

## Focus Fitness – Safeguarding & Prevent Policy

### What are the key policy principles?

Focus Fitness UK is committed to ensuring its safeguarding practices reflect statutory responsibilities, government guidance and comply with best practice and requirements.

Focus Fitness UK recognises that the welfare and interests of children and young vulnerable adults are important in all circumstances, regardless of age, gender, religion or beliefs, ethnicity, disability, sexual orientation or socio-economic background.

### Focus Fitness UK - People Responsibilities

Employees/Learners are responsible for:

- Ensuring that you are fully aware of this policy, so when you believe there is a need to notify us of such an incident you immediately inform the safeguarding lead or necessary authorities within the organisation.

Tutors / Assessors are responsible for:

- Warranting you fully understand the details of this policy to take the appropriate action and inform the Education/IQA Manager, and the necessary authorities when considered appropriately.

The Education/IQA Manager are responsible for:

- Full compliance
- Undertaking and completing a full investigation on any issues or concerns raised
- Reporting any incident to the necessary authorities

### What is the process?

#### 1. Our commitment

All our employees who work with learners have a crucial role to play in their learner journey. You have a unique opportunity to interact in ways that are both affirming and inspiring. This policy has been produced (and is supported by Information, Advice and Guidance), to help you to establish safe and responsive environments which safeguard all individuals and reduce the risk of you being unjustly accused of improper or unprofessional conduct.

We all have a duty of care to safeguard and promote welfare, and to enhance awareness of the broader welfare spectrum, specifically the issues facing young people in today's society. Staff members are to report any signs of learners who are vulnerable, suffer from neglect and abuse to the Designated Safeguarding Officer.

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Sponsor:	Dana Gunpath – Operations Director
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## 2. Objectives

The aim of the policy is to ensure you are aware of, and understand, your responsibilities. This means understanding the responsibility of others, and recognising signs that might be a safeguarding concern, along with knowing the reporting procedures for all safeguarding issues.

## 3. Scope

This policy covers the safeguarding of Children and Adults at risk, learners within our delivery, learners within any subcontracted provision, and those in settings where we practise who fall into the category of child or an adult at risk.

It is inclusive of specific highlighted safeguarding agenda areas – as defined by law, and in the wider context all our students and learners. This policy also aligns our compliance with the Government Prevent strategy.

## 4. Historical Abuse

When allegations of historical abuse are made this policy and procedure should also be followed.

## 5. Key Contacts

**Lead Designated Safeguarding Officers:** Matt Brown and Dave Donnellan

**Email:** [safeguardingofficer@focusfitnessuk.com](mailto:safeguardingofficer@focusfitnessuk.com)

**Contact No:** 020 8920 2114

## 5. Definitions

**Safeguarding** is the action that is taken to promote the welfare of children and protect them from harm (NSPCC) and can also apply to vulnerable adults over the age of 18. The Safeguarding Agenda includes a wide range of potential issues:

- Abuse (physical, emotional, financial, institutional, sexual, organisational)
- Self-neglect
- Discrimination
- Child sexual exploitation
- Bullying & cyberbullying
- Substance misuse
- Fabricated or induced illness
- Faith abuse
- Forced marriage
- Gang and youth violence
- Private fostering
- Female genital mutilation (FGM)
- Gender based violence

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- Radicalisation
- Sexting
- Teenage relationship abuse
- Mental health concerns

A 'child' is defined as anyone under the age of 18 including unborn children right up to teenagers (UK government guidance: 'Working together')

An 'adult at risk' (previously 'vulnerable adult') is defined as any person over the age of 18 and at risk of abuse or neglect because of their need for support or their personal circumstance.

Alongside the Safeguarding Agenda above, this could be due to, and not limited to any of the following:

- Living in sheltered housing
- Receiving any form of healthcare
- Receiving a welfare service to support their need to live independently
- Receiving a service due to their age or disability
- Living in residential accommodation such as a care home
- Receiving domiciliary care in their own home

While the definitions of a child and adult at risk give the rationale for legislative intervention, it is important to note that an individual may be deemed at higher risk of a safeguarding issue affecting them due to other factors, examples:

- Poor numeracy and literacy skill, or specific learning need
- Unsupportive home environment
- English not a first language
- Unsupportive employer
- Under-represented group
- Acting as a carer for another family member
- Background in offending
- Disability or social need

## 6. Our responsibility

We all have a responsibility to ensure that children, young people and adults at risk are protected from harm, informed about potential risks to their welfare, and understand how to seek help.

