

**Bath & North East Somerset Council  
Tourism Leisure & Culture Division**

**Standards for Safeguarding**

**Adopted: 10 August 2012  
Date of next review: September 2013**

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Attached to this document

**The following appendices, which are reference documents for Council Officers, are stored on the S:Drive [Link to appendices](#)**

Appendix 2	Government guidelines on regulated activity in relation to children
Appendix 3	Children’s Services Social Networking Policy
Appendix 4	Managing allegations against professionals briefing paper

## **1. Introduction**

Bath & North East Somerset Council Tourism Leisure & Culture Division comprises the following six teams and services

- Arts Development & Events Advice and Support
- Bath Film Office
- Heritage Services
- Libraries
- Sport & Active Lifestyles
- World Heritage Site Management

The Division is a provider, commissioner, and a funder or enabler of a wide range of activities that involve participation by children and/or adults who may be considered vulnerable. Some of this provision may fall into the category of 'regulated activity'.

### **1.1 Purpose**

The purpose of this document is to:

- safeguard children and/or adults who may be considered vulnerable
- establish baseline standards that the Division will adhere to and that it expects to be applied by its partners and contractors
- set out the clear, practical measures taken to ensure that everyone who participates in its activities is able to do so in a safe and enjoyable way
- safeguard the reputation of the Division and its staff from potential damage arising from incidents and allegations

Appendix 1 is a list of the individual and specific safeguarding policies for each team or service. A copy of each policy is stored on the S:Drive. [Link to individual policies.](#)

### **1.2 Schedule for audit and review of this document**

The standards set out in this document were formally adopted in August 2012

Under Section 11 of the Children Act 2004, the Council is required to audit and review safeguarding measures annually.

In order to keep the audit and review process simple and co-ordinated it is proposed that

- the six teams or services within the Division will review their individual and specific policies annually in August
- the Divisional Director will request confirmation annually in September that all safeguarding measures are up to date and relevant across the range of activities and opportunities it provides

The Tourism Leisure and Culture Division regards this as a 'living document' and revisions may be required outside this schedule if changes in service provision or changes in legislation make it necessary to do so.

### 1.3 Definitions

#### - Abuse

The World Health Organisation provides the following general definition of abuse:

*“Abuse or maltreatment constitutes all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to health, survival, development or dignity in the context of a relationship of responsibility, trust or power”.*

#### - Adults who may be considered vulnerable

The new definition of regulated activity relating to adults no longer labels adults as ‘vulnerable’. Instead, the definition identifies the activities which, if any adult requires them, lead to that adult being considered vulnerable at that particular time. This means that the focus is on the activities required by the adult and not on the setting in which the activity is received, nor on the personal characteristics or circumstances of the adult receiving the activities (Safeguarding Vulnerable Groups Act 2006, amended by the Protection of Freedoms Act 2012). Therefore, the term ‘adults who may be considered vulnerable’ is used throughout this document.

#### - Child

The Safeguarding Vulnerable Groups Act 2006 defines a child as follows:

*“A child is anyone who has not yet reached their 18th birthday. ‘Children’ therefore means ‘children and young people’ throughout. The fact that a child has reached 16 years of age, is living independently or is in further education, is a member of the armed forces, is in hospital or in custody in the secure estate for children and young people, does not change his or her status or entitlement to services or protection”*

#### - Regulated activity

Regulated activity is work that a barred person must not do. There are separate definitions in relation to barred activity for children and for adults.

Adults - regulated activity for adults includes things like:

- the provision of health care under the direction or supervision of a health care professional
- the provision of social work by a social care worker
- transporting someone to a place where they have received, or will be receiving, health care, personal care or social care

There is no longer a requirement for a person to do the activities a certain number of times before they are defined as engaging in regulated activity.

None of the activities currently provided, commissioned, funded or enabled by the Tourism Leisure & Culture Division fall into the definition of regulated activity for adults as set out in the Safeguarding Vulnerable Groups Act 2006, as amended by the Protection of Freedoms Act 2012. However, the Division will keep this position under review.

Children - some activities provided by the Division *may* fall into the category of regulated activity for children.

The Government guidance on regulated activity for children is included as Appendix 2 of this document. Individual teams or services must assess their provision against this guidance to establish whether or not it falls into the category of regulated activity.

- **Staff**

Where the terms 'staff', 'employee(s)' or 'worker(s)' are used, this includes volunteers and unpaid people.

