



# **SAFEGUARDING CHILDREN POLICY**

**LED is the trading name of LED Leisure Management Ltd**

## Contents

<b>1.0</b>	<b>Introduction</b>	<b>4</b>
<b>2.0</b>	<b>Safeguarding Children Policy Statement</b>	<b>5</b>
	2.1 Responsibility	5
	2.2 Principles	5
<b>3.0</b>	<b>Legislation &amp; Guidance</b>	<b>6</b>
<b>4.0</b>	<b>Recruitment, Employment &amp; Training</b>	<b>7</b>
	4.1 Introduction	7
	4.2 Recruitment Process	7
	4.3 Checks & References	8
	4.4 Induction	8
<b>5.0</b>	<b>Training</b>	<b>9</b>
<b>6.0</b>	<b>Promoting Good Practice with Young People</b>	<b>10</b>
	6.1 Introduction	10
	6.2 Good Practice Guidelines	10
	6.3 Guidelines for Use of Photographic Filming Equipment	12
<b>7.0</b>	<b>Recognition of Poor Practice, Abuse and Bullying</b>	<b>13</b>
	7.1 Introduction	13
	7.2 Poor Practice	13
	7.3 Abuse	13
	7.4 Bullying	14
<b>8.0</b>	<b>Responding to Suspicions &amp; Allegations of Abuse and Poor Practice</b>	<b>16</b>
	8.1 Introduction	16
	8.2 Responding to a Young Person Making a Disclosure or Allegation	16
	8.3 Responding to Suspicions	17
	8.4 Allegations against Staff, Volunteers or Coaches	17
	8.5 Allegations of Previous Abuse	19
	8.6 Action if Bullying is Suspected	19

<b>9.0 Implementation &amp; Monitoring Procedures</b>	<b>21</b>
<b>Annexes</b>	
A Summary of Legislation and Government Guidance	22
B Sample forms:	
Safeguarding Children Incident Report Form	25
Parent/Guardian Photograph Consent Form	26
Photography and filming permission request	27
Conditions of Granting Permission to use photographic or filming equipment	28
Guidelines for use of photographic filming equipment, photography and filming at LED Managed Facilities and events	29
Guidelines for commercial photography	31
Reporting safeguarding children Concerns/Allegations against staff	32

## 1 Introduction

The Children's Act 1989 states that the child's welfare is paramount and taking this solely into consideration any decisions made must bear relevance to this. LED delivers a range of services and activities to children and young people and recognises that these may have a very powerful and positive influence on children and young people. It is our aim to aid the development of self-esteem and social awareness of children and young people and to provide opportunities for enjoyment with personal achievement.

LED is not an investigative or intervention agency for safeguarding children. However, because leisure staff, are in regular contact with children and young people they are in a position to observe outward signs of abuse and can and should alert others when such signs are observed.

LED staff have a responsibility to observe, monitor and refer suspected cases of abuse to Devon County Council Social Services Department.

This **Safeguarding Children Policy** is designed to safeguard children and young people from potential abuse as well as protect staff and volunteers from potential false allegations of abuse.

## 2 Safeguarding Children Policy Statement

### 2.1 Responsibility

For all children and youth activities provided by LED, LED will:

- accept moral and legal responsibility to implement procedures to provide a duty of care for children, safeguard their wellbeing and protect them from abuse
- respect and promote the rights, wishes and feelings of children
- recruit, train and supervise its employees to adopt best practice to safeguard and protect children from abuse, and themselves against false allegations
- require clubs, societies, groups hiring LED facilities, sub-contractors and external coaches/instructors to either abide by LED's **Safeguarding Children Policy and Procedures**, or have and abide by their own code, policies and procedures; these must meet with LED's approval
- respond to allegations appropriately with full investigation and, if appropriate, implement the disciplinary and appeals procedures
- develop and implement an appropriate monitoring and review system to ensure compliance with LED's **Safeguarding Children Policy and Procedures**.

### 2.2 Principles

The guidance given in LED's procedures is based on the following key principles:

- the welfare of children is the primary concern
- all children, whatever their age, culture, disability, gender, racial origin, religious belief and/or sexual identity/language spoken have the right to protection from abuse
- whilst it is not solely the responsibility of LED to determine whether or not abuse has taken place (this is undertaken in liaison with external safeguarding children professionals), it is everyone's responsibility to report any concerns
- all incidents of suspected poor practice and any allegations made should be taken seriously and responded to swiftly and appropriately
- confidentiality should be upheld in line with the Data Protection Act 1998, the Human Rights Act 2000 and the Freedom of Information Act 2000

### IMPORTANT

Please note that the term **parent** is used throughout this document as a generic term to represent parents, carers and guardians.

In accordance with the definition provided in The Children's Act 1989, a **child** is considered as a person under 18 years of age. However, within this document those aged 12 to 18 will be referred to as young people.

### 3 Legislation and Guidance

There is a considerable body of legislation, government guidance and standards designed to ensure that children are protected from harm.

This legislative guidance has been used to develop LED's **Safeguarding Children Policy and Procedures**. In particular, reference has been made to the following two documents:

- the NSPCC publication *Sportscheck*
- the ISRM publication *Safeguarding Children Policy & Implementation Procedures*

## 4 Recruitment and Employment

### 4.1 Introduction

LED will take all reasonable steps to ensure unsuitable people within LED's employment, or undertaking work on behalf of LED, are prevented from working with children.

