



## **Kenton Theatre Safeguarding Policy:**

### **Policy for the Protection of Children and Young People and Vulnerable Adults**

#### **1: Introduction**

Safeguarding and promoting the welfare of children is described as:

- protecting children from maltreatment;
- preventing impairment of children's health or development;
- ensuring that children are growing up in circumstances consistent with the provision of safe and effective care
- and taking action to enable all children to have the best life chances.

Child protection is part of safeguarding and promoting welfare. This refers to the activity that is undertaken to protect specific children who are suffering, or are likely to suffer, significant harm.

#### **Working Together to Safeguard Children 2018**

Definitions:

A **child** is defined as a person under the age of 18.

A **vulnerable adult** is a person over the age of 18 years who is, or may be in need of community care services by reason of learning or physical disability, age or illness and who is, or may be unable to take care of himself or herself, or unable to protect himself or herself against significant harm or exploitation by others.

#### **1: Context**

The Kenton Theatre is operated by the Kenton theatre Management Society Limited, a registered charity. The Kenton Theatre is an arts charity which hosts a wide range of professional and community performances and activities, and also educational work and social activity with members of the local community. In addition to events within the premises, the Kenton Theatre also operates a limited number of activities in external spaces. The Kenton Theatre delivers a number of participatory performance and visual arts projects and workshops which involve tutors/artists/project leaders & volunteers working with a range of groups including children, young people and individuals with a range of disabilities, both mental and physical. These projects and workshops can take place in either a formal or informal, educational or non-educational setting.

We believe that:

- The welfare of the child, young person and vulnerable adult is paramount.
- All children, young people and vulnerable adults, whatever their age, culture, disability, gender, language, racial origin, religious beliefs and/or sexual identity have the right to protection from abuse.
- All suspicions and allegations of abuse should be taken seriously and responded to swiftly and appropriately.
- All persons connected with Kenton Theatre events and projects (paid and unpaid) should be clear on how to respond appropriately.
- A protective culture puts children's interests first. Children must feel confident that if they have concerns someone will listen and take them seriously.

The Kenton Theatre recognises that the arts can and does have a very powerful and positive influence on children and young people. Not only does an arts environment provide opportunities for enjoyment and achievement, it also helps to develop valuable qualities such as self-esteem, leadership and teamwork. Most children and young people happily and safely participate in arts activities. However, it is important to recognise that abuse or attempted abuse can and does occur.

**'Safeguarding'** means prevention as well as protection. The Kenton Theatre wishes to ensure that all those who use its premises have confidence in the charity's ability to safeguard children, young people and vulnerable adults who engage in work, arts or other visitor activities on its premises.

**Responsible Persons** engage with children and young people or vulnerable adults in work, education and community environments, for example: child performers with professional companies and in-house productions; education activities, work experience. Children, young people and vulnerable adults are frequently audience members. Vulnerable adults may be volunteers.

As a necessary part of its business operations the Kenton Theatre also engages on a number of social networking websites. The Kenton Theatre recognises the potential risks to children and young people who engage in social networking. On-line activity using company equipment or in connection with company business is monitored by our IT Contractor. Whilst children and young people are usually accompanied by a carer, there will be occasions when a child is under the Kenton Theatre's sole care, for example during performances or workshops.

It is important that all staff and volunteers working for and with the Kenton Theatre are aware of best practice in delivery of safeguarding and what to do if they have a safeguarding concern. To ensure that this occurs, this Safeguarding Policy will be reviewed at least annually, and more frequently if there are changes in law, feedback from use of the policy or to keep in line with best practice, whichever occurs first.

The Kenton Theatre recognises that it has a duty of care to safeguard all children, young people and vulnerable adults who we come into contact with whilst engaging in our business. The purpose of this policy is to establish and set out clear lines of responsibility, communication and action in respect of any concern relating to the welfare of a child or vulnerable adult who is working or engaging with company personnel, and/or using or visiting our premises.

### **3. This Policy operates within the following frameworks:**

#### **3.1 Health and Safety**

- The Kenton Theatre aims to plan its work in such a way as to minimise situations where the abuse of children may occur, including:
  - preventing occasions where a single adult is in charge of a lone child;
  - ensuring children are never left unsupervised;
  - that they always leave performances, workshops or projects in the care of their parent/carer or other pre-designated adult, or under circumstances agreed with their parent or carer.
- Risk assessments are carried out before any performance, project or workshop begins, and copies of the risk assessments are kept by the Theatre Operations Manager.
- Details of a contact person with legal responsibility for the child, young person or vulnerable adult should always be obtained prior to the commencement of a workshop, performance or project.

