

# A Safer Place for Children

*Promoting the Safety of Children in Public Settings*



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## 1. INTRODUCTION

Public settings such as libraries, neighbourhood centres and sports centres can be dynamic and exciting places for children, providing relevant and accessible services. To enable these services to flourish it is essential that they are a safe place for children who use them. Children should feel safe and secure and know that they will receive suitable help if required.

These guidelines have been produced to support organisations responsible for such settings to create an appropriately safe environment. They have been written specifically for managers of public settings who require a framework to assist them in the development of policies and procedures to promote the safety of children.

A policy promoting the safety of children is one of the foundations of a well managed service. Rather than reacting to particular difficulties or threats, we should seek to proactively create an environment in which children feel comfortable and safe where their self confidence can grow.

As agencies working with children, it is important that we are seen to create safe public settings within the community which take the issue of children's safety seriously.

It is important that such settings make information available to parents to ensure the safety of their children when using such facilities. This should include details of who to contact if they have concerns on a number of issues such as:

- Child abuse and neglect
- Bullying
- Forced marriage
- Sexual exploitation
- E-safety

These guidelines must be read and used in conjunction with the policies and procedures of the Local Safeguarding Children Boards in the Tees area which can be found at <http://www.teescpp.org.uk/>

## 2. LEGAL BACKGROUND

The ultimate responsibility for children using public settings rests with their parents or carers. This should be made clear to all parents and carers whose children use such settings. Unless staff are leading a specific activity which parents have agreed that their child can attend, they are not generally in loco parentis ie taking the responsibility of a parent.

Staff leading specific activities in public settings should take such care of children as a reasonable parent would take. This is both a personal responsibility of the staff member and that of the employer.

For staff not directly involved in leading such activities, their employers owe a duty of care to children under the Occupier's Liability Act 1957. This duty is to take such care as is reasonable to ensure that visitors will be safe in using the setting for the purpose for which they are permitted to be there. The standard of care expected in relation to children is higher than in relation to adults because staff must expect children to be less careful than adults. In the event that there is on the premises anything which is both an allurements and danger to children, the 1957 Act requires that reasonable care must be taken to protect them from that danger.

Whether or not staff take direct responsibility for children in the course of their duties, they should be guided at all times by the fundamental principle of the Children Act 1989 that **the welfare of the child is paramount**.

Staff should be aware of their organisations policies concerning child protection and health & safety and should ensure they comply with those policies at all times.

Any hirers, organisations or individuals using the premises to put on an activity for children should be required to use the same standards and duty of care as the organisation ultimately responsible.

### 3. UNSUPERVISED CHILDREN (under the age of 10) IN PUBLIC BUILDINGS

Children are the legal responsibility of their parents and carers and the view of Stockton-on-Tees Local Safeguarding Children Board (SLSCB) is that all children under the age of 10 should be accompanied by an appropriate adult whilst they are in a public setting unless they are part of organised and supervised activities.

Clearly we would not wish to discourage any child children from visiting public settings but it is important that the responsible organisation takes reasonable steps to ensure the safety of children and to inform parents and carers of their responsibilities.

The way in which staff deal with unaccompanied children discovered in the building must be based both on an awareness of the responsibility of the parent or carer, and their duty of care to all children on the premises.

If a member of staff believes that a child may be under the age of 10, the following steps should be followed:

- If possible, staff should try to ensure colleagues are present when dealing with an unsupervised child.
- Staff should try to avoid being left alone with the child.
- Staff should attempt to establish whether the child is allowed by the parent or carer to come and go alone. If satisfied that this is so, staff should allow the child to leave. If staff gather this information only from the child they will need to use their judgement to ascertain whether the child is competent to leave alone.

Relevant factors to consider are:

- Whether the child exhibits signs of nervousness.
- Whether the child appears to clearly understand the questions they are asked.
- Whether the child seems physically capable.
- Whether the child appears to know clearly and readily where he or she lives.
- How far the journey is.
- Whether there are any known hazards on the journey.

If in doubt, staff should encourage the child to remain in the building until they have been able to contact a parent or carer. Children under 10 should not normally be allowed to leave alone unless it is known that in the particular case the parent/carer allows it.

Recommended actions for staff:

- Ask the child if they are expecting to be collected by an adult. Even if the child is expecting to be collected soon, do not wait before taking the next step.
- If the child is able to give an address or telephone number; try to contact the parent or carer. If the setting holds registration details, check to see if the child, parent or carer is a registered user of the facilities.
- If it is not possible to contact the parent or carer, see if the child can give contact details of a relative or close family friend.
- Never release a child into the care of another adult unless it is known that they are the parent or carer or the parent/carer has given permission.
- If all attempts fail, please contact the relevant children's social care team (or emergency duty team if outside office hours) or the police.
- Under no circumstances should a child ever be escorted home by a member of staff.
- Under no circumstances should a member of staff try to physically restrain a child from leaving the premises.
- The incident should be reported to the relevant senior manager at the earliest opportunity.

