

The voice of the Voluntary Arts

Child Protection Part I – An Introductory Guide

Child Protection is important for anyone who works with children. Unfortunately, most organisations and individuals are not careful enough, usually because they feel daunted by the prospect of child protection. However, it is not as difficult and complicated as it may seem and with the correct information and some guidance, good practice will be achieved.

This briefing aims to give you background information on the key issues and legislation that you need to consider whether you are looking to write a policy, have been involved in an incident, or simply want to know more. It also offers guidance as to how to go about shaping your organisation's Child Protection Policy and implementing this policy with appropriate procedures.

Why do you need Child Protection?

Human rights policies are created and implemented in order to ensure that no one is mistreated, harmed or acting in any way that is detrimental to others. These policies aim to ensure that people and organisations adopt good practice and fair attitudes. In addition, a good Child Protection Policy creates a safe environment in which children, young people and vulnerable adults* are listened to and everyone is encouraged to participate.

A word of caution: It is vital to make sure the policy you adopt actually applies directly to your organisation. It is not good practice to copy another organisation's Child Protection Policy and enforce it within your organisation. Each organisation is unique and if you adopt another organisation's policy you may be at risk of not covering issues particular to your activities and goals, and adopting practice that isn't relevant to you. Both could have legal implications. Thus – you need to ensure that the policy you put in place is relevant to you and is both realistic and attainable.

Realise & Consider – a helpful exercise:

This is a useful way of looking at the consequences of bad practices:

1. Imagine all possible situations (abuse, injury, other trauma, etc) that could occur during the time that children are in your environment (festival, theatre, workshop, etc.), and make a list.
2. Take these examples to their farthest possible points in a chain of events (e.g. prosecution, police testimony, case recording).
3. Think about how best practice in writing and implementing your Child Protection Policy could have prevented those incidents and what you may have overlooked, or need to consider, before you begin writing both your policy and the document that sets out its implementation.

Note: Remember that you can never be too careful when it comes to child protection.

Policy and Implementation Procedures: a simple guide

Too often, people rely on official sounding language when writing their Policy and Implementation Procedures. Be careful! Just because something sounds official doesn't mean it's a good policy or appropriate for your organisation. It may not cover everything you need to.

If you are unsure about what to research, consider and write, don't worry. We've compiled several helpful points to help you put together your document.

A: Before writing

- Key things to consider before writing both your Policy and your Implementation Procedures are:
 - Who actually interacts with the children?
 - Who actually watches them?
 - Who actually speaks to them?
 - Who checks the building to make sure that everyone is out?

* Throughout the remainder of this briefing, when the term children/child is used it also encompasses young people and vulnerable adults.



- Who is working in key areas? (canteen, direction, transport)

Note: this list might include people other than your staff, volunteers and casual helpers, (e.g. cleaners, building security, public visitors, etc.) and therefore might not be under your direct control. These people still need to be kept in mind when writing your procedures.

- You and your organisation need to be aware of all that is going on – especially factors which are outside your control (i.e. Is the venue suitable? Are there inappropriate pictures on walls? Is the theatre performance appropriate for the age group?). It will take some consideration to decide how these issues will be handled.
- Write out your policy after considering the following questions:
 - How do you personally, or how does each task (job) interact with the children?
 - How do you go about protecting them?
 - How does this coincide with child protection legislation? (see Legislation).

B: What to write

i) The Policy Statement.

This needs to say how you will deal with child safety and should come at the beginning of your document. Specific actions do not need to be detailed here.

Example statement: *“This Child Protection Policy is provided to parents/guardians/carers in order to ensure that they understand the environment and level and type of supervision provided by our organisation and the venue.”* (NB: The venue may also be open to the public and, if so, should be noted in a primary statement like this).

Note: This is not a suitable statement for all organisations, and it is never good practice to just cut and paste a Policy Statement or Implementation Procedures.

ii) Your Implementation Procedures – outlining how to put your policy into practice.

- Make sure you include the following in your Implementation Procedures:
 - defined guidelines of acceptable/unacceptable behaviour;
 - a detailed response procedure for any reported or suspected incidents (this should include lines of responsibility, actions to be taken and contact numbers);
 - how to record any allegations (e.g. incident book);
 - a confidentiality policy;
 - types of abuse and incidents that are recognised by the policy (e.g. sexual, emotional, physical, neglect, health & safety);
 - how to respond to allegations of abuse (this should cover allegations made by a child or

staff, as well as allegations against staff or someone not working in your organisation).