#### **3.2 Employment and Volunteering**

- Staff, artists and tutors contracted to deliver any workshops or projects for children, young people or vulnerable adults will be required to have a valid Criminal Records Bureau Enhanced Disclosure Certificate (2 years). A note will be made of the certificate number for future reference.
- Volunteers will not be DBS (Disclosure and Barring Service) checked as standard, unless working on a specific project or area specific to children and young people. Volunteers should never be left in sole charge of children or young people. The recruitment and selection process for artists/tutors/project leaders and volunteers who work with children will include:

An interview to explore the applicant's experience of working or contact with children (the interviewer should also have sound experience of working with children).

Gaining at least two references from a reputable person who has recent experience of the applicant's work with children, and can comment on their general character and relationships with others.

Seeing an appropriate form of photo identification, such as a driving licence or passport, to ensure that the applicant is not assuming a false identity. All the above should occur even if a person is transferring from tasks not involving contact with children to those which do involve working with children.

#### **3.3 Contracts**

The Kenton Theatre staff member, artist, tutor, project leader or volunteer should complete an application form which must include:

- their full name, current address and date of birth
- any details of previous experience of working with children
- the name of two referees who have recent experience of their work with children, and can comment on their general character and relationships with others
- that the position involves contact with children and is exempt from the provisions of the Rehabilitation of Offenders Act 1974, so details of any convictions for criminal offences against children (including 'spent' convictions) must be given
- permission for a DBS (Disclosure and Barring Service) check to be carried out
- a signed commitment to prevent the abuse of children

Any person, who has been officially identified (i.e. by the police or local authority) as a potential 'risk' to children, young people and/or vulnerable adults will not be allowed to work/volunteer on events where young people are involved.

### **3.4 Working conditions**

- Adult:Child ratios are 1:8 for groups of children aged 3 to 7 years old (National Standards for Under Eights Day Care and Childminding, DfES, 2001), and 1:12 for older children ('Keeping Arts Safe', Arts Council guidelines, April 2002).
- Children under 8 years old must be supervised at all times.

## **4. Lines of responsibility**

The Board of Trustees are responsible for ensuring the Kenton Theatre has an adequate safeguarding policy, code of conduct and any other safeguarding procedures and for regularly reviewing the policy and procedures to ensure they are fit for purpose.

The Chair of the Board of Trustees is responsible for identifying and nominating a work location Designated Safeguarding Lead and for ensuring they receive appropriate information, guidance and training necessary for him/her to undertake his/her Safeguarding Lead role and responsibilities

The Safeguarding Lead is responsible for advising Responsible Persons and external partners on all matters pertaining to safeguarding and protection at their work location.

The Kenton Theatre Safeguarding Lead is currently the Technical Operations Manager.

The Safeguarding Lead is responsible for arranging and/or delivering safeguarding training to Responsible Persons.

The Safeguarding Lead will, as necessary, raise any matters or concerns relating to the practice of safeguarding Vulnerable Adults with the Chair of the Board of Trustees.

If a concern about suspected abuse is reported, the Safeguarding Lead will:

- take such steps as are considered necessary to ensure the safety of the child or vulnerable adult in question and any other child or vulnerable adult who may be at risk;

- co-ordinate appropriate actions by liaising with all relevant internal and external bodies, as required;
- refer the allegation to the appropriate Social Services Department who may notify the police;
- contact the carer(s) of the child or children, following any specific advice given by the relevant authorities;
- report the matter directly to the police where the notification is made outside office hours;
- where possible confirm the referral to the police or the Social Services Department in writing within 24 hours of the verbal notification, and
- record full details of the allegation and the name(s) of the individual(s) to whom the matter has been referred.

If the Safeguarding Lead is the subject of the suspicion or allegation, the Chair of the Board of Trustees will be contacted and is responsible for carrying out the actions set out above.

If the matter is considered to be one of poor practice, the Chair of the Board of Trustees will deal with it in accordance with the Kenton Theatre's Discipline Policy.

The Safeguarding Lead is responsible for ensuring that all Responsible Persons at their work location are aware of this policy and that it is implemented in accordance with the information and guidelines set out within it. The Safeguarding Lead must also ensure that any external partners including contractors, agents, hirers or others with whom their work location Responsible Persons engage on company business, and with whom children and young people will come into contact, understand and comply with this policy.