**Stockton-on-Tees**

**First Contact**, Tithebarn House, High Newham Road, Stockton-on-Tees. TS19 8HR

Tel: 01642 527764 Email; [firstcontact@stockton.gov.uk](mailto:firstcontact@stockton.gov.uk)

Emergency Duty Team (Outside of Office Hours) Tel: 08702 402994

**In an emergency, contact the Police** Tel: 999

**Middlesbrough**

**First Contact Team**, MTLC, Tranmere Avenue, Middlesbrough. TS3 8PB

Tel: 01642 726004 Fax: 01642 201994

Emergency Duty Team (Outside of Office Hours) Tel: 08702 402994

**In an emergency, contact the Police** Tel: 999

**Hartlepool**

**The Duty Team**, Civic Centre, Victoria Road, Hartlepool. TS24 8AY

Tel: 01429 523 872

Emergency Duty Team (Outside of Office Hours) Tel: 08702 402994

**In an emergency, contact the Police** Tel: 999

**Redcar & Cleveland**

**The Access Team**, Seafield House, Kirkleatham Street, Redcar. TS101SP

Tel: (01642) 771500

Emergency Duty Team (Outside of Office Hours) Tel: 08702 402994

**In an emergency, contact the Police** Tel: 999

#### 4. ORGANISED ACTIVITIES FOR CHILDREN IN PUBLIC SETTINGS

The Children Act 1989 (as amended by the Care Standards Act 2000) regulates the provision of 'day care'. This is defined as care provided at any time for children under the age of 8 on premises other than domestic premises.

It is unlikely that any public setting will need to register under the Act, but the standards should nevertheless be noted and used wherever possible. This represents good practice and a common sense approach. The Act does **not apply** if the total period during any day on which care is provided is **two hours or less** (thus exempting most activities, events and groups).

It also does not apply if such care (even though exceeding 2 hours in the day) is provided at the premises on fewer than six days in any year if the person providing such day care has notified Ofsted in writing before the premises are so used for the first time in that year.

If the Act applies, it is an offence to provide day care unless registered to do so. It is therefore important that public settings either:

- Do not agree to care for any child for more than two hours in any day; or
- Check that a notification to Ofsted is in force and that no more than 5 such activities take place in any year; or
- Check the registration requirements before offering activities that are likely to be covered by the Act

National standards for day care have been issued under the Children Act 1989. The relevant standards are the National Standards for Sessional Care. Sessional care is day care for children under eight for a session of less than a continuous period of 4 hours in any day on non-domestic premises. The standards are written mainly with nursery care in mind but will only apply if a building is registered to provide day care. However, it is considered good practice to comply with these standards wherever possible.

There are 14 national standards dealing with all aspects of care from the suitability of the adults to health and safety requirements. To comply with as many of the standards as realistically possible, the following guidance should be adhered to:

- For craft activities and events where a high level of staff input/supervision is required and the audience is made up of children of all ages, implement a limit of **15** children per event - in line with the minimum staffing to children ratio (1:15 for 7-16 year olds) in the Children Act 1989. Where 2 or more staff are present, the maximum attendance figure can be increased in line with venue requirements.
- For family events and performance events for larger audiences, where a wide audience of children and parents or carers is present and staff input/supervision is minimal, limits on numbers should be implemented according to venue requirements.
- For events targeted at specific age groups, the staffing ratios in the Children Act 1989 should be followed wherever reasonably possible:
  - 1:3 for children under 2 years
  - 1:4 for 2 year olds
  - 1:8 for 3 - 7 year olds
- For all events children under 8 years must be accompanied by a responsible adult.
- There must be a first aid box complying with the Health and Safety (First Aid) Regulations 1981 in every community building or venue and preferably several members of staff trained in Emergency First Aid.
- There must be access to a telephone on the premises.
- Equipment must conform to safety standards.

- COSHH reports should be filled out for new materials and resources used in any activities or events with children, by a senior member of staff. All staff should be encouraged to attend the COSHH internal training course.
- Risk assessment forms should be filled out for all events and activities for children in **all** community libraries, by a senior member of staff. Where a regular event of similar content takes place repeatedly in the same location, eg parent and toddler group or story times, then only 1 risk assessment needs to be carried out at the outset. All staff should be encouraged to attend the risk assessment internal training course.
- The organisation accepts that when children are present in a building that noise levels will rise. Examples of acceptable levels are: a baby crying is acceptable, teenagers shouting at the top of their voices is not.
- Special needs should be catered for, wherever possible.