### 4.2 Recruitment process

Pre-recruitment checks will always be carried out, including conducting a documented risk assessment to establish the status of the work to be undertaken with reference to safeguarding children legislation. LED will adopt the following procedures if it is considered that the post has significant access to children (this will apply regardless of the employment status of the post, ie permanent or casual). It will be the responsibility of the line manager to:

- establish role and responsibility and create a job description
- establish a person specification to include Disclosure Check requirement
- evaluate the need for a DBS, (disclosure and barring service) check. A check applies to all employees with the exception of casual bar staff at Exmouth Pavilion, parks employees and reception, administrative and membership advisors.
- include Disclosure Check requirement in any job advertisement
- receive applications and select for interview
- check identity, qualifications, skills, experience etc
- select successful candidate
- **only at this stage** should a Disclosure Check be made
- for permanent staff a Disclosure Check should be made at the time of appointment
- references must be checked before an unconditional offer of employment is given.
- offer can be made subject to receipt of satisfactory references and Disclosure Check
- receive Disclosure Check result and references
- make appointment if Disclosure Check and references are satisfactory

### Advertising

Any form of advertising used to recruit staff to a role with access to children will include or reflect:

- responsibilities of the role
- the following statement 'This job involves contact with young people and the successful candidate(s) will be subject to vetting procedures, including a DBS check'
- level of experience and qualifications required

### Pre-Application Information

Pre-application information sent to interested or potential applicants will contain:

- LED's policy on equal opportunities
- a job description
- a person specification
- an application form which should indicate that a DBS Check will be required for any successful candidate. It should also state that a past conviction may not necessarily be a bar to obtaining a position

### 4.3 Checks and references

On selection of a successful candidate LED will:

- seek confirmation of identity from two of the following passport, birth certificate, driving licence, or other official documentation
- take up two written references. Where possible at least one should be associated with former work with children/young people. Written references must always be followed up and confirmed by telephone
- request enhanced Disclosure Check from the DBS
- appointment should be made subject to receipt of both a Disclosure Check that is clear or has no relevant convictions and also satisfactory references

### 4.4 Induction

All new appointments will undergo LED's formal induction training. As appropriate Safeguarding children will include:

- an explanation of LED's **Safeguarding Children Policy and Procedures**. Appointees will be required to sign to acknowledge their understanding of the Policy and Procedures and that they will abide by them
- the identification of any safeguarding children/equality training needs.

Staff must accept and be able to recognise their responsibilities with regard to good practice and the reporting of suspected poor practice or concerns of possible child abuse. Everyone with substantial access to children shall have recognised and up to date training such as:

- safeguarding children awareness
- first aid (where appropriate)
- how to work effectively with children



## 5. Training

Training needs and opportunities relating to safeguarding children issues will be identified and addressed through LED's **Induction** and **Appraisal Procedures**, and in light of any changes in legislation. Training may include internal courses/workshops, externally accredited courses/seminars or workshops organised by Safeguarding children Agencies.

## 6 Promoting Good Practice with Children

### 6.1 Introduction

Child abuse, particularly sexual abuse, can arouse strong emotions in those facing such a situation. It is important to understand these feelings and not allow them to interfere with judgement about any action to take. Abuse can occur within many situations including the home, school and the leisure environment. Some individuals will actively seek employment or voluntary work with children in order to harm them. Staff working within the leisure environment may have regular contact with children and are an important link in identifying cases where a young person needs protection.

### 6.2 Good Practice Guidelines

All staff will be encouraged to demonstrate exemplary behaviour in order to protect themselves from false allegations. The following are common sense examples of how to create a positive culture and climate:

- always work in an open environment (eg avoid private or unobserved situations and encourage an open environment, no secrets)
- treat all young people equally, and with respect and dignity
- always put the welfare of each child first, before winning or achieving other goals
- maintain a safe and appropriate distance with children
- making activities enjoyable and promote fair play
- ensure that if any form of manual or physical support is required, it should be open and appropriate, according to guidelines provided by the sport or activities National Governing Body (NGB). Care is needed, as it is difficult to maintain hand positions when a child is constantly moving. Children should always be consulted and their agreement gained. Some parents are increasingly sensitive about manual support and their views should always be carefully considered
- keeping up to date with technical skills, qualifications and insurance requirements
- involving parents/carers wherever possible (eg responsibility for their children in changing areas). If groups have to be supervised in the changing rooms staff should always work in pairs
- ensuring that if mixed gender groups are taken away from site, they are always accompanied by a male and female member of staff
- being an excellent role model this includes not smoking or drinking alcohol in the company of children in any work related environment
- give enthusiastic and constructive feedback rather than negative criticism
- recognise the developmental needs and capacity of children avoiding excessive training or competition and not pushing them against their will
- securing parental consent in writing to act in 'loco parentis', if the need arises, to give permission for the administration of emergency first aid and/or other medical treatment
- keeping a written record of any injury that occurs, along with details of any treatment given

### Practices never to be sanctioned

The following practices should never be sanctioned:

- engaging in rough, physical or sexually provocative games, including horseplay
- sharing a room with a child
- allowing or engaging in any form of inappropriate touching

- allowing children to use inappropriate language unchallenged
- making sexually suggestive comments to a child, even in fun
- reducing a child to tears as a form of control
- allowing allegations made by a child to go unchallenged, unrecorded or not acted upon
- doing things of a personal nature for a child that they can do for themselves
- taking children to their home unsupervised
- transporting children unsupervised
- applying sun cream
- administering medication unless specifically trained and approved to do so
- taking a child to the toilet unsupervised

**NB** The above guidance should not be considered exhaustive and more detailed guidance may be required for specific posts/activities. If staff have any concerns regarding the appropriateness of any practice/action they should contact their line manager/senior manager.