Responsible Persons are responsible for reporting any concerns to their designated Safeguarding Lead.

Chaperones are responsible for the safety and welfare of the children and young people to whom they have been assigned and for fulfilling the conditions of their Chaperone License and/or the Body of Persons Exemption Notice.

External child protection agencies and organisations are responsible for determining whether or not abuse has taken place.

## 5. Defining Abuse

The following definitions have been adapted from the Department for Children and Young People, Schools and Families (2010) Working Together to Protect Children guidance.

- **Abuse** is the maltreatment of a child. Abuse or neglect may take the form of inflicting harm or failing to act to prevent harm. Children and young people may be abused within a family unit, in an institutional or community setting by a person or persons known to them or, more rarely, by a stranger, or strangers. The abuser may be an adult or a child who is, for example, a family member, friend, an instructor or a person in a position of trust. There is growing evidence to suggest that peer abuse is an increasing concern for young people.
- **Neglect** occurs where an adult fails to meet a child's basic physical and/or psychological needs, the result of which is likely to seriously impair his or her health and/or development. Neglect might also be defined as a refusal to give love, affection or attention.

- **Physical Abuse** occurs if an individual physically hurts or injures another individual by hitting, shaking, throwing, poisoning, burning, biting, scalding, suffocating, drowning or otherwise causing physical harm to him/her.
- **Sexual Abuse** occurs when an individual is used to satisfy another individual's own sexual needs. This may include full sexual intercourse or fondling. Showing children and young people pornographic material is also a form of sexual abuse.
- **Emotional Abuse** is the persistent emotional ill treatment or bullying of a child which results in a severe and persistent adverse effect on his or her emotional development. It may, for example, involve conveying to the child that he or she is worthless, unloved, and inadequate or valued only insofar as he/she meets the needs of another person. It may feature inappropriate age or development expectations being imposed on the victim and might cause the victim to feel frightened or in danger by being constantly shouted at, threatened or taunted which may result in a display of nervousness or withdrawal. Emotional abuse is also applicable in cases where a carer is abused in front of the child, young person or vulnerable adult.
- **Cyber Abuse** is bullying that takes place using electronic technology. Electronic technology includes devices and equipment such as cell phones, computers and tablets as well as communication tools such as social media sites, text messages, chat, and websites. Examples of cyberbullying include mean text messages or emails; rumours sent by email or posted on social networking sites; and embarrassing pictures, videos, websites, or fake profiles.
- **Radicalisation** refers to the process by which a person comes to support terrorism and forms of extremism leading to terrorism. During that process it is possible to intervene to prevent vulnerable people being drawn into terrorist-related activity.

## 6. Recognising Abuse

The following situations are examples of possible indicators that a child may be suffering abuse. A child or vulnerable adult may present more than one of these indicators.

- Unexplained or suspicious injuries such as bruising, cuts or burns, particularly if the injury is 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 a child.
- Unexplained changes in behaviour, for example becoming very quiet, withdrawn or displaying sudden outbursts of temper.
- Inappropriate sexual awareness.
- Engaging in sexually explicit behaviour.
- A distrust of adults, particularly those with whom a close relationship would normally be expected.
- Appears to have difficulty making friends.
- Is prevented from socialising with other children and young people.
- Displays wide variations in eating patterns, including overeating and/or loss of appetite.
- Becomes increasingly dirty or unkempt.
- Overuses, or is reluctant to use electronic devices and/or social media portals.

If a child:

- is accidentally hurt;
- appears distressed, or
- appears to be sexually aroused by another person's actions

The matter must be reported immediately as set out below and the details must be recorded.

## **7. Responding to disclosures, suspicions and allegations**

False allegations of abuse do occur, but they are rare. Disclosures, suspicions and allegations should always be taken seriously and acted upon, especially:

- when the allegation is about a staff member or volunteer;
- when the disclosure happens during an activity or project;
- when a child discloses to a staff member or volunteer, and
- when possible abuse is observed during an activity or project.

### **7.1 Who needs to be informed?**

In most circumstances, the following individuals must be informed of the concern:

- the work location Safeguarding Lead;
- the carer of the child who is alleged to have been abused;
- the Local Authority Social Services Department and/or the police where a child may be at risk of significant harm;
- the individual making the allegation;
- the alleged abuser; and
- (if applicable) the carer of a child who is the alleged abuser.