#### **When planning an activity, the following should be considered;**

- Suitable numbers of adults to supervise the event.
- When using outside speakers/entertainers, at least one member of staff should remain with the group at all times.
- General health and safety considerations must be borne in mind.
- Activities should not discriminate against any person on grounds of disability and must take any reasonable steps to enable disabled children can take part in the activity.
- Awareness of first aid arrangements.
- Maximum attendance figure, based on staff, space and the type of activity. If there is any doubt about the ability to control numbers, then limit the activity.
- Ensure that the activity complies strictly with the requirements of the building's fire certificate and any recommendations or requirements of the fire authority and the premises' insurers.
- Any publicity materials should specify the age of the children which the event is aimed at and clearly state starting and finishing times. It should include advice to parents and carers collecting children from an activity that they should instruct their children to stay in the building until collected.

#### **During the activity**

- A register of all children attending the event should be maintained, including:
  - name
  - address
  - telephone number
  - name and signature of parent or carer collecting
  - consent to activity
  - any known medical conditions and how they should be dealt with
  - All staff should be identifiable (by wearing staff badge).
- If a child wishes to leave an event, every effort should be made to persuade them to stay until the return of the parent or carer.
- A child should only be released into the care of the agreed parent or carer, unless previously agreed that the child would leave alone.
- A child should only be allowed to leave in the care of another child if it is deemed that the supervising child is of an age and competence to be able to accept responsibility for their own or another's safety and permission has been obtained from the parent or carer.
- Under no circumstances should a child ever be escorted home by a member of staff.
- Under no circumstances should a member of staff try to physically restrain a child from leaving the premises.
- Activities should be scheduled to end at least half an hour before the premises close to allow time for parents or carers who are late in collecting their child.



## **5. EVACUATION PROCEDURES**

- A poster clearly displaying the location of the premises' assembly point should be clearly displayed.
- All staff must be familiar with procedures to ensure the safety of children, including any requirements imposed by the fire authority.
- On the sounding of the alarm, a nominated member of staff should have responsibility for checking that no unaccompanied children are left on the premises.
- Any unaccompanied children should be taken by staff to the assembly point and supervised until the parent or carer arrives to collect them. Children who are not expected to be met and who are allowed to leave the building unaccompanied should be allowed to make their own way home.
- During an organised activity, staff must lead children to the assembly point taking the register of children attending the event. The register must be checked to ensure that all children are safely accounted for. If any child is not present this must be reported immediately to the emergency services.

## **6. ADULTS IN AREAS DESIGNATED FOR CHILDREN'S USE**

It is important to remember that adults may use public settings, including areas designated for children's use, for a variety of legitimate purposes. However, staff must be watchful of adults acting in ways that may threaten a child's safety and be responsive to any concerns expressed by a child.

Clearly this is a sensitive area so staff should be cautious, but as stated previously; a child's welfare is paramount.

If a member of staff observes an adult in an area designated for children who does not appear to be there for legitimate purposes, they should be politely asked by staff if they can be helped in any way. If necessary, the staff member should remain in the children's area with the adult, or the adult should be asked to leave the area. Any concerns about an adult's behaviour should be immediately shared with the senior staff member on duty.

Any areas designated for children need to be clearly signed as for the use of children and their parents or cares.

## **7. USE OF STAFF TOILETS**

Where there is no public toilet on the premises, it is reasonable to allow children to use the staff facilities in an emergency. Staff should be in attendance for security purposes, but it is strongly advised that staff do not enter the toilet with the child. Wherever possible, parents should be encouraged to accompany their child to the toilet, with staff escorting them to and from the staff areas for health and safety reasons.

## **8. CONSULTATION AND SURVEYS**

When staff undertake consultation work and surveys, it is important that they should be aware of sensitivities regarding talking to children.

If it is proposed to consult or survey children under the age of 14, either on a 1:1 basis or as part of a focus group, permission should be sought from parents or carers in advance. If the resulting data is purely statistical, there will be no data protection considerations. However, if it may be possible to identify a child from the data produced, express permission should be sought from the parent or carer.

If it is proposed to undertake consultation or surveys in a public setting, notices should be displayed that explain why children are being approached. It is also strongly recommended that a publicity campaign takes place before the consultation or survey commences.

All interviews with children should take place in a public area and staff should wear identification at all times.