It may sometimes be necessary for staff to do things of a personal nature for children, particularly if they are young or disabled. These tasks should only be carried out with the full understanding and consent of parents and where possible the child for whom the task is being carried out.

There is a need to be responsive to a person's reactions. If a person is fully dependent on a member of staff e.g. in a crèche setting, they should talk to the child about what they are doing and offer choices where possible. This is particularly the case when any dressing or undressing is involved, or where there is physical contact, lifting or assisting of a child to carry out particular activities. Staff should avoid taking responsibility for tasks for which they are not appropriately trained.

There may be instances where the child is unable to understand the situation or unable to make choices, particularly in the case of young or disabled children. If so the parents of the child should be consulted in advance to make them aware of, and gain their consent for, any activities to be carried out.

If any of the following incidents occur, staff should report them immediately to another colleague and an Incident Report (see ANNEX B) completed. Where necessary, parents should also be informed of the incident in the following circumstances:

- if a member of staff accidentally hurts a child
- if a child seems distressed in any manner
- if a child appears to be sexually aroused by a member of staff's actions  
if it appears that a child has misunderstood or misinterpreted something a member of staff has done

### **6.3 Guidelines for use of photographic filming equipment**

There is evidence that some people have used the leisure environment as an opportunity to take inappropriate photographs or film footage of young people in vulnerable positions. LED has guidelines that should be implemented at all times when photographic or any other filming equipment is being used (ANNEX B).

Any use of photographic images must have parental consent (ANNEX B).  
For the purposes of this policy, photographic filming equipment includes any equipment or device capable of capturing and storing or transmitting static or moving images.

## 7 Recognition of Poor Practice, Abuse and Bullying

### 7.1 Introduction

Even for those experienced in working with child abuse, it is not always easy to recognise a situation where abuse may occur, or has already taken place. Whilst it is accepted that staff are not experts at such recognition, staff do have a responsibility to act if they have any concerns about the behaviour of someone (an adult or child) towards a child. All staff have a duty to discuss any concerns they may have about the welfare of a person immediately with their line manager or another senior member of staff.

### 7.2 Poor Practice

Poor practice includes any behaviour that contravenes the guidelines set out in this **Safeguarding Children Policy**, or which undermines or ignores the:

- rights - of the children and their parents
- responsibilities - for the welfare of the child
- respect - for other children

### 7.3 Abuse

Abuse can happen wherever there are children, and children of any age can be abused. The effects of abuse can be damaging and if untreated they may follow a person into adulthood.

All staff should have an understanding of abuse and neglect and know how and when to take action. LED will put in place training and support programmes to ensure that all staff are able to deal effectively with any suspicions of abuse, poor practice or neglect.

The definitions below are adapted from the Department of Health (1999) *Working Together to Safeguard Children A guide to inter-agency working to safeguard and promote the welfare of children*

- **Neglect** where adults repeatedly fail 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. This could include repeated failure to provide adequate food, shelter and clothing, failing to protect a child from physical harm or danger, or failure to ensure access to appropriate medical care or treatment.
- **Physical abuse** where adults physically hurt or injure children by hitting, shaking, throwing, burning, poisoning or otherwise causing harm to a child. Physical harm may also be caused when a parent or carer feigns the symptoms of, or deliberately causes, ill health to a child in their care e.g. fictitious illness by proxy or Munchausen's Syndrome by proxy.
- **Sexual abuse** where girls and boys are abused by adults (both male and female) who use children to meet their own sexual needs. This could include full sexual intercourse, masturbation, oral sex, anal intercourse and fondling. Showing children pornographic material (books, videos, pictures) is also a form of sexual abuse.
- **Emotional abuse** is the persistent emotional ill-treatment of a child such as to cause severe and lasting 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 feature age or developmentally inappropriate expectations being imposed

on children. It may involve causing children to feel frightened or in danger by being constantly shouted at, threatened or taunted which may make the child nervous or withdrawn. Some level of emotional abuse is involved in all types of ill – treatment of a child.

### **Indicators of abuse**

Indications that a child may be experiencing abuse include the following:

- unexplained or suspicious injuries such as bruising, cuts or burns, particularly if situated on a part of the body not normally prone to such injuries
- an injury for which the explanation seems inconsistent
- the child describes what appears to be an abusive act involving him/her
- someone else (a child or adult) expresses concern about the welfare of another child
- unexplained changes in behaviour (eg becoming very quiet, withdrawn or displaying sudden bursts of temper)
- inappropriate sexual awareness
- sexually explicit behaviour
- distrust of adults, particularly those with whom a close relationship would normally be expected
- has difficulty in making friends
- is prevented from socialising with other children
- variations in eating patterns including overeating or loss of appetite
- weight loss for no apparent reason
- child becomes increasingly dirty or unkempt

It should be recognised that this list is not exhaustive and the presence of one or more of the indicators is not proof that abuse is actually taking place.