We must ensure all concerns are dealt in a timely manner and appropriately. We also have a responsibility to minimise the risk of allegations against you.

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All staff are expected comply with any DBS check request and to have a good understanding of what constitutes a safeguarding or welfare concern and how to provide support and guidance in such instances, and the channels for escalating a concern.

To assist you in this, on-going training and awareness, as well as continuous information, advice and guidance will help you to feel confident in proactively promoting safeguarding and understanding your individual responsibilities.

The responsibilities of Focus Fitness UK Staff and Supervisory Board are detailed below:

- Our Directors - to ensure we have effective policies.
- Our Governance Supervisory Board - to ensure policies are implemented and followed, and sufficient time and resources are allocated to employees to carry out their responsibilities.
- Our Designated Safeguarding Lead - to carry out investigations where appropriate into welfare concerns reported and liaise with external bodies such as the safeguarding board where appropriate. Overall recording and management of safeguarding issues and report on any issues that arise. Review procedures and policies on a timely basis. Maintain own CPD to ensure their role can be fulfilled competently.
- Our Tutors/Assessors/Staff - to check safety and welfare with all learners at each visit/communication, ensuring learners complete all safety-related learning activities within their programme.

The responsibilities of Learners are detailed below:

- Learner must be mindful of indicators and that there may be a safeguarding issue – see Appendix A, and, if required, to follow the procedure - our flowchart for reporting issues that concern them or are reported to them (see Appendix A). To carry out training as directed by the safeguarding team in a timely manner.

## 7. Safer Recruitment

Focus Fitness UK carries out a safe recruitment process and ensures that all appropriate checks are carried out on new staff that will work or encounter children and adults at risk in line with the Disclosure and Barring Service requirements. See resourcing policy for further detail on recruitment procedures.

### 7.1 Disclosure and Barring Service Checks

The Disclosure and Barring Service (DBS) is an executive agency of the Home Office and its primary purpose is to help employers make safer recruitment decisions and appointments. By conducting checks DBS helps to identify applicants who may be unsuitable for certain work and positions, especially those involving contact with children or adults at risk. Depending on the type and regularity of contact with

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children or adults at risk involved in a particular role, employers are entitled to make appropriate types of enquiry about the applicant's criminal record and seek a disclosure through a DBS check.

Focus Fitness UK undertakes different types of criminal records checks depending on the role applied for:

1. **Standard DBS check:** this will be for positions that are included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975. This type of check contains details of individual's convictions, cautions, reprimands or warnings recorded on police central records and includes both 'spent' and 'unspent' convictions that will be shown on a criminal records check.
2. **Enhanced DBS check:** this will be for positions included in both the ROA 1974 Exceptions Order and in the Police Act 1997 regulations. This type of check contains the same details as the standard check plus any information held locally by police forces that it is reasonably considered to be relevant to the post applied for.
3. **Enhanced DBS & barred list check (child):** an enhanced check with information from the DBS' children's barred list is only available for those individuals engaged in regulated activity with children and a small number of posts as listed in the Police Act 1997 regulations.
4. **Enhanced DBS & barred list check (adult):** an enhanced check with information from the DBS' adults barred list is only available for those individuals engaged in regulated activity with adults and a small number of posts as listed in the Police Act 1997 regulations.
5. **Enhanced DBS & barred list check (child and adult):** an enhanced check with information from the DBS' children and adults barred list is only available for those individuals engaged in regulated activity with both vulnerable groups including children and a small number of posts as listed in the Police Act regulations.

## 7.2 When and What Type of DBS Check is Appropriate

Even where a post has some contact with children or adults at risk, the definition of 'regulated activity' may not be fully satisfied, but, in order to safeguard our learners, any unsupervised contact with learners will result in an enhanced DBS check with child barred list.

