marriage and civil partnership
 - Religion or belief; or
 - Sexual orientation.
- b) Sexual harassment.
- c) Treating an employee or apprentices favourably because he or she rejects sexual harassment related to sex or gender reassignment or submits to it (tolerates it or allows it to happen).

Behaviour that is acceptable to one person may be unwanted by another. When assessing whether behaviour is harassment, we must look at if the behaviour, whether unintentional or deliberate, is unacceptable to the person on the receiving end and would be judged as

harassment by any reasonable person. The word 'unwanted' means the same as 'unwelcome' or 'uninvited'. The person the behaviour is directed toward does not have to expressly object to the behaviour before it is considered to be unwanted.

If the person responsible for the behaviour did not intend to create a negative environment, the behaviour will still be harassment if it has the effect of creating such an environment. When deciding whether behaviour has had a negative effect, we will take account of each of the following.

- The view of the person who made the complaint. For example, whether they feel the behaviour has created an intimidating environment. (This part of the test is a subjective question and depends on how the person who made the complaint regards the treatment.)
- The other circumstances of the case.
- Whether it is reasonable for the behaviour to have the stated effect. This is an objective test.

Whether you are an employee or student, you can make a complaint of harassment if you find behaviour offensive and it relates to a protected characteristic. This applies even if the behaviour is not directed at you. You do not need to have the relevant characteristic yourself to make a complaint.

The Equality Act also protects people from harassment because of perception and association. This means it is still harassment even if the person does not have the characteristic but is wrongly considered to have the characteristic or is harassed because of their association with someone who has the characteristic, such as a family member, friend or partner.

Harassment may take many forms and includes behaviour related to a protected characteristic. However, harassment is not always related to any of the above.

Examples of behaviour which is likely to be considered harassment are given below. This is not a full list, and we will view other forms of harassment equally seriously.

- Behaviour of a racist, sexist, homophobic, biphobic, transphobic, ageist or disablist nature.
- Any behaviour or abuse which may cause distress, such as name-calling, ridicule, insults, jokes, graffiti, physical abuse.
- Abuse through email, texts, websites or social media.
- Invading someone's personal space.
- Displaying offensive material. This can be on paper or electronically (for example, on social media).

- Spreading malicious rumours or insulting someone (particularly because of that person's age, race, sex, disability, sexuality, religion or belief, or because they are transgender).
- Preventing other people from progressing by deliberately blocking their educational progress or training and development opportunities or promotion.
- Intentionally isolating or excluding someone.
- Persistent, unwelcome contact, which may include text messages, emails, phone calls, gifts, letters, and calling at a person's home or place of work or study.
- Stalking.
- Offensive sexual behaviour such as suggestive looks, leering and remarks (including on social media and electronic communication devices), offensive flirting, unwanted physical contact, unwanted sexual advances or demands for sex and compromising invitations.
- Offers of favourable treatment in return for sex (or threats of disadvantage if the person refuses).
- Making it public that someone is gay, lesbian, bisexual or transgender when they would prefer to keep this information private (known as 'outing').
- Drawing unwelcome attention to, or abusing someone's, religious beliefs.

1.2 Bullying

Bullying can be described as threatening, abusive, intimidating, undermining or insulting behaviour that may be an abuse of power, position or knowledge. What one person may consider as bullying behaviour may be viewed as no more than firm management or strong personality by another and so may sometimes be difficult to define. However, inappropriate behaviour that leads to other people becoming stressed, demotivated or frightened is unacceptable.

Bullying can take many forms, and we consider all types to be equally serious. We have given a number of examples below.

- Overbearing supervision, shouting, or verbal, written, online or other published abuse.
- Abuse of power or behaviour that causes fear or distress for others.
- Academic bullying, for example, asserting a position of intellectual superiority in an aggressive, abusive or offensive way, including by electronic media (for example, by email or on social media).
- Deliberately undermining someone by not allocating work fairly or constantly criticising them.

- Inconsistent management style where some people are favoured more than others.
- Public ridicule, sarcasm or humiliation.

1.3 Procedures for employees' informal action

If possible, you should make it clear to the person causing the offence that the behaviour is unacceptable and ask them to stop. It may be helpful to talk to the safeguarding officer before approaching the person. A colleague or the safeguarding officer may accompany you to a meeting with the person causing the offence. In some cases this will be enough to deal with the situation.