Every effort must be made to maintain confidentiality for all concerned. Information must be handled and shared only on a need to know basis and in accordance with Data Protection and GDPR guidelines. Evidence and information collected and shared must be factual and cannot be based on prejudice or bias.

### **7.2 Referral and Investigation**

It is not the responsibility of those implementing this policy to decide whether or not a child or vulnerable adult is being, or has been abused.

Local Authority Social Services Departments have a statutory duty to ensure the welfare of children and young people and to investigate any matters reported to them.

Where possible, a referral to social services will be made in liaison with the carer of the child because certain indicators, such as being withdrawn, may occur as a result of, for example, bereavement. Such circumstances will become apparent and be explained through consultation with the carer.

Conversely, there are times when consulting with the carer of a child is not advisable, for example if the consultation process is likely to place the child at even greater risk because the carer may be the abuser, or is unlikely to react to the disclosure in an appropriate manner. In such circumstances the Responsible Person who has received the disclosure should seek further guidance from their Safeguarding Lead.

All information and actions pertaining to the disclosure must be recorded. The Kenton Theatre will fully support and protect anyone who, in good faith reports a concern that an individual is or may be abusing a child.

### **7.3 Internal enquiries and suspension**

If an allegation of abuse is made against a staff member, the Chair of the Board of Trustees will decide whether the staff member should be temporarily suspended from duty pending further investigation into the matter. Such a decision and any subsequent actions will be implemented in accordance with guidelines set out in the Kenton Theatre's Discipline Policy.

The welfare of the child will remain of paramount importance through any internal enquiry and investigation.



# Useful Contacts

## **South Oxfordshire District Council**

<https://www.southoxon.gov.uk/south-oxfordshire-district-council/community-help-and-safety/protecting-vulnerable-people/safeguarding-and-prevention/>

**South Oxfordshire Children Services**, contact the Kingfisher Team on 01865 309196

In an emergency contact the police on 999

If you have a concern about a member of staff working with children (in either a paid or voluntary capacity), you can contact the **Local Area Designated Officer** (LADO)

<https://www.oxfordshire.gov.uk/contactus/contact-local-authority-designated-officer>

Speak to your Safeguarding Lead in the first instance.

## **National Society for the Prevention of Cruelty to Children (NSPCC)**

0808 800 5000

## **Childline**

0800 1111

# Safeguarding Children, Young Persons and Vulnerable Adults - Best Practice

## 1: Relationships with children and young people

During the course of their work, some Responsible Persons will develop work and/or educational relationships with children and young people, for example as a youth workshop leader, in a performance-related capacity or as a facilitator of work experience. Such contact can lead to a *“relationship of trust”* which is defined by the Children’s Act 1989 as *“a relationship that exists between an adult and a young person aged 18 years or under, where the adult has power or influence over that young person due to the nature of their role within the organisation.”*

Such power must never be abused in any way by a Responsible Person. All Responsible Persons engaging in work or an activity on behalf of the Kenton Theatre must recognise their responsibility towards the health, safety and wellbeing of the child or children they are working with. The following must be taken into account and adhered to:

- Young people between 16 and 18 years of age may legally consent to some types of sexual activity; however, the law still classifies them as a child. A young person’s age does not necessarily reflect their maturity or emotional development and they remain vulnerable to abuse.
- It is an offence for a person aged 18 or over to have sexual intercourse or engage in any other sexual activity with a person under 18 years of age, if the older person is in a position of trust in relation to the younger person. The Kenton Theatre chooses to extend this rule to include any young person up to 21 years of age who is participating in a company-facilitated youth project. It is company policy that project facilitators must not conduct intimate relationships with any young person who is under 21 years of age and with whom they engage in respect of youth projects.
- The Kenton Theatre does not permit Responsible Persons to socialise outside of work with any child under the age of 18 with whom he/she engages in a work, performance or educational capacity on behalf of the Kenton Theatre. This includes contact through social networking which is unrelated to the work, performance or educational activity.
- Particular care must be taken if a young person is also employed with the Kenton Theatre as a Responsible Person, or becomes employed subsequent to their involvement in a youth project or activity. The child must be made aware that in their role as an employee they are in a position of trust and that their own relationships with other children and young people may need to change in order to prevent any breach that trust. This will be made clear to during the Young Person’s New Starter Induction process.