## **7.4 Bullying**

It is important to recognise that in some cases of abuse, it may not always be an adult abusing a child. An abuser may be a young person, for example in the case of bullying.

Bullying may be seen to be deliberately hurtful behaviour, usually repeated over a period of time, where it is difficult for those bullied to defend themselves.

Although anyone can be a target for bullying, victims are typically shy, sensitive and perhaps anxious and insecure. Sometimes they are singled out for physical reasons – being overweight, physically small, having a disability or belonging to a different race, faith or culture.

Girls and boys can be bullies. Bullying may occur anywhere where there is inadequate supervision.eg on the way to and from school, at sporting events, in the school playground or in changing rooms.

Bullies come from all walks of life; they bully for a variety of reasons and may have been bullied or abused themselves. Typically, bullies can have low self-esteem, be excitable, aggressive and jealous. Crucially, they have learned how to gain power over others.

Bullying may include:

- physical, e.g. hitting, kicking and theft
- verbal, e.g. name-calling, constant teasing, sarcasm, racist or homophobic taunts, threats, graffiti and gestures
- emotional, e.g. tormenting, ridiculing, humiliating and ignoring
- sexual, e.g. unwanted physical contact or abusive comments

The damage inflicted by bullying is frequently underestimated. It can cause considerable distress to children, to the extent that it affects their health and development or, at the extreme, causes them significant harm (including self-harm). There are a number of signs that may indicate that a child is being bullied:

- behavioural changes such as reduced concentration and/or becoming withdrawn, clingy, depressed, tearful, erratic mood swings, reluctance to go to school, training or sports clubs
- a drop in performance at school or standard of play
- physical signs such as stomach-aches, headaches, difficulty in sleeping, bed wetting, scratching and bruising, damaged clothes, and bingeing for example on food, cigarettes or alcohol
- a shortage of money or frequent loss of possessions

## 8 Responding to Suspicions and Allegations of Abuse and Poor Practice

### 8.1 Introduction

False allegations of abuse do occur. However, if a child says or indicates that he/she is being abused, or information is obtained which gives concern that a child is being abused, this should never be ignored.

### 8.2 Responding to a young person making a disclosure or allegation

#### Action to be taken

A member of staff receiving information concerning disclosure should:

- react calmly so as not to frighten the child
- reassure the child he/she was right to tell
- not make promises of confidentiality, but let the child know that another adult must be informed if the matter is to be taken seriously. Recognise the difficulties inherent in interpreting what is said by a child
- keep questions to an absolute minimum to ensure a clear and accurate understanding of what has been said. Questions should not be leading. Questions should only consist of Who...? What...? When...? Where...?
- make a full written record of what has been said, heard and/or seen as soon as possible using an Incident Report form.

#### Actions to be avoided

The person receiving the disclosure should not:

- panic
- allow shock or distaste to show
- probe for more information than is offered
- speculate or make assumptions
- make negative comments about the alleged abuser
- approach the alleged abuser
- make promises to agree to keep secrets
- discuss the issue with anyone other than with a line manager or senior member of staff

### 8.3 Responding to suspicions

Staff are not responsible for deciding whether or not child abuse is taking place. However, there is a responsibility to act on any concerns in order that appropriate agencies can then make enquiries and take the necessary action to protect the child concerned.

## Sharing Concerns with Parents

LED is committed to working in partnership with parents or carers where there are concerns about their children. Therefore, in most situations, it would be important to talk to parents and carers to help clarify initial concerns. It is essential therefore that a member of the Executive Management Team or a recognised designated person (usually the leisure manager) should undertake this liaison. However, there are circumstances in which a child might be placed at even greater risk if concerns are shared, (eg where a parent or carer is the alleged abuser or is not able to respond to the situation appropriately).

### Reporting Procedure

- Staff responding to a suspicion of abuse or poor practice should complete an Incident Report form, in liaison with their line manager.
- The incident should be reported to the most relevant **Designated Person**
- The Designated Person must report the incident immediately to a member of the **Executive Management Team**. If the Designated Person was unavailable in the previous step, the member of the Executive Management Team should be contacted direct.
- The manager informed will assess the incident in liaison with the **Head of Operations**. He/She will decide what appropriate action needs to be taken and whether **external safeguarding children agencies** or the **police** need to be involved.
- LED will co-operate fully with any investigation carried out by these agencies in line with their procedures.

### Records & Information

Information passed to the external safeguarding children agencies or police must be as helpful as possible, hence the necessity for making a factual report at the time of the disclosure/concern. Information in this report should include:

- the nature of the allegation
- a description of any visible bruising or other injuries
- the child's account, if it can be given, of what has happened and how any bruising or other injuries occurred
- witnesses to the incident including names and addresses
- any times, dates or other relevant information
- a clear distinction between what is fact, opinion or hearsay

**Reporting the matter to the Police or DCC Social Services should not be delayed in an attempt to obtain more information.**

A record should also be made of the name and designation of the DCC Social Services, member of staff or the police officer to whom the concerns were passed, together with the time and date of the call, in case any follow-up is needed. A note of any crime report number should also be taken.