If you are not able to speak to the person concerned, or if the behaviour continues after you have spoken to them, you should keep a note of details, dates, times, circumstances and witnesses, including a note of any ways in which the incidents have caused a change to patterns of work. A safeguarding officer could help with this.

If you do not want to approach the person concerned, we will not interpret this to mean that the behaviour is acceptable, and it will not affect the outcome of your complaint. If you are not able to approach the person, or if you have tried but this has not been enough to deal with the issue, you should talk informally to any one of the following.

- A trained Designated Safeguarding Officer
- Safeguarding Lead
- Your manager
- A Director
- An employee relations specialist
- HR

Sometimes it may not be appropriate for your manager to act as an advisor. If this is the case we will support you to find someone else to advise you.

Any discussion with a person listed above will be confidential and we will not take any further action without your permission, unless your safety or the safety of others is at risk, in which case you will be fully involved in the process. If we do take further action, the person you initially asked for advice will normally continue to offer support throughout the process.

If this informal discussion does not help to deal with the issue, you (and the person who is supporting you if this is what you want) should consult your manager or an employee relations specialist, if they are not already involved, for more guidance on options for dealing with problems through the grievance procedure. You can do this in person or in writing.

If the person responsible for the unacceptable behaviour is a student, the manager or the director will involve that student's head of school in the discussions. The matter may then be dealt with informally or the next step may be to start formal action, which we would normally only do with your permission.

If the person responsible for the alleged behaviour is a contractor or third party, we will work with our safeguarding team to deal with the concerns informally or formally.

1.4 Formal action

In situations where informal action has not been successful or where informal action is not appropriate, we may take formal action. For an employee, this would be through the Grievance procedure. We will tell the Director what steps we have already taken as part of the informal action to reduce the need for victims and witnesses of harassment and bullying to repeat information unnecessarily.

20. Appendix K

Suicidal Disclosure Statement and Policy

Davies Learning Solutions are committed to ensuring that support for apprentice's mental health is comprehensive and includes information on how to support apprentices who are at risk of self-harm. A report released in 2020 identified that construction workers are over three times the national average more likely to commit suicide. The organisation Papyrus – Prevention of Young Suicide also reports that suicide is the single most significant factor of death rate for the under 35's in the UK and who are campaigning for a change in the law to provide more support for young people. Along with our other learners who may be susceptible to mental health issues and the ongoing impact of COVID-19, we therefore have created a robust suicidal disclosure process in place and is included as part of our full safeguarding and prevent handbook 2021.

Staff CPD

All employees of Davies Learning Solutions will be required to complete the non-regulated Mental Health Awareness training within two weeks of their employment commencement date. By completing the training, a member of our team will have a robust understanding of suicide, early intervention, and suicide postvention. In addition to our Designated Safeguarding Lead, deputy and safeguarding team, we also have 2 qualified Mental Health First Aiders at any given time to support our team in dealing with mental health concerns and learner suicidal disclosures. Our safeguarding team and first aiders are:

Sam Keene Samantha.keene@davies-group.com 07423585276
Aaron Jefferies aaron.jefferies@davies-group.com 07760736568

All staff will undertake relevant updates and refresher opportunities after their first-course suicidal disclosure attendance on an annual basis. Comprehensive training will contain information on health and wellness, including emotional, behavioural and social skills development. Our teams are all trained not to make promises of confidence when they are concerned about an individual's personal safety or risks of self-harm. Staff, employers and apprentices who have been identified as requiring specific targeted support and interventions will be referred to one of our qualified Mental Health First Aiders or Group HR as appropriate.

Responsibilities and Reporting Processes

All staff are responsible and take responsibility for safeguarding the health and safety of each apprentice and fellow colleagues this includes our obligations to the Prevent Duty. All staff are expected to exercise sound professional judgment, carefully consider being cautionary and demonstrate extreme sensitivity and diplomacy throughout any crisis or intensely worrying and potentially harmful situation/incident/concern.

Any staff member who is made initially aware of any threat or witnesses any attempt towards suicide or self-harm that is written, drawn, spoken or threatened, will immediately notify the person responsible for Safeguarding DLS or deputy. Any concern or potential threat of any form must be treated as imminent, real and dealt with immediately. No person demonstrating suicidal tendencies should be left alone, nor confidences promised in relation to the situation. Take very careful action if needed and consider the impact of how you behave. In cases of a life-threatening situation, a person's confidentiality will have to be immediately waived.