## 2. Behaviours

Occasionally children and young people may exhibit inappropriate behaviour. Such behaviour must be dealt with quickly as its display may be an indicator of an issue or problem which is affecting the child.

Unacceptable behaviour must be challenged at the earliest opportunity and in the most appropriate manner. A sanctions or reprimand which is in any way humiliating, or which make the child look or

feel foolish in front of others is not acceptable, whether it comes from a Responsible Person or another child.

The Safeguarding Lead or Head Chaperones can advise how best to challenge unacceptable or inappropriate behaviour.

To protect themselves from false allegations, all Responsible Persons are expected to demonstrate exemplary behaviour and good practice in all their dealings with children and young people by adhering to the following guidelines:

- Always work in an open environment, avoiding private or unobserved situations.
- Encourage open and honest discussion and collaboration. Do not encourage keeping a secret.
- Treat all children and young people equally and with dignity and respect.
- Always place the welfare of each child first and of higher importance than winning or achieving goals.
- Maintain a safe and appropriate distance from performers. For example, with the exception of Chaperones, it is not appropriate to share a dressing room with a child.
- Build healthy, balanced relationships which is based on mutual trust and which empowers children and young people to share in the decision-making process.
- With the exception of licensed Chaperones, Responsible Persons must not enter a child's dressing/changing room or invite him or her into their office.
- Be an excellent role model by not smoking or drinking alcohol in the company of children and young people.
- Give enthusiastic and constructive feedback, rather than negative criticism.
- Recognise and understand the develop needs and learning capacity of children and young people.
- Seek written parental or carer consent to act 'in loco parentis' if it is necessary to give permission for the administration of emergency first aid and/or other emergency medical treatment.
- Ask for information from the carer about any prescribed medicines being taken by a child and/or any injuries they have sustained prior to their participation or engagement in a company performance or activity.
- Ensure records are kept of any injury that occurs and/or any treatment which is administered by a Responsible Person during a performance or activity, along with information related to an injury or concern that existed prior to the performance or activity.
- Wherever possible, involve carers in safeguarding children and young people on company premises, for example in dressing rooms. Although not a legal requirement, try to ensure supervision of children and young people is undertaken by two people.

### **3. Physical Contact**

Physical contact between Responsible Persons and children and young people should only be undertaken when the aim is to:

- develop skills or techniques;
- treat an injury or respond to distress;
- prevent an injury, and/or
- meet the requirements of a particular activity.

Physical contact must meet the needs of the child and not the needs of the Responsible Person and must be fully explained to the child.

With the exception of an emergency situation, physical contact must not take place in secret or out of sight of others and must not involve touching the genitals, buttocks or breasts of a child.

### **Practices to avoid**

#### **Do not:**

- engage in rough, physical or sexually provocative games, including horseplay;
- share a closed room or cubicle with a child;
- allow or engage in any form of inappropriate touching;
- allow, unchallenged, the use of inappropriate language;
- make sexually suggestive comments, even in fun;
- purposefully reduce a child to tears;
- allow an allegation made by a child or vulnerable adult to go unchallenged, unrecorded and/or not acted upon.

Except in an emergency situation, do not:

- spend time alone with a child;
- invite a child into your home where they will be alone with you, and do not
- offer or provide a lift in your car if you will be alone with the child.

If there is a genuine need to be responsive to a child's reactions it may sometimes be necessary for a Responsible Person to do something of a personal nature for a child. Such actions must only be carried out with the full understanding and consent of the carer. If a child is fully dependent, the action must be explained to him or her where possible giving choices, for example if it is necessary to put on or remove outer clothing, and the child needs to be lifted or physically assisted to undertake that task.

## **4. Reactions**

If a Responsible Person learns of an allegation of abuse concerning a child, or receives information relating to an allegation from a child, he/she should:

- react calmly so as not to frighten them;
- tell the informant that they are not to blame and that they are right to share the information;
- take the disclosure seriously, recognising any difficulties inherent in interpreting what is said by a child if they have a speech disability and/or differences in language;
- keep questions to a minimum whilst at the same time ensuring there is a clear understanding of the information being disclosed;
- reassure the child by explaining that the information will be passed on to keep them safe;
- do not promise to maintain confidentiality – you cannot keep this a secret
- record what has been said, heard and/or seen as soon as possible on a Safeguarding Incident Report Form. Information should be recorded in the child's own words wherever possible, avoiding interpretation or personal opinion unless the circumstances warrant it.