The Safeguarding Vulnerable Groups Act 2006 (amended by the Protection of Freedoms Act 2012) defines what types of activities involving children and adults at risk are regulated and therefore require barring list checks.

'Regulated Activity' is a term that defines activities that an individual engages in. The criteria for regulated activity differs for adult and children as detailed below:

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## Children

- Regular activity (once per week or 4 times over the course of 1 month)
- Unsupervised activity
- Teaching, training, assessing, mentoring based activities - working intensively and closely with a child
- Within specified setting

## Adult

- Aiding in someone's personal affairs or allowing someone else to do so
- Aid with cash, bills and shopping (allowing someone else to or shopping on someone's behalf)

Further advice on types of DBS disclosure and the circumstances in which regulated activity applies can be obtained from the support team.

When the most suitable candidate for the position has been identified, the offer of appointment will be made subject to a satisfactory DBS, right to work, references and qualification checks.

In the instance that the outcome of a DBS check has not been received from the appropriate authority prior to learner visits being carried out, all visits with learners will be supervised by a person whose DBS outcome has been received and approved.

Tutor Assessors and the HR team will be responsible for arranging this supervision.

As a DBS check forms part of our recruitment process, we encourage all candidates to declare anything relevant to the type of disclosure required for the role they applied for. Once an offer has been made, candidates should tell us of any further details of convictions, including those that normally would be considered as spent, cautions or reprimands.

DBS checks have no official expiry date. We will re-apply for the appropriate types of DBS checks as or when required, and our aim is to review on a 3-year basis during employment with Focus Fitness UK.

## 7.3 Confidentiality

Information provided in a DBS disclosure report must be kept confidential and only on a need-to-know basis. Such information will be handled in accordance with Focus Fitness UK's policies on data protection.

We recognise that job applicants and our employees need to feel confident that information about their convictions will not be disclosed to colleagues unless there is a specific reason for doing so. Those involved in recruitment decisions should ensure that when appointing an individual with a conviction, they are advised as to whom within Focus Fitness UK knows of their conviction and the reasons why the information has been disclosed.

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A failure to disclose information relevant to the type of DBS check appropriate to the role (eg, having a criminal record) does not necessarily preclude an individual from working at Focus Fitness UK

The decision as to whether a person with a criminal record should be appointed, or an offer of employment withdrawn, or employment terminated, will be taken only after careful and thorough consideration of the outcome of any DBS check as well as the job and offence-related factors.

A failure to disclose information relevant to the type of DBS check appropriate to the role would be seen by Focus Fitness UK as a breach of trust and confidence. Such acts are considered as gross misconduct and the employee would be invited to a disciplinary hearing with a potential outcome of instant dismissal.

#### **7.4 Exploring the Relevance of Information Provided in the Disclosure Report**

As explained in the previous section, having a criminal record does not necessarily preclude an individual from working at Focus Fitness UK. The decision as to whether a candidate with a criminal record should be appointed, or an offer of employment withdrawn, will be taken only after careful and thorough consideration of the outcome of any DBS check as well as the job offered.

Like the recruitment process, a disclosure of a criminal record will not necessarily lead to termination of employment and the decision will be taken only after careful and thorough consideration of the job and offence-related factors. Any decision to terminate employment would follow our Disciplinary Policy (or Probation). A member of the HR Team alongside the Designated Safeguarding Officer will make an initial assessment of the content of the disclosure report.

#### **7.5 Exploring a Conviction and its Relevance**

All discussions relating to convictions must take place after the selection process has been completed and will involve the line manager and a member of the HR Team and, if appropriate, the Designated Safeguarding Officer. As part of the decision-making process, they will normally meet with the individual to gain more information from the person about the nature and circumstances of any conviction.

The suitability for employment of a person with a criminal record will clearly vary, depending upon the nature of the job and the details and circumstances of any convictions.

The decision will be made based on a risk assessment to enable the applicant's criminal record and circumstances to be assessed in relation to the tasks he or she will be required to perform and the circumstances in which the work is to be carried out.

The following job-related factors should be considered:

- Does the post involve direct contact with learners or the public?
- What level of supervision will the post-holder receive?
- What level of trust is involved? Will the nature of the job present any opportunities for the post-holder to reoffend in the place of work?
- Does the post involve any contact with children or other vulnerable groups of learners or employees?