Suicide Crisis Response Procedures

Threat Definition – A suicide threat is a verbal or non-verbal communication that the individual intends to harm themselves with the intention to die but has not acted on the threat.

The staff member who learns of a threat will accompany in whatever capacity they can remote or face to face and arrange for or provide constant supervision until professional help is available. If the staff member has received their training and is a Mental Health First Aider, they may use these skills to support the person and keep them 'safe for now'.

If the person at risk is an employee, learner or visitor, the Designated Safeguarding Officer will contact Group HR in the first instance who will provide support and guidance and contact the person at risk's emergency contact, e.g. partner, parent, carer, other.

Suicidal Act or Attempt Definition

Suicidal act (also referred to as suicide attempt) – a potentially self-injurious behaviour for which there is evidence that the person probably intended to kill themselves; a suicidal act may result in death, injuries, or no injuries.

The first staff member on the scene must call for help from another staff member, locate the individual where possible (if over the telephone), and contact emergency services 999. The crisis must then be reported to the DSL or in case of a member of staff their Line Manager. Staff members should move (verbally, not physically) all other persons out of the immediate area and arrange appropriate supervision if needed. Others should not be allowed to observe the scene.

Postvention

The DSL will promptly follow up with any staff who may have witnessed the attempted suicide or threat, with appropriate support from Group HR; Professional help will be sought and implemented as necessary. Should the staff member choose to decline immediate support, they will be monitored for signs of post-trauma and re-offered support as and when needed. Support may include but is not exclusive to: HR welfare checks, referral to counselling via the Employee Assist Programme, MHFA, therapy, increased supervision from the line manager or other appropriate and reasonable intervention.

Media representatives should be referred to the COO of Learning Solutions for a public statement should this be needed.

Reporting and Review Channels

Monthly safeguarding reports will include suicidal disclosure concerns and cases with full underpinning tracking, recording and monitoring for managing each case, interventions and support, where relevant.

These will go to governance and SLT for oversight and review of support and impact on the person concerned. The reports will be held in a confidential section of our Safeguarding folder on SharePoint and only accessed by relevant personnel in the safeguarding team or on request from the board or SLT.

****A review of this policy must also be undertaken following any suicide attempt or completion.****

All correct reporting channels and processes must be followed with no exception.

Support, advice and guidance:

[Samaritans](#) – for everyone

Call 116 123

Email jo@samaritans.org

[Campaign Against Living Miserably \(CALM\)](#)

Call 0800 58 58 58 – 5pm to midnight every day

Visit the [webchat page](#)

[Papyrus](#) – for people under 35

Call 0800 068 41 41 – 9am to midnight every day

Text 07860 039967

Email pat@papyrus-uk.org

[Childline](#) – for children and young people under 19

Call 0800 1111 – the number will not show up on your phone bill

[SOS Silence of Suicide](#) – for everyone

Call 0300 1020 505 – 4pm to midnight every day

Email support@sosilenceofsuicide.org

Message a text line

[Shout Crisis Text Line](#) – for everyone

Text "SHOUT" to 85258

[YoungMinds Crisis Messenger](#) – for people under 19

Text "YM" to 85258

Government advice

<https://www.gov.uk/government/collections/suicide-prevention-resources-and-guidance>

Appendix L

Response to COVID

1.1 Policy Statement

We are committed through our delivery, operational and client relationship management teams to continue to provide a consistently high quality service and support to all of our apprentices on programme. We encourage and welcome comments and feedback from our apprentices to ensure that we continue to provide a high-quality of education, curriculum offer and education. We have updated various policies to incorporate safe working practices while apprentices are WFH and will give support, advice and guidance where necessary. The full Response to COVID policy statement can be found on the Intranet.

1.2 Roadmap out of COVID

As an independent training provider we will closely follow the operational guidance outlined by the Education & Skills Funding Agency:

<https://www.gov.uk/government/publications/coronavirus-covid-19-maintaining-further-education-provision/further-education-coronavirus-covid-19-operational-guidance>

Although classroom based education has successfully returned, as a work-based training provider, we find the majority, if not all, of our apprentices remain working from home. Our employers are currently reviewing their working policies, with some proposing to move to complete home working, some with an agile working arrangement (with a mix of office and

home-based working) and others a return to the office. We expect the majority of our employers will adopt an agile working arrangement and it is important that we remain adaptable with our Apprenticeship delivery and changing working arrangements.