## 8.4 Allegations against staff, volunteers or coaches

Any concerns for the welfare of a child arising from abuse or harassment by a member of staff must be reported immediately. It is acknowledged that feelings generated by the discovery that a member of staff is, or may be, abusing a child, will raise concerns among other staff. This increases the difficulties inherent in reporting such matters.



LED assures all staff that it will fully support and protect anyone who, in good faith (without malicious intent), reports his or her concerns about a colleague's practice or the possibility that a child may be being abused.

### **Types of Investigation**

Where there is a complaint of abuse against a member of staff or volunteer, there may be three types of investigation:

- criminal
- safeguarding children
- disciplinary (to be treated as gross misconduct)

Civil proceedings could also be instigated by the person/family of the person who alleged the abuse. The results of the Police and DCC Social Services investigation may influence LED's disciplinary investigation.

### **Action to be taken if there are any concerns**

The following action should be taken if there is any concern.

### **Poor Practice**

If, following consideration and investigation, the allegation is clearly about poor practice, the Designated Person will deal with it as a misconduct issue and will follow the LED's Disciplinary Procedure.

### **Suspected Abuse**

Where it is suspected that abuse has taken place:

- any suspicion that a member of staff has abused a child should be reported to a Designated Person immediately
- the Designated Person will take such steps as they feel appropriate to ensure the safety of the child in question and any other child who may be at risk
- the Designated Person will report the incident to The Head of Operations
- If at any stage a member of The Executive Management Team is unavailable, DCC's Duty Social Worker should be contacted
- if the Designated Person is the subject of the suspicion/allegation, the report must be made directly to a Member of the Executive Management Team.
- the Executive Management Team will seek advice from DCC Social Services who may involve the police. The report should be made direct to the police if out-of-hours
- the Head of Operations will form and chair a **Safeguarding Children Officer Team (SCOT)** to oversee the internal investigation. In most instances this team will comprise the Designated Person, the appropriate member of the Executive Management Team, and HR Manager
- the SCOT will deal with any media enquiries and issues in consultation with the LED's Head of Business Development and Marketing.

### **Confidentiality**

Every effort should be made to ensure that confidentiality is maintained for all concerned. Information should be handled and disseminated on a *need to know basis* only. This includes the following people:

- the members of the SCOT overseeing any investigation

- the parents of the person who is alleged to have been abused
- the person making the allegation
- DCC Social Services and the police
- the alleged abuser (and parents if the alleged abuser is a child)

The Freedom of Information Act gives the right of notification to the alleged abuser. Any information will be stored in a secure place with access limited to the SCOT and in line with data protection laws, (eg that information is accurate, regularly updated, relevant and secure).

### **Internal Inquiries and Suspension**

- LED will suspend any employee accused of abuse pending further police, DCC Social Services and/or SCOT inquiries.
- Irrespective of the findings of DCC Social Services or of police inquiries, LED will assess all individual cases under disciplinary procedures.

### **Notification to Social Services**

A copy of the Incident Report form should be submitted to DCC Social Services without delay. This is the responsibility of the SCOT.

Any further inquiries from DCC Social Services or any other interested third party should be passed immediately to the SCOT to deal with. A written record should be kept of any such conversations.

### **Support to Deal with the Aftermath**

LED will ensure adequate support is made available that is appropriate to children, parents and members of staff.

Support where appropriate will also be provided to the alleged perpetrator of abuse.

### **8.5 Allegations of previous abuse**

Allegations of abuse may be made some time after the event (eg by an adult who was abused as a child or by a member of staff who is still currently working with children). Where such an allegation is made, the procedures as detailed above should be used and the matter reported to the police by the SCOT. This is because other children, either within or outside the leisure environment, may be at risk from this person. Anyone who has a previous criminal conviction for offences related to child abuse is automatically excluded from working with children.

### **8.6 Action if bullying is suspected**

The same procedure should be followed as set out in Section 8.3 above if bullying is suspected.

#### **Action to Help Victim and Prevent Bullying:**

- All signs of bullying should be taken seriously.
- All children should be encouraged to speak and share their concerns.
- The victim should be helped to speak out and tell the person in charge or someone in authority.
- An open environment should be created.

- All allegations should be investigated and action taken to ensure the victim is safe. The victim and bully(ies) should be spoken to separately.
- Staff should reassure the victim that they can be trusted and will help them, although they cannot promise not to tell anyone else.
- Records should be kept of what is said.
- Staff should report any concerns to their line manager.

### **Action towards the Bully(ies)**

- The situation should be explained to the bully(ies).
- An effort should be made to get the bully(ies) to understand the consequences of their behaviour.
- An apology to the victim should be sought.
- The bully's parents should be informed.
- Any *borrowed* items should be returned to the victim.
- Appropriate sanctions should be imposed as necessary.
- Encouragement and support for the bully(ies) to change their behaviour should be offered.
- Meetings should be held with parents to report on progress.
- All appropriate staff should be informed of action taken.
- Written record of action taken should be kept.