The person receiving the disclosure should not:

- panic;
- allow their 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, and/or
- make promises or agree to keep secrets.

In the event of a complaint, the following information must be recorded:

- Name of child
- Parent's/carer's details
- The child's address
- Relevant phone numbers
- What is said to have happened or was seen
- When it occurred
- Who else was there
- What was said by those involved
- Whether there is any actual evidence, e.g., bruises, bleeding, changed behaviour
- Who has been told about it
- Who was concerned
- Was the child able to say what happened
- Whether the parents have been advised

Any complaints of suspected or actual child abuse, or of children being put at risk, must be taken seriously and acted upon immediately.

The following guidelines explain what action to take if a child discloses details of abuse to a Kenton Theatre staff member, artist, tutor, project leader or volunteer:

If someone discloses to you:

- Remain calm and in control but don't delay acting.
- Listen carefully to what is said. Allow the person to tell you at their own pace and ask questions only for clarification. Don't ask questions that suggest a particular answer.
- Don't promise to 'keep it a secret'. Use the first opportunity you have to say that you will need to share the information with others. Make it clear that you will only tell the people who need to know and who should be able to help.
- Reassure the child, young person or vulnerable adult that 'they did the right thing' in telling someone.
- Tell the child, young person or child what you are going to do next.
- Speak immediately to the person (if in a school/educational setting, youth or care setting) who has designated responsibility for protection of children, young people or vulnerable adults, or to the Kenton Theatre staff member/project leader responsible for the project/performance in question if the incident occurs at a Kenton Theatre workshop/project. It is that person's responsibility to liaise with the Safeguarding Lead and relevant authorities, usually social services.

- As soon as possible after the disclosing conversation, make a note of what was said, using the child's/young person's/vulnerable adult's own words. Note the date, time, any names that were involved or mentioned, who you gave the information to. Make sure you sign and date your record.
- Social services will liaise with the relevant departments on a 'need-to-know' basis and will, if appropriate, inform the police. It is the responsibility of the authorities to determine whether abuse has occurred.

Remember: If a complaint or allegation is made against a Kenton Theatre staff member, artist, tutor or volunteer he or she will be made aware of his or her rights under both employment law and internal disciplinary procedures. This is the responsibility of the Kenton Theatre staff member responsible for leading the project. No matter how you feel about the accusation, both the alleged abuser and the person who is thought to have been abused have the right to confidentiality under the Data Protection Act 1998. Remember also that any possible criminal investigation could be compromised through inappropriate information being released.

## **5. Images and Data**

- Images and information that are produced as a result of participatory arts projects will be handled sensitively in terms of public relations, publicity and archive material, and take into account current legislation such as the Data Protection Act (1998) and GDPR. Signed permission must be obtained from a child's/young person/vulnerable adult's parent or carer before images of that child/young person can be used in any publicity material or displayed.
- When giving information and advice to other organisations embarking on projects involving children/young people/vulnerable adults, the Kenton Theatre will be mindful of issues relating to safeguarding.

## **6. Review**

The Kenton Theatre aims to acquire relevant information on current and emerging legislation and issues, and relate it to the organisation's activities as appropriate. Relevant information regarding safeguarding legislation, guidelines and the Kenton Theatre Safeguarding Policy will be brought to the attention of all staff members, artists, tutors, project leaders and volunteers who work with children.

The Safeguarding Policy will be reviewed and revised annually by the Chair of the Board of Trustees, Safeguarding Lead, and the Board of Trustees.

## **Definitions and Useful Information**

### **Convictions, spent**

A person convicted of all but the most serious criminal offences and who receives a sentence of no more than two and a half years in prison, benefits from the Rehabilitation of Offenders Act (ROA) 1974 if they are not convicted again during a specified 'rehabilitation' period. Generally, the more severe a penalty is the longer the rehabilitation period. Once a rehabilitation period has ended and no further offending has taken place, a conviction is 'spent'. With a 'spent' conviction, the person does not have usually to reveal or admit the conviction, including when applying for a job. However, when recruiting for a position of trust, an employer is entitled to ask a candidate to reveal details of all convictions, whether spent or not, particularly to protect children and other vulnerable groups. (Rehabilitation of Offenders Act 1974).

### **Convictions, unspent**

A conviction is described as unspent if the rehabilitation period associated with it has not yet lapsed. A rehabilitation period is a set length of time from the date of conviction, according to the sentence imposed.