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- The assessment is also likely to include consideration of the following factors relating to the individual's offence(s):
  - The seriousness of the offence(s) and relevance to the safety of other employees, students, research subjects, the public etc.;
  - The length of time since the offence(s) occurred;

## 8. Refusal of Admission & Termination of Learning

Where there are safeguarding concerns Focus Fitness UK reserves the right to refuse admission to a programme and or terminate their place on a programme to a learner.

Examples of safeguarding concerns may include.

- Conviction or being under investigation for a safeguarding related offence.
- Serious and credible allegations of safeguarding offences
- Attempts to change name or failure to disclose relevant information to Focus Fitness UK that would make a risk assessment possible.
- Any event or issue deemed a safeguarding risk by the Designated Safeguarding Lead or Deputy Designated Safeguarding Lead

Any concerns should be brought to Head of Education & Deputy Safeguarding Lead who can act as follows.

- Terminate the learning without discussion.
- Invite the learner to discuss concerns.
- Allow the learner to continue in learning.
- Allow the learner to continue in learning with appropriate risk assessment and mitigating actions.

At all times Focus Fitness UK will undertake to balance in the rights of the individual with their ability to appropriately keep other learners and staff safe. In event of a conflict between the two, precedence will be given to the ability to safeguard others.

Only staff involved in this process should be aware of the occurrence of this event, Knowledge of the concern should be shared as narrowly as possible.

## 9. Reporting a Concern

If the learner has a concern over their own personal welfare and wellbeing, you are to listen to and record all information given, making no judgement or assumptions and inform the Designated Safeguarding Officer.

All learners are to be informed that if they have a concern over their own personal welfare and wellbeing that they do not feel comfortable talking to their Tutor / Assessor / IAG Team about, they are to contact Focus Fitness UK's Designated safeguarding team

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Contact details for safeguarding team are available in this policy, the information, advice and guidance section in the learner handbook, and on the online learning compliance courses, and the soon-to-be launched welfare cards with additional details on.

If a parent contacts you to report a concern about their child, ensure you listen, and record the details as per a learner reporting a concern to you. Ensure you have contact details for the parent.

You must report the issue to the safeguarding team. A designated officer will then decide the appropriate course of action, and if a referral outside the organisation is appropriate, liaise with the parent as appropriate.

If a learner reports unsafe practices or safeguarding issues to you within their working environment, advise the learner to follow in-house reporting or whistle-blowing procedures. You may support the learner in speaking to the appropriate senior team members. Report the incident to your designated safeguarding officer who will offer additional guidance and signposting for the learner and will monitor.

It is important you do not pass any information to other parties or try to investigate the concern yourself.

If you require an immediate response, call your designated safeguarding officer immediately. It should be noted that the designated officer may not be available out of normal working hours, so in circumstances where the individual is in immediate danger report the incident to the police on 999:

- The designated officer will endeavour to make initial contact with regards the concerns within 72 hours.
- The designated officer will assess if the individual is at risk of significant harm and decide upon the next course of action and complete the relevant documentation. This can range from offering signposting to support agencies to referral to the police and local safeguarding authorities and informing the lead safeguarding officer who may refer to the Prevent duty officer for the region and contact Chanel. This may also involve passing information to the DBS.

## 10. Training and Educating Employees

Each member of the safeguarding team holds a formal safeguarding qualification and undertakes regular CPD events in order to keep updated with legislation and refresh their knowledge.

The training received is continually reviewed to ensure most appropriate and up to date training is given.

Aligning with the mandatory duty surrounding the Government's Counter- Terrorism and Security Act 2015 all staff undertake Prevent training aligning with their role within Focus Fitness UK.

Monthly focus topics are also distributed via these internal communication channels to raise awareness and promote discussion in all areas under the wider safeguarding agenda, including areas such as radicalisation, mental health issues, positive relationships, and staying safe on the internet, which will educate employees alongside giving greater knowledge to be passed onto learners.