#### **1.4. Legislation and linked policies**

This policy operates with the following B&NES Council policies:

- Equal opportunities policy
- Recruitment and selection policy
- CRB checking procedure
- Managing allegations against professionals briefing paper
- Whistle-blowing policy
- Complaints procedure
- Disciplinary procedures
- Data protection guidance
- Children's Services social networking policy

The legislative framework for this document includes:

- The Children Act 1989 and 2004
- The Education Act 2002
- Working Together to Safeguard Children, 2010
- Safeguarding Vulnerable Groups Act 2006
- The Freedoms Act 2012
- The Rehabilitation of Offenders Act 2012
- The Protection of Freedoms Act 2012

The Tourism Leisure & Culture Division has a statutory duty under Section 11 of the Children Act 2004 to make arrangements to safeguard and promote the welfare of children and to audit and review its safeguarding policy and practice annually.

## 2. Tourism Leisure and Culture safeguarding policy and practice

The Tourism Leisure & Culture Division has a responsibility for ensuring adequate safeguarding across the following three broad areas of its practice:

- Commissioned / contracted activities – where the Council contracts with a third party to provide activities or services on its behalf
- Funded or enabled activities – where the Council uses its financial or other resources to support voluntary sector groups/organisations and commercial/private sector organisations to deliver activities
- Direct provision of activities – where the Council devises and delivers activities using its own staff and resources

The standards and procedures for safeguarding in respect of each of these three areas of practice are set out below.

**The Council reserves the right not to award funding, to withdraw funding and/or to refuse or withdraw permission for events to take place if the standards for safeguarding set out in this document are not met or complied with.**

### 2.1 Safeguarding and commissioned / contracted activity

Where the Tourism Leisure & Culture Division commissions / contracts a third party to deliver activities that may involve the participation of children and adults who are considered vulnerable, the Division will take the following steps to ensure that the contractor has adequate and robust safeguarding measures in place.

The contractor must submit a copy of their safeguarding policy and any supporting documents to the commissioning officer with their tender or proposal for the work. The commissioning officer will assess and approve the submitted documentation against the Tourism Leisure & Culture Division Standards for Safeguarding.

The policy must contain the following:

- Details of the contractor's safe recruitment procedure and practice, including measures for:
  - CRB checking of staff, including volunteers, freelance workers and sub-contracted workers, including members of boards or trustees
  - Confirmation that all staff who undertake regulated activity (as defined within the Safeguarding Vulnerable Groups Act 2006, as amended by the Protection of Freedoms Act 2012) are appropriately CRB checked
  - Conducting risk assessments when CRB checks on individual staff give rise to concern
- A copy of the contractor's code of conduct for staff and volunteers, including guidance on the following:
  - appropriate behaviour and dress
  - safe touch in situations where contact is necessary / unavoidable

- accompanying children to toilets
- how to recognise indicators of abuse
- how to listen and respond appropriately to a disclosure of abuse or a complaint by a child or vulnerable adult
- how and to whom staff should report concerns about a child or vulnerable adult
- responding to complaints from parents or other adults in a position of responsibility
- responding to allegations against staff

Where any part of the contracted work is sub-contracted to another provider, it is the responsibility of the primary contractor to ensure that the sub-contractor has adequate safeguarding procedures in place. The Council will require sight of the sub-contractor's safeguarding documentation.

Where relevant, the contractor should provide details of membership of any professional or governing bodies that have an interest in safeguarding, for example, Sport England, individual leisure, sports or coaching associations, Musician's Union, Foundation for Community Dance, etc..

Where an event or activity involves participation in activities that take place online, or involves the use of online social networking, online discussion groups or forums, the Council will require the contractor to have adequate measures in place to safeguard children and vulnerable groups online and to provide specific details of this either within or in addition to its safeguarding policy. Contractors should be encouraged to use the South West Grid for Learning Online Compass, <http://onlinecompass.org.uk>, a free, simple online assessment toolkit that enables the development and implementation of effective measures for safeguarding online.