## 9.0 Implementation and Monitoring Procedures

### Timescale

Following approval of LED's **Safeguarding Children Policy and Procedures**, an **Implementation Plan** will be developed. The purpose of this plan will be to:

- disseminate LED's Safeguarding children message so that it reaches and influences all related individuals/organisations with a view to safeguarding the welfare of children
- operate sound recruitment procedures for all staff
- identify and provide the appropriate safeguarding children training for staff
- remain updated on legislation relating to safeguarding children
- monitor and update the Implementation Plan annually to maintain the high profile of safeguarding children within LED
- measure the impact of the policy and procedures on an annual basis

### **Criminal Justice and Court Services Act 2000**

This applies in part to Northern Ireland. Some provisions will be in the Protection of Children and Vulnerable Adults Act legislation.

Part II of this Act relates to the responsibilities of 'public bodies' within safeguarding children and is integral to safeguarding children systems in the UK designed to prevent unsuitable people from working with children. It contains four main provisions: it creates a new way for courts to disqualify unsuitable people from working with children (normally defined as under 18); sets out a review process for those disqualified from working with children; provides strong criminal sanctions against those who breach the disqualification; and provides a comprehensive definition of working with children, applying to all sectors, including voluntary work, it links to other laws including the **Protection of Children Act 1999** and **The Police Act 1997** which together build a system that:

- defines jobs and positions that are 'regulated'. A 'regulated position' has eight categories, including one in which 'normal duties include caring for, training, supervising or being in sole charge of children'. Co-ordinators of youth groups are identified as an example of a position falling within this category. Those who supervise or manage people in a regulated position are also included
- makes it a criminal offence if an employer does not take sufficient steps to check an employee working with children and/or knowingly gives an inappropriate person a job working with children. The employer is liable if they appoint someone to a regulated position
- makes it a criminal offence if convicted sex offenders seek employment and are appointed to work with children. The sex offender, as a disqualified person, is criminally liable if s/he seeks employment with children

### **Protection of Children Act 1999 and The Police Act 1997**

Protection of Children and Vulnerable Adults Act (NI) forthcoming; Protection of Children Bill planned for this session of Scottish Parliament. The Police Act is UK wide.

These Acts change the routes by which employers can check whether a potential or actual employee has committed criminal offences against children, or whether there has been reason for that person to be considered inappropriate to work with children.

Sometimes a person may have hurt or abused a child but there is not enough criminal evidence for them to be convicted. However, the investigation may endorse the belief of the authorities that the adult is of sufficient risk or concern that they should not work with children.

The Protection of Children Act (PoCA) 1999 builds a framework for a cross sector scheme for identifying those people considered to be unsuitable to work with children and includes listing their names on the PoCA and Department for Education and Employment (DfEE) 99 lists. There are differences in requirements between statutory child care organisations and other organisations that also 'care' for children in some way. The provisions of the PoCA 1999 are not mandatory for the latter group, but it is the government's hope that they will take advantage of the scheme to its fullest extent so as to ensure that they provide a comparable level of safety for children in their care. Thus all 'other' organisations are encouraged to refer names to the Secretary of State for consideration for inclusion in the PoCA list and to check against the list when proposing to appoint people to child care positions.

### **Rehabilitation of Offenders Act (NI Order) 1974 (UK wide)**

This Act/Order allows people not to declare convictions to employers in order to protect their privacy and counteract prejudice against people with convictions seeking employment. However, people who are involved in situations where they have prolonged or sustained access to children are exempt from the Rehabilitation of Offenders legislation. This means that prospective employees, self-employed workers and volunteers must declare all criminal convictions relating to children, however long ago. These will be taken into account when deciding on their suitability for working with children.

### **Sexual Offences (Amendments) Act 2000 (UK wide)**

This Act reduces the age at which, or certain circumstances in which, sexual acts are lawful. It introduces a new offence of abuse of trust, which covers ostensibly consensual behaviour within certain relationships of trust. It is an offence for a person aged 18 or over to engage in sexual intercourse or other sexual activity with someone under that age where they are in a 'position of trust' in relation to the younger person.

### **Sex Offender Act 1997**

Those who have been convicted of a sexual offence must register their address with the police. If they do not, they are liable to a fine and/or imprisonment. Courts also have the power to issue a Sex Offender Order banning convicted sex offenders from going near specified places, such as schools, or from specific activities such as working with children.

### **Disclosure Barring Service (DBS)**

This gives employers and voluntary organisations access to information on criminal records and other relevant information about people they intend to appoint in paid or unpaid posts working with children and young people under 18. It provides a 'one-stop-shop' service across England and Wales.

Access to the Bureau's services is available to all organisations working with children and young people under 18, either directly as registered bodies or through umbrella organisations. There are three kinds of disclosure checks: Standard and Enhanced disclosures relate to those who are being appointed to positions exempted under the Rehabilitation of Offenders Act 1997 including youth work with under 18s. A Basic disclosure relates to all other types of employment.

### **The Data Protection Act 1984 and 1998 (UK wide)**

These regulate what information can be shared and with whom. If reports are made on children and families to any agency then they have to consider who will be told, who has access to the record, and by whom and how the information will be stored and passed on.