## **9. AVOIDING SITUATIONS WHERE STAFF MAY BE IN A VULNERABLE POSITION**

It is important that staff working in public settings are aware of the following:

- A child should never be accompanied into a toilet, unless in an emergency.
- A child should never be allowed to sit on a member of staff's knee.
- When dealing with difficult situations with children, staff should always try to ensure another member of staff is present to observe and offer support if required.
- A child should not be led by the hand of the premises in search of a parent or carer. They should be kept safe until the parent or carer arrives. If there is cause to believe that the child has been abandoned/ forgotten, the police should be called.
- If a child is obviously distressed, staff should try to comfort them.
- Staff should never make arrangements to contact a child in a personal capacity
- Staff should not do things of a personal nature for a child that they can do for themselves.
- Staff should not be left alone with a child, for reasons of their own safety and liability.

## **10. DEALING WITH UNACCEPTABLE BEHAVIOUR**

The organisation should have a written policy that defines unacceptable behaviour, including racist, sexist and other offensive language, to ensure that it is dealt with consistently. The policy should identify that staff that are expected to deal with such behaviour.

It is important that staff deal with such situations calmly and quietly and avoid putting themselves or others in danger.

Most Local Safeguarding Children Boards and Local Authorities have an anti-bullying policy that has been adopted by schools and other children's services. It is advised that organisations responsible for public settings should apply the same principles.

There should be a clear policy in place which ensures that any member of staff knows how to respond should they witness a child being bullied, or a child complains of being bullied to them.

## **11. FAMILY FRIENDLY**

Staff should have empathy for parents with young children. They are our users of the future, as well as the present and so we should always endeavour to offer a family friendly environment.

Organisations responsible for public settings should consider whether they:

- Welcome breastfeeding and display a sign indicating this. Are staff sympathetic, and if requested is a suitable private room/area made available wherever possible?
- Welcome baby changing. Are staff supportive to parents needing to do this?
- Assist parents with pushchairs/buggies and those in wheelchairs who are entering or leaving the premises.

## **12. PHOTOGRAPHING CHILDREN**

Care should be taken to seek prior consent from parents or carers when taking photographs of children on the premises in order to protect children's identity and prevent images of children being manipulated on the Internet.

The following guidelines should be followed:

- Never identify a child in a photograph by name, including posters, publicity materials or websites.
- Never use a photograph of an individual child or without seeking the consent of the parent or carer.
- It is generally considered to be acceptable to use large group shots without seeking consent, providing it is not possible to identify an individual child.

## **13. USE OF THE INTERNET**

All public settings that provide access to the internet via computers, games consoles or mobile phones should have an acceptable use policy in place. This policy should clearly stipulate that all children under the age of 10 must be supervised by an adult when using the Internet.

SLSCB strongly recommends that any organisation responsible for a public setting which provides internet access utilises filtering software eg Websense to prevent all users, but especially children, from accessing certain categories of sites.

It must be borne in mind that adults may attempt to approach a child on the premises via the internet. For this reason all children using the internet should be advised against divulging personal information for their own safety.

## 14. THE WIDER CONTEXT OF CHILD SAFETY

The Local Safeguarding Children Board (LSCB) is a statutory body responsible for developing, monitoring and reviewing child protection policies, procedures and practice issues and making sure training is available to agencies working with children. It brings together the main agencies; education, health, social care, police and the voluntary sector working in partnership with children, families and communities to provide an effective system that safeguards and promotes the welfare of children in need of protection.

Organisations responsible for public settings must ensure that all staff have access to current police, social care and relevant community contacts to support their work. These and other useful contacts can be found in the appendices of the Tees Local Safeguarding Children Boards' Procedures which is available on the internet at <http://www.teescpp.org.uk/>

When services are delivered through partnership projects it is essential that the policy of the organisation responsible for the public setting is synthesised with that of other partners and a common approach to child safety is agreed as part of the partnership agreement.

Child safety is a society-wide responsibility. It is important for all staff to be aware that as part of the community working with children they share in this responsibility. Appropriate training should be provided to staff in order to maintain their knowledge and understanding of safeguarding issues and awareness of local procedures.

## APPENDIX 1

### CRIMINAL RECORD CHECKS

The Criminal Records Bureau (CRB) has been established to improve access to information on criminal records held by the police. This service enables criminal convictions checks to be undertaken for candidates selected to work with vulnerable client groups, including children.

#### How it happens

A disclosure application form must be filled in by the individual and submitted by an authorised body. The original copy of a range of ID, which must be photocopied and authorised by an appropriate officer is required. Each organisation will then have its own designated officer, usually in human resources, who will be the counter signatory, and who will send off the form to the CRB.