Where a contractor is commissioned / contracted to deliver a one-off event, the contractor must also submit an event-specific safeguarding risk assessment document to the Events Officer for assessment [event@bathnes.gov.uk](mailto:event@bathnes.gov.uk). The risk assessment document must set out how the contractor will manage the particular risks associated with the proposed event(s). This may include procedures for management of the following:

- issues related to alcohol and/or drugs, including
  - consumption by minors
  - supply to minors
  - procedure for responding to indicators of inebriation
- issues relating to smoking, including
  - smoking by minors
  - exposure to passive smoking of children or adults being considered vulnerable
- protection from excessive noise of children and adults who may be considered vulnerable
- any risks or physical hazards posed by
  - any aspect of the venue or site for the event
  - any equipment and/or infrastructure for the event, including provision and stewarding of toilet facilities

- any inherent risks associated with the activity itself
- crowd management, including risk of crushing to children and adults being considered vulnerable
- issues relating to lost children or separation of children from responsible adults
- protecting children where adult(s) are intoxicated due to alcohol and/or drugs
- aggressive or inappropriate behaviour towards a young person by a responsible adult, including the contractor's own staff
- issues regarding filming and/or photography during the event/activity

The risk assessment document must contain the name and contact details for the contractor's individual member of staff who will have overall responsibility for safeguarding during the event. The Council's Events Officer must be notified promptly of any change of named individual or contact details.

Where an activity involves children participating in entertainment performances, modelling and paid sporting activities, the contractor should comply with the *Children Missing Education Service Information for License Holders & Chaperones, Children (Performance) Regulations; Children in Entertainment*.

A licence is required for any performance:

- if absence from school is required
- in connection with which a charge is made
- at a licensed premises or a registered club
- any broadcast or any performance recorded by whatever means with a view to its use in a broadcast, or film intended for public exhibition.

Any child used as a stand-in (understudy) should be licensed in the same way as the other children in the performance.

The Council will assure itself that the contractor's safeguarding policy and risk assessment(s) are 'living documents', in particular:

- that the safeguarding policy is regularly reviewed and updated
- that risk assessments are event-specific rather than generic
- that staff have access to copies of the safeguarding policy and risk assessment(s)
- that all appropriate staff are adequately and proactively briefed regarding the content of the safeguarding policy and risk assessment(s)
- that all appropriate staff understand and recognise their duties and responsibilities as set out in the safeguarding policy and risk assessment(s)

**The Council reserves the right to review a contractor's or sub-contractor's safeguarding policy and procedures at any time, on request.**

The Tourism Leisure & Culture Division will seek guidance from the Council's Integrated Safeguarding Officer in relation to any specific questions or concerns.

## 2.2 Safeguarding and funded or enabled activities

Where the Tourism Leisure & Culture Division fund or enable a group or organisation to deliver activities that involve the participation of children and/adults who may be considered vulnerable, the Service will take the following steps to ensure that adequate safeguarding measures are in place.

By 'enable' we mean:

- where the Council provides significant support in kind, for example free or subsidised use of Council controlled premises
- where the event takes place in the Council's parks, or on the public highway and/or in the public realm

The decision making process for requests for funding or support in-kind shall include an assessment of the applicant's safeguarding policy and procedures.

The policy must contain the following:

- Details of the organisation's safe recruitment procedure and practice, including measures for
  - CRB checking of staff, including volunteers, freelance workers and sub-contracted workers, including members of boards or trustees
  - Confirmation that all staff who undertake regulated activity (as defined within the Safeguarding Vulnerable Groups Act 2006, as amended by the Protection of Freedoms Act 2012) are appropriately CRB checked
  - Conducting risk assessments when CRB checks on individual staff give rise to concern
- A copy of the organisation's code of conduct for staff and volunteers, including guidance on the following:
  - appropriate behaviour and dress
  - safe touch in situations where contact is necessary / unavoidable
  - how to recognise indicators of abuse
  - how to listen and respond appropriately to a disclosure of abuse or a complaint by a child or vulnerable adult
  - how and to whom staff should report concerns about a child or vulnerable adult
  - responding to complaints from parents or other adults in a position of responsibility
  - responding to allegations against staff

For requests to use Council-owned land, parks or the public highway, a copy of the applicant's safeguarding policy and procedures should be sent to the Council's Events Officer for assessment: [event@bathnes.gov.uk](mailto:event@bathnes.gov.uk) .

Where any part of the funded / enabled work is sub-contracted to another provider, it is the responsibility of the funded organisation to ensure that the sub-contractor has adequate safeguarding procedures in place.