The main effect on safeguarding children is:

- records have to be kept securely
- only certain people should be able to access that information
- if the information relates to safeguarding children it cannot be withheld, as this would not be in the child's best interests
- families, individuals and children can see most of what is recorded about them and have an opportunity to respond.

### **Care Standards Act 2000**

This does not apply to Northern Ireland, Regulation of Care (Scotland) Act 2001.

Measures identified under this Act are intended to ensure a consistent minimum quality of day care nationally for children under eight years. Registered providers have to meet 14 regulated national standards and are subject to a regular system of inspections by OFSTED.

### **Health and Safety at Work Act 1974**

This is the same for Northern Ireland and Wales.

This Act gives all organisations a legal responsibility to prevent injuries and ill-health to employees and others, including members of the public. Much of this responsibility is delegated to managers who have control of work activities, but the legislation also provides all employees with an obligation to take reasonable care of themselves.

**Safeguarding children Incident Report Internal**

No.

This form should be completed by the member of staff responding to the incident

Name

**Personal details of those involved**

Name	<input type="text"/>	<input type="text"/>
Address	<input type="text"/>	<input type="text"/>
Tel No	<input type="text"/>	<input type="text"/>

**Incident Details**

**Action taken**

Staff	Signature	Date/Time
Duty Manager	Signature	Date



## Photograph Consent Form

Dear Parent/Guardian

Consent is required by us to use any photographs and video/film footage, which your son/daughter may appear in, for the purposes of publicity for LED.

We will retain the original photos and negatives for use at a later date. Publicity may include posters, leaflets, website and coverage by the local media.

I would be grateful if you would sign and date the form below and return it to us as soon as possible. The information you provide us with will only be used for this purpose and your details will not be passed on to any other organisation or added to any mailing list.

Yours sincerely,

Andy Reay  
Head of Operations



I/We give consent for any photographs and video/film footage which you may hold, that our son/daughter appears in, to be used for the purpose of publicity of LED.

Son's/Daughter's Name:

Parent's/Guardian's Name:

Telephone Number:

Signed:

Date:





## Photography and Filming Permission Request

### Photographer details

Name	
Address	
Relationship to the subject	

### Photograph details

Name of subject		
Photographs to be taken		
The purpose for which images will be taken (e.g. family record)		
Area(s) in which photographs will be taken		
<input type="checkbox"/> Pool facilities	<input type="checkbox"/> Function rooms	<input type="checkbox"/> Sports hall
<input type="checkbox"/> Café/Bar	<input type="checkbox"/> Pitches	<input type="checkbox"/> Fitness/Dance studios

### Declaration

I have read and understood the conditions under which this permission to use photographic and filming equipment has been issued (see overleaf). I also understand that failure to comply with any of these conditions will lead to the permission being withdrawn.

I am aware that I need to keep a copy of this form with me at all times when any photographic equipment is being used and may be challenged to produce it at any time. Failure to do so may lead to permission to use the equipment being withdrawn.

Signed	Print name	Date
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### Office use only

Permission agreed for use of photographic and/or filming equipment as detailed above

Signed	Print name	Date
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## Conditions of Granting Permission to use Photographic or Filming Equipment

The following are conditions set in line with LED's **Safeguarding Children Policy and Procedures**. Failure to adhere to these conditions will lead to the withdrawal of permission to use photographic or filming equipment.

1. Any images taken will only be used for the purposes stated overleaf.
2. Any images are only to be taken with the express permission of the subject(s).
3. The taking of images in changing or toilet areas is strictly prohibited.
4. Proof of identity of the Photographer may be required in order for permission to use photographic filming equipment to be granted.
5. LED operated centres reserve the right to withdraw permission to use photographic filming equipment immediately without prior warning. Failure to stop photography when asked to do so will lead to further action being taken. This may involve the Photographer being asked to leave the premises or reporting the incident to the Police.
6. The Photographer should be sensitive of other users and, as far as reasonably practical, restrict images taken to those of the subject(s) only. Children's party organisers should restrict their photography, as far as reasonably practical, to those children attending the party.
7. If at any time another user in the area where the photographs are being taken complains about the activity, photography must stop immediately. It may only resume if the complainant is happy for it to do so and if no other objections have been raised.
8. It is the responsibility of children's party organisers to inform the parents/guardians of the children attending the party that photographs will be taken.
9. The Centre staff have the right to challenge anyone using photographic filming equipment, and if no permission request can be produced, to stop images being taken.
10. It is the responsibility of any commercial photographer to obtain the written permission of any subjects included in their photographs to use the images before any publication. This includes project workers.
11. Images may only be taken in the areas shown on the date indicated.
12. If for any reason the details shown on the permission request change, the form should be returned to the Centre for alteration. If, when challenged, a discrepancy is found between the Photographer's and Centre's copies, permission to use photographic filming equipment will be withdrawn.



## **Guidelines for use of Photographic Filming Equipment, Photography and Filming at LED Managed Facilities and Events**

Anyone wishing to use photographic/film/video equipment at LED's facilities and/or events may only do so with the express permission of LED. For individual users and/ or commercial photographers this permission is accredited through the use of the Photography and Filming Permission Request form (see ANNEX B for sample).