- Make sure that parents/guardians/carers are aware of your Child Protection Policy. In addition, post it somewhere immediately visible on entry to your venue. Circulate your Policy and Implementation Procedures amongst staff and ensure that all volunteers and casual helpers are fully informed of procedures well before an event. Make sure that everyone understands what they are and where they are in case they need to be referred to.

C: Barriers to child protection – and how to overcome them

It can be difficult to protect children and to create the safe environment we desire. This may be because we are not always aware of the things we need to protect against. Education, information and sharing are just a few ways of increasing safety. However, incidents often go unreported. Some reasons for this are listed below, but many more exist.

Why children might not report an incident.

- They are afraid.
- They have been threatened.
- They feel they are to blame.
- They are embarrassed.
- They are afraid they won't be believed.
- They have communication difficulties.

Why adults might not report an incident or suspected incident.

- They cannot believe the allegation.
- They don't want to get involved.
- They are worried about making false accusations.
- They do not have information on what to do or who to go to report the incident. (A clear and accessible policy should prevent this from happening!)

An open environment where children are respected and listened to can help to break down these barriers. A large part of the work in making and implementing a Child Protection Policy and Implementation Procedures is the creation of an environment where children are aware that if they speak out, they will be listened to. It's not easy, but it can be done!

D: Glossary of useful terms

- **Position of trust** – Is to be in a role of responsibility, sometimes for a person's care or welfare. This includes carers, teachers and adults who work in after-school activities with whom children have regular contact and with whom they have built up a relationship.
- **Sole charge** – Having unsupervised contact with children. *Sole charge* should be avoided unless absolutely necessary.



- **Young people** – Used in this briefing to describe older children of 16 to 18 years of age.
- **Vulnerable adult** – Although there is no clear definition in law, a vulnerable adult for the purpose of the VAN briefings is defined as an adult whose special requirements have been notified to the organiser(s) or course leader(s) by the carer. (NB: Your Policy must ask for this information and your Implementation Procedures must show how you ensure you get this information and how you deal with it.)
- **In loco parentis** – The person legally responsible for a child in absence of the parent or guardian.
- **List 99** – This is a confidential Department of Education and Skills (DfES) list of adults who have either been banned from working with children or vulnerable adults or have restricted employment.
- **Disclosure** – The official document containing information held by the police and government agencies regarding relevant information on working with children, young people or vulnerable adults.
- **Spent conviction** – The Rehabilitation of Offenders Act 1974 allows for a specific rehabilitation period for offenders who are sentenced to no more than two and a half years. If no further offences are committed during the rehabilitation period, then the conviction is considered ‘spent’.
- **Unspent conviction** – If the rehabilitation period has not yet passed the conviction is considered ‘unspent’.

E: Background to Child Protection

Criminal Records Bureau

The Criminal Records Bureau (CRB) was established under the Protection of Children Act 1999 to provide a disclosure service to help organisations make more informed recruitment decisions.

There are three separate bodies who do this work in the British Isles: the Criminal Records Bureau (England & Wales), Disclosure Scotland and the Pre-Employment Consultancy Service (PECS, Northern Ireland). Depending on where the job (which may be a voluntary job) is located you apply to the relevant bureau for the official disclosure. The bureau will check all addresses recorded over the last five years, even if these addresses are in different parts of Britain.

Note: These bodies are not able to provide an overseas service.

There is no charge for disclosures for volunteers, but there is a cost for a disclosure which will be used in paid work. Organisations who submit forms for disclosure must be registered. If you are not registered – don’t worry. There is a list of umbrella bodies registered with the CRB on the Disclosure website: www.disclosure.gov.uk. Most are very willing to put the check through, sometimes charging a small administration fee.

Disclosures can take between 2-4 weeks to receive, but sometimes longer. With this in mind, consider the following:

- Disclosures cannot always be obtained in time for use with all volunteers.
- Disclosures only go back 5 years.
 - See Briefing 83 for additional information on safe recruiting.

Legislation

The Protection of Children Act 1999

This Act brings together the idea of a ‘one-stop-shop’ for identifying people unsuitable for working with children.

The Criminal Justice and Court Services Act 2000

Provides a comprehensive definition of working with children. This Act makes it an offence if someone who is banned from working with children breaches that ban in any capacity (paid, unpaid, casual) and it is also an offence to offer employment to someone who is known to be banned.