Where relevant, the organisation should provide details of membership of any professional or governing bodies that have an interest in safeguarding, for example, individual sport or coaching associations, Musician's Union, Foundation for Community Dance, etc..

Where an organisation's events or activities include participation in activities that take place on line, or involve the use of online social networking, online discussion groups, chat rooms or forums, the Council will require the organisation to have adequate measures for safeguarding children and vulnerable groups online, and to provide specific details of these measures either within or in addition to its safeguarding policy. Applicants should be encouraged to use the South West Grid for Learning Online Compass, <http://onlinecompass.org.uk>, a free, simple online assessment toolkit that enables the development and implementation of effective measures for safeguarding online.

The Council will assure itself that the organisation's safeguarding policy is a 'living document', in particular:

- that the safeguarding policy is regularly reviewed and updated
- that staff have access to copies of the safeguarding policy and risk assessment(s)
- that all appropriate staff are adequately and proactively briefed regarding the content of the safeguarding policy and risk assessment(s)
- that all appropriate staff understand and recognise their duties and responsibilities as set out in the safeguarding policy and risk assessment(s)
- that the safeguarding policy is freely available to parents/carers/

The Tourism Leisure & Culture Division will seek guidance from the Council's Integrated Safeguarding Officer in relation to any specific questions or concerns.

**The Council reserves the right to review an organisation's safeguarding policy and procedures at any time, on request.**

### **2.3 Safeguarding and direct provision of activities**

Where the Tourism Leisure & Culture Division undertakes the direct provision of activities that involve the participation of vulnerable groups, the Division will take the following steps to ensure that it has adequate and robust safeguarding measures in place.

Each of the six teams and services that comprise the Tourism Leisure & Culture Division must have a specific safeguarding policy and implementation plan relevant to its operating context and the types of activity and services that it delivers. The policy and implementation plan must be authorised by the team manager.

As a minimum standard, the policy must contain the following:

- A statement of compliance with the Council's safe recruitment procedure and practice, including measures for
  - CRB checking of staff, including volunteers, freelance workers and sub-contracted workers

- Confirmation that all staff who undertake regulated activity (as defined within the Safeguarding Vulnerable Groups Act 2006, as amended by the Protection of Freedoms Act 2012) are appropriately CRB checked.
- A code of conduct for staff and volunteers, including guidance on the following:
  - appropriate behaviour and dress
  - safe touch in situations where contact is necessary / unavoidable
  - how to recognise indicators of abuse
  - how to listen and respond appropriately to a disclosure of abuse or a complaint by a child or vulnerable adult
  - how and to whom staff should report concerns about a child or adult who may be considered vulnerable
  - reporting suspicious behaviour of visitors/customers, especially in large/crowd situations
  - procedure for whistle-blowing on staff/colleagues
  - responding to complaints from parents or other adults in a position of responsibility
  - responding to allegations against staff

Where events or activities include participation online, or involve the use of online social networking, online discussion groups, chat rooms or forums, the team/service must have adequate measures in place to safeguard children and vulnerable groups online. Specific details of these measures should be included in the safeguarding policy. Services are recommended to make use of the South West Grid for Learning Online Compass, <http://onlinecompass.org.uk>, and the Children's Services Social Networking Policy.

Copies of individual service/team safeguarding policies are saved on the S:Drive [Link to individual policies](#)

### 3. Useful contact details

If you have a concern about a child or young person, call:

- Children and Families Assessment and Intervention Team on 01225 396312 or 396313
- If outside of office hours call the Emergency Duty Team on 01454 615165
- **If a child is in immediate danger then dial 999 and ask for police assistance.**

For advice and support on matters of Council policy and practice related to safeguarding children, contact

Nicola Bennett  
 Integrated Safeguarding Officer, B&NES Council  
 Tel: 01225 396974  
 Email: [Nicola\\_Bennett@bathnes.gov.uk](mailto:Nicola_Bennett@bathnes.gov.uk)

## **APPENDIX 1**

### **List of service-specific safeguarding policies**

Arts Development & Events Advice and Support

Bath Film Office – Licence Holders & Chaperones Booklet

Additionally, Producers Alliance for Cinema and Television produces a number of documents for film professionals which are available to PACT members via their website. [Link to PACT website](#)

Heritage Services – Safeguarding Policy

Libraries Child Safety Policy

Sport & Active Lifestyles

World Heritage Site Management – complies with Heritage Services Safeguarding policy.