The below outlines our proposed roadmap out of COVID and the progress made at the point of this policy being published:

- Step 1: Staff consultation
- Step 2: New office space
- Step 3: Employer and Apprentice task force group
- Step 4: Delivery model steering group
- Step 5: Development of digital platforms
- Step 6: Remain adaptive and agile

Steps 1 & 2 – Staff consultation & new office space

At Davies Learning Solutions, our workforce remains home working and our office closed. In Feb 21 we invited our pre COVID office-based staff to undertake a survey and provide their views around future working arrangements. Following this consultation with our staff, and aligning to Davies Group strategy, we will be offering our staff an agile working arrangement, where they can either work from home or the office. Staff will be able to book hot desks on the days which they are attending the office and in agreement with their line manager can choose the relevant balance between home and office working.

New offices are being considered (in the same location as existing office) to accommodate a more flexible working space including hot desks, informal meeting/break out areas and meeting rooms. We will not reopen our office until it is considered safe to do so and aligned to both government recommendations and Davies Group policy.

Step 3: Employer and Apprentice task force groups

In March 21, we held remote Employer and Apprentice task force group meetings to gain their insight into their working arrangements as they come out of COVID and also their preferences around our Apprenticeship delivery model. Prior to COVID-19 we delivered our Apprenticeship programmes via face to face coaching sessions and workshops. We provide this delivery now 100% remote, employers have enjoyed the flexibilities that this has brought and have expressed interest in a more hybrid and blended model of remote and face to face delivery.

The insights gained from these sessions are currently being collated and a report will be circulated to Board to consider as part of shaping our future delivery model.

Step 4: Delivery model steering group

In addition to gaining employer and apprentice insight and preferences, we also established a staff delivery model steering group. The aim of this group is for staff to put forward their experiences of delivering over the COVID 19 period and recommend delivery model improvements/methods moving forwards. This activity is being treated as a distinct project

with SMT involvement and ownership. A nominated Quality Managers will report and present the final recommendations from this group to board, which will be considered alongside employer and apprentice insight to shape our future delivery model.

Step 5 Development of digital platforms

Davies Learning Solutions has invested in two new platforms. The first is a learning experience management system called Thrive. This was launched during COVID and provides a strong structure and area for our digital learning content to be housed and accessed by apprentices. Apprentices follow learning pathways and are signposted to content by their coaches, as well as having the option to explore the content themselves.

The second platform is currently being implemented and due to launch for the start of the new academic year. It will offer a new MIS and ePortfolio system called Aptem and will replace Tracker & OneFile. This will provide a strengthened apprentice and coach experience and provide a greater level of real time reporting and progress recording, tracking and monitoring.

These two platforms allow for a digital learning experience for our apprentices with our coaches/tutors still at the heart of the delivery providing regular coaching sessions and workshops to bring the learning and content to life.

These platforms will be fully embedded within our new delivery model and also provide opportunity for social learning within cohorts.

Step 6 Remain adaptive and agile

Davies Learning Solutions will remain adaptive and agile in response to changing and emergent working and learning environments. Through continued consultation with our employers, apprentices and staff and by responding to government and Davies Group guidance and policies, we will ensure that we are keeping everyone safe whilst at the same time providing the best possible learning experience for our apprentices.

Appendix M

Social Justice Statement

Justice is the concept of fairness. *Social justice* is fairness as it manifests in society. That includes fairness in healthcare, employment, housing, and more. Discrimination and social justice are not compatible. Now, social justice applies to all aspects of society, including race and gender, and it is closely tied to human rights. **Social justice** is the view that everyone deserves equal economic, political and **social** rights and opportunities.

Davies Learning Solutions are committed through our delivery, operational and client relationship management teams to ensure that staff are aware of the **five** main **principles** of

social justice include access to resources, **equity**, participation, diversity, and human rights and that apprentices treated fairly.

Appendix N

Gender Reassignment Statement

Gender reassignment

The Equality Act 2010 says that you must not be discriminated against because you are transsexual, when your gender identity is different from the sex assigned to you when you were born. For example:

- a person who was born female decides to spend the rest of his life as a man

In the Equality Act it is known as gender reassignment. All transsexual people share the common characteristic of gender reassignment.