The Children Act 1989 (England & Wales)

The Children (Scotland) Act 1995

The Children (Northern Ireland) Order 1995

Legislation to ensure the welfare and developmental needs of children are met, including protection from harm in all areas of care. Topics covered include: residential care, family proceedings, child minders, adoption, fostering and Local Authority involvement.

The Police Act 1997

Lays the foundation for the National Criminal Intelligence Service.

The Data Protection Act 1984 and 1998

Details the rights of access to personal data and restrictions to personal data. Also outlines notification guidelines, certain exemptions and enforcement policies to the Act.

Sexual Offences Act 2003

Legislation to protect children from sexual abuse by people in a ‘position of trust’. Any sexual activity that occurs between a person in a ‘position of trust’ and a child is an offence under this Act.

All legislation can be accessed at the Home Office website: www.hms.gov.uk/acts.htm

Differences between nations

It is very important to remember that there are differences between the England & Wales and Scotland and Northern Ireland legislation.

- PECS, a part of the Department of Health, Social Services and Public Safety, in Northern Ireland will not register an organisation or carry out their disclosures unless (and until) they are

satisfied that: the organisation has done everything in its power to eliminate or minimise sole charge of children.

- Under the *Criminal Justice and Court Services Act 2000* a banned person who takes up work (in any capacity, including work as a volunteer) with children is committing an offence. Under Scottish legislation, the employer (who may also be a volunteer) is also committing an offence.
- In Scotland, the Child Protection laws have defined a child as up to 18 years of age, whereas the common law age is only 16. This has and still can cause some confusion.
- Under Scottish Law all organisations (including voluntary organisations) are responsible and need to be aware of any material used and exhibited for children. With this in mind:
 - Think about the environment; and
 - Remember your audience.

Conclusion

By keeping well informed, and doing all that is reasonably practicable to ensure child safety in your environment, you are taking steps in the right direction towards good practice of child protection. However, attitudes towards children is just as important as environment when creating a safeguarding culture. Keep this in mind when thinking about child protection within your organisation.

Further information & resources

This briefing would not have been possible without the help of Liz Whitehead, Chief Executive of The British & International Federation of Festivals, who designed and runs (pending Arts Council approval) a series of Child Protection workshops for arts organisations. For further information on these workshops contact Liz at: Festivals House, 198 Park Lane, Macclesfield SK11 6UD. email: liz@festivals.demon.co.uk

Disclaimer: We have taken reasonable precautions to ensure that the information contained in this Briefing is accurate. However, the document is not intended to be legally comprehensive. We recommend you take legal advice before taking action on any of the matters covered herein.

Do you need this publication in a larger or alternative format? Contact Whitney T: 029 20 395 395 E: whitney@voluntaryarts.org



Further reading

The NSPCC have published two helpful booklets, both 'step by step guide for organisations to safeguard children'.

- **stopcheck** – free download on website or £2 per copy on-line ordering. Free to individual organisations, telephone for details.
- **firstcheck** – £29.95 on-line, pack includes step-by-step guide.

Available from NSPCC Publications and Information Unit

T: 020 7825 2775

email: infounit@nspcc.org.uk

website: www.nspcc.org.uk/inform

Keeping Arts Safe: Protection of children, young people and vulnerable adults involved in arts activities published by Arts Council England.

Order copies from Marston Book Services, T: 01235 465 500

email: direct.orders@marston.co.uk

Available in Braille, large print, on audiotape and in electronic version from:

T: 020 7973 6517

email: enquiries@artscouncil.org.uk

Useful contacts & websites

Criminal Records Bureau, England & Wales

T: 0870 90 90 811

www.crb.gov.uk

www.disclosure.gov.uk

Scotland Disclosure

T: 0870 609 6006

www.disclosurescotland.co.uk

PECS (Pre-Employment Consultancy Service)

download PECS guide, **Making the right choice:**

www.dhsspsni.gov.uk/publications/2003/Making_Right_Choice_mar03.pdf

The Voluntary Arts Network, PO Box 200, Cardiff CF5 1YH

T: 029 20 395 395 F: 029 20 397 397 E: info@voluntaryarts.org W: www.voluntaryarts.org

The Voluntary Arts Network is registered in Scotland as Company No. 139147 and Charity No. SC 020345. VAN acknowledges funding from the Carnegie UK Trust, the Arts Councils of England, Scotland, Wales and Northern Ireland.