Permission is only granted once a photographer has signed to say he/she will abide by the conditions for use of photographic filming equipment. These conditions are:

- Any images taken will only be used for the purposes stated on the Photography and Filming Permission Request form.
- Any images are only to be taken with the express permission of the subject(s).
- The taking of images in changing or toilet areas is strictly prohibited.
- Proof of identity of the Photographer may be required in order for permission to use photographic filming equipment to be granted.
- LED reserves the right to withdraw permission to use photographic filming equipment immediately without prior warning. Failure to stop photography when asked to do so will lead to further action being taken. This may involve the Photographer being asked to leave the premises or reporting of the incident to the Police.
- The Photographer should be sensitive of other users/participants and, as far as reasonably practical, restrict images taken to those of the subject(s) only. Children's party organisers should restrict their photography, as far as reasonably practical, to those children attending the party.
- If at any time another user in the area where the photographs are being taken complains about the activity, photography must stop immediately. It may only resume if the complainant is happy for it to do so and if no other objections have been raised.
- It is the responsibility of children's party organisers to inform the parents/guardians of the children attending the party that photographs will be taken.
- LED staff have the right to challenge anyone using photographic filming equipment, and if no permission request can be produced, to stop images being taken.
- It is the responsibility of any commercial photographer taking images at LED facilities to obtain the written permission of any subjects included in their photographs to use the images before any publication.  
Images may only be taken in the areas shown on the date indicated on the Photography and Filming Permission Request form.
- If for any reason the details shown on the permission request change, the form should be returned to LED for alteration. If, when challenged, a discrepancy is found between the Photographer's and LED's copies of the permission request, permission to use photographic filming equipment will be withdrawn.

### **Photography and Filming During External Hire Of Facilities**

The control of the use of photographic/film/video equipment by external hirers of LED facilities is the responsibility of the hirer. This responsibility is not just to control who is allowed to use photographic/film/video equipment, but also where they are and are not allowed to use the equipment and what images they are and are not allowed to take.

It is also the hirer's responsibility to ensure that all participants in the hire or event are aware where photographic/filming/video equipment is going to be used. Where appropriate they may be required to get written permission from participants or their parents/guardians to use the photographs in publicity, promotional or media material.

The use of video technology as a coaching aid is fully recognised by LED. Express written permission to use video to this end must be sought. Hirers must also ensure that any participants are aware that this will be included in the coaching programme and that any video taken can only be viewed with their or their parent's/guardian's permission.

### **Vigilance By The General Public**

No matter what arrangements are put in place to prevent the misuse of cameras, videos or mobile phones with digital image recording, the very nature of 'peeping tom' type photography makes it difficult to police.

In recognition of this fact LED asks their users to be alert to any suspicious activity, particularly where children may be involved, and encourages them to report any such incidents at the earliest opportunity to a member of staff. LED encourages this form of vigilance within its leisure centres, by the use of appropriate signage.

## Guidelines for Commercial Photography

The following simple guidance is adapted from that given by the safeguarding children in Sport Unit and is recognised by LED staff when considering using images for publicity, promotional or media purposes:

- if the subject is named, avoid using their photograph
- if a photograph is used, avoid naming the subject
- the written permission of the subject, or their parents/guardians, to use the images should be sought before the images are taken
- only use images of subjects in suitable dress to reduce the risk of inappropriate use

There are some sports activities – swimming, gymnastics and athletics for example where the risk of potential misuse is much greater. With these sports the content of the photograph should focus on the activity not on a particular subject and should avoid full face and body shots. So, for example, shots of children in a pool would be appropriate, or if on poolside from the waist or shoulder up.

## Reporting Safeguarding Children Concerns/Allegations Against Staff

Are you concerned about the behaviour of a member of staff or volunteer?

Yes

Is it serious poor practice/an alleged breach of the Code of Ethics?

Yes

Incident should be reported to your line manager or a senior member of staff

The relevant Designated Person will deal with this as a misconduct issue

A full investigation will be made into the incident, and dependent on results of this, a Disciplinary Hearing called. Any such action will follow the LED Disciplinary Procedures and involve the appropriate LED Officers

Possible outcomes of this hearing

- no case to answer
- the concern warrants advice or a warning as to future conduct. There may also be sanctions on their actions
- further training and support may be needed

Appeal is allowed against any outcome from a disciplinary hearing as per the LED Disciplinary Procedures

Could it be child abuse?

Yes

The immediate safety of the child in question, along with any other children at risk, should be ensured. The manager to whom the incident is reported should immediately inform the relevant Designated Person.

The Head of Operations should be informed immediately, who will facilitate referral to Social Services. Social Services may involve the police.

Head of Operations forms and chairs the Safeguarding children Officer Team (SCOT) to oversee our internal investigation. This team will be comprised of the Designated Person a Member of The Executive Management Team, and the HR Manager. This group will deal with any media or interested third party enquiries, in consultation with the LED's Head of Business Development.

Possible outcomes:  
Police inquiry  
Criminal Proceedings  
Civil Proceedings  
Disciplinary action in accordance with the LED Disciplinary Procedures  
Appeal is allowed against any outcome from a disciplinary hearing as per the LED's Disciplinary procedures