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## 11. Keeping Yourself Safe

Maintaining personal safety is also encouraged and the following activities are strictly prohibited:

- Befriending learners on personal social media sites or distributing personal telephone numbers
- Visit learners at home or transporting learners to and from locations
- You will naturally build a rapport with learners and the learners may see you as a confident and support but be sure to maintain professional boundaries whenever carrying out work on Focus Fitness UK's behalf.
- Be respectful of all young and vulnerable people, and appreciate you are in a position of trust. We have the opportunity to listen to their concerns and support them.
- Avoid spending time alone with learners in a closed environment. If this is unavoidable for example during a formal assessment/ examination, ensure a member of the site staff is aware where you are and monitors this.
- Be careful when giving learner advice – as this is based on your opinion, focus support around information (facts) and guidance (signposting).
- If at any point you feel unsafe in a learner's company inform the site manager, your line manager, the designated safeguarding officer and leave the premises.

## 12. Procedure for Responding to Allegations or Suspicions against a Focus Fitness UK member of staff

It is not the responsibility of any staff member or contractor to decide whether or not abuse against a child or adult at risk has taken place. However, there is a responsibility to act on any concerns through contact with the appropriate authorities.

Focus Fitness UK will assure all representatives that it will fully support anyone who in good faith reports their concern that a colleague is, or may be, abusing a child or adult at risk.

Focus Fitness UK will seek social services advice on who should approach the alleged abuser.

Focus Fitness UK understands that it has a duty towards its employees to treat them in a fair and reasonable manner at all times, including if an allegation has been made against them. Consideration will be given to the kind of support those members of staff against whom an allegation of abuse has been made require.

**Where there is a complaint against a member of staff there may be three types of investigation:**

- a criminal investigation
- a child protection investigation
- a disciplinary or misconduct investigation.

The results of the police and child protection or adult services investigation may well influence the disciplinary investigation, but not necessarily so.

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**Action:**

**1. Concerns about poor practice:**

If, following consideration, the allegation is clearly about poor practice, Focus Fitness UK will deal with it as a misconduct issue.

**2. Concerns about suspected abuse:**

Any suspicion that a child has been abused by a representative should be reported to the Lead Designated Safeguarding Officer, or in their absence, the Deputy Safeguarding Officer, who will take such steps as considered necessary to ensure the safety of the child or adult in question and any other child or adult who may be at risk.

Focus Fitness UK will refer the allegation to the social services department which may involve the police or go directly to the police if out of hours.

The parents or carers of the child or carers of the adult will be contacted as soon as possible following advice from the social services department.

Focus Fitness UK will also notify the relevant department who will deal with any media enquiries.

**Associated Policies**

- Equality and Diversity Policy
- Appeals Policy
- Disciplinary Policy
- Social Media Policy

**12. Communicating with Learners – Company and Personal Mobile Phone Policy**

- For safeguarding purposes, the use of personal mobile phones is strictly forbidden when speaking with learners. Personal mobile numbers must not be shared with learners and only company mobile phones or landline in the office.
- Failure to cooperate with this policy will lead to disciplinary action which could include dismissal.

**13. Future Extensions to the Safeguarding Offering**

A dedicated safeguarding officer has been identified and is able to provide both Focus Fitness UK employees and learners with a greater focus on safeguarding and safety of learners.

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## Appendix A

### REFERAL PROCESS CHART

Learner has a concern:

- Over their own personal welfare and wellbeing or unsafe practices or safeguarding issues.
- Over their own personal welfare or has a concern about a learner who has shown some signs of behaving in a way that promotes radicalisation or extremism.
- Observing a safeguarding issue taking place within the working practices of an employer setting.



Learner:

If they have a concern over their own personal welfare and wellbeing that they do not feel comfortable talking to their Tutor / Assessor / IAG Team, they are to contact the designated safeguarding officer.

Safeguarding incidents are recorded (Cause for concern form) and should be reported to in the first instance.

If you require an immediate response call your designated safeguarding officer immediately if they are not available and circumstances where an individual is in immediate danger report the incident to police on 999.



Designated safeguarding officer will endeavour to make initial contact regarding the concern within 72 hours.

Designated safeguarding officer to assess if individual is at risk and complete the next course of action this also includes updating the Safeguarding log.

We are committed to reviewing our policy and good practice annually.

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