### **Counter signatory**

Person within a registered body whose role includes: countersigning applications and receiving the Disclosures; and the control of the use of, access to and security of Disclosures.

### **Disclosure and Barring Service**

An agency of the Home Office which, through its Disclosure service, helps organisations recruit more safely. It provides a regulated 'one stop' service for England and Wales, offering access to records held by the police, together with those held by the Department of Health (DH) and the Department for Education and Skills (DfES). It enables organisations to make more thorough recruitment checks, particularly for positions that involve regular contact with children and vulnerable adults.

### **DBS Check, Standard**

Standard Disclosure is the minimum level of Disclosure recommended for anyone with direct contact with children. This level of Disclosure is considered appropriate only if it can be guaranteed that the individual will not have unsupervised access to children or vulnerable adults. A Standard Disclosure check provides information on both criminal records (spent and unspent convictions) and the List 99 and Protection of Children Act lists (which provide names of individuals banned from working with children).

## **DBS Check, Enhanced**

Enhanced Disclosure is for people who are in situations where they have intensive short or long-term access to children, young people or vulnerable adults and, as a result of this access it would be relatively easy for them to commit abuse. It includes the information provided by Standard Disclosure as well as any investigations currently underway and may also contain non-conviction information from local police records which a chief police officer thinks may be relevant.

## **Disclosure of alleged abuse**

In the context of safeguarding the term describes an event in which a child, young person or vulnerable adult confides information about abuse or neglect.

## **In loco parentis**

Refers to the person legally responsible for a child in the absence of the child's parent(s) or regular carer.

## **List 99**

List 99 is a confidential Department for Education and Skills (DfES) list of adults who are either banned from working with children or young people or have had restrictions placed upon their employment.

## **National Care Standards Commission**

This is an independent body set up under the Care Standards Act 2000, to regulate social care and private and voluntary health care services throughout England. It registers and inspects facilities including daycare provision.

## **Ofsted**

The Office for Standards in Education (Ofsted) is a non-ministerial government agency department whose main aim is to help improve the quality and standards of education and childcare through independent inspection and regulation. Ofsted assumed responsibility under the Care Standards Act 2000 for the regulation and registration of all 'early years' childcare and education. This includes inspecting some 100,000 childminders and 40,000 daycare establishments.

## **Registered bodies**

These terms are part of the Disclosure process.

- **Closed registered bodies**



Closed registered bodies only process checks on the people they employ. For instance, a day care centre or a hospital might be a closed registered body.

- **Umbrella registered bodies**

Sometimes called 'open' registered bodies – perform similar functions to registered bodies by countersigning applications on behalf of organisations which do not wish to take on the responsibility of registration in their own right. They can ask umbrella registered bodies to carry out the service. For instance, Folk South West and the Arts Marketing Association have become umbrella registered bodies.

### **Social services departments**

The local authority social services department should be contacted when there is concern about possible abuse of a child, young person or vulnerable adult. It is the responsibility of social services, working if necessary with other services such as the police, to determine if abuse has taken place.

### **Sole charge**

This means having unsupervised contact with children, young people or vulnerable adults.

### **Vulnerable adult**

There is no standard definition. The Arts Council's working definition is: 'Vulnerable adults are people who are, or may be, in need of community care services because of mental disability or other disability, age or illness, and who are, or who may be, unable to take care of themselves or unable to protect themselves against significant harm or exploitation.'

### **Young person**

In this document, a 'young person' is in the upper age ranges of the official definition of a child. The term has no legal status – it acknowledges that people aged 16 or 17, may not think of themselves as 'children.'

## **References:**

### **Protection of Children Act 1999**

Published by The Stationery Office Ltd.

### **Working Together to Safeguard Children**

A Guide to Inter-Agency Working to Safeguard and Promote the Welfare of Children (Department of Health, Home Office and Department for Education and Employment) Published by The Stationery Office Ltd.

### **Safe from Harm**

A Code of Practice for Safeguarding the Welfare of Children in Voluntary Organisations in England and Wales Researched and written by David R. Smith Published by the Home Office, London 1993

### **Keeping Arts Safe**

Protection of Children, Young People and Vulnerable Adults Involved in Arts Activities. Published and Written by Arts Council England in collaboration with the NSPCC April 2003 Downloadable from [artscouncil.org.uk](http://artscouncil.org.uk).