To be protected from gender reassignment discrimination, you do not need to have undergone any specific treatment or surgery to change from your birth sex to your preferred gender. This is because changing your physiological or other gender attributes is a personal process rather than a medical one.

You can be at any stage in the transition process – from proposing to reassign your gender, to undergoing a process to reassign your gender, or having completed it.

The Equality Act says that you must not be discriminated against because:

- of your gender reassignment as a transsexual. You may prefer the description transgender person or trans male or female. A wide range of people are included in the terms 'trans' or 'transgender' but you are not protected as transgender unless you propose to change your gender or have done so. For example, a group of men on a stag do who put on fancy dress as women are turned away from a restaurant. They are not transsexual so not protected from discrimination
- someone thinks you are transsexual, for example because you occasionally cross-dress or are gender variant (this is known as discrimination by perception)
- you are connected to a transsexual person, or someone wrongly thought to be transsexual (this is known as discrimination by association)

Intersex people (the term used to describe a variety of conditions in which a person is born with a reproductive or sexual anatomy that doesn't fit the typical definitions of female or male) are not explicitly protected from discrimination by the Equality Act, but you must not be discriminated against because of your gender or perceived gender. For example:

- if a woman with an intersex condition is refused entry to a women-only swimming pool because the attendants think her to be a man, this could be [sex discrimination](#) or [disability discrimination](#)

Different types of gender reassignment discrimination

There are four types of gender reassignment discrimination.

Direct discrimination

This happens when someone treats you worse than another person in a similar situation because you are transsexual. For example:

- you inform employer that you intend to spend the rest of your life living as a different gender. Your employer transfers you off your role against your wishes because they don't want you to have client contact

Absences from work

If you are absent from work because of gender reassignment, your employer cannot treat you worse than you would be treated if you were off:

- due to an illness or injury. For example your employer cannot pay you less than you would have received if you were off sick
- due to some other reason. However in this case it is only discrimination if your employer is acting unreasonably. For example, if your employer would agree to a request for time off for someone to attend their child's graduation ceremony, then it may be unreasonable to refuse you time off for part of a gender reassignment process. This would include, for example, time off for counselling

Indirect discrimination

Indirect discrimination happens when an organisation has a particular policy or way of working that puts transsexual people at a disadvantage.

Sometimes indirect gender assignment discrimination can be permitted if the organisation or employer is able to show that there is a good reason for the discrimination. This is known as objective justification. For example:

- a local health authority decides that it will not fund breast implants. As a result the health authority refuses to provide this treatment for a woman undergoing gender reassignment even though she considers it essential to make her look more feminine. The same policy is applied to all women but puts transsexuals at a greater disadvantage. The health authority may be able to justify its policy if it can prove that it has legitimate reasons

Harassment

Harassment is when someone makes you feel humiliated, offended or degraded because you are transsexual. For example:

- a transsexual woman is having a drink in a pub with friends, the landlord keeps calling her 'Sir' and 'he' when serving drinks, despite her complaining about it

Harassment can never be justified. However, if an organisation or employer can show it did everything it could to prevent people who work for it from behaving like that, you will not be able to make a claim for harassment against it, although you could make a claim against the harasser.

Victimisation

This is when you are treated badly because you have made a complaint of gender reassignment related discrimination under the Equality Act. It can also occur if you are supporting someone who has made a complaint of gender reassignment related discrimination. For example:

- a transsexual is being harassed by a colleague at work, he makes a complaint about the way his colleague is treating him and is sacked

Circumstances when being treated differently due to gender reassignment is lawful

A difference in treatment may be lawful if:

- an organisation is taking [positive action](#) to encourage or develop transsexuals to participate in a role or activity in which they are under-represented or disadvantaged
- the circumstances fall under one of the exceptions to the Equality Act that allow organisations to provide different treatment or services
- competitive sports: a sports organisation restricts participation because of gender reassignment. For example, the organisers of a women's triathlon event decide to exclude a trans woman. They think her strength gives her an unfair advantage. However, the organisers would need to be able to show this was the only way it could make the event fair for everyone
- a service provider provides single-sex services. If you are accessing a service provided for men-only or women-only, the organisation providing it should treat you according to your gender identity. In very restricted circumstances it is lawful for an organisation to provide a different service or to refuse the service to someone who is undergoing, intends to undergo or has undergone gender reassignment