The CRB will return the disclosure certificate to the counter-signatory with a copy to the applicant.

#### When a criminal record is revealed

Where there is a perceived risk of future misconduct, based on information in the disclosure, this should be discussed with the individual.

If the report relates to a candidate for a post, and it is decided not to appoint, where appropriate the candidate should be given written reasons for the decision. An appointment should not be made before the disclosure has been received.

The fact that a person has a criminal record does not automatically render him or her unsuitable for work with children or other vulnerable groups. Research has shown that one adult male in three has a criminal record (excluding motoring offences) by the time he is thirty. Furthermore, NSPCC records suggest that only one in ten people who pose a threat to children actually have a past conviction.

However, it is not only sexual offences, which may render a person unsuitable. A person's suitability should be looked at as a whole in the light of all the information available.

In deciding the relevance of convictions and/or other matters revealed in a Disclosure, a number of points should be considered:

*a. What is the nature of the offence?*

In general, convictions of sexual, violent or drug offences will be particularly strong, contra-indications for work with children or other vulnerable groups.

*b. What is the nature of the appointment?*

Often, the nature of the appointment will help to assess the relevance of the conviction. For example, serious sexual, violent, drug or drink offences would give rise to particular concern where the position was one of providing care. Driving or drink offences would be relevant in situations involving transport of children or other vulnerable groups.

*c. When did the offence occur?*

Offences, which took place many years in the past, may often have less relevance than recent offences. However, convictions for serious violent or sexual offences or serious offences involving substance abuse are more likely to give cause for continuing concern than, say an isolated case of dishonesty committed when the person was young. The chance for rehabilitation must be weighed against the need to protect children or other vulnerable groups.

*d. Frequency of offence*

Similarly, a series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction.

**APPENDIX 2****CHILD PROTECTION ISSUES**

Whilst many staff are rarely directly involved in child protection issues it is important that everyone is aware of their duties both as responsible members of society and as employees.

All organisations should have their own child protection procedures, copies of which should be available for both public and staff. It is also valuable for partnership working to invite someone from the children's social care team to talk to staff.

Section 47 of the Children Act 1989 states that the Local Authority has a duty to investigate if a child is believed to be at risk of significant harm. As responsible adults, everyone has a duty to report any suspicion of significant harm.

Referrals to children's social care can be made anonymously and can be made by a member of the public or staff. It is not necessary to have proof but you do need to have serious concern. In cases of suspected ill treatment, severe neglect or abuse the child's welfare is paramount and you will not be contravening the data protection act if you disclose names and addresses to children's social care or the Police. It will help children's social care investigate the case if you can supply context and evidence and your reasons for suspicion.

If you have serious concerns about a child it is helpful to record the following:

- the concerns you have
- what actions you have taken
- any physical signs that you have seen
- what the child has said
- the observations of any other member of staff

Make sure you inform your manager.

Inform either children's social care or the police. The social worker will check files; contact the police and school to find out if anything is known about the family. From this information they will decide whether they need to take the matter further. It could be that no action is required or that the family can be offered support. Child protection procedures will only be followed if all the information they collate suggest it is appropriate.

Where a child protection investigation is indicated, they will arrange a meeting with the police officer from the child protection unit to decide what action the investigation requires. You should be contacted and informed about what is happening.

Children are most likely to disclose information about abuse to people outside the family and often to a trusted adult. If this should happen try and stay calm;

- listen
- respect what the child is telling you
- don't interrupt, prompt or ask questions
- reassure the child if they are upset
- you must tell the child that you cannot keep the information secret
- write down everything, date, time, what has been said, any injuries you have seen
- often children will not want to make eye contact with you but will carry on looking at a book or colouring as they talk

As with all witnessed instances, inform your line manager and children's social care. Remember that the guiding principle of child protection is that the community has a responsibility for the wellbeing of all children and that all professionals should work together to provide that protection.

**What to do if you have suspicions about another member of staff**

The most important consideration is the welfare of the child. Refer to your local guidelines and inform the local authority designated officer (LADO). As a general rule, in the first instance report your concern to your manager. If it is your manager you are concerned about, go directly to the most senior person with responsibility for children and young people within your building authority. Managers should treat any suspicion as urgent and the person concerned should be removed from duties that involve direct contact with children. The staff member should be informed of your concerns. Unless there has been a complaint from a child, the situation can usually be dealt with as an internal matter.

Remember that the guiding principle of child protection is that the community has a responsibility for the well-being of all children and that all professionals should work together to